REGULAR MEETING OF THE SPARKS CITY COUNCIL
January 14, 2008 3:00 p.m.

1. Call to Order

Time: 3:03:35 p.m.

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:03 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 3:03:52 p.m.

Mayor Pro tem John Mayer, City Clerk Linda Patterson, Council Members Philip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, Acting City Attorney Tom Riley, PRESENT. Mayor Geno Martini, present at 3:30 p.m. City Attorney Chet Adams, ABSENT.

Staff Present: Steve Driscoll, Traci Domingues, Gary Hutchinson, Joann Meacham, John Dotson, Chris Syverson, Bill Finley, Bob King, Pete Litano, Marc De la Torre, Mike Biselli, Danny Hamlin, Aaron Armstrong, Wayne Seidel, Randall Gray, Randy Mellinger, Jeff Cronk, Rob Joiner, Shawn Gooch, Tom Minton, Margaret Powell, Stacy Hemmerling and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:04:10 p.m.

The invocation was given by Pastor Ron Arnold of Our Savior Lutheran Church and the Pledge of Allegiance was led by Council Member Phillip Salerno.

Comments from the Public

Time: 3:05:55 p.m.

None.

Approval of the Agenda

Time: 3:09:37 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 Smith, seconded by Council Member Schmitt, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

*This item was approved out of order.

3. Approval of the Minutes

Time: 3:06:08 p.m.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the minutes of the Regular Meeting of December 10, 2007, and the Special Meeting of December 17, 2007. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Proclamation – National Blood Donor Month	Time: 3:06:46 p.m. Mayor Pro tem Mayer read a proclamation naming January 2008 as National Blood Donor Month in recognition of those who donate for others in need. He encouraged residents in good health to donate regularly. The proclamation as accepted by Mr. Steve Thomas from United Blood Services.
4.2 Appreciation Plaque – for Sparks Fire Department Trading Cards	Time: 3:10:10 p.m. Assistant Fire Marshall Pete Litano presented a plaque to Mr. Vaughn Hartung of Hartung & Dickman Studios, who took personnel photos and edited all photos for the Sparks Fire Department's 2007 edition trading cards. Marshall Litano stated this is the fourth edition of trading cards for the Sparks Fire Department. He said the past three editions were done at a significant cost and Mr. Hartung donated his time and talents and saved the City thousands of dollars.
5. Consent Items:	Time: 3:13:08 p.m. A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.7. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.
5.1 Report of Claims and Bills	An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering November 29, 2007 through December 26, 2007.
5.2 On Premises Alcohol Beverage License for Min Tan Corporation, dba Ijji Sushi Located at 685 E. Prater Way, Suite 101	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Jingxian Jia, 1106 Ivy Court, Reno, NV 89511, for a On Premises Alcoholic Beverage License for Min Tan Corporation, doing business as Ijji Shushi, located at 685 E. Prater Way, Suite 101. This will be Ms. Jia's 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.
5.3 Acceptance of Sanofi Pasteur Group Donation to the Sparks Police Department	An agenda item from Police Chief John Dotson recommending the City Council accept a donation of $2,000 to the Sparks Police Department from the Sanofi Pasteur Group. There are no restrictions on the donation and the Police Department will utilize the funds for general purposes yet to be determined.

5.4
Aacceptance of Donation from Join Together Northern Nevada to the Sparks Police Department

An agenda item from Police Chief John Dotson recommending the City Council accept a donation of $1,200 to the Sparks Police Department from Join Together Northern Nevada. The Sparks Police Department, along with other local law enforcement agencies, assisted the Join Together Northern Nevada (JTNN) in identifying intervening variables present in the Truckee Meadows that contribute to underage drinking traffic fatalities. The information collected will allow JTNN to choose and fund prevention programs to address and reduce those fatalities. For participating in this information collection phase of the program, JTNN has donated $1,200 to the Sparks Police Department for their assistance. There are no restrictions on the donation and the Police Department will utilize the funds for general purposes yet to be determined.

5.5
Approval to Contract the Services of Wastewater Solids Management Company

An agenda item from Public Works Director Wayne Seidel recommending the City Council grant approval to contract the services of Wastewater Solids Management Company to pump, screen out debris, and dewater bio-solids from digester #5 at the Truckee Meadows Water Reclamation Facility for the quoted amount of $80,690. Digester #5 had a mechanical failure, the edge of the metal dome split apart. In order to repair the dome, the residual bio-solids must be removed and dewatered. Once the bio-solids are dewatered, then they are hauled off to the landfill.

5.6
Contract for Construction of the Horseman's Park Sweeper Pad Upgrades Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a contract with Mike's Trenching in the amount of $45,751 for construction of the horseman's Park Sweeper Pad Upgrades Project. The City currently uses Horseman's Park as a sweeper dump and wash area. The runoff water is currently allowed to either infiltrate or run off site. Due to environmental concerns, there is a need to install sand/oil interceptors and re-route the excess water to the existing sewer line. This project was informally quoted to install a new collection pad and two sand/oil interceptors. Mike's Trenching was the low contractor of the four requested to submit quotes.

5.7
Authorize Fire Department to Pursue a Fire Prevention and Safety Grant Through the Federal 2007 Fire Act Grant Process

An agenda item from Fire Marshal Robert King recommending the City Council authorize the Fire Department to pursue a Fire Prevention and Safety Grant through the federal 2007 Fire Act Grant process. This grant process is highly competitive, merit-based program that requires winning agencies to provide a 20% match. Applicants may submit only one application, but may include up to three separate projects. Sparks Fire Department is requesting funds in two project categories: Smoke-alarm installation and; public education campaigns.

6. General Business:

6.1
Acceptance of a Grant from the E.L. Cord Foundation to Sparks Police Department

Time: 3:13:44 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept a grant from the E.L. Cord Foundation in the amount of $10,000 to the Sparks Police Department. The E.L. Cord Foundation has made an unsolicited grant donation to the Sparks Police Department to be used toward the most pressing needs of the Department, which have not yet been determined.

Chief Dotson noted that the funds have been earmarked for general purposes, but some of the funds will provide the final amount of funding needed to complete the Sparks Police tribute statute that will be placed in Sparks Memorial Park this spring.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to accept the grant from the E.L. Cord Foundation in the amount of $10,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Acceptance of a Grant from the Helen Close Foundation for the Purchase of a 2007 Dodge Avenger Police Volunteer Vehicle

Time: 3:15:40 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept a grant from the Helen Close Foundation in the amount of $26,000 to the Sparks Police Department for the purchase of a 2007 Dodge Avenger vehicle for the Volunteers Assisting Sparks Community Program (VASC). VASC is a community based program that encompasses the recruitment, training and supervision of citizen volunteers as participants in a proactive, citywide crime prevention program. The fiscal impact to the City is anticipated to be $1,987.99, which includes maintenance and repair, depreciation and fuel costs for the vehicle.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to accept the grant from the Helen Close Foundation in the amount of $26,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Acceptance of a Sponsorship from Western Village for the 9th Annual Sparks Turkey Trot Fun Run/Walk Event

Time: 3:17:28 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council accept a $1,000 sponsorship from Western Village for the 9th Annual Sparks Turkey Trot Fun Run/Walk event. As with all special events, the Turkey Trot receives donations and sponsorship funding each year to assist with the event production costs. Sponsors and donors are recognized for their generosity. This year the event drew 1,600 participants. In-kind contributors include: Alice Radio - advertising and live, on-site promotions and the Reno-Gazette Journal - advertising and race bags.

Recreation Superintendent Tracy Domingues stated that Western Village has been a great annual supporter of our Turkey Trot event. She noted that a few years ago their donation was used to help purchase a costume for the event's turkey mascot.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to accept a $1,000 sponsorship from Western Village for the 9th Annual Sparks Turkey Trot Fun Run/Walk event. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4
Acceptance of a Sponsorship from The Mobile Team for the 2007 Mobile Team Sierra to Surf Youth Music Challenge

Time: 3:18:51 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council accept a $7,500 sponsorship from The Mobile Team for the 2007 Mobile Team Sierra to Surf Youth Music Challenge event. October 13th was the 2007 Mobile Team Sierra to Surf Youth Music Challenge. As with all special events, this event receives donations and sponsorship funding each year to assist with the production costs and sponsors and donors are recognized for their generosity.

Recreation Superintendent Tracy Domingues said this event was previously our Applause Youth Music Awards and is now called the Sierra to Surf Youth Music Challenge. She stated invitations to the event have been expanded to include Northern California and all of Nevada in hopes of bringing a more competitive spirit to the event. She said that, as with all our events on Victorian Avenue, we cannot make these events happen without partnerships and sponsorships and she publically thanked The Mobile Team for their title sponsorship of this event.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept a $7,500 sponsorship from The Mobile Team for the 2007 Mobile Team Sierra to Surf Youth Music Challenge event. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5
Approval to Modify the Agreement for Sale of Treated Effluent with Kiley Ranch Communities

Time: 3:20:19 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a modification to the Agreement for Sale of Treated Effluent with Kiley Ranch Communities for landscape irrigation of Kiley Ranch Communities , Phase I, to increase annual demand from 46.40 acre-feet to 79.55 acre feet. The estimated increase to Kiley Ranch's annual effluent use fee is $10,369.88, bringing the total estimated revenues to the Sewer Utility fund to $37,888.70.

Mr. Seidel acknowledged that in the suggested motion he had the wrong company listed; it says Rialto, LLC and it should say Kiley Ranch Communities.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve the modification to the Agreement for Sale of Treated Effluent with Kiley Ranch Communities for landscape irrigation. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6
Agreement for Sale of Treated Effluent with TEC Equipment, Inc., for Landscape Irrigation of 1955 E. Greg Street

Time: 3:21:26 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve an Agreement for Sale of Treated Effluent with TEC Equipment for landscape irrigation of 1955 E. Greg Street. The City of Sparks' effluent pipeline system is located in proximity to this business, which desires to irrigate landscaping with effluent. Effluent is available to provide service. Revenues to the Sewer Utility fund are estimated to be $1,091 per year. The agreement specifies a 20-year term; however, it will terminate prior to that time if the city adopts an effluent water re-use utility ordinance.

Mr. Seidel acknowledged that in the suggested motion he had the wrong company listed; it says Rialto, LLC and it should say TEC Equipment.

Mayor Pro tem Mayer asked if we were soliciting businesses or if the businesses come to us. Mr. Seidel replied that they come to us. He explained that typically when the developers contact the Truckee Meadows Water Authority (TMWA) for their water needs, TMWA asks them to contact the City of Sparks to see if effluent is available for landscape irrigation. He said if the effluent pipeline is close to the development, then we proceed with agreements to provide effluent water.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the agreement with TEC Equipment for landscape irrigation. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7
Resolution No. 3080, a Resolution Repealing and Re-Enacting Resolution No. 3072 and Directing the City's Engineer to Prepare Preliminary Plans, Cost

Time: 3:22:51 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3080, a resolution repealing and reenacting Resolution No. 3072 and directing the City's engineer to prepare preliminary plans, cost estimates and related items to finance the cost of an undertaking for a tax increment area formed pursuant to Nevada Revised Statutes 278C. The City received a request from Kiley Ranch Communities to order

Estimates for a Tax Increment Area

an undertaking pursuant to NRS 278C and to finance the costs of such undertaking with securities payable from tax increment revenues. Since the adoption of the Preliminary Plans Resolution, the property to be included in the tax increment area to be formed has changed. With the change of the property included in the Preliminary Plans Resolution, in order to continue the project, it is necessary to repeal the Resolution (3072) in its entirety and re-enact it in its entirety, as stated in this Resolution (3080).

Mr. Scott Shaver from the law firm of Swenseid and Stern stated they are acting as bond counsel in this matter and he was present to answer any questions.

Council Member Salerno asked about the time frame for this tax increment area to be enacted. Mr. Shaver responded that the next step in this process is a provisional order hearing on February 11, 2008. After that the introduction of the ordinance creating the tax increment area will be made and at a later meeting the second reading and final adoption of that ordinance will be made. He said later this year a bond ordinance will be brought forward to authorize issuance of bonds to finance the project.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Resolution No. 3080. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.8

Time: 3:24:54 p.m.

Resolution No. 3083 Provisionally Ordering an Undertaking for a Tax Increment Area in the Kiley Ranch Area

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3083, a resolution provisionally ordering an undertaking for a Tax Increment Area formed pursuant to Nevada Revised Statutes Chapter 278C in the Kiley Ranch area; setting a time and place for a hearing on the undertaking; approving the form of a formation agreement related to the Tax Increment Area; and providing other matters related thereto. The City received a request from Kiley Ranch Communities to order an undertaking pursuant to NRS 278C and to finance the costs of such undertaking with securities payable from tax increment revenues. Since the adoption of the Preliminary Plans Resolution, the property to be included in the tax increment area to be formed has changed. Prior to hearing this item, the Council repealed and reenacted Resolution 3072, instructing the City's engineer to prepare preliminary plans, cost estimates and related items to finance the cost of the undertaking. The City's engineer has prepared the preliminary plans, cost estimates and related items to finance the cost of an undertaking and they are on file with the City Clerk. The Council must first approve the preliminary plans, cost estimates and related items to finance the undertaking and then

adopt the resolution provisionally ordering the formation of the Tax Increment Area, set a time and place for a hearing on the undertaking and approve the form of a formation agreement related to the tax increment area.

Mr. Scott Shaver from the law firm of Swenseid and Stern stated they are acting as bond counsel in this matter and he was present to answer any questions. He stated this is a resolution provisionally ordering the undertaking for the Kiley Ranch Tax Increment Area and ordering a provisional order hearing to be set on February 11, 2008, before this Council.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve Resolution No. 3083. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.9
Presentation Regarding the Sewer Rate Study

Time: 3:26:15 p.m.

An agenda item from Public Works Director Wayne Seidel and Utility Manager JoAnn Meacham recommending the City Council hear a presentation and provide direction to staff regarding the sewer rate study, including: sanitary, storm and effluent water reuse connection fees and user rates; and environmental control permit fees.

Utility Manager JoAnn Meacham gave a power point presentation on the results of the sewer rate study. She said staff is requesting feedback from Council regarding the development of rates and provisions that will be brought back to the Council in the form of an ordinance.

She said that at the outset of the study they put together a sewer user group and began a lengthy and extensive public outreach program. She said they convened a group of businesses and residents who pay sewer rates and every decision made throughout the study was presented to this group for feedback to help guide the rates. She noted that the anticipated date for the new rates to become effective is April 1, 2008.

Ms. Meacham stated that they also put together a financial policy review team made up of City of Sparks employees to formulate policy decision and fiscal management of the Sewer Enterprise Fund. She said they found that the Enterprise Fund is in good shape, due mainly to past administration of this fund. She noted that the Sparks Municipal Code provides a complete update of all provisions within the Sewer Enterprise Fund every five years and this is why we are going through this process.

She reviewed the goals of the rate study and discussed reinvestment into the sewer system. She said we first began building sewer and drain facilities in 1905 and 50% of both sewer and drain facilities are more than 40 years old. It is time now to go back into those older areas [of Sparks]; assess the condition of those sewers and drains; and begin to invest money in replacement and repair of those facilities to prevent sanitary sewer overflows and flooding.

Ms. Meacham stated the expected life span of a sewer or a drain facility is about 50 years and the goal is to rehabilitate 2% of the system per year. She said at today's costs, the revenue target would be about $10 million per year; however, under this rate study, by the end of the fifth year the revenue would only be $5 million. She said we would get halfway to our target of rebuilding 2% per year under this plan.

Ms. Meacham stated the study asks the Council to consider six areas for rate increases. The first area is the monthly and quarterly sewer rates for residential and commercial customers. Ms. Meacham reviewed the proposed rate increases in this category and noted that even with the recommended rate increase, Sparks' rates would still be lower than those charged by the City of Reno and Washoe County. She said the commercial customers are charged on a consumption basis of dollars per 1,000 gallons of water used and our rates are also lower than what Reno and Washoe County charge.

Ms. Meacham noted that the new recommended rate of $5.41/1,000 gallons for commercial customers would fund a $100 million bonding schedule for protecting the community from a 1997 flood like event. These dollars would be reserved for river flooding projects and the first project to be funded would be the North Truckee Drain Realignment. She said the feasibility study for this project is being finalized this month and the design for the project is scheduled to be completed by the end of 2008. She noted that the feasibility and design are in the current Council approved Capital Improvement Program; however, to start construction, this revenue stream would have to be in place. Otherwise that project would have to wait until a source of revenue is available.

Council Member Smith asked if all the options listed in the staff report provide for all four of the criteria in the study. Ms. Meacham responded that options 1 and 2 cover all four criteria, but options 3 and 4 do not provide funds for a flood protection project.

Council Member Salerno asked if the rate increases would allow us to start replacing the older sewer systems. Ms. Meacham confirmed that with this plan, in five years we would have $5 million per year to rebuild older systems. She emphasized that this $5 million would

allow us to rebuild only 1% of our system, but in order to keep up with needed maintenance, we should actually rebuild 2% of the system per year. She said this rate increase will allow us to phase in a reinvestment component into the sewer rates and in five years, we can target $10 million per year in a new rate study.

Council Member Salerno asked where the money comes from if we have a problem with an older sewer system. Ms. Meacham answered that dollars have been budgeted within the Sewer Enterprise Fund for when a system fails and must be fixed. She emphasized that this reinvestment component will allow us to be proactive and rebuild the systems in older neighborhoods before they fail.

Council Member Smith asked if the charges for sewer rehabilitation were included in the total sewer rate. Ms. Meacham said yes, it was. Mr. Smith requested that be listed as a separate line item on the bill so the customers could see that it is not an increase in the sewer rate but that it was actually for the flood project. He also asked Ms. Meacham to explain what the flood project was.

Ms. Meacham stated the Truckee River Flood Management Project is a partnership which includes Reno, Sparks, Washoe County and the Corps of Engineers. The goal of this regional project is to protect the entire community from a flood like the one which occurred in 1997. She said the project is currently estimated to cost $800 million and a successful partnership with the Corps of Engineers will result in a 50% match in federal funds, which leaves $400 million for the local share. She said we currently have a 1/8th cent sales tax in Washoe County that was enacted after the 1997 flood. This 1/8th cent sales tax will fund up to $100 million, leaving a $3 million short fall. She explained that adding a fee in the sewer fund will help fund the project and get us closer to protecting our community and more specifically the Sparks industrial area by realigning the North Truckee Drain. She said that the North Truckee Drain is only one project of over 40 separate and distinct elements that compose the $800 million project. She noted Washoe County is currently going through an engineering study that will include an analysis of benefits that will allocate each jurisdictions fair share of the $300 million shortfall. She said an additional outcome of that study will be to help each jurisdiction determine appropriate revenue streams to fund the project. Some of the options being discussed in the study are: flood districts for the entire County; special assessment districts; and a County utility district, among others. She said this flood fee on the sewer bill will first fund the North Truckee Drain project and then reserve the rest of the funds for the City's contribution to the regional flood project.

Council Member Carrigan said it was important for the rate payers to understand that they are paying for the flood project in addition to their sanitary sewer and storm drain. He said he would like to see this new fee separated from the regular sewer/storm drain fee, because the sewer fees are not being increased that much.

Council Member Smith said the citizens will pay this flood control fee one way or another and including this in the utility fund puts Sparks in control of what they are charged, instead of letting the County set the rates. Ms. Meacham stated this was correct; it will put us in the position of owning the facility, managing the project, and building it in a timely manner. She said if we don't have this fee, the project will be put on hold until either the County or the federal government produces a revenue stream.

Council Member Smith pointed out that including the flood control fee in with the sewer fees makes the increase appear to be much larger, and he would also like to see the flood control fee come back as a separate bill.

Council Member Mayer led a discussion regarding the mechanics of assessing the older sewer/storm drain systems and the logistics of repairing a failing system.

In response to concerns, Ms. Meacham assured the Council that the rate increase does not affect the sewer rebate program for qualified applicants.

Mayor Martini asked when we would do the construction on the North Truckee Drain realignment, if the flood fee is approved. Ms. Meacham responded that having the flood fee in place will allow us to go into construction immediately after the design is completed at the end of this year. She also clarified that she did not expect reimbursement from the Corps of Engineers for this project, because the local shortfall is $300 million and this would be part of that shortfall.

Mayor Martini commented that if we are going to do the flood project, the citizens of Sparks are going to have to pay, at some point, and if we do it this way, we will have control of the money to do what we want on this project. He said if we get the $400 million from Congress, it will be $40 or $50 million per year for 10 years. He said there would probably be another flood in the industrial area during this time, if we don't get proactive and get some of the work done.

Council Member Carrigan said he would like to see the sewer fees and the flood fees come back as separate items. He said he would

also like to see Option 4 used to initiate the sewer increases, because it means smaller increases over a longer period of time. A discussion ensued regarding which option would provide the most revenue over the shortest period of time. Ms. Meacham clarified that Option 4 and Option 1 are essentially the same option for the sewer and drain rate. The difference between the two is that Option 1 contains the funding for the river flood protection projects. Mr. Carrigan said he wanted to see the flood fees come forward; but he also wanted to have the sewer/drain fees as a separate vote from the flood fees.

A discussion was held regarding whether it would be best to have two separate ordinances for the flood fees and the sewer/drain fees or to have them together in one ordinance, but separate them as line items on the sewer bill. City Attorney Riley stated that legally it did not make any difference whether they were in one ordinance or two. It was clarified that the Council wanted to have the option to vote for either the sewer/drain fee increase or the flood fees, or both, or none and if they were in the same ordinance, it might fail because some of the Council Members didn't want to vote for both.

Mr. Schmitt said that separating the two fees was about more than who wanted to vote for what; it was to let people know what was going on. He said the agenda item did not indicate that the new fees included a flood control project and he felt it was vital that the public was educated about the flood control fee versus the sewer/storm drain fee and what they are paying for.

Mayor Martini noted that the Citizen's Advisory Committee recommended that the sewer increase be done as a one-time 12.95% increase all at once, plus they were not in favor of the flood control fee. Ms. Meacham stated it wasn't that they were not in favor of the flood control project, but they were not sure that this was the right bill and the right time to initiate a fee for pay for it.

Ms. Meacham discussed Option 3 in the staff report, stating that the flood protection fee is not included in this option. She said this option provides a one-time increase to provide system reinvestment and would provide $5 million each year. She said that the only difference between Option 3 and Option 4 is that Option 4 spreads the fee increase for system reinvestment over a five year period. Option 3 gives us more money, sooner, for system reinvestment in the older parts of town; however, neither option would allow us to build the North Truckee Drain realignment.

Mayor Martini said if we voted for option 1, less the flood project money, and then vote on the money for the flood project, would this be what staff is recommending. Ms. Meacham said this would be

acceptable.

Mayor Martini noted that he had a request for public comment on this item.

Mr. Mike Dillon, representing the Builders Association of Northern Nevada, thanked the staff for their presentation on the fees that affect the development community. He said the alternative they support is the phase-in method, going from 20 years to 5 years. They felt that this timing would be sufficient for the approval and completion of projects.

Ms. Meacham stated that on the sanitary/storm connection fees, staff is recommending a phased-in option. However, staff is recommending eliminating the 20-year financing option for the effluent connection fees and going with either a no financing option or a two or three year financing option. She said this recommendation was made based on their meeting with the Builder's Association, who indicated a desire to have a financing option.

Mr. Dillon stated the Builders Association would support a five-year financing option.

Mayor Martini closed the floor to public comment and turned the meeting back to Council for action.

City Manager Shaun Carey clarified that staff is looking for direction from the Council in six areas. He said the discussion focused on the actual rate, but with the indulgence of the Council, he would like Ms. Meacham to review the six aspects which staff is looking for direction on, so the Council has an opportunity to consider all those areas.

Ms. Meacham stated that the next area for consideration is connection fees for the sewer/drain component. Staff's recommended option would be to phase in the connection fee increase over five years rather than having a large one-time increase. She stated that after 2010, staff is proposing to bench-mark the connection fee increase to an Engineering News and Record Construction Cost Index. She said the index component would be put into the municipal code and once a year the fees would be adjusted to that index. She said another important aspect of the connection fees is that the Option 1 and Option 2 rates also include a connection component. She said part of the $100 million revenue stream for a river protection project would be included in the connection fee, rather than the sewer rate (about $200). She stated that if the Council selected rate Options 1 or 2, it would add a $200

in a one-time jump to the connection fee.

Moving on to the Effluent User Rates, Ms. Meacham stated that staff is proposing that the commodity charge stay the same. She stated the rate was set about five years ago, at a time when we actually had no customers on the system. The rate was based upon a regional comparison and estimates of what it would cost to maintain the system. Now that we have actual operating costs, we have found that the rates were set correctly the first time. Therefore, staff is proposing no change to the monthly meter fee or the monthly commodity fee. However, staff is recommending an increase in the connection fee for the effluent system.

Ms. Meacham explained that when a development is built, the developer has to make a decision on whether they are going to use potable water or effluent water for outdoor irrigation. Using today's rates, the developer pays about 5% (for effluent water) of what they would pay TMWA for potable water. She said the reason TMWA charges so much for potable water is because the developer has to provide water rights for potable water, which they do not have to provide for the effluent water. She said that with the increase in the connection fee, a developer would now pay 22% of what they would pay TMWA for potable water.

Council Member Carrigan asked if the 17% increase in the connection fee is to cover the cost of providing the connection. Ms. Meacham confirmed that the reason for the connection fee increase is to recover the capital costs of building the pipeline. She said that with the increase we will "break even." She said that without this increase, we don't "break even" and the other customers within the Sewer Enterprise Fund (the sewer/drain customers) will continue subsidizing the effluent pipeline.

Ms. Meacham stated staff is proposing a phase-in of the increase and after 2011, any increases would be based on an index. She noted that staff is also proposing to eliminate the 20-year financing option. She said that when they met with the Builder's Association, they asked if there was a way to mitigate the impact of not having a financing option. Staff looked at our ability to manage a financing plan and wrote in an alternative to add a two or three year financing option. However, the Builder's Association has indicated they would prefer a five-year financing option.

Ms. Meacham then discussed the Environmental Control Fee. She noted that these are services that the City provides to comply with EPA guidelines under the Clean Water Act. We have a group of inspectors that inspect the waste that they are discharging and ensure that they are not harmfully discharging products into the

system. The goal is to protect the water treatment plant from discharge that it is not designed to treat and thus protect the quality of water that is discharged into the Truckee River. Every business in the City is classified into one of five categories and the rates reflect the City's actual cost to provide these services. The existing rate has not been updated since 1999 and the rate study found that we were substantially under-recovering our costs for these services. Staff is recommending a five-year phase-in of the rate increase, so that at the end of the five years we are breaking-even for our direct costs of providing these services. She noted that they held two public meetings and sent letters to every business in the City notifying them of the rate study and the proposed change in rates.

Council Member Schmitt asked if staff received any response from the businesses. Ms. Meacham stated that yes, they received a lot of responses and the primarily the businesses felt that it was our fault we did not raise the rates in that many years and that they should not have to face such a large jump in one year. She said staff felt that it made sense to phase in the increase to reduce the impact to business owners. Ms. Meacham stated that initially they were proposing a larger fee increase for this classification with the intent to recover indirect costs for providing these services; however, through our outreach program and an analysis of the Clean Water Act, it was deemed appropriate for some of the costs for these services to be provided by anyone who benefits from clean water (and everyone in the community benefits from clean water). Therefore, staff scaled back the proposed increase by about half and phased in what was left over a five year period.

Council Member Schmitt said he did not feel that the rate increase covered the costs of this program and asked how much the remaining rate payers were subsidizing this service. Ms. Meacham stated that at today's rates we are under-recovering $350,000 in direct costs. She said that the proposed rate increases will drop the subsidy for direct costs to zero by the year 2012. She emphasized each community that is an owner/operator of a sewer system is obligated by the EPA to provide these inspections. Council Member Schmitt said he felt this system was mixed up and that we should also be recovering our indirect costs, as well as direct costs. A discussion was held regarding indirect costs versus direct costs and exactly how much this program is costing the businesses and the sewer/storm drain customers.

Council Member Carrigan stated he understood the point of view of the businesses, but this is a federally mandated inspection we have to provide. He asked Ms. Meacham to bring back what the rate increases would be if we captured all our costs versus the modified rates. Ms. Meacham stated that the fee for full cost recovery was

listed in the staff report and there is also a regional comparison of the rates.

Council Member Carrigan requested that staff provide a comparison of rates for a three-year versus a five-year finance and a comparison of full recovery costs for inspections spread out over five years versus a one-time increase, when this item is brought back for final approval. He said he wanted to make sure that everyone is paying what they are supposed to be paying, and if not, why.

Ms. Meacham explained that under the effluent charges, staff would be comfortable financing anything less than five years. We would charge them the same interest rate we have in place today for the 20-year option. She said staff the City has sufficient cash reserves in the fund for financing less than five years; however, if they do financing for more than five years, it would begin to impact our rates.

Ms. Meacham said the last two items for consideration by the Council deal with Title 13 [of the Sparks Municipal Code]. She said there is a new section that would govern provisions for effluent service to our customers. Today we have over 40 customers and the relationship with the customer, including their rate, is governed by a contract. The proposed ordinance would put all the provisions for service to effluent customers into the Municipal Code and eliminate individual contracts. An added benefit would be to ensure that each customer is treated the same way, according to our Municipal Code. Ms. Meacham stated there are also minor changes to the existing Title 13, governing sewer and drain service.

It was noted that since this was on the agenda as a presentation, the Council could not take action. Ms. Meacham stated she felt she had sufficient direction from Council which was provided during the discussion of this item. However, she did need clarification on whether the Council wanted to see the river flood component at the same time as the ordinance for the remaining components. The response from Council was a resounding yes.

Council Member Schmitt said he was very concerned about the way this issue was being presented to the public and he asked staff for options on possible billing methods for the flood component. He said he would also like feedback from Reno and Washoe County regarding the river flood component. He said if this fee is going to solve our problem with funding, why aren't we all doing the same thing?

6.10 Time: 4:40:55 p.m.

Resolution No. 3084, Regarding the Creation of City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina)

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3084, a resolution of the City Council of the City of Sparks, Nevada, describing certain recitals, making certain findings, accepting a petition to take proceedings for the creation of City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina) and the levying of assessments therein, pursuant to the Consolidated Local Improvements Law, Nevada Revised Statutes, Chapter 271, and authorizing the execution and delivery of specified agreements, documents and instruments, and approving certain matters relating thereto.

Bond Counsel Greg Harrington stated that this is a preliminary action for an additional piece of the financing for the Legends project. He explained that early last year we created the Tourism Improvement District (TID) and last fall the Council approved the turbo provisions for that TID. He said the second part of the overall financing is the Local Improvement District, the assessment district financing, for the public infrastructure that will be built. There will be bonds issued payable from the assessments as well as the STAR Bonds. He stated this is a preliminary action and the property owners have submitted their petition to initiate proceedings for establishment of the assessment district and issuance of the bonds, so the resolution accepts the petition, which is a starting point for those proceedings.

Mr. Harrington clarified that one of the parcels in the local improvement district won't have an assessment because the property owners (Target) do not want an assessment against their property. They will make a cash contribution for their portion of the project financing. Included in this action is a cash deposit agreement that obligates the property owner to make a cash deposit.

He said they will be back before the Council very soon for approval of the assessment district proceedings, in full, and the bond documents for both the assessment district and the STAR bonds.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Resolution No. 3084, accepting the petition to take proceedings for the creation of the City of Sparks, Nevada, Local Improvement District No. 3 and authorize the execution of the related Cash Contribution and Security Agreement. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.11
Resolution No. 3085, Providing for the Apportionment of Assessments for the Marina Area Special Assessment District No. 2

Time: 4:44:35 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3085, a resolution providing for the apportionment, combination and reapportionment of assessments for certain tracts in the City of Sparks, Nevada, Marina Area Special Assessment District No. 2; and approving the report on the apportionment combination and reapportionment; providing the effective date hereof.

Mr. Minton explained that this item reapportions the current assessments based on some splits in the land values.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Resolution No. 3085. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.12
Presentation on Providing a Post-Retirement Medical Insurance Subsidy to the Former Fire Chief

Time: 4:45:55 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council deny the former Fire Chief's request for a new post-retirement medical subsidy benefit. During the process surrounding the retirement of the former City of Sparks Fire Chief (Tom Clewell) and the recruitment and hiring of the new Fire Chief, a post-retirement medical premium subsidy benefit was added to the new Fire Chief's Employee Agreement as a "potential drag through" benefit from the negotiations in his former Association of Sparks Fire Department Classified Chief Officers bargaining unit.

Mr. Driscoll stated the former Fire Chief has requested the new benefit provided the new Fire Chief be extended to him as the new benefit was provided to the new fire chief prior to the retirement of the former fire chief. The benefit being requested was not part of the Employment Agreement between the City and the employee at the time of his original employment (January 18, 2004) or during the most current agreement renewal for January 1, 2007 through the employee's retirement date of May 4, 2007 as defined by the employee's Employment Agreement and the Executive Resolution.

Mr. Driscoll noted that Mr. Clewell's request was denied by the City Manager and he then appealed that decision to the City Council. He said based on financial and statistical analysis, post-retirement medical insurance benefits available to the former Fire Chief in his current Employment Agreement are longer-lasting than the benefit being requested. Therefore, staff is recommending that the City Council deny the former Fire Chief's request for a new post-retirement medical subsidy benefit.

Council Member Salerno said it was his understanding that the City gave this benefit to two employees from the Fire Fighter's Union and two from the Chief Officer's Association, after they had retired. Mr. Driscoll responded that before July 1, 2005, when the contract had expired for the above mentioned employees, they were active employees and retired after we started negotiations for a new contract. He said part of the negotiation process was the retroactivity of that benefit. When the Council approved that new contract, those employees received that benefit starting from the approval time, forward. Mr. Driscoll emphasized that this benefit was part of the negotiated process and was a known negotiated benefit for those employees as part of the bargaining process.

Council Member Salerno asked for confirmation that the former Fire Chief made a request in writing for this benefit, prior to retiring, while negotiations were going on. Mr. Driscoll said that at the time the City Council approved the new Fire Chief's contract, which included the potential for a "drag through" benefit, the contract was still open and final negotiations had not taken place. What was agreed to with the City Manager and approved by the City Council in the new Fire Chief's contract was if the Battalion Chiefs received the benefit and he would have enjoyed it if he had remained a Battalion Chief, then he was allowed, per his employment contract, to drag that benefit through. So, it was a new benefit that he was bringing forward from his previous Union negotiated contract.

Council Member Salerno asked Mr. Driscoll to explain the "quid pro quo" as outlined in the staff report. Mr. Driscoll responded that what the City negotiated with the Fire rank and file as well as the Fire Chief's association was that, if the employees were willing to do a 25% payment for dependent costs of medical, while they were employees, the City would give them a post retirement medical subsidy that was equivalent to 60% of their medical costs for themselves and a spouse (if they were married). He said the "quid pro quo" was, if you are willing to offset medical expenses while you are employed, then we will offset medical expenses once you are retired. However, with the former Fire Chief retiring immediately upon his request, he was not asking for the "quid pro quo;" he was asking for one half of the new benefit without the City receiving any offset for those costs, even for a short time.

Council Member Salerno made the point that if any of the current employees eligible for this benefit retired in the immediate future, they would not have paid enough toward their dependent costs for medical insurance offset the cost of the new benefit. Mr. Driscoll agreed that if they retired in the near future, they would have only contributed for a very short period of time, because the benefit was

only ratified in November.

Council Member Salerno asked if it was less expensive for the City for the former Fire Chief to get this new benefit, and it would be under his current benefit. Mr. Driscoll stated that under the Public Employees Benefit Program (PEBP) version, once the employee turns Medicare age (65 years old) there is no change in the subsidy rate that the City would pay on their behalf. Therefore even though the medical cost goes down for the monthly premium that PEBP would charge, the subsidy that is charged the City (currently $500/month) would not go down. So, the employee actually gets more of a benefit and it continues longer. He explained that the way the benefit the former Fire Chief is requesting works is; up until the Medicare eligible age of 65, the benefit pays 60% of the premium costs in the City plan for an employee (plus spouse). Once they turn 65, then the benefit that is being requested pays 50% of the employee only, until death. He noted that PEBP is also only until the employee perishes.

Council Member Salerno asked if former Chief Clewell's sick leave conversion went toward the total estimated cost of the benefit. Mr. Driscoll referred to a personnel document that was not public information, stating that they applied the numbers for all three plan scenarios as they would pertain to Mr. Clewell in order to determine the estimated costs. He said the main concern (and what the employee was asking for) was how to maximize the amount that the City would pay for a benefit; maximize the use of his sick leave conversion; and then decide which medical plan best suited his personal and family life.

Mr. Driscoll said that based on the Law (AB286 [2003]) and the amount of his sick leave conversion that he could use for the PEBP plan, the PEBP plan would be the most expensive option for the City. However, the City has no choice if the employee chooses this option, we have to pay.

Mr. Driscoll noted that benefits under both plans are very similar, but statistically the benefit Mr. Clewell currently has, constitutes the plan with the longest lasting benefit and has the longest period of time before he will have to pay for medical expenses out of his pocket. What the former employee is asking is to let him make the choice. He is asking for a benefit that he did not enjoy while he was an employee; that was not available to him; and was not a part of his relationship with the City. He is asking for an extra option based on what has happened since he retired.

Council Member Salerno commented that the only problem that he has is that we have granted additional benefits to other employees

after they have retired. Mr. Driscoll pointed out that the difference between previous actions and this request is that the other benefits were granted as a result of bargaining agreements that were under negotiations at the time of retirement and under this request, the former Fire Chief had an employment contract with the City that was not part of any negotiations and had been renewed in November of 2006 for the 2007 year. During that contract renewal, this was not an issue he negotiated with the City Manager.

Council Member Mayer said he did not understand why we would not want to do this for the former Fire Chief if it would save us $50,000. Mr. Driscoll said it is his opinion that if we were to extend this benefit to this former employee, there are other executive employees who currently don't enjoy this benefit, who may see this as an inequity and request that their contracts be amended to include this benefit. He said by giving this benefit to the former Fire Chief, the Council would be setting a precedence that would obligate the City to provide it to the other executive employees. Council Member Mayer asked why we would not want to give this to other employees if it would save the City money. Mr. Driscoll responded that as of August 30, 2008, and the current executive employees who would be getting this as an additional new benefit would not be eligible.

Mr. Driscoll clarified that what the former Fire Chief is asking for is the ability to stay in the City plan as he is now; to have a new plan that is the same as the one the Battalion Chief's and the Fire Department have; or to use the State PEBP plan. He said our executive employees currently have the ability to be in the City plan or the State plan. The former Fire Chief is requesting a third option. He said if we were to give that third option to that one employee, we would save money over an estimated 22 year period. However, as of August 30th, the PEBP option to all employees goes away. He cautioned that if this benefit was provided to the former Chief, the rest of the Department Heads are going want the benefit also. He said once the PEBP option reaches sunset, the rest of the executive employees won't have that second option, they will only have the City option. In the long run, it is going to cost much more than the $50,000 we would save in this case.

Council Member Schmitt said he was under the impression that virtually every bargaining group in the City was opening negotiations to talk about this benefit that we gave the Fire Department because it was a win/win situation for both parties. Mr. Driscoll stated we have not started negotiations, but several bargaining groups have filed letters with the City to begin that negotiation process any time between now and February 1st. It is our assumption this issue will be discussed. However, if those

negotiations are successful, that would be a negotiated benefit and would not directly apply to the confidential, mid-management, or executive employees, unless the City chose give them this benefit.

There was discussion regarding whether or not extending this benefit to other employees would benefit the City, financially. Mr. Driscoll said at the time of negotiations, it was determined that we needed to give this benefit to this particular group because it is a benefit enjoyed by almost all fire organizations in the State. He noted that it is beginning to be more prevalent with law enforcement organizations, but post retirement medical benefits are very lean in other organizations that are not public safety related.

Council Member Schmitt summarized Mr. Clewell's request as he understood it, staying there were actually three different plan options. The plan option that the retired Chief is on is he is basically using his $243,697 in unpaid sick leave to pay to subsidize his medical insurance and that is projected to go through year 2022. Mr. Driscoll confirmed this, clarifying that this is utilizing the current City Plan. Mr. Schmitt said that if he chose to go with the State program, it would cost the City an additional $156,282, if he chose to take that plan. Mr. Driscoll confirmed that this was correct, clarifying that this was a required subsidy [from the City] that was provided in AB286 of the 2003 Legislative session and this is the benefit that will sunset November 30, 2008. Mr. Schmitt asked if we had any reason to believe the former Chief would not sign up for this plan. Mr. Driscoll stated in his conversations with Mr. Clewell: a) he did not ask; and b) it has not been shared as to whether or not he is going to take that option.

Council Member Schmitt said the benefit that Chief Clewell is requesting would reduce the City's subsidy from $156,282 to $110,000; but the caveat is that the full length under Plan No. 2 (that he is asking for) would carry him through 2027 and the plan that he is eligible for under the State would carry him through 2029. He said the difference cost lies in where, in the next 20 years, he is no longer receiving benefits (if he or his spouse died). Mr. Driscoll confirmed that the difference in the dollar values is what is required by the different plans for the City to actually pay, based on the agreement. One is a State mandate and the second is the negotiated percentages and time frames involved.

Council Member Schmitt questioned whether, after former Chief Clewell submitted his request, we have received any indication he no longer wants to do this. Mr. Driscoll said in a telephone conversation with Mr. Clewell just before lunch today, he indicated he was looking forward to the Council considering his request. Mr. Driscoll stated what former Chief Clewell is asking for is the ability

to decide which of the three options he personally wanted to enact and the reason he needed the Council's approval is that Option No. 2, the fire option, was not available to him at the time he was an employee (it was not in his contract) and he is looking for this to be granted as an additional benefit so he has three options to choose from. Mr. Driscoll emphasized, for the record, that if this third option is given to former Chief Clewell today, then the Council is setting precedence and the rest of the executive employees will be coming forward asking to change their resolution to incorporate that benefit to them.

Council Member Schmitt said he wanted to see a letter from former Chief Clewell stating which option he was going to chose. Mr. Driscoll said he could represent to the Council, based on his conversations with Mr. Clewell, he is looking for the ability to choose between one of the three benefits at some point in time, for the remainder of his retirement, based on the legal ramifications. Mr. Driscoll stated that Mr. Clewell knows that the PEBP option will disappear for him on March 30th; he knows that at some point in time the benefit he would have under just the City will expire because of the utilization; and he understands that the "fire" option would extend what he currently has today. So basically he is looking for the benefit of something that was newly negotiated by the new Fire Chief and the new Fire Chief is receiving that as a drag through benefit from his previous bargaining relationship.

Council Member Schmitt questioned why this issue was put on the agenda when the former employee may or may not choose to utilize the benefit. Mr. Driscoll reviewed the time line of the request, stating that when the new Chief negotiated this benefit, the former Chief respectfully requested the benefit to be extended to him. His request was denied and he appealed to the City Council. At the November 13, 2007, meeting, Council Member Mayer requested staff to provide information and details of this issue to the Council.

Council Member Salerno said this benefit was enacted prior to the former Chief's retirement and asked how long the two bargaining units in the Fire Department had been asking for this benefit. Mr. Driscoll responded that the contract for the new Fire Chief, which included the drag through benefit, was confirmed by the Council on April 23, 2007. Fire Chief Clewell retired on May 4th of 2007. The agreement with the Fire Chief's Union was not approved until November 1, 2007. The agreement with the Fire Fighters was not approved until the middle of summer (June/July 2007).

Mr. Driscoll emphasized that the new benefit for the new Chief does not go into effect until he retires, but it was a "what if" in his employment contract - "if" in the future, this benefit is approved, it

would be provided to him. Council Member Salerno asked how long the bargaining unit has been asking for this benefit. Mr. Driscoll stated negotiations started in February of 2005. Council Member Salerno asked if negotiations had been concluded and a contract approved in a timely manner, would the former Fire Chief have received this benefit? Mr. Driscoll clarified that negotiations with all the bargaining units started in February of 2005 and some of the bargaining units settled early. However we negotiated with the Fire units for quite a while and ran into an impass in early 2006. After going through fact finding, negotiations went to arbitration (November 2006) and the contract was agreed upon and approved by the Council in July 2007. Because of the activity with the fire fighters bargaining unit, the fire chief's bargaining unit put their negotiations on hold pending the outcome of the fact finding and arbitration. It was understood that if this new benefit was approved for the fire fighters, it would also apply to the chiefs and because one of the chiefs going to be come the new Fire Chief, it was negotiated as a "drag through" for his employment contract.

Council Member Mayer asked if this benefit had been enacted in 2005, would Chief Clewell have received this benefit? Mr. Driscoll responded no, he would not have received this benefit because he had an employment contract in place with stated benefits. Mr. Driscoll said while other benefits may have evolved over time, just because the battalion chiefs received a new benefit as a result of negotiations with their bargaining unit, it did not mean the Fire Chief would receive that benefit, because he was under a separate contract.

A motion was made by Council Member Mayer, seconded by Council Member Salerno to grant former Fire Chief Tom Clewell's request for a new post-retirement medical subsidy benefit. Council Members Mayer, Salerno, Schmitt, YES. Smith, Carrigan, NO. Motion carried.

6.13
Presentation of FY 2008 and FY 2009 Budget Cuts

Time: 5:33:51 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve the City Manager's recommended budget cuts for FY 2008 and FY 2009, as presented and that the Council consider further cuts involving policy changes, elimination of services, three-year position freeze from the Voluntary Separation Plan, and lay-offs.

Mr. Minton noted that this agenda item listed all of the cuts offered by the departments; those accepted by the City Manager; and items that staff felt that the Council may wish to weigh in on.

He said if the Council approved this item as presented it would maintain the current General Fund balance of 8%; eliminates the projected operating deficits; and establishes public services at sustainable levels, given our current income projections.

Council Member Carrigan noted that the staff report said, "in the event the VSP (Voluntary Separation Program) does not result in savings above the $1.1 million, another $147,000 could be achieved through layoffs." He said he would rather spend down the ending fund balance than layoff any employees. City Manager Carey stated he believed that the VSP will hit the marks that have been established in the budget projections for the three-year period. He said at this time he would ask the Council not to act on the layoffs that appear in this staff report, because we will meet our budget goals through the VSP and continued freezing of vacant positions.

Council Member Mayer stated that it was previously discussed [at a workshop] that the closing of Oppio Pool was recommended budget cut. He asked if this was still recommended. Mr. Minton stated that it has been taken out of the recommended budget cuts.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve the City Manager's FY 2008 and FY 2009 recommended budget cuts, with the exception of the layoff clause. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.14
1st Reading of Bill No. 2669, PCN07076, Rezone from R1-15 to PO on 1.07 Acres at 808 and 810 Gleeson Way

Time: 5:38:58 p.m.

City Clerk Linda Patterson ready Bill No. 2669 by title, a general ordinance rezoning real property owned by Castles, LLC, Anna Lord, rezone from R1-15 (Single Family Residential, 15,000 square feet minimum lot size) to PO (Professional Office), on a site approximately 1.07 acres in size located at 808 and 810 Gleeson Way, 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 January 28, 2008.

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

7.1
2nd Reading and Adoption of Bill No. 2567; CA-06-07, Relating to the Definition of Special Event and

Time: 5:39:40 p.m.

An agenda item from City Planner Margaret Powell recommending the City Council conduct a public hearing and approve Bill No. 2567; CA-06-07, an ordinance modifying the Sparks Municipal Code's definition of "special event" to include a farmers' market, and certain fund raising activities, defining a farmers' market; and

Farmers Market

other providing other matters properly related thereto.

Ms. Powell noted that Item 7.1 added "farmers' market" to the definition of "special event" and Item 7.2 is reviewing our outdoor sales and display, including all of the non-residential districts in the allowable classifications. It also clarifies when they can occur and provides and exemption for those areas within Victorian Square during a special event.

She noted that this is the bill passed by the Planning Commission and it does not include the request [by Senator Washington] for the addition of fund raising activities.

Council Member Carrigan asked for confirmation that a farmers' market has to be approved by some "agency." Ms. Powell stated yes, they must be approved by the non-profit agency, the Nevada Farmers' Market Association. It was clarified that this is not a government agency. Council Member Carrigan expressed concern that unless this agency said yes, a group or individual could not hold a farmers' market. Ms. Powell read the wording of the proposed ordinance, stating the definition of farmers' market means an outdoor retail event certified by the Nevada Farmers' Market Association or other similar organization. She said as long as there is an organization that has a charter and rules and regulations, we would consider their request.

Council Member Schmitt asked for confirmation that the Planning Commission rejected the changes suggested by Senator Washington. Ms. Powell responded yes.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance.

Pastor Tom Butler of the Sparks United Methodist Church, said they believe that the farmers' market that their church holds provides a service to the community. He noted that they provide certificates that allow senior citizens to purchase fruits and vegetables from their distributors at a lower cost. He said they support approving the ordinance as proposed.

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

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to adopt Bill No. 2567 (Ordinance No. 2384), CA-06-07, a request for an ordinance amending Sparks Municipal Code 20.05 relating to the definition of special event and farmers' market. Council Members Salerno, Smith, Schmitt, YES. Council Member Mayer, ABSTAIN. Council Member Carrigan,

ABSENT. Motion carried.

7.2
2nd Reading and Adoption of Bill No. 2568; CA-05-07, Regarding Outdoor Sales

Time: 5:45:50 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council conduct a public hearing and approve Bill No. 2568; CA-05-07, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include non-residential districts as sites for outdoor sales and clarifying when outdoor sales may occur, excepting certain outdoor sales from the generally applicable duration requirements; and other matters properly related thereto

Discussion for this item was held under and is listed under Item 7.1.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to adopt Bill No. 2568 (Ordinance No. 2385), CA-05-07, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include non-residential districts as sites for outdoor sales and clarifying when outdoor sales may occur, excepting certain outdoor sales from the generally applicable duration requirements. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1
Public Hearing, PCN07060, Tentative and Final Approval for an Amendment to the Spanish Springs Town Centre Planned Development Handbook

Time: 5:47:05 p.m.

An agenda item from Assistant Planner Alexis Hill recommending the City Council conduct a public hearing and approve PCN07060, a request for Tentative and Final approval for an amendment to the Spanish Springs Town Centre Planned Development Handbook. This is a tentative and final handbook amendment request from Rialto, LLC for a site approximately 36.92 acres in size. The applicant is requesting a handbook amendment to allow for, and has included standards for, lodging and 24-hour uses without a Special Use Permit, while also revising the 2003 land use maps to be in conformance with the changes in acreages within the NUD (New Urban District - Spanish Springs Town Centre Planned Development) zoning designation generally located east of Pyramid Highway and both north and south of Los Altos Parkway. This action was forwarded to the City Council with a recommendation of approval by the Planning Commission on November 15, 2007.

Ms. Hill stated this is a handbook amendment to allow for lodging

and 24-hour uses. Ms. Hill displayed a map and discussed the proposed location of the lodging. She noted she is required to read the PD findings by state law and read them as follows:

This project does not include housing, meeting PD1, PD4, and PD9.

The amended design standards for lodging allows for flexibility in the development of the Spanish Springs Towne Centre Planned Development by requiring minimum standards, but allowing for a broad range of design. The amendment also allows for flexibility by allowing 24-hour uses without the undue burden of a Special Use Permit. The design standards and master plan for the Spanish Springs Towne Centre does not change the zoning and subdivision regulations in terms of density. The design standards do require landscaping and architectural standards that are more than a minimum in the code. The proposed planned development handbook regulations do not depart from zoning regulations for both. The proposed use of lodging and allowing the 24-hour uses without a Special Use Permit does not depart from the standard uses allowed in Mixed Land Use and New Urban zoning districts, and therefore meets PD5, PD6, PD7, PD8 and PD18.

There is a 20% open space streetscape acreage which complies with the Planned Development code. The handbook does provide for minimum acreage amounts for the area and provides the required amount of trees, shrubs, and ground cover, along with minimum plan sizes and is maintained and conserved through the property owners association. The regional trail passing through Town Centre provides a recreational opportunity, connecting the proposed commercial to the Spanish Springs Trail System, therefore meeting PD10, PD11 and PD12.

The development is located at the intersection of Los Altos Parkway and Galleria Parkway. The phasing section of the design standards addresses the timing of the infrastructure improvements. The design standards establishes the minimum street improvements and circulation patterns; therefore meeting PD3, PD13, PD14 and PD15.

There is adequate perimeter buffering standards established in the design standards to mitigate impacts to the surrounding land uses, either existing or proposed. There is perimeter buffering standards to minimize the impacts of this project on the existing and proposed land uses, meeting PD16 and PD19.

The standards and phasing in the planned Development Designs Standards handbook addresses the development of Spanish Springs Town Centre to retain the integrity of the plan and defines responsible parties, meeting PD17.

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, meeting PD20.

The Spanish Springs Town Centre handbook amendment creates a greater employment opportunity in the Spanish Springs Valley with the addition of lodging as an allowed use. The amendment also helps with flexibility over land development so that the proposals for development are disposed of without undue delay with allowing for 24-hour uses without a Special Use Permit. Furthermore, the handbook amendment was necessary to clean up oversights which were missed in the original handbook submittal. The handbook amendment is consistent with the City of Sparks Master Plan. The Spanish Springs Town Centre Planned Development is a part of a regional shopping hub for Spanish Springs. It reduces the number and length of trips of the residents having to travel from Spanish Springs to other areas in the Truckee Meadows to do their shopping, and with the approval of this amendment, their lodging needs, meeting PD21.

Ms. Hill noted that this amendment was approved by the Planning Commission and opened the floor to questions.

Mayor Martini asked where the lodging was proposed. Ms. Hill responded it was proposed to be placed either east of the Car Wash or east of Galleria Parkway. Mayor Martini asked if the lodging included a casino. Ms. Hill stated that no, it does not include a casino.

Council Member Schmitt asked how close the proposed hotel would be to the school. Ms. Hill stated it could be placed quite close to the school; however, staff is going to promote adequate buffering standards when the application goes through staff review. Mr. Schmitt asked if there was anything in our standards that say how far a hotel must be from a school. Ms. Hill stated she did not think that we do.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the Tentative and Final handbook associated with PCN07060, adopting findings PD1 through PD 21 and the facts supporting these findings as set forth in the staff report, as listed in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.2
Public Hearing, PCN07072, Washoe County: Resolution No. 3086, Adopting a Change in the Land Use Designations in the City of Sparks Sphere of Influence to Allow for the Restoration of the Truckee River

Time: 5:55:00 p.m.

An agenda item from Assistant Planner Alexis Hill recommending the City Council conduct a public hearing and approve PCN07072, Washoe County: Resolution No. 3086, a resolution adopting a change from approximately 13.05 acres of EDR (Estate Density Residential), approximately 13.96 acres of LMDR (Low Medium Density Residential) and approximately 2 acres of GC (General Commercial) in the City of Sparks Sphere of Influence (the City of Sparks has planning control because the City exercised the Extra-Territorial Jurisdiction through the provision in NRS 278.02788 "Protocol Agreement" dated February 11, 2003, an interlocal agreement between Sparks and Washoe County) to approximately 29.01 acres of OS/Rural Reserve (Open Space/Rural Reserve) to allow for the restoration of the Truckee River.

This is a Master Plan Amendment from Washoe County for a site approximately 209.01 acres in size. The applicant is requesting the amendment to change the existing land use designations from approximately 13.05 acres of EDR (Estate Density Residential), approximately 13.96 acres of LMDR (Low Medium Density Residential) and approximately 2 acres of GC (General Commercial) in the City of Sparks Sphere of Influence to approximately 29.01 acres of OS/Rural Reserve (Open Space/Rural Reserve) to allow for the restoration of the Truckee River generally located in Township 19N, range 21E, Section 17, S ½. This action was forwarded to the City council with a recommendation of approval by the Planning Commission on December 6, 2007.

Ms. Hill displayed a site map and noted that this was a request from Washoe County to change the land use designations on 12 parcels to Open Space/Rural Reserve. She said Washoe County is working in conjunction with the Nature Conservancy to do a river restoration and flood management project. Washoe County is planning passive recreation activities, such as trail heads and boat docks. She stated that this Master Plan amendment would allow for the restoration project and the recreational uses.

Council Member Schmitt asked for clarification that this property is already owned by Washoe County. Ms. Hill confirmed that it was and noted that the river restoration includes additional meanders in the river.

Council Member Mayer noted that this was where an old trailer park was located and asked if they have cleaned up the property. Ms. Hill said there is an existing house on the property, but they are planning to take it down.

Ms. Hill noted the idea is to create less of a flood hazard by adding additional meanders to the river and creating wetlands for the animals. She stated there was a neighborhood meeting and those that attended supported the project.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed master plan amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Resolution No. 3086, certifying the Planning Commission approval of a change in the Master Plan Land Use Designation from EDR (Estate Density Residential), LMDR (Low Medium Density Residential) and GC (General Commercial) to OS/Rural Reserve (Open Space/Rural Reserve) associated with PCN07072, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.3
Public Hearing, PCN07065, Resolution No. 3082, Adopting a change from the existing Washoe County Land Use Designations to City of Sparks Land Use Designations on 136 Acres Included into the Sparks Portion of the Truckee Meadows Service Area/Sphere Of Influence

Time: 5:59:50 p.m.

An agenda item from Senior Planner Jim Rundle recommending the City Council conduct a public hearing and approve PCN07065, Resolution No. 3082, a resolution adopting a change in the Sparks Master Plan, applying City land use designations to the approximately 136 acres included into Sparks' portion of the Truckee Meadows Service Area/sphere of influence. Approximately 3.5 acres of land designated Public Facility, 72 acres of land designated estate density residential, and approximately 60 acres of land designated rural.

Mr. Rundle explained that we recently took jurisdiction of three parcels that came into the Sparks Sphere of Influence. He displayed a map of the site and noted that two parcels are located at the end of La Posada Drive and one parcel is west of Tierra Del Sol, north of where the Kiley Ranch Planned Development ends. He said these parcels came into our Sphere of Influence in 2006.

Mr. Rundle displayed a second map and noted additional parcels located south of McCarran and south of El Rancho, which came into our Sphere of Influence in 2002. He stated that once a parcel comes into our Sphere of Influence, it is required by the protocol agreement that we assign the equivalent Sparks Land Use designation; however these parcels were overlooked and we did not assign the equivalent land use designations in 2002.

He said assigning the land use designations gives the City of Sparks planning jurisdictions over these parcels, because they are in our Sphere of Influence. It does not annex the parcels or permit an owner to subdivide the parcels. It does not allow anyone to request rezoning on any of the parcels; it simply establishes that Sparks has planning jurisdiction. He explained that for the most part, what was allowed [to be developed] in Washoe County, is also allowed in the City of Sparks. If a property owner was permitted to build a house in Washoe County, they would still be allowed to build a house. The property owner would go to Washoe County to get a building permit and Washoe County would call the City of Sparks and ask for a review for our planning jurisdiction and it would be reviewed to our Title 20 requirements.

Mr. Rundle stated a neighborhood meeting was held for this Master Plan change and there were quite a few people at the meeting. He said some of them understood what we were doing and some were upset because they thought we were taking away their rights.

Mayor Martini asked what our annexation plan was for these properties and how soon could they be annexed. Mr. Rundle stated these properties are not in our annexation plan and the City is not going to force any of these parcels to annex to the City because we do not have a current annexation plan. However, if a property owner came to us and wanted to be annexed, we would require an annexation application. However, we would first meet with the property owner to explain the problems with annexation, including facility provisions.

Council Member Salerno asked if all these parcels had to be approved tonight or if they could just approve some of them. Attorney Tom Riley explained that apparently we were contacted on behalf of two clients that own parcels adjacent to parcels in this item requested a continuance of this hearing. There was a question as to whether we could continue this matter or whether it had to be referred back to the Planning Commission. He said he conferred with his associate, Sr. Assistant City Attorney David Creekman and they reviewed the applicable statute (NRS 278.220). It is fairly clear that the Council cannot adopt part of the resolution and continue the rest. If the Council decides to make any change in the areas involved, then it must be sent back to the Planning Commission and be reheard.

Mr. Rundle explained that these parcels are already in our Sphere of Influence and all we are doing is assigning a equivalent Sparks Land Use Designation that is rural.

Council Member Salerno asked for assurance that the property owners could not come in and apply to subdivide that property and build homes on them. Mr. Rundle said he did not want to say they could not come in and apply, because anyone can come in and apply to do anything; however, staff could not recommend approval if an applicant came in to subdivide that parcel. But if they came in to build a house, we could allow that because it is allowed under the Washoe County designation and it would be allowed under the Sparks designation.

Council Member Mayer asked for assurance that individual parcels could not be annexed. Mr. Rundle emphasized because these parcels came into our Sphere, we are required to provide a Sparks Land Use Designation so we can help them if they decide to build on their property.

Council Member Schmitt asked for confirmation that this did not change our density transfer between Washoe County and Reno and the numbers we already have. Mr. Rundle asked if Mr. Schmitt was referring to the TMSA capacity. Mr. Schmitt responded yes. Mr. Rundle explained that when we took in the three parcels totaling 60 acres, it increased our "bucket" 60 acres. But this land use update does not change our "bucket."

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed Master Plan amendment.

Mr. Thomas B. Bruce, 660 Valle Verde Drive, President of the Spanish Springs Valley Ranchers Property Owners Association stated that the property owners of the two parcels on La Posada are members of this Association. In a lengthy explanation, Mr. Bruce said the Association is involved in litigation regarding a proposed Special Assessment District (SAD) and they are objecting to pushing forward on these two parcels because they want to be very careful about anything delaying the SAD.

Mr. Will Brown, 2129 Cielo Vista Drive, Sparks, 89441, stood up with Mr. Bruce with the same objections.

Council Member Schmitt stated some of the property owners in that area are already talking about annexation. Mayor Martini pointed out that those properties are not in the Sphere of Influence, so before they can be annexed, they would have to be placed into our Sphere.

Council Member Schmitt said he did not understand how assigning equivalent land use designations would mess up their SAD. Mr. Bruce stated the only thing that would cloud the issue is if Sparks

allowed a subdivision or land change that would bring in a lot of new people who would further object to the SAD.

A comment was made that the Council resolution was different from the resolution approved by the Planning Commission, in that the Planning Commission resolution broke the parcels into three categories and the Council resolution grouped them all together. Mr. Rundle said both resolutions had the entire acreage grouped together and then grouped the acreage by the land use designation.

There being no comment, the public hearing was closed.

Council Member Carrigan asked if Mr. Bruce and Mr. Brown voiced their objections at the Planning Commission meeting. Mr. Rundle stated that Mr. Bruce spoke at the Planning Commission meeting; however, the Planning Commission made a recommendation to approve the recommendation of staff and adopt the Sparks designations.

Mr. Rundle commented that Mr. Bruce was concerned not so much over the designations, but about someone coming in and subdividing the parcels (which would affect the SAD); however, subdividing cannot occur because the parcels are not in the City of Sparks. He emphasized that subdividing would require the property to be annexed and rezoned and facility plans would need to be reviewed before staff could make a recommendation for approval and finally get to a tentative map stage. He said in the unlikely event that someone wanted to go through these procedures, there are noticing requirements and it would also require another Master Plan amendment.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve Resolution No. 3082 certifying the planning Commission approval of a change in the Master Plan from Washoe County designations to City of Sparks land use designations, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. General Business:

6.15
Possible Motion to Adjourn to a Closed Session

Time: 6:33:01 p.m.

An agenda item from City Attorney Chet Adams recommending the City Council adjourn to a Closed Session to receive information from the City Attorney regarding potential litigation settlement involving a matter in which the Sparks City Council has supervision and control to settle NRS 241.015(B)(2). Re: White v. City of Sparks.

Acting City Attorney Tom Riley recommended forgoing the closed session, stating he would answer any questions Council may have regarding this proposed settlement.

6.16
Approval of a Settlement in White v. City of Sparks

Time: 6:33:01 p.m.

An agenda item from City Attorney Chet Adams recommending the City Council approve a settlement in White v. City of Sparks, Case No. CV-03-00251 DWH/RAM U.S. District Court; Docket No. 05-15582, Ninth Circuit Court of Appeals.

Attorney Riley stated we have been working on this "street artist" case for over four years and it has reached the Federal District Court level. He provided background on this law suit, stating that when the City Attorney's office became aware of Mr. White's lawsuit in Reno, they took steps to put policies for the sale of similar art work in the City of Sparks into the municipal code, which they felt were constitutional. He said there had never been a U.S. Supreme Court decision pertaining to the sale of first amendment type merchandise in public areas. However, the 9th Circuit Court of Appeals, which controls Nevada and 13 other states, did have a particular case that he looked at very carefully when re-drafting Sparks' policy and he put that policy into place, based on that case. However, when we went to the District Court, the District Court did not go along with our argument and we appealed to the 9th Circuit. The 9th Circuit was expected to uphold its 1991 decision, on which we based Sparks' policy, but in an unexpected turn of events, they reversed their earlier decision and we lost.

Mr. Riley stated that because we lost, we have to pay the attorney's fees for the plaintiffs. The attorneys for the plaintiffs have made a demand for $285,000+ and he has been in negotiations with these attorneys to reduce their fees. He said they have agreed to $199,900 in attorney's fees and Mr. Riley said he is recommending the City Council approve the settlement of this case for that amount.

In response to questions from Council, Mr. Riley noted that we stipulated to a small award of damages to the plaintiff of $4,000 and he can now sell his paintings anywhere he wants within the 9th Circuit (because this decision does not apply outside the 9th circuit).

Mr. Riley reviewed the procedure required for reconsideration by the 9th Circuit at the request of Council Member Carrigan. Mr. Carrigan also asked what happens if the Council does not approve the settlement. Mr. Riley stated we would take the lawyers back to court and fight for fees in two courts: in the District Court and in the 9th Circuit Court.

Mr. Riley stated that both claims for fees are very large and he feels they are both excessive, so he felt that we did a good job in getting them to agree to lower fees.

Council Member Carrigan asked where the money would come from if the Council approves the settlement. Mr. Riley stated that we have a self-insurance reserve that is maintained by Risk Management and there is $250,000 in the reserve at this time. Mr. Carrigan maintained that even though the money is coming from the self-insurance reserve, it originally came from the general fund and/or taxpayer's money. He then asked how much it more would it potentially cost us if we went to court again. Mr. Riley stated if we went to court and fought the attorney's fees, he felt that we would loose another $100,000 in addition to the full $285,000 that they are asking for.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve the settlement of all claims for attorney's fees, costs, damages, interest and any other claim arising from the case of White v. City of Sparks, U.S. District Court Case No. CV-03-00251 DWH/RAM and Ninth Circuit Docket No. 05-15582, for the total amount of $199,900.00. Council Members Salerno, Schmitt, YES. Council Members Mayer, Smith, Carrigan, NO. Motion failed.

Time: 6:43:38 p.m.

Under Comments from the Council, Council Member Mayer asked for reconsideration of the settlement. He said the reason he voted no is that he felt this was a bad deal because the attorney's got all the money.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to reconsider item 6.16. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

Council Member Mayer said he would like to have our attorneys continue negotiations. He said he would also like to have a history of this lawsuit and other similar cases and the track record of the attorneys. He said he would like to look at this issue in more depth and then have it brought back to us within a month. He said he voted no because he did not feel he was prepared enough to vote on this matter.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, that this settlement be returned to the City Attorney's Office for further review and negotiations and that it be brought back with more detail on the history of this lawsuit and court cases relating to this issue. Council Members Mayer, Salerno,

Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments from the Council and City Manager

Time: 6:42:35 p.m.

Council Member Smith commended the Public Works Department and the street and road crews for the efficient way they handled the recent snow storm.

Council Member Salerno said he received a letter from a Judy Lindquist from Sparks Middle School questioning the City's alarm response policy. City Manager Carey stated he would provide Mr. Salerno with a response for Ms. Lindquist.

Council Member Mayer asked for reconsideration of the settlement. He said the reason he voted no is that he felt this was a bad deal because the attorney's got all the money. (See Item 6.16 for discussion and vote.)

A motion was made by Council Member Mayer, seconded by Council Member Smith, to reconsider item 6.16. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

10. Adjournment

Time: 6:46:32 p.m.

There being no further business, the meeting was adjourned at 6:46 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL CITY COUNCIL WORKSHOP
Monday, January 28, 2008, at 8:30 a.m.
Sparks City Hall, 431 Prater Way, Training Room, Sparks, Nevada

1. Call to Order
Mayor Geno Martini called the meeting to order at 8:37 a.m.

2. Roll Call
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Acting City Attorney Shirle Eiting present at 8:50 a.m.

Staff Present: Andre' Stigall, Mark DeLaTorre, John Dotson, Steve Driscoll, Stan Sherer, Andy Flock, Teresa Gardner, Neil Krutz, Adam Mayberry, Randy Mellinger, Wayne Seidel, Tony Turley, Pete Etchart, Staci Hemmerling, Debi Hunt, Joyce Farley, Rob Joiner, Alan Minor, Armando Ornelas, Chris Cobb and Carrie Brooks.

Comments from the Public
None.

3. Update and possible direction on the Sparks Strategic Plan
City Manager Carey noted that Mr. Dick Bowers was asked to facilitate this workshop; however, due to the weather, he was unable to fly into Reno.

Mr. Carey introduced Administrative Analyst Teresa Gardner and thanked her for all the work she has put into making our Strategic Plan come alive.

3.1 Update and possible direction on FuturePoint
Administrative Analyst Teresa Gardner reviewed the efforts of the Future Finders group, who have been dealing with the Strategic Goals, objectives, and action plans, as outlined below:

Strategic Goals: The **Strategic Goals** were developed by the City Manager, with input from the City Council, staff, Sparks Municipal Initiatives & Leadership Effort (SMILE), and the Future Finders, to provide guidance into the future, and were adopted by the City Council on August 20, 2007.

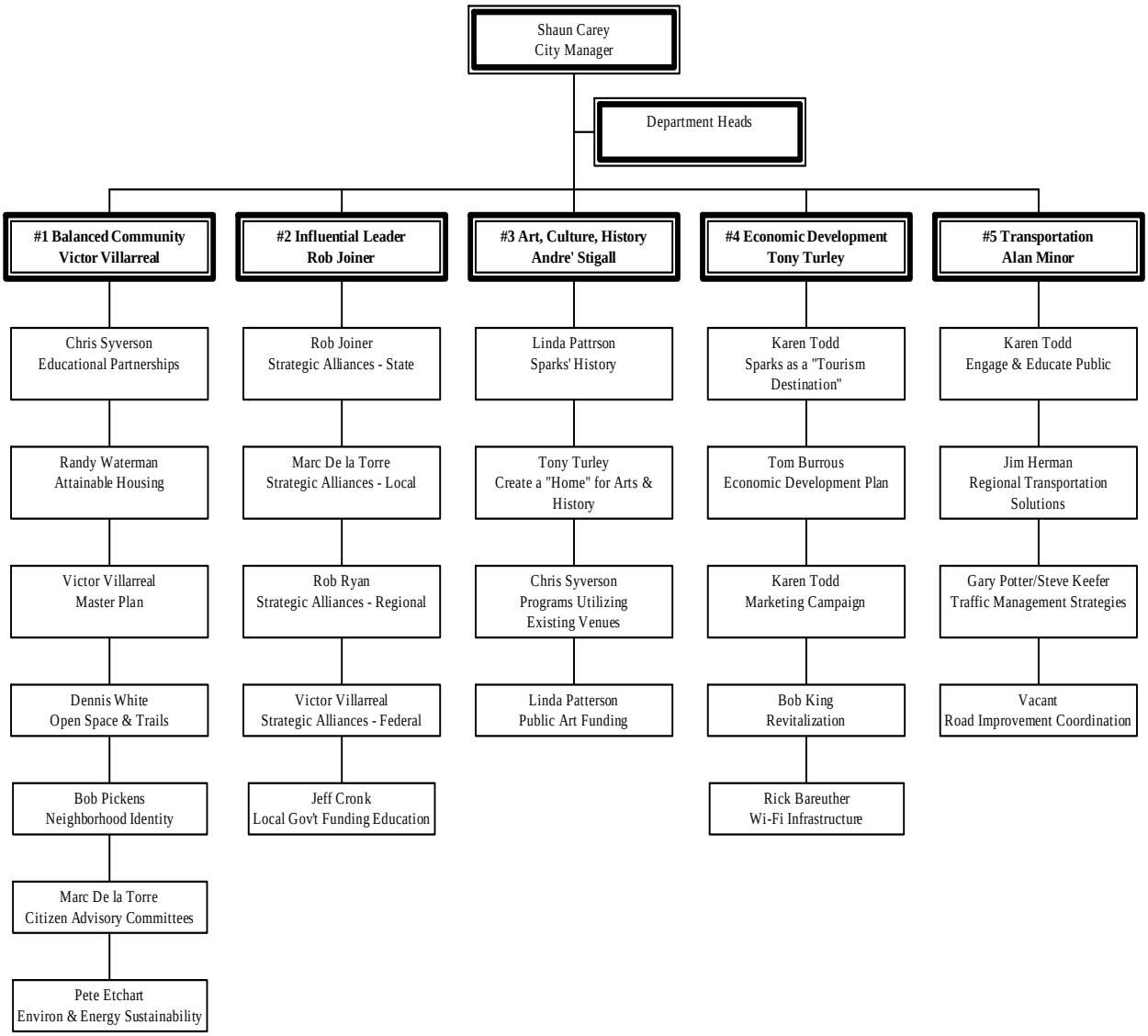
- Strategic Goal 1: Create a balanced community with attention to smart growth, community balance and the preservation of the small town atmosphere.
- Strategic Goal 2: Become a strong, influential leader in the formation of economic and political policy of the region and the state, through collaboration and seeking points of common interest.
- Strategic Goal 3: Establish a strong presence of art, culture and history to both enhance the resident and business experience and to celebrate the roots of Sparks' sense of place.
- Strategic Goal 4: Form an economic development policy direction that encourages hi-tech, research and others in concert with a master plan to be formed.

- Strategic Goal 5: Implement the "Sparks Road Ahead" to develop transportation elements and traffic safety locally and regionally to stay even with or ahead of growth.

Future Finders: **Future Finders** is a group of employees that work on developing Objectives and Action Plans to meet the Strategic Goals. The objectives are the steps needed to achieve the goals. The action plans further delineate how to achieve the objectives.

Ms. Gardner explained the Future Finders group has a manager for each one of the goals and a manager for each one of the objectives under those goals. She stated that each one of the goal

FUTURE FINDERS



CITY OF SPARKS - FUTURE FINDERS November, 2007

managers meet on a regular basis with the City Manager to discuss progress and direction. She said the goal managers create actions plans to advance the strategic goals. She stated that each one of the goal managers will be giving an overview of the activities taking place to advance their goal.

Current Activity

- *Future Finders have quarterly meetings.*
- *Goal Managers meet as needed.*
- *Objective Managers established teams and meet as necessary to develop Action Plans and Action Steps.*
- *FuturePoint is utilized to track status and to share information (located on SparksNet).*

Ms. Gardner noted that Senior Planner Victor Villarreal is attending the first public hearing for the upcoming funding cycle for the Washoe County Home Consortium Technical Review Committee and was not able to attend this workshop, so she would be reviewing his goal.

Goal 1: Balanced Community

- *Educational Summit* - Human Resources Manager Chris Syverson is the Objective Manager for this goal.
    - *Planning for Future and Existing Schools* - Plan for future schools and improvements for existing schools.
    - *Developing Workforce* - A workforce that will attract business and retain locals.

Ms. Gardner said they have identified stakeholders in this process (school board members, trustees, educators, student councils, legislative representatives, citizens, the development community, EDAWN) with the end result being to get policy on which direction we need to go with the education in our community. A discussion was held regarding the best time to hold a summit. The consensus was that it would be best to hold the meeting in the evening to provide an opportunity for the community to attend. A target date was set for the first Monday in June, from 4 to 8 p.m. Council asked about the format of the proposed summit. Mr. Carey stated we typically use a targeted six question process to gain community input and produce a community action plan.

Concern was expressed regarding a letter from UNR Chancellor Rogers. Mr. Carey said, with regard to our educational objectives, we should focus on future and existing schools and making sure that we are building a developing workforce. He said the funding issues in the University and Community College systems are a result of a dispute between the education leadership and the amount of cuts that have to take place. Mr. Rogers' letter references the need to form partnerships and looks to local government to enhance some of the programs and opportunities that are available in the local higher education programs.

Master Plan

    - *Background, Executive Summary and Draft*
- *Environmental and Energy Sustainability* - City Engineer Pete Etchart said this is a new element under the Master Plan.

- *Master Plan "Green" / Sustainability section* - Will focus on the feasibility of modifying our building codes to incorporate lead standards. Staff will also work on prioritization of incentives and requirements for green development, so we can make our decisions based on what we feel is best for our community. We are also looking at City leadership with regard to environmental and energy sustainability with our plans for the New City Hall. We need to provide education to our citizens with respect to "green" practices. It was noted that the City of Reno is in the final process of hiring an Environmental Services Administrator and hopefully we can work with that person on joint projects and grants.
- *Future Efforts* - Mr. Etchart noted that sustainability means more than just buildings: it includes energy, air quality, water conservation, employee productivity through lighting and HVAC issues, and recycling, to name a few.

City Manager Carey stated he felt that this could be a good opportunity to partner with Reno on the building codes, as well as create synergy between the two cities with our energy position.

The City Council asked if we were working to include the green issue into the new waste franchise, with regard to recycling.

Mayor Martini commented that we need to be careful regarding what types of incentives we offer to developers of green buildings, because it has proven to be costly in some communities. Mr. Etchart emphasized that green technology is becoming less and less expensive, although up-front costs are still higher than non-green construction. He noted that there were other types of incentives besides those involving financial issues.

Council Member Smith said that we need to look at zeroscaping new subdivisions and not requiring front lawns because water is one of our valuable resources.

Government Affairs Manager Rob Joiner noted that we have a $945,000 mark in Congress right now to convert the Truckee Meadows Water Reclamation Facility into co-generation to burn methane. This is a green energy project and will save us up to 30% of our $2 million annual bill for energy costs at the treatment plant.

Goal 2: Influential Leader - Government Affairs Manager Rob Joiner

- *Advance Strategic Alliances* - Staff provides e-mails monthly on how we are working with our legislators on all levels.
  - *State* - We recently updated our legislative platforms and policies.
  - *Local* - We are active in the Reno/Sparks Chamber and their legislative committees and also the Sparks Chamber.
  - *Regional* - We are very involved in regional issues such as TMWA, the Flood Project Coordinating Committee, RTC, emergency operations, Regional Planning, EDAWN and Truckee Meadows Tomorrow.
    - *Transportation Issues* - Mr. Carey has worked with the League of Cities to have our transportation issues incorporated into their legislative platform, including how we should have input into solving our funding problems. We are doing a white paper with input from all of the cities in the League to look at the transportation issue on a state-wide basis, so we are proactive and not reactive to any proposed legislation.

  - *Federal* - We have been active in seeking appropriations and the Mayor and City Manager will be traveling to Washington next week with our requests for the next funding cycle.
- *Educate the Public to Increase Understanding of Local Government Funding*
  - *FIRST (Fairness In Reno Sparks Taxes)* - This is a grassroots effort in laying out the issue and letting the committee determine the process and educate the public. We have 26 members from across the region serving on this committee and as they come up with ideas and solutions, they will disseminate the information to the public.

City Manager Carey asked for ideas from the Council on how they would like to see our single bill draft request used in the upcoming 2009 Legislative session.

Mayor Martini asked about the bill we pushed a couple of years ago regarding State funding for emergencies. Assistant City Manager Steve Driscoll responded that the Legislature provided for and automatic replenishment of the "Rainy Day Fund" if it was spent down for an emergency. They also refined their rules as to how the fund works, but it didn't do what our bill wanted. Our bill included that if FEMA or the State were involved in a declaration of an emergency, then there would be a funding responsibility on the part of the State; versus what the State code currently states: That if we have any unspent money for contingencies, capital projects, or any long-term designated funding, we have to spend all of that to meet our 25% first, before the State will even consider whether they will fund their 75%. So the problem that still exists is; while there is funding available, accessing that funding is still difficult.

Mr. Carey said one of the areas that would be helpful to local governments is if we could see more streamlining of the State providing the local match in a Presidential declared disaster. This is true in the State of California to a large degree. The local governments don't have to be on the brink of having their contingencies gone and having to cut back on capital projects [before they get emergency funding]. He said with our vulnerability to multiple hazards in the same budget year, this would increase our financial stability. He said this was an issue that local governments could push in future legislative sessions or that the Nevada League of Cities could take the lead on.

It was noted that financial issues will be f concern at the next legislative session.

The Council asked where the issue of home rule was sitting in the legislature. Mr. Driscoll said Mr. Nick Anthony from the City of Reno (formerly of the Legislative Council Bureau) has done quite a bit of research on what has happened over the years regarding the issue of self-determination and. This has been presented to the managers in the Big Five Consortium for discussion. This is also a topic that came up in the January 24th meeting of the FIRST Committee and Mr. Anthony's information will be presented as background information at their next meeting. It was suggested that the Council should allow the FIRST Committee to provide feedback before going ahead with this issue. Mr. Carey asked if the Council would like to put the self determination issue into the planning process so they could look at it more in depth in April. Mayor Martini said he did not know how well it would go over at the Legislature. Mr. Carey said he would direct staff to develop some proposals and time it so that we can incorporate the feedback from the FIRST Committee.

A discussion ensued regarding the ability of local jurisdictions to tax citizens and the need to revamp the State tax structure.

Mr. Carey noted that the "Big Five" is an urban consortium of Nevada's five largest cities. We have had opportunities to work together on issues that confront us in the past few legislative sessions. It has been uniquely powerful to work with the five biggest cities as we are confronted with different tax questions that come out of bill drafts. He said a new interlocal agreement will be coming forward for the Council's consideration so that we can continue to use this tool in the future. He noted there has been discussion in regards to holding a summit of Nevada's Mayors to look at some of these state-wide issues.

Goal 3: Arts, Culture and History - Senior Administrative Analyst in Parks and Recreation Andre' Stigall

- *History of Sparks* - City Clerk Linda Patterson is the lead on this objective.
  - *Collect/Preserve Oral Histories* - also the outreach goal for the Sparks Museum for 2008. The museum has about 100 oral histories on file, but they are not in a useable format.
  - *SMILE Participation*
- *Create a "Home" for Arts & History* - Sr. Administrative Analyst Tony Turley is working with a group of employees to come up with short and long term options. They have come up with creating a public/private co-op to display art in local businesses. The starting point is the "Artist of the Month" program.
  - *Public Private Co-Op to Display Art in Businesses*
  - *Cultural Arts Center (long-term)* - this has been identified as a need in the Master Plan workshops and in the cultural arts survey.
- *Website - Community Resource for Arts Events, Programs, etc.* - we need to find a way to better communicate to the public what we currently offer in the arts arena for our residents, including art programs, art classes, art events, the mural project, the Artist of the Month program, etc.

Goal 4: Economic Development - Sr. Administrative Analyst Tony Turley noted there were two objectives that deal with marketing: 1) marketing Sparks as a tourism destination, and 2) how we market ourselves and our image to attract new business.

- *Sparks as a Tourism Destination*
  - *Contract issued for Marketing Assessment* - we are moving forward with a contract for approval to study how we market ourselves and steps we can take to improve our image.
- *Economic Development Plan*
  - *Attract new business* - bring in high-tech industry and manufacturing. Have a more diverse economic base.
- *Revitalization of Existing Big Box Commercial Buildings* - facilitate what can be done to revitalize these areas.
- *WiFi* - once we become a community known for WiFi then the high-tech industries are more likely to come to Sparks.
  - *Regional Plan* - adopting a WiFi regional plan will allow the whole region to develop the infrastructure in conjunction, so entities can speak to each other.

- *4 Zone Wireless Mesh on Pyramid Highway* - We have issued a contract for this project to control and monitor traffic. This is an example of testing what we can do with wireless communication. It will also allow the police and fire to connect. It was noted that this will not be an open WiFi; it will require a pass code to access the system.

Goal 5: Transportation - Treatment Plant Maintenance Supervisor Alan Minor. The goal managers and objective managers for transportation meet on a regular basis to discuss issues, form action plans, and research issues.

- *Engage and Educate the Public on Transportation Solutions* - Customer Service Coordinator Karen Todd is the objective manager for this goal. We have used the example of the round-a-bout educational campaign used by RTC. Another objective developed by the committee is to establish a list of city employees who can supply information when citizens call in with transportation questions.
- *Regional Transportation Solutions* - Transportation Services Coordinator Jim Herman is the manager of this objective. Jim has started conversations with some of the shopping centers to try to establish a means of promoting easier forms of transportation for some people (foot, bicycle, public transportation… to put in facilities to enable citizens to use alternate means of transportation. He has also discussed expanding the public transportation system in the newer shopping zones with RTC.
- *Traffic Management Strategies* - Lt. Steve Asher is the manager. The intent is to examine all the traffic management strategies that are being utilized within the City for current and future traffic enforcement initiatives. They are using the VSAC to collect data on traffic issues.
- *Improve Coordination* - Brent Quilici was just assigned as the objective manager and they will meet this week to build an action plan. City Manager Carey noted that this overlaps one of the Council's budget priorities in the area of infrastructure. Reno is looking to explore regionalization of traffic signal coordination and will be discussing this at a future joint meeting.

Financial Considerations - Mr. Turley said with his financial background he was asked by the Future Finders to develop a uniform format for capturing the financial information and budget information. He said staff has developed the parameters and developed a spreadsheet to capture this information, but it has not yet been approved.

- *Labor Cost: staff hours x average rate as determined by Finance* - this is the formula for capturing internal staff costs.
- *Other Expenses* - any outside expenses, such as the marketing assessment.
- *Proposed Budget Offset (services lost)*
- *Net Zero budget impact is currently required*
- *Possible alternative funding sources*
- *Proper approval from Council or City Manager as appropriate prior to implementation*

Council Member Schmitt asked if there was a way to show how much a citizen saves by living in Sparks versus the cost of living in the County or Reno. He said this information would help put a positive spin on sewer rate increases by showing that even though the rates in Sparks are being raised, they are still lower than the other entities.

City Manager Carey said it is important to note that these steps build sustainability into the strategic plan. We want to be accountable for the staff resources that we are using and we are going to measure results. He said we need this financial framework so that the financial resources we are spending can be measured and supported.

Next Steps
- *Status Updates to Council, City Manager and Department Heads*
- *Continue working on Action Plans and Action Plan Steps*
- *Determine Financial Impact for Action Plans*

Ms. Gardner noted that the second portion of the presentation included a handout taken from the FuturePoint site on the intranet. This is what the Future Finders use to track each project and it is continually being updated as the groups do their work.

4. Update and possible direction on FY 2009 Budget Priorities

Assistant City Manager Steve Driscoll reviewed the budget priorities as submitted by the Council in the most recent survey. The priorities were ranked as follows:

1. Financial Stability
2. Public Safety
3. Redevelopment/Economic Growth
4. Infrastructure
5. Flood Control
6. Branding
7. Transportation
8. Citizen Participation
9. Appearance of the City
10. Revenues Balance

Mr. Driscoll noted that these priorities are being worked on daily, at various levels. He said this is the way we are trying to bridge the gap between what we do day-to-day and what we need to be doing in the future. He said staff is working on what we would like to do, if we had an unlimited supply of resources, and what we can do in light of the decrease in consolidated sales tax revenues, the property tax cap, and other revenue reductions. He said the Council priorities provide information to the City Manager and staff on what key services we need to maintain, what services can be delayed, and what we can no longer provide. He said we have squeezed the budget as much as we can without reducing services and we are now at the point where some services have to be reduced.

Mr. Driscoll explained that the difference in the budget between prior years and the current year is that the department managers are developing the action steps to manage the resources we have and make reductions that are necessary. Mr. Driscoll said that today, staff is asking the Council to look at the budget priorities and give the Manager feedback as to whether they meet the proper goals. He then discussed issues as listed in his power point presentation, outlined below.

Council Budget Priorities

Resources are allocated with each budget cycle to do the business of the city. City Council provides the leadership priorities that continue to make Sparks the City of Promise.

City departments work diligently to meet the needs of Sparks' residents and to move the city forward in these priority areas.

Necessary Action

- *Re-evaluate FY2007-2008 policy direction based on budget allocations*
  - *budget priorities (medium range goals)*
  - *key services (day-to-day operations)*
- *Determine FY2008-2009 policy direction and budget priorities*

Council Budget Priorities for FY2007-2008

- *Priority #1: Sparks will promote public safety, health and well-being of our residents.* This priority did not change from last year and it includes law enforcement, fire protection, traffic signalization, etc.
- *Priority #2: Sparks will assure resources keep pace with infrastructure needs.*
- *Priority #3: Sparks will enhance its quality of life through Redevelopment and Economic Growth.*
- *Priority #4: Sparks will have great neighborhoods in which to live, work and play through maintenance of the appearance of the city.*
- *Priority #5: Sparks will encourage our citizens to interact with their city government.*

Mr. Carey pointed the objectives staff is currently working on to advance the goal of the Council's number one priority, public safety. One of the objectives is to review options at the policy level for funding public safety services. Through our FIRST Committee we will see a community/citizen based look at revenues and expenditures and we have heard talk about ballot issues (school and RTC). We have learned over the last year from community contacts that this issue [ballot questions for new taxes] needs to have a foundation before it can be advanced in any ballot proposal. So, when we say review policy level funding for public safety, one of the important things is to dedicate ourselves toward the future; toward building an understanding of public information about our funding levels for police and fire; and to begin to carve out that understanding in our community, which will lead to the community's future consideration regarding additional funding.

He said the FIRST Committee and the issue of sales tax distribution (c-tax) will give us some impetus, but as we look at the Council's top priority of public safety, it all comes back to funding levels.

Mr. Carey noted that the percentage of our budget that is going to public safety (about 65%) is fundamental in the overall dedication of our resources. We need to position this issue (in the long term) so the community understands public safety needs. If we are going to fund additional public safety positions to keep up with demand, we will need to keep the budget at the 65% level. The concern is the impact that this has on other services. In this budget cycle, public

safety funding personnel staffing was left alone and other departments were reduced. The only increase in the budget for next year is six additional positions in our police department because those positions are part of the continued path of public safety as a priority.

He said the difficult part of our future is that we have cut as much as possible in parks, public works and general government and, if we are going to have a future, we need to increase revenues in order to keep up with public safety needs. Mr. Carey said he believed the economy will turn around in the near term because of the plans we have in place for our community. But when it comes to funding additional police personnel or additional fire stations, we need a policy level position in order to find resources in order to keep going forward.

Council Member Mayer expressed concern regarding the cuts to the Parks and Recreation Department and felt that the general fund money for parks and the general fund money for public safety should be cut equally.

Council Member Schmitt said we have had a wave of good revenue for the past few years and budget decisions have not been that hard. We have also had departmental reorganizations and implemented efficiency programs in the past few years. However, we cannot continue this pattern, because there is only so much that can be cut before there is nothing left to cut. The decision now is how we can maintain a steady flow of services without further cuts and this will require re-evaluating our financial policies and working with the legislature.

Mayor Martini said he felt that the only changes we can make would be through the legislature, but we have been pounding on them for the last 17 years and have not been successful.

Mr. Carey said we need to establish an inclusive policy that allows us to attain the public safety funding levels that this community needs. We have used the past periods of growth to expand both our police and fire programs; however, we now have a down turn in the economy and we have conserved resources as much as possible across all city departments. Our focus now needs to be maintaining the service levels that currently exist and on changing the revenue stream so that we can meet this public safety challenge. We need strong policy direction and a platform that does not require a ballot to ask for more money, but one that builds a community understanding of what needs to be changed in order for us to achieve the needed service levels. The answer lies in a dynamic shift in our ability to receive our fair share of the consolidated tax revenues.

Council Member Mayer discussed the depreciation factor that reduces the amount of property taxes paid. This needs to be changed because is causes neighborhoods to deteriorate, reduces revenue to the city, and benefits a lot of absentee landlords who do not even live in Nevada. The depreciation allowance should end at the point of sale and begin again with the new owner, or go away entirely.

A discussion ensued regarding various ways to fund public safety. The conclusion was that we need self-determination with regard to funding the needs of the city, including public safety issues. However, we can only get this through the legislature.

Mr. Driscoll noted that there has been discussion among the legislatures regarding changing the rules on the tax cap that was enacted during the last legislative session. This is because the new laws are not working like the legislators expected; even though it was explained to them numerous times that it was not a good idea and would be detrimental to entities that rely on property taxes to provide services.

A discussion was held regarding what policy the Council needs to set with regard to public safety funding. It was determined that the policy need to direct the city to work along several tracks: to work legislatively to change some of the outcomes on existing revenues that are hurting our city, including depreciation and c-tax issues; get legislative authority to take control of this issue as a community whereas now we are not empowered to do this; and implement new revenues.

The consensus was that this issue would have to go to the legislature and that this would be difficult, because our legislators, as a general rule, don't listen to city councils. It was noted that through our legislative team, our communication with our legislators has improved over the past few years, but there are still problems.

Mr. Carey summed up the direction from Council as follows:

1. Maintaining percentages for public safety
2. Continuing to find ways to put resources into public safety
3. Approach the legislative process in order to form some type of self-determination (home rule)

Council Member Mayer commented that there is a misconception among the public that Sparks receives all the sales tax that is generated within Sparks and we need to educate them on the consolidated tax distribution system in Nevada and the fact that we only get 13% of each sales tax dollar spent in Sparks.

Mr. Driscoll noted that the next priorities as listed in the Council's survey are redevelopment and economic growth and flood control.

Council Member Carrigan asked if we budget money for flood control. Mr. Carey responded that the city has made significant investment in flood control throughout the history of our city:

- ✓ A bond issue was passed following the 1986 floods, resulting in the construction of significant dams.
- ✓ Contributions were made from our capital plan (from our storm water utility fund) to build improvements after the flash flooding in the Vistas area in 2005.

This is a council priority because of the effect that flooding has on private businesses. We are looking to be the leader in this effort and make investments that will directly return a better future. We need to get as much federal funding as we can and as much funding on a fair share basis from the watershed money.

Mr. Carey said he would be bringing to the Council a report on where we are with our facilities master plan and the Road Ahead program. Public Works Director Wayne Seidel is preparing a Capital Improvement Plan (CIP) which should be available in February.

Council Member Schmitt said it has been a couple of years since the Council received an update on the PCI: where we are with the surveys and the impact our funding has made. Mr. Carey said this information will be in the Road Ahead report staff is currently preparing.

Mr. Carey noted that the appearance of the City is lower in the priorities, but he wanted to note that service levels are at a minimum in our code enforcement program. This has been an issue for the council as they have seen the response levels fall in direct proportion to the amount of employees we have in this division (down from five to three). The Community Development Department has reported a large growth in calls for service, both from e-Better Place and direct calls. We are now at a reactive response level rather than a proactive level of service.

Financial stability is an emerging issue and he asked the Council for direction with regard to what policies they felt might need revising. Council Member Carrigan stated financially we are very lean right now and we need to do whatever is necessary to remain financially stable. Mr. Carey stated that staff will examine the current financial policies in light of the discussions held today and bring it back during future budget discussions.

Council Member Carrigan expressed concern regarding the difficulty of "educating the public" with regard to local issues. He used Vista Boulevard and the new regional park as an example, stating the comment he is hearing repeatedly is, "Why don't we hold off on opening the new regional park until Vista is entirely four lanes?" He said as much as he tells people we don't control Vista Boulevard because it is a regional road, he can't reach everyone. He said he would like to see a public information campaign explaining how our roadway system works.

4.1 Presentation and possible approval of priorities in Project Point

This was not discussed.

5. Review and possible direction on FY 2009 Capital Plan and Facilities Plan

City Engineer Pete Etchart reviewed the Golden Eagle Regional Park (GERP), the Larry D. Johnson Community Center and the Victorian Square Phase I Public Improvements as follows:

GERP - We are not over budget or under budget; we plan to spend every dollar available for this project. The general contractor (Q&D Construction) has done a fantastic job on this project and the project manager, Chris Cobb, is working diligently to have the softball fields and Babe Ruth fields completed by the end of March. We anticipate having the three buildings done in March; the two Little League fields in April; the two multi-use fields in May/June; and full project completion by the end of summer. However, the re-vegetation and landscaping will not be done until the fall, which is the best time to do this.

LDJ Community Center - Staff is looking for direction from Council on Phase II of this project. Phase I is complete, with $394,210 left over to begin Phase II. The Phase II budget includes State of Nevada appropriations of $163,760. It was noted that this appropriation was on the Governor's budget cut list and has been cut, so this money is gone. The Federal appropriation of $245,000 is also in jeopardy, so we really only have the left over funds from Phase I to use for Phase II at this time. We are limited in what we can do for Phase II. We can design Phase II, or

just bank the funds until we have enough for design and construction. Mr. Etchart then discussed several construction options for Phase II, including adding and alternative energy solar system to Phase I with the funds we have now. Concern was expressed that if we designed Phase II now, it might be several years before we could begin construction. The consensus was that we should wait until we have additional funding to do the design. Suggestions were made to put the money into other areas of the FIP or bank the money until we can get enough funds to construct something.

Victorian Square Phase I - There is $47,691 left of the $3,721,692 construction budget. However, there is an additional $250,000 encumbered to use for the finish back on the Trammel Crow residential component. Since the residential component has been delayed, the recommendation is to sever the contract with MKD Construction for Phase I construction instead of dragging out the contract for one or two years and rebid those improvements when they are ready to go forward.

Victorian Square Phase II (Armando Ornelas) - These Phase II public improvements are those along either side of the plaza and include the new roads and sidewalks and enhancements to the plaza and the signage and graphics package along Victorian Avenue and along the new streets, as well as completion of Phase I public improvements. The existing contract with Hunter Creek Engineering is about an $80,000 encumbrance and we will probably need to supplement this. This contract will produce the actual construction drawings for Phase II public improvements. We do not have a contract, as yet, for the landscape design and this is estimated at $150,000. Materials testing, survey and construction will bring the cost to about $350,000.

The schematic design was completed by Hunter Creek and RTKL, but we haven't given them the go ahead to do the construction drawings. Staff is recommending that this be timed to accommodate Phase II. If we are able to achieve our schedule this year, we would need to give the go ahead on the construction documents the latter part of this year. The Phase II public improvements (streets and public infrastructure) will also require some under ground work, including the relocation of some utilities. Council asked if the funds for Phase II public improvements were available now. The response was that it is anticipated that all or a significant portion of Phase II would be paid for with the room tax money that was allocated for Victorian Square. We will be working with our financial advisor to determine the exact amount available. Right now the estimate of what we have available is about $8 million.

There are three components to the City Hall project: the lease space over the retail in the west plaza buildings (the two buildings on the west side of the plaza closest to Victorian Avenue); the municipal building, which would be (in the public's mind) City Hall; and a third down town parking structure.

With regard to what is in the FIP now, what was budgeted is $1.148 million. There are minimal encumbrances, so this is the project balance, including the $350,000 needed to complete the design, materials testing, etc., for the Phase II public improvements. Staff is anticipating $525,000 will be used to take the project through detailed schematic design and the balance will be used for construction of the facilities or acquisition of the remaining parcel that is needed for the municipal building.

The west plaza offices will be about 15,000 to 20,000 square feet. Right now we see them being tenanted primarily by public works and fire prevention, both of which currently occupy existing lease space at close to market rates. Trammel Crow, as the prospective owner of the buildings, is currently preparing construction estimates and from those, they will derive least-cost estimates for the city's proposed space. This will be brought to the Agency Board for approval in the form of a lease that will be incorporated into the Phase II DDA with Trammel Crow. The design/layout of the space and tenant improvement plans will be covered by a proposed contract with RTKL. One of the key decisions that will be studied, in addition to the City space, is whether these buildings will be two or three stories, depending on the potential for leasing additional space to other third-party tenants.

The proposed municipal building is potentially a four-story building of approximately 90,000 to 95,000 square feet. It will ultimately be city-owned, either through a design/build process or through a lease/purchase arrangement. The RTKL proposal includes, as an option, additional services to continuing the programming and preliminary schematic design for this facility. Ultimately the timing for this facility depends on when the city is able to make a commitment to finance the building. Given all the budget discussions, this might not happen in the very near term. So, the question becomes whether we want to continue planning the facility or whether we hold back and wait.

When the municipal services facility is built, we will need a third parking structure down town. Based on our parking analysis, it will need to be 400 to 500 spaces. There are several areas identified in the master plan for this facility and staff is looking at areas where it might be better located.

Council Member Mayer said he thought the parking structure by the theater was designed and constructed so it could be expanded. Mr. Ornelas said that was the original plan and is still a possible location, but he didn't feel there would be any cost savings by expanding that garage versus building an entirely new structure.

Council Member Schmitt asked approximately how many square feet of office space we are currently leasing. Mr. Ornelas replied that it was about 40,000 square feet at various locations throughout the city.

Council Member Salerno asked for an update on the proposed property exchange with the Nugget. Mr. Ornelas stated that in general we have a draft of the agreement with the Asquagas; however, we are basically sitting on that agreement pending negotiations with a couple of the other property owners.

Council Member Mayer asked about the ugly fence behind the Brewery. Mr. Ornelas responded this was a code issue and was being handled by the City Attorney's Office.

6. Discussion and possible direction on FY 2009 Budget

Mr. Carey stated there was not a lot of discussion needed under this item because of the action by the City Council at the last council meeting regarding budget cuts. We are following the

budget calendar now: we are looking for revenue forecasts to come in; we will be building a tentative budget based on those forecasts; and bring the final budget to the Council for approval. We will be building a budget that is pretty much status-quo, with additional public safety positions. We will keep the Council informed as the numbers come in.

7. Comments:

7.1 *Comments from the Mayor, City Council and City Manager

None.

7. Adjournment to Lunch

There being no further business, the meeting was adjourned at 12:45 p.m.

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REGULAR MEETING OF THE SPARKS CITY COUNCIL
January 28, 2008 3:00 p.m.

1. Call to Order

Time: 3:00:40 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: 3:00:48 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Philip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Marc De La Torre, Andy Flock, Bill Finley, Adam Mayberry, Shirle Eiting, Steve Driscoll, Tim Thompson, John Martini, Chere Jigour, Margaret Powell, Tracy Domingues, Victor Villarreal, Jim Rundle, Neil Krutz, Karen Todd, Tracy Wheeler, Kathy Clewett, Rob Joiner, Carrie Brooks.

Invocation and Pledge of Allegiance

Time: 3:01:01 p.m.

The invocation was given by Pastor Steve Bond from Summit Christian Church and the Pledge of Allegiance was led by Council Member Ron Smith.

Comments from the Public

Time: 3:02:55 p.m.

Mr. Frank Lepori, 1475 Hymer Avenue, and Mr. Dean Smith, Kresge Way, both spoke regarding sign ordinance issues in Industrial/Commercial zoning, stating it did not allow them sufficient signage for their tenants to be visible from McCarran Boulevard. It was noted that staff is working on code amendments to increase C1 signage allowances.

Mr. Don Kajans, Stanford Crossing, LLC, 1560 Stanford Way, spoke about the same sign ordinance issues.

Approval of the Agenda

Time: 3:15:40 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 Smith, seconded by Council Member Schmitt, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Approval of the Minutes

Time: 3:16:11 p.m.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the minutes of the Regular Meeting of January 14, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Update on Tourism Branding Assessment

Time: 3:06:45 p.m.

Public Information Officer Adam Mayberry reported that the City has received funding from the Sparks Tourism and Marketing Committee to hire a consultant (Destination Development) to assist with the first phase in our branding effort to make the City of Sparks a true tourist destination in the region. It was noted that no general fund money was being used for this consultant and that room tax money was paying for this program.

4.2 Recognition of the Fire Department's Use of Mobile Data Computers and Mapping System

Time: 3:21:12 p.m.

Fire Battalion Chief Bill Finley demonstrated how the mapping system works and thanked everyone involved in the creation of this unique program. Mr. David Frazer, Executive Director of the Nevada League of Cities, noted that Chief Finley presented the system at the League's annual conference last July and consequently won an award for Outstanding Innovation in the big cities category.

4.3 Presentation of the Cityworks Annual Report for FY 06/07

Time: 3:33:16 p.m.

Ms. Karen Todd, Customer Service Coordinator for Cityworks, gave a presentation outlining the 2007 Annual Report for the Cityworks Enterprise Fund.

4.4 Presentation of U.S. Flags to the Mayor and City Council

Time: 3:43:25 p.m.

Council Member Ron Schmitt, on behalf of his son Senior Airman Chris Schmitt, presented each Council Member and the Mayor with a plaque and a U.S. Flag which was flown over Iraq. Councilman Schmitt noted his son was unable to attend the meeting due to a class at the University. Several Council Members thanked Airman Schmitt and said how honored they were to receive the flags.

5. Consent Items:

Time: 3:45:35 p.m.

Consent Item 5.20 was pulled for discussion and separate vote.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.19. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills	An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering December 27, 2007, through January 9, 2008.
5.2 Acceptance of a 21st Century Community Learning Centers Grant	An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve a 21st Century Community Learning Centers Grant as entered into and secured through the collaborative efforts with Lincoln Park, Alice Maxwell, Robert Mitchell and Kate Smith Elementary Schools. The Parks and Recreation Department provides enrichment activities, program ideas and resources for planning programs specific to site needs. Programming occurs from school release until 6:00 p.m. on all school days. The grant reimburses the City for the part-time salaries dedicated at these sites per the agreement. The anticipated amount of reimbursement is $67,830. This is a five year grant which is reviewed on an annual basis. The current schedule of service is August 27, 2007 through June 4, 2008.
5.3 Gaming License for Dynasty Games, dbat Mudbugs, 950 Glendale Avenue	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Roger L. Fuller, 11032 Dixon Lane, Reno, NV 89511, for a Gaming License for Dynasty Games doing business at Carolina Kitchen & Barbecue Company, LLC, doing business as Mudbugs, located at 950 Glendale Avenue. Dynasty Games is a slot route vendor and has numerous active gaming licenses in Reno and Sparks. Mr. Fuller has been the owner of Dynasty Games since 1987. The license will provide a $900.00 annual fee for five quarter and three nickel poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.4 Gaming License for Dynasty Games, dbat La Fuente Mexican Restaurant, 790 Baring Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Roger L. Fuller, 11032 Dixon Lane, Reno, NV 89511, for a Gaming License for Dynasty Games doing business at La Fuente Mexican Restaurant located at 790 Baring Boulevard. Dynasty Games is a slot route vendor and has numerous active gaming licenses in Reno and Sparks. Mr. Fuller has been the owner of Dynasty Games since 1987. The license will provide a $720.00 annual fee for four quarter and two nickel poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.5 Gaming License for United Coin, dbat Da	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a

Roza's Bar and Grill, 1605 Sullivan Lane	Gaming License for United Coin Machine Company doing business at Da Roza's, LLC, doing business at Da Roza's Bar and Grill, located at 1605 Sullivan Lane. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide a $1,200.00 annual fee for ten multi-denominational, bar-top slot machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.6 Gaming License for United Coin, dbat Vista Mart, 2995 Vista Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at Vista Mart, located at 2995 Vista Boulevard. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide an $840.00 annual fee for seven multi-denominational video poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.7 Gaming License for United Coin, dbat Anchors, LLC, 325 Harbor Cove Drive #201	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at Anchors, LLC, located at 325 Harbor cove Drive #201. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide a $1,800.00 annual fee for fifteen multi-denominational, bar-top slot machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.8 Gaming License for United Coin, dbat Fifty Yard Line, 400 S. Rock Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at Fifty Yard Line, located at 400 S. Rock Boulevard. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide a $1,200.00 annual fee for ten multi-denominational, video poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.9 Gaming License for United Coin, dbat Raley's #102, 2895 North McCarran Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at Raley's #102, located at 2895 N. McCarran Boulevard. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide a $1,800.00 annual fee for fifteen video poker machines (2 quarter, 2 dollar, 11 multi-denominational). The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.10 Gaming License for United Coin, dbat AM/PM #6017, 2240 Victorian Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at AM/PM #6017, located at 2240 Victorian Avenue. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide a $360.00 annual fee for three quarter video poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.11 Gaming License for United Coin, dbat BoJo's Pizza Bar and Restaurant, 2240 Oddie Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at BoJo's Pizza Bar and Restaurant, located at 2240 Oddie Boulevard. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide a $1,200.00 annual fee for ten multi-denominational, video poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.12 Gaming License for United Coin, dbat 7-11 Store #33023, 1490 E. Prater Way	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., 8008 Gothic Avenue, Las Vegas, NV 89117, for a Gaming License for United Coin Machine Company doing business at 7-11 Store #33023, located at 1490 E. Prater Way. Mr. Woodson has been the Vice President/Regulatory Compliance for United Coin Machine Company, located in Las Vegas, Nevada, since December, 1988. The license will provide an $840.00 annual fee for seven multi-denominational video poker machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.13 On Premises Alcohol Beverage License for BoJo's Pizza Bar and Restaurant, 2240 Oddie Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Ritu Kaur Khera, 1605 Ghettis Way, Reno, NV 89521, for an On Premises Alcoholic Beverage License for BoJo's Pizza Bar and Restaurant, located at 2240 Oddie Boulevard. This will be Ms. Khera's 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 On Premises Alcohol Beverage License for Mudbugs, 950 Glendale Avenue	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Johanna Lee Cobb, 90 Hercules Drive, Sparks, for an On Premises Alcoholic Beverage License for Carolina Kitchen & Barbeque Company, LLC, doing business as Mudbugs, located at 950 Glendale Avenue. This will be Ms. Cobb currently holds a liquor license with the City of Sparks and has been the owner of the business since April, 2006. 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.
5.15 Alcoholic beverage Wholesaler License for Resource Trading Group, Inc., 80 Coney Island	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Serge Serdsev, 3030 Glen Creek Road, NW, Salem, OR 97304, for an Alcoholic Beverage Wholesaler License for Resource Trading Group, Inc., located at 80 Coney Island, Sparks. This will be Mr. Serdsev's first liquor license in Sparks. He is currently the Secretary for the business, which imports and exports alcoholic beverages. The license will provide a $1,000.00 annual fee and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.16 Alcoholic beverage Package License for Ben's Fine Wine and Spirits, 2900 Sullivan Lane	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Jamal Keshmiri, 4770 AberFeldy Road, Reno, NV 89509, for an Alcoholic Beverage Package License for Jamy, Inc., doing business as Ben's fine Wine & Spirits located at 2900 Sullivan Lane. This will be Mr. Keshmiri's first liquor 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.
5.17 On Premises Alcohol Beverage License for Applebee's	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Michael W. Hebert, 11387 Calle Simpson, El Cajon, CA 92019, for a On Premises Alcoholic Beverage License for Applebee's Restaurants West,

Neighborhood Grill and Bar, 693 North McCarran Boulevard

LLC., doing business as Applebee's Neighborhood Grill and Bar, located at 693 N. McCarran Boulevard. Mr. Hebert currently holds a 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.

5.18
Agreement for the Sale of Treated Effluent with First Independent Bank of Nevada, 381 Los Altos Parkway

An agenda item from Utility Manager JoAnn Meacham recommending the City Council approve an agreement for the Sale of Treated Effluent with First Independent Bank of Nevada, located at 381 Los Altos Parkway for landscape irrigation. The effluent pipeline is located in proximity to the bank, near the intersection of Galleria and Los Altos Parkway. Effluent is available to provide service. Revenues to the Sewer Utility Fund are estimated to be $955 per year.

5.19
Amendment No. 1 to the North Truckee Drain Realignment Professional Services Agreement with HDR, Inc. (A-3106)

An agenda item from Flood Control Manager Shawn Gooch recommending the City Council approve Amendment No. 1 to the North Truckee Drain Realignment Professional Service Agreement (A-3106) with HDR, Inc., in the amount of $60,000. This amendment is related to additional work (Hydraulic and Hydrologic modeling) that is being performed and to facilitate work that the Army Corps of Engineers is performing on the North Truckee Drain watershed.

5.20
Resolution No. 3089, Providing a Post-Retirement Medical Insurance Subsidy to the Former Fire Chief

Time: 3:46:55 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3089, a resolution authorizing the payment of a post-retirement group medical and life insurance plan premium subsidy for Tom Clewell, former Sparks Fire Chief. On January 14, 2008, the Sparks City Council approved providing former Fire Chief Tom Clewell a post-retirement medical subsidy equivalent to the negotiated benefit given the Association of Sparks Fire Department Classified Chief Officers as provided in the new Fire Chief's Employment Agreement. This resolution properly documents the Council's authorization to pay this benefit on behalf of the retiree. The cost to the City to provide this additional benefit is estimated at $111,321 over a projected twenty year period.

Council Members Carrigan and Smith noted that they asked for this item to be pulled because they wanted to vote on it separately from the other consent items.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Resolution No. 3089, authorizing the payment of a post-retirement group medical and life

insurance plan premium subsidy for Tom Clewell. Council Members Mayer, Salerno, Schmitt, YES. Council Members Smith, Carrigan, Schmitt, NO. Motion carried.

6. General Business:

6.1
Acceptance of a Donation from the Northern Nevada DUI Task Force

Time: 3:49:24 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept a donation from Northern Nevada DUI Task Force in the amount of $3,180.03 to the Sparks Police Department. The donation is for the purpose of purchasing seven portable breath testers (PBTs) and associated equipment. Five PBTs will be assigned full-time to the Traffic Section. Two PBTs will be utilized in conjunction with the Enforcing Underage Drinking Grant.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to accept the donation from Northern Nevada DUI Task Force in the amount of $3,180.03. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Acceptance of a Donation from Sanofi Pasteur Group to the Fire Department

Time: 3:51:11 p.m.

An agenda item from Fire Chief Andy Flock recommending the City Council accept a grant from the Sanofi Pasteur Group in the amount of $1,000 to the Sparks Fire Department. There are no restrictions on the donation and the Fire Department will utilize the donation for general purposes, yet to be determined.

Chief Flock noted that the intent was to use the funds for some Historical Committee items and other general fund items.

Council Member Schmitt asked for information regarding this company and what type of business they conducted in Sparks.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to accept a grant from the Sanofi Pasteur Group in the amount of $1,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Presentation of Legislative Affairs Issues

Time: 3:53:19 p.m.

Government Affairs Manager Rob Joiner introduced Mr. Rocky Finseth of Carrera Nevada, our state lobbyist for legislative issues. He noted that the interim sessions are in fully swing at the Legislature and are in a fact finding mode. They are requesting information and we are providing that when requested. He said through the Nevada League of Cities we are taking the lead on preparing a white paper of transportation funding alternatives and issues, so we can be proactive and not just reactive to the session.

He said there are two interim committees that have on-going sessions on transportation and funding.

Mr. Joiner noted that the Governor's representative has disclosed that all the one-time funding from the State is gone. This included funding for the second phase of the Larry D. Johnson Community Center. We still have money earmarked for the Center from the Federal 2008 appropriations; however, in an unprecedented action, the President has vowed to administratively cut some of the funds that were in the omnibus bill. We are hoping all our funding requests will not be cut. He noted the Mayor and Manager will be taking our 2009 appropriation request to Washington next week.

Mr. Finseth gave a report on some of the topics and issues he has been hearing from our delegation leadership in the State. He said primarily the discussion has focused on taxes and the shortfall. There has been a lot concern expressed regarding the foreclosure crisis. He said the Legislators are also discussing the various initiative petitions that are starting to circulate.

Mr. Finseth said they are working closely with Mr. Joiner and his staff to monitor the activities of the interim committees; including the Mortgage Lending Interim Committee and the Interim Committee on Transportation.

Mr. Joiner noted that the last session they spent a lot of time fighting SB396 regarding making cities responsible for lateral sewer lines from the main line to the house. All local governments weighed in on how costly it would be for a government to go onto private property and to be responsible for those lines. We prevailed, but now the Public Utilities Commission is trying to get this changed in their regulations and administrative codes and we have to defend this issue once again. He said another issue is cost of undergrounding high wattage transmission lines. He said at the last session the Legislature decided to not deal with this issue and let the utilities deal with it, so now we also have fight this issue.

6.4
Adoption of a Charter, Approval of Resolution No. 3087 and Approval of a Joint Powers Agreement to Create the Western Regional Water Commission

Time: 4:05:36 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council adopt a Charter for the Western Regional Water Commission and approve Resolution No. 3087, approving a Joint Powers Agreement between the City of Reno, the City of Sparks, the South Truckee Meadows General Improvement District, the Sun Valley General Improvement District, the Truckee Meadows Water Authority, and Washoe County to create the Western Regional Water Commission. This item is also recommending that the City Council authorize the execution of the

Joint Powers Agreement by the Mayor and the submission of the agreement to the Nevada Attorney General for approval.

Mr. Seidel noted that this joint powers agreement is a follow up to the interlocal agreement we approved last summer, which created the Interim Western Regional Water Commission. He said this agreement will go before all six agencies for approval.

Mr. Seidel explained that SB487 mandates this new water commission and it requires that the new Water Commission be in place by April 1, 2008. He said that the Interim Commission requested this joint powers agreement so we control this Commission getting off to a good start. Mr. Seidel said the Interim Water Commission also developed a charter, which contain the vision, mission and values for the Water Commission to work under.

Mr. Seidel said the 1.5% Water Management Fund is going to be overseen by this new Western Regional Water Commission. Currently that fee brings in $1.2 to $1.5 million per year.

Mr. Seidel noted that this charter/agreement has been approved by all the other entities and Sparks is the last one to approve the agreement. He noted that after approval, there is a 30 day period where it will be forwarded to the Attorney General for their legal review and conformance with NRS 277.

Mayor Martini noted that the 1.5% fee is an existing water management fee that is charged on the water bills by the water purveyors.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to adopt a Charter for the Western Regional Water Commission and approve Resolution No. 3087, approving a Joint Powers Agreement to create the Western Regional Water Commission and authorize the Mayor to sign the resolution and the agreement. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5
Resolution No. 3088, Revising the Policy and Procedures for the Donation of Public Funds in Support of Non-Profit Organizations

Time: 5:10:24 p.m.

An agenda item from Grants Administrator Tracy Wheeler recommending the City Council adopt Resolution No. 3088, a resolution replacing Resolution No. 2783 regarding the donation of public funds in support of non-profit organizations.

Ms. Wheeler explained that the resolution revises the Policy and Procedures for the donation of City of Sparks' public funds in

support of non-profit organizations, which was originally established in 2002. She said this policy has been utilized, but staff was directed to clarify some points within the policy and make some improvements to the application process.

Ms. Wheeler noted that the policy specifically states "when fiscally feasible" the City will go forward with making the applications available to the community within a very specific time frame. She said that during the budget process, the Council will determine whether they will put funding into next year's budget for making donations.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to adopt Resolution No. 3088 revising the Policy and Procedures for the City of Sparks Donation of Public Funds in Support of Non-Profit Organizations as attached to the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6
1st Reading of Bill No. 2569, CA-10-07, Amending the City's Nonconforming Use and Substandard Development Zoning Provisions

Time: 4:13:26 p.m.

City Clerk Linda Patterson read Bill No. 2569 by title, an ordinance amending the City's nonconforming use and substandard development zoning provisions; 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 February 11, 2008.

6.7
1st Reading of Bill No. 2570, CA-02-07, Modifying the City's Requirements to Provide Parking in Certain Districts of the City

Time: 4:13:54 p.m.

City Clerk Linda Patterson read Bill No. 2570 by title, an ordinance modifying the City's requirements to provide parking in certain districts of the City; 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 February 11, 2008.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1
Public Hearing, and Adoption of Bill No. 2669, PCN07076,

Time: 4:14:18 p.m.

An agenda item from Associate Planner Chere' Jigour recommending the City Council conduct a public hearing and approve Bill No. 2669, a general ordinance rezoning real property

Rezone from R1-15 to PO on 1.07 Acres at 808 and 810 Gleeson Way

owned by Castles, LLC, Anna Lord, rezone from R1-15 (Single Family Residential, 15,000 square feet minimum lot size) to PO (Professional Office), on a site approximately 1.07 acres in size located at 808 and 810 Gleeson Way, Sparks, NV; and providing other matters properly relating thereto.

Ms. Jigour stated that this request is in conformance with the Master Plan. Also the allowed uses in the PO zoning district are consistent with the existing surrounding uses in the neighborhood. She said because of these facts, the Planning Commission and staff are recommending approval.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve Bill No. 2669 (Ordinance No. 2386), the rezoning request associated with PCN07076, adopting findings Z1 through Z3 and the facts supporting these findings as set forth in this staff report. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, ABSENT. Motion carried.

9. Time: 4:16:48 p.m.

Comments from the Council and City Manager

Council Members Schmitt and Smith and Mayor Martini all congratulated Council Member John Mayer on being named "Politician of the Year."

10. Time: 4:17:36 p.m.

Adjournment

There being no further business, the meeting was adjourned at 4:17 p.m.

_____

Mayor

_____

City Clerk

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REGULAR MEETING OF THE SPARKS CITY COUNCIL
February 11, 2008 3:00 p.m.

1. Call to Order	Time: 3:01:30 p.m. The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:01 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.
2. Roll Call	Time: 3:01:35 p.m. Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Staff Present: Marc De La Torre, Andy Flock, Steve Keefer, Adam Mayberry, Dale Gillaspy, Steve Driscoll, Pete Etchart, Margaret Powell, Armando Ornelas, Victor Villarreal, Stacie Hemmerling, Neil Krutz, Wayne Seidel, Chris Cobb, Starlin Jones, Tom Minton, Trish Kuehl, Janelle Thomas, Stan Sherer, JoAnn Meacham, George Graham, Randy Mellinger, Andy Fuller, and Carrie Brooks.
Invocation and Pledge of Allegiance	Time: 3:01:47 p.m. The invocation was given by Bishop Don Ross of the Church of Jesus Christ of Latter Day Saints and the Pledge of Allegiance was led by Council Member Phillip Salerno.
Comments from the Public	Time: 3:03:47 p.m. None.
Approval of the Agenda	Time: 3:03:56 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 Smith, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.
3. Approval of the Minutes	Time: 3:04:28 p.m. A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve the minutes of the Regular Meeting of January 28, 2008, as written. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1
Proclamation - Black History Month

Time: 3:05:11 p.m.
Mayor Martini read a proclamation naming February, 2008 as Black History Month in recognition of the role that African Americans have played in Nevada's History and the cultural and economic development of the City of Sparks. The proclamation was accepted by Lucille Adin, President of the Reno/Sparks NAACP.

5. Consent Items:

Time: 3:07:42 p.m.
Consent Item 5.2 was pulled for discussion and separate vote.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Consent Items 5.1 and 5.3 through 5.13. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering January 10, 2008, through January 23, 2008.

5.2
Alcoholic Beverage Package License for Scolari's, 950 Holman Way

Time: 3:08:32 p.m.
An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Joey E. Scolari, 1165 Country Estate Circle, Reno, NV 89511, for an Alcoholic Beverage Package License for Scolari's Warehouse Markets, Inc., doing business as Scolari's Food and Drug Company #101, located at 950 Holman Way. Mr. Scolari is the CEO of Scolari's Warehouse Markets with several stores in Sparks and Reno. 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.

It was noted that Council Member Smith would be abstaining from the vote on this item because he is employed by Scolari's.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve Consent Item 5.2. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Council Member Smith, ABSTAIN. Motion carried.

5.3
Gaming License for Straw Hat Pizza, 295 Los Altos Parkway

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Larry Paul Lancelle, 4520 Eagle Mountain Drive, for a Gaming License for Slice of Malibu, LLC, doing business as Straw Hat Pizza, located at 295 Los Altos Parkway. Mr. Lancelle currently holds a liquor license in

Sparks. The license will provide a $600.00 annual fee for five multi-denominational, bar-top, slot machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.4
Refund of Business License Penalty for Berry-Hinkley, dba Terrible's

An agenda item from Finance Director Tom Minton recommending the City Council approve a request from Jesse A. Wadhams of Jones Vargas (Attorneys at Law), for a waiver of a penalty in the amount of $1,806.71, for a late renewal of a business license. Mr. Wadhams states that with the merger of Berry-Hinckley and Terrible's, there has been staff changeover which caused the collecting of gross receipt numbers to take more time than expected, resulting in the business license application being late. Staff is recommending approval of the refund.

5.5
Refund of Permit Fees to Altmann Construction

An agenda item from Building Official Dale Gillaspy recommending the City Council approve a request from Altmann Construction, for a refund of permit fees (in the amount of $3,630.80, under Permit No. A0702177. Altmann Construction elected to place the sales office for the Pinnacles subdivision in the garage of a model home instead of setting up a separate trailer on an adjacent lot. This refund request is for the withdrawal of the temporary sales office permit issued for Lot 1. Staff is recommending approval of the refund.

5.6
Refund of Business License Fees to Pure Country

An agenda item from Finance Director Tom Minton recommending the City Council approve a request from Cathi Woods of Pure County, for a refund in the amount of $493.19, for overpayment of business license fees. Ms. Woods states that when she visited the Revenue Office with regard to another matter, she discovered that she had been over-reporting her gross receipts for the past five years. Since the City only refunds for the past three years, Ms. Woods is requesting a refund of the fees she over reported for 2004, 2005, and 2006. Staff is recommending approval of the refund.

5.7
Refund of Business License Fees to Wigs of Rosalie

An agenda item from Finance Director Tom Minton recommending the City Council approve a request from Ms. Joan Barton of Wigs of Rosalie, for a refund of excess business license fees in the amount of $119.18. This business has been reporting all their revenue as gross receipts in Sparks; however the product that is being sold is shipped out of Sparks and not considered a sale in Sparks. Staff is recommending approval of the refund.

5.8
Refund of Business License Fees to Cantina Los Tres Hombres

An agenda item from Finance Director Tom Minton recommending the City Council approve a request from Mr. Mitch Brown of Cantina Los Tres Hombres for a refund of excess business license fees in the amount of $1,471.66. Mr. Brown states that he included the alcohol sales in the gross receipts for the general license for the

	past seven years; however he can only request a refund for the last three years. Staff is recommending approval of the refund.
5.9 Award of Informal Bid for the Alf Sorensen Community Center Condensing Unit Replacement Project	An agenda item from City Engineer Pete Etchart recommending the City Council award to Southland Industries the informal bid for the Alf Sorensen Community Center Condensing Unit Replacement in the amount of $35,676. The existing unit will be replaced with a new Carrier unit. Two of the four compressors have failed on the existing unit and there have been numerous problems with the unit in the past. The refrigerant piping will be replaced with adequate size pipe and a phase protector will be installed to protect the new unit from power fluctuations. Funds were budgeted and are available for this project.
5.10 Approval of a One-Year Extension for a Final Map for Miramonte	An agenda item from City Surveyor Andy Fuller recommending the City Council approve a request from Centex Homes for a one year extension for presenting a successive final map associated with the Miramonte Planned Development. The original Tentative Map was approved by the City Council on January 24, 2005. The last phase recorded was Miramonte Phase 3B on April 17, 2007, making the expiration date for the next phase April 17, 2008. Due to changes in the economy and the housing market, Centex Homes is requesting a one-year extension for presenting a successive Final Map. The one-year extension is allowed per NRS 278.360. Staff is recommending approval.
5.11 Reversion to Acreage Map for Coulter Properties at 2205 Glendale Avenue	An agenda item from City Surveyor Andy Fuller recommending the City Council approve a Reversion to Acreage Map for property located at 2205 Glendale Avenue for Coulter Properties, LLC. The conversion is to eliminate interior lot lines conflicting with an existing building. The map has been checked and found to be technically correct and the appropriate plan checking fees have been paid. Staff is recommending approval.
5.12 Approval of Amendment No. 1 to the Paving Replacement and Curb, Gutter and Sidewalk Project to Gerhardt & Berry Construction	An agenda item from Civil Engineer Andrew Hummel recommending the City Council approve Amendment No. 1 (C-1050) to Gerhardt and Berry Construction Company for the Paving Replacement and Curb, Gutter and Sidewalk Contract for additional storm drainage infrastructure in the amount of $47,352.00. The City has recently rehabilitated street surfaces on Goldy Way. As part of this project, deficiencies were identified within the existing storm drainage system. This amendment is for resolution of those deficiencies.
5.13 Award of Sparks City Hall Server Room HVAC Upgrade	An agenda item from City Engineer Pete Etchart recommending the City Council award to Southland Industries the informal bid in the amount of $35,966 for the Sparks City Hall Server Room HVAC Upgrade. The existing mechanical unit is an older system which is

unable to keep up with heat radiated from the servers. A new Carrier split system will be installed in place of the existing system. The split system is designed for server room applications and has two units running which allow for redundancy if one of the units were to fail. The server room is a vital part of the City's computer network and must be kept cool to operate properly. Funds were budgeted and are available for this project.

6. General Business:

6.1
Acceptance of a 1993 Ford Thunderbird from Milne Towing

Time: 3:09:18 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept the donation to the Sparks Police Department of a 1993 Ford Thunderbird, valued at $1,500.00, from Milne Towing. The donation will provide the Crime Suppression Unit with an undercover vehicle to assist with the goals and objectives of this specific team.

Discussion for Items 6.1, 6.2, and 6.3 was held simultaneously and is listed under Item 6.1. Each item was voted on separately.

Deputy Police Chief Steve Keefer explained that they have created a crime suppression unit within the police department that will be doing proactive enforcement on issues ranging from traffic, to burglaries, to robberies. In order for this new unit to be functional, it was determined that they would need a variety of vehicles; not just the newer models that are traditionally used. The department was able to locate three entities that were willing to donate a vehicle that fit the needs of these new units. The vehicles will be used for a variety of purposes, including undercover work and surveillance.

Mayor Martini thanked Milne Towing, Pick-n-Pull and Champion Chevrolet for stepping up and giving to their community.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept the donation of a 1993 Ford Thunderbird from Milne Towing. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Acceptance of a 1997 Ford Taurus from Pick & Pull Auto Wrecking

Time: 3:11:17 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept the donation to the Sparks Police Department of a 1997 Ford Taurus, valued at $2,000.00, from Pick and Pull Auto Wrecking. The donation will provide the Crime Suppression Unit with an undercover vehicle to assist with the goals and objectives of this specific team.

Discussion for Items 6.1, 6.2, and 6.3 was held simultaneously and is listed under Item 6.1. Each item was voted on separately.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to accept the donation of a 1997 Ford Taurus from Pick and Pull Auto Wrecking. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Acceptance of a 1998 Plymouth Breeze from Champion Chevrolet

Time: 3:11:47 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept the donation to the Sparks Police Department of a 1998 Plymouth Breeze sedan, valued at $1,900.00, from Champion Chevrolet. The donation will provide the Crime Suppression Unit with an undercover vehicle to assist with the goals and objectives of this specific team.

Discussion for Items 6.1, 6.2, and 6.3 was held simultaneously and is listed under Item 6.1. Each item was voted on separately.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to accept the donation of a 1998 Plymouth Breeze from Champion Chevrolet. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4
Resolution No. 3090, Amending Resolution 3073 to Correct the City's Record

Time: 3:12:20 p.m.

An agenda item from Housing Specialist George Graham recommending the City Council approve Resolution No. 3090, a resolution amending Resolution No. 3073 to correct the City's record regarding a resolution approving the Director findings of American Ready Mix, Inc.'s application for issuance of Industrial Development Revenue Bonds for a project located in the City of Sparks, Washoe County, Nevada.

City Manager Shaun Carey explained that the original Resolution No. 3073 inadvertently omitted MAR Sparks, LLC, as co-applicant for the application for issuance of Industrial Development Revenue Bonds (IDRB) from the State of Nevada Department of Business and Industry; for the construction of a concrete manufacturing plant facilities and purchase of equipment at 1475 Greg Street, Sparks, Nevada 89431. The revision does not adversely affect the previous approval of the Directors' findings 1 through 8 submitted on October 18, 2007. The amendment essentially corrects the City's record of Resolution 3073 and gives an accurate account of the applicants for the IRBD.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to adopt Resolution No. 3090, a resolution amending Resolution No. 3073; approving the Directors findings 1 through 8 for issuance of Industrial Development Revenue Bonds (IDRB) to American Ready Mix, Inc. and MAR Sparks, LLC for financing costs associated with the construction of

a concrete manufacturing plant and purchase of equipment at 1475 Greg Street, Sparks, Nevada 89431. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5
Resolution No. 3081, Augmenting the 2007/2008 Budget in the Capital Projects Fund

Time: 3:13:44 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council adopt Resolution No. 3081, a resolution to augment the 2007/2008 Capital Projects Fund budget of the City of Sparks.

City Manager Carey noted that this is an adjustment to our city budget requiring a resolution. This resolution takes advantage of a higher than expected fund balance within our capital funds. Associated with this resolution is $25 million which will be appropriated. This appropriation is to provide for the construction of previously approved capital improvement projects that were not completed or encumbered in the prior fiscal year.

In response to questions from Council, it was clarified that $24 million of this appropriation is associated with the Golden Eagle Regional Park.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to adopt Resolution No. 3081. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6
Approval for Use of NSSOI Fees for Golden Eagle Regional Park

Time: 3:15:11 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve the use of up to $120,000 of the Northern Sparks Sphere of Influence (NSSOI) Park Impact Fees (Fund 1210/IFSA1-Parks) for the purchase of site amenities, score boards, and play equipment for the Golden Eagle Regional Park. This request allows Parks and Public Works to obtain materials bids or change order requests to purchase and install these items upon approval.

Capital Projects Manager Chris Cobb stated that approval of this item will allow the expenditure of impact fees that have been collected for parks for purchase of site amenities, play equipment, and scoreboards at the Golden Eagle Regional Park. These items were not part of the original bid.

Council asked how much had been collected in Park Impact Fees. Mr. Cobb responded that there is approximately $120,000 and the planned expenditure will deplete the fund. It was noted that the funds must be spent within three years of being collected.

A motion was made by Council Member Carrigan, seconded by Council Member Mayer, to approve the use of up to $120,000 of the Northern Sparks Sphere of Influence (NSSOI) Park Impact Fees (Fund 1210/IFSA1-Parks) for the purchase of site amenities, score boards, and play equipment for the Golden Eagle Regional Park. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7
Approval of Contract Extension to Polydyne, Inc. for Dewatering Polymer at TMWRF

Time: 3:17:24 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve an eight-month extension of the current contract with Polydyne Inc. to supply secondary and dewatering polymer to the Truckee Meadows Water Reclamation Facility in the amount of $664,918. The extension will begin on March 1, 2008 and expire on October 31, 2009. Polydyne will supply dewatering and secondary polymer at $0.98 per pound.

Mr. Seidel explained that in the Fall of 2007, TMWRF conducted polymer trials and placed the polymer out to bid. Unfortunately there were mechanical failures in two of the digesters and mechanical failures in the dewatering processes. This created a problem during the Phase II of the trials. The result was inconsistent bio-solids, which made the bids unequal. The current contract is being extended to allow time for new trials and rebidding of the polymer.

Treatment Plant Operations Superintendent Starlin Jones noted that Carson City recently bid for polymer and one of the competitive bids received was only one penny a pound higher than what we are paying for this contract, so he felt we were getting a good price.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the extension of the current contract with Polydyne Inc. for the quoted price of $0.98 a pound to supply polymer to TMWRF for an additional eight months. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.8
Professional Services Agreement with RTKL for Victorian Square Phase 2 Schematic Design Completion Services

Time: 3:20:58 p.m.

An agenda item from Redevelopment Project Manager Rob Ryan recommending the City Council approve a professional services agreement with RTKL Nevada Corp. (RTKL) for Victorian Square Phase 2 schematic design completion services for the base scope of services in the amount of $131,000 and the optional scope of services in the amount of $62,000. The agreement is a "not to exceed" amount of $131,000 for the base scope of services, including reimbursable expenses to RTKL to perform schematic design completion services for the parcels D, E, F. G, I and J of

Victorian Square Phase 2. If the Council so desires, they can also include the optional scope of services pertaining to the Municipal Services Building on parcel H for an additional "not to exceed" amount of $62,000.

Redevelopment Manager Armando Ornelas noted that this agreement would provide design services to finalize the proposed city office space above the two west plaza mixed-use buildings at Victorian Square. It would allow for conceptual plans and actual elevations for parcels D and E, which are the parcels directly in front of the theater. It would also provide for RTKL to advise the City in evaluating some alternatives for building systems for those west side buildings in general. As we work with Trammel Crow to revise the design and evaluate the different ways of reducing the cost of constructing these buildings, we are looking for RTKL to work with us to make sure that we do not undermine what we are trying to build by cutting costs. Finally it would provide for RTKL to provide the graphics and materials for a planned unit development handbook to be submitted for Phase 2A of the Victorian Square Project.

Mr. Ornelas noted the cost of the base scope of services is $131,000. The proposal also includes an optional scope of services in the amount of $62,000 to advance the conceptual and schematic design for the municipal services (City Hall) building. The reason the proposal was structured this way that felt we haven't reached the point where we have a financing plan for that building and it may be premature to move forward with those costs at this time.

Council Member Mayer asked if the buildings would be designed to fit the tenant's needs or just a general design. Mr. Ornelas responded that it would be a general design because these are multi-tenant buildings. The building elevations, materials, what is allowed for signage, etc., will be prescribed by a set of design standards. However, the interiors of the tenant spaces will be designed by the actual tenants when they lease the spaces.

Council Member Mayer asked if the buildings were going to be designed "green." Mr. Ornelas said at this time, because of cost, probably not. He said the consultants have been asked to consider a range of features in the building that would potentially allow for green certification, but whether we can achieve enough elements to get the buildings certified remains to be seen. It is a balance of what we want aesthetically; what we want in terms of green features; the cost of construction; and what we can achieve in terms of rents.

Council Member Salerno asked if any of these parcels were part of the land swap and if for some reason the land swaps did not go

through as planned, would these services have to be redone. Mr. Ornelas said yes, some of the parcels these buildings will be located on are part of negotiated land swaps; however, he did not envision the plan changing because of how the land was acquired.

Mr. Ornelas emphasized that one of the reasons we are developing a design and design standards is because the Agency will not be acquiring all the property; instead we will have numerous agreements to carry out the plan. We want to be clear with our potential partners as to what we are asking to be built and to what standards.

Mr. Ornelas asked the Council if they wanted to retain RTKL to proceed with additional planning of the municipal services building for an additional amount of $62,000. After some discussion, the consensus was that it would be best to wait 90 days and then reconsider the proposal.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the base scope professional services contract for Victorian Square Phase 2 schematic design completion services with RTKL Nevada Corp. in the "not to exceed" amount of $131,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.9
1st Reading of Bill No. 2562, Amending Chapter 13 with Respect to the Sale and Provision of Treated Effluent and Sewer Connection and Use Fees

Time: 3:39:06 p.m.

City Clerk Linda Patterson read Bill No. 2562 by title, an ordinance amending Chapter 13 of the Sparks Municipal Code with respect to the sale and provision of treated effluent and sewer connection and use fees; 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 February 25, 2008.

6.10
1st Reading of Bill No. 2563, Amending Chapter 13 with Respect to the Imposition of Additional Sewer Use Charges/Fees for River Flood Protection Purposes

Time: 3:39:44 p.m.

City Clerk Linda Patterson read Bill No. 2563 by title, an ordinance amending Chapter 13 of the Sparks Municipal Code with respect to the imposition of additional sewer use charges/fees for river flood protection purposes; 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 February 25, 2008.

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

7.1
Adoption of Bill No. 2569, CA-10-07, Amending the City's Nonconforming Use and Substandard Development Zoning Provisions

Time: 3:40:30 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and adopt 2569, an ordinance amending the City's nonconforming use and substandard development zoning provisions; and providing other matters properly related thereto.

Ms. Pellett noted that this proposed ordinance amends the City's nonconforming uses and substandard development zoning provisions. She noted that on September 10, 2007, the City Council approved a request from staff to initiate this code amendment in order to reorganize this chapter into a more logical format; include some more definitions of terminology; and make modifications of requirements and applicability.

She reviewed some of the more substantial changes to the code, noting the first section that changes was the abandonment of nonconforming uses. Previously if a nonconforming use was abandoned, there was a 30 day abandonment and then the property owner could apply to have that abandonment conditionally reestablished for an additional 30 days. This was confusing and staff felt this made it difficult for the public to understand and apply for a conditional reestablishment. The code has been changed to allow a six month period for abandonment of nonconforming uses. Under this amendment a use would not be deemed abandoned until it has not been in use for six months. This is also more in conformance with the time frame of other cities that were researched.

The second substantial change was the enlargement of nonconforming uses section. Previously a property owner could only enlarge a nonconforming use by up to 5%. This has been changed to 10%. A site plan review requirement has also been added for this 0% to 10% enlargement, in order to help staff keep track of the enlargements; because each enlargement can only be a maximum of 10%, no matter how many enlargements they do. Enlargements greater than 10% and up to 50% will require a Special Use Permit. Enlargements cannot take place for anything over 50%.

The last section that changed dealt with the intensification of a substandard development. Previously if a property owner had a substandard development (meaning that the current structure did not meet setback or height restrictions) and wanted to add a second unit (if zoning permitted a second unit), they could not add that detached unit without getting a Special Use Permit, even if that

second unit met all separation requirements and all other code requirements. This section has been changed to permit an applicant to add another unit to their property, even if that property is substandard, as long as they can meet all code and parking requirements in the current code. If they cannot meet those requirements because their lot is substandard, then we have allowed for them to come forward with a Special Use Permit application.

Ms. Pellet noted that there were other small administrative changes made to Chapter 20.05 and these were outlined in the staff report.

Council Member Mayer said he felt these were positive changes and allowed owners to better develop their properties and improve the city.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to adopt Bill No. 2569 (Ordinance No. 2387), the code amendment associated with CA-10-07, amending the City's nonconforming use and substandard development zoning provisions; and providing other matters properly related thereto. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.2
Adoption of Bill No. 2570, CA-02-07, Modifying the City's Requirements to Provide Parking in Certain Districts of the City

Time: 3:46:06 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council conduct a public hearing and adopt Bill No. 2570 by title, an ordinance modifying the City's requirements to provide parking in certain districts of the City; and providing other matters properly related thereto.

Mr. Villarreal stated that on November 13, 2007, this proposed ordinance was brought before the City Council for consideration and/or approval. At that time the Council remanded it back to the planning commission for resolution of an issue. The Council also recommended that a neighborhood meeting be held.

This bill proposes to amend a portion of Section 20.49 of the Sparks Municipal Code; the portion that pertains to the provision of parking within Parking District No. 1 - Victorian Square. A map was displayed showing the current boundaries of the parking district. It is being recommended that some of the current parking exemptions for parking within the district be eliminated. Right now most commercial uses under 10,000 square feet in size do not have to provide any parking within the district and hotels and casinos

located in the district are only required to provide half of the parking that they would be required to provide if they were located outside the district. This amendment would eliminate those exemptions and also change the boundaries of the district slightly.

It was noted that the new boundary contains all the properties that currently have a parking exemption. Those properties will continue to have that parking exemption under the new ordinance under "grandfathering." The grandfathering of parking exemptions will be attached to the building; not the use [currently occupying the building].

Mr. Villarreal noted that new construction in the District will have to provide parking as required in the code or enter into an agreement with the Redevelopment Agency for the use of spaces within the existing parking structures.

Mr. Villarreal noted that the Council had a question involving the categorization of the parking for the new city hall and where that fit into the ordinance. Staff determined that based on the anticipated uses within city hall offices, it fits into the commercial office category [for the purposes of providing parking].

A neighborhood meeting was held on December 12, 2007. Only one resident and one business owner attended the meeting. They both seemed satisfied with staff's explanation of the proposed ordinance and how it would affect their properties.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. 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. 2570 (Ordinance No. 2388), the code amendment modifying Chapter 20.49 of the Sparks Municipal Code by eliminating some exemptions to the provision of parking within Parking District No. 1, as well as making functional adjustments to the boundary of the District associated with CA-02-07. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.3
Public Hearing on a Proposed Undertaking Concerning a Kiley Ranch Tax Increment Area

Time: 3:54:04 p.m.

An agenda item from Finance Director Tom Minton requesting the City Council conduct a public hearing regarding a proposed undertaking concerning a Kiley Ranch Tax Increment Area formed pursuant to Nevada Revised Statutes Chapter 278C.

Mr. Minton introduced Mr. Scott Shaver from the law firm of Sweinseid and Stern, the financial advisors retained to form this tax increment area. Mr. Shaver explained that this public hearing is the next step in the creation of the Kiley Ranch Tax Increment Area. On January 14th, the City Council provisionally ordered the undertaking relating to the tax increment area and ordered a public hearing to be held on this date, at this time, on the undertaking.

Council Member Mayer said he received several e-mails regarding this tax increment area, but he could not answer the questions. He said most of the e-mails were regarding the work that was going to be paid for with tax increment and the fact that the work had already started. The question was whether prevailing wage had been paid to those who had already been working on the project. Mr. Shaver stated that Mr. Hamilton from Kiley Ranch Communities would address part of this question. However, they have advised the City that pursuant to Chapter 278C, once a public body had ordered the undertaking, the prevailing wage laws apply from that moment forward.

It was noted that the first reading of the ordinance ordering the undertaking would be conducted immediately following this public hearing; and the second reading and possible approval of the ordinance ordering the undertaking would be scheduled for February 25, 2008.

Council Member Mayer re-stated his question as follows: some of the work that tax increment was going to fund has already taken place and the person who sent the e-mail wanted to know if prevailing wage was going to be paid on the work that had been done prior to the ordering of the undertaking of a tax increment area.

Mr. Rich Hamilton, Minister of Finance with Kiley Ranch Communities, stated that all they have done at the site, to this point, is mass grading; and the mass grading work is not to be included in the Tax Increment Financing (TIF). Mr. Hamilton stated they spent about $3.5 million on mass grading, which is now complete and none of that work is included in the TIF budgets that have been submitted for consideration.

Council Member Schmitt asked for clarification that we are approving the TIF tonight; and from this point forward the project has to pay prevailing wage.

Mr. Hamilton stated they are currently bidding the work now and they have a prevailing wage provision in all the contracts that they are doing.

Council Member Schmitt asked for clarification that this was not an action item, but a public hearing only. The response was that no action was required from the Council regarding this item.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed Tax Increment Area.

Mr. Paul McKenza with the Building Construction Trades, stated the applicant stated the only work that has been done is the mass grading, but he was questioning this because part of what is going to be covered in the TIF is the Lazy Five Parkway. They went out to the site today and there is a road that has storm drain man-hole covers sticking up. Mr. McKenza maintained that those man-holes are included in the description of the work that is to be paid for with the TIF. He asked that the City assure that there is nothing that has currently been built that is included in the TIF.

Mr. Hamilton said he would have to check with his construction division to verify that none of the TIF work has been started. Mayor Martini asked if staff could coordinate with the applicant and the Union so we were all on the same page. Community Development Director Neil Krutz responded that staff would be willing to do this and would start by verifying what has been done versus what is in the TIF plan.

There being no comment, the public hearing was closed.

6. General Business: (Continued)

6.11 1st Reading of Bill No. 2561, an Ordinance Creating the Kiley Ranch Tax Increment Area	Time: 4:02:20 p.m. City Clerk Linda Patterson read Bill No. 2561 by title, an ordinance creating the Kiley Ranch Tax Increment Area pursuant to Nevada Revised Statutes Chapter 278C; ordering an undertaking relating to the tax increment area; creating the tax increment account for the undertaking; ratifying action taken by City officers toward the undertaking and the tax increment area; and providing other matters 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 February 25, 2008.

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

9. Comments from the Council and City	Time: 4:03:04 p.m. Council Member Smith said it had been brought to his attention that when a member of the public fills out a speaker card, the

Manager

information from the card and what they spoke about is posted on the internet. City Clerk Linda Patterson clarified that speaker information is part of the minutes of the meeting and the minutes were posted on the internet. Mr. Smith questioned whether a person's phone number needed to be in the minutes. City Manager Carey responded that apparently this person is concerned about their information becoming public, and this would be a question we would need to refer to the City Attorney.

Council Member Mayer thanked the staff for all their hard work on the new joint Graffiti Tracking System. He complimented the engineering staff for their help with the indexing of the fuel tax. He also asked that the definition for Urban Open Space be added to the Washoe County Open Space Plan.

Council Member Mayer also asked for citation enforcement of the rules in the parks to stop vandalism and confrontations with citizens.

10. Adjournment

Time: 4:06:42 p.m.

There being no further business, the meeting was adjourned at 4:06 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
February 19, 2008 3:00 p.m.

1. Call to Order

Time: 3:00:30 p.m.
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 3:01:00 p.m.
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Ron Smith, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Members Phillip Salerno, Mike Carrigan, ABSENT.

Staff Present: Chris Cobb, Marc De La Torre, Andy Flock, Steve Keefer, Adam Mayberry, Steve Driscoll, Joann Meacham, Neil Krutz, Chris Syverson, Stan Sherer, Rick Bareuther, Ron Laylon Ron Maxwell, Adam Johnson, Tracy Wheeler and Carrie Brooks.

Pledge of Allegiance

Time: 3:01:13 p.m.
The Pledge of Allegiance was led by Council Member Ron Smith.

Comments from the Public

Time: 3:01:38 p.m.
Mr. Don Young spoke in opposition to Item 6.2, stating that the City should not use the RTC to force established businesses to give up their property for right-of-way for the Legends project.

Approval of the Agenda

Time: 3:04:39 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 Smith, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

3. Approval of the Minutes

Time: 3:05:04 p.m.
None.

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

Time: 3:28:57 p.m.
Mayor Martini asked Boy Scout Alec Braun of Troop 43, to introduce himself and explain why he was attending the meeting.

Mayor Martini called for a moment of silence in memory of Brianna Denison, a UNR student and kidnap victim, whose body was recently discovered in Reno.

4.1
Presentation on the New Baggage Check-In System at the Airport

Time: 3:05:04 p.m.

Director of Marketing and Public Affairs at the Reno/Tahoe International Airport, Brian Kulpin, presented information on the airport's new baggage check-in system, called "Building a Better Way to Fly." Mr. Kulpin described the plans for remodeling the ticket lobby and the temporary structures that will house the ticketing counters while the remodel takes place. He encouraged everyone using the airport during the construction to allow extra time to make their scheduled flights.

4.2
Presentation on the Geographic Technology System Capabilities

Time: 3:17:10 p.m.

GT Administrator Ron Maxwell introduced GT Specialist Adam Johnson and Senior GT Specialist Ron Laylon of the Geospatial Technologies Office. Mr. Maxwell and Mr. Johnson provided an overview of the City's current geographic technology system capabilities, usage and the future potential of the software.

5. Consent Items:

Time: 3:30:42 p.m.

None.

6. General Business:

6.1
Appointment to the Airport Noise Advisory Panel

Time: 3:30:42 p.m.

An agenda item from City Manager Shaun Carey recommending the City Council confirm Mayor Martini's appointment of Dr. Paul Davis to the Airport Noise Advisory Panel to complete a two-year term which will expire December 31, 2009.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to confirm the appointment of Dr. Paul Davis to the Airport Noise Advisory Panel. Council Members Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

6.2
Interlocal Cooperative Agreement for Acquisition of Right-of-Way Associated with the Legends at Sparks Marina Project

Time: 3:49:24 p.m.

An agenda item from Community Development Director Neil Krutz recommending the City Council approve an interlocal cooperative agreement with the Regional Transportation Commission (RTC) of Washoe County to authorize RTC to initiate eminent domain proceedings for acquisition of right-of-way for improvements related to the widening of Lincoln Way, in conjunction with the Legends at Sparks Marina project.

Mr. Krutz said this item would grant RTC the City's authority to acquire property necessary for the regional road network. The properties in question are related to the Legends at Sparks Marina project and would involve acquiring property at the Shell station at the southwest corner of E. Lincoln Way and Sparks Boulevard and

the adjacent health club facility, due west of the intersection. He said inasmuch as RTC does administer the regional road network, they have the capacity to acquire this property quicker than the City could. Therefore, staff felt it made sense to ask the Council to give our authority to them to acquire this property.

Council Member Mayer asked for confirmation that this was not an eminent domain action; it was just granting RTC the right to use eminent domain if they were unable to negotiate the purchase of the property for right-of-way. Mr. Krutz responded that it is not yet an eminent domain issue; however, it might become one if the negotiations for the property fail.

Council Member Schmitt commented that this is no different that what the City has done in the past (realign roadways) as the city continues to grow. He noted that we will purchase the property at appraised value, if not higher, and the property owners will benefit from the increased traffic flow next to their businesses.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve the interlocal cooperative agreement with the RTC. Council Members Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

6.3
Allocation of FY 08/09 CDBG and General Funds for Human Services Activities

Time: 3:34:40 p.m.

An agenda item from Grants Administrator Tracy Wheeler recommending the City Council review and authorize the allocation of Fiscal Year 2008/2009 Community Development Block Grant (CDBG) funds in the amount of $92,025.00 and City of Sparks general funds in the amount of $50,000.00 for human services activities through the Washoe County Human Services Consortium and Sparks Parks and Recreation Programs. The total amount allocated is $142,025, with $120,025.00 to be expended for human services activities through the Washoe County Human Services Consortium process and $22,000.00 to be expended by the Sparks Parks and Recreation Programs.

Ms. Wheeler explained that HUD made an adjustment to the amount we received after the staff report had been turned in. The actual contribution amount is $92,019.00.

Council Member Mayer asked if the $22,000.00 was going to be used for specific programs. Ms. Wheeler stated that traditionally the funds are used by the Parks and Recreation Department for the before and after school programs and the Leisure Without Limits program. Parks and Recreation Director Stan Sherer noted that the

majority of the funds go into the youth scholarship fund to subsidize those that can't afford the program fees; primarily the Youth Watch before and after school intersession program and the Summer Outburst program.

Council Member Schmitt stated there have been rumors that the Consortium is having difficulties and may not stay in its present form. Ms. Wheeler stated that the agreement in place among all the jurisdictions has expired; however, staff has been working on getting a new interlocal agreement in place. She said that unfortunately there has been some discussion regarding utilizing this funding for operating the homeless shelter in Reno and under the CDBG program, this would be an eligible program. Ms. Wheeler explained that while the current interlocal agreement has run its course, the Consortium has been continuing to operate under the guidelines of that interlocal agreement and they are currently in the middle of the annual funding process. She said if the interlocal agreement is changed, it would not take effect until the next fiscal year.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to authorize the allocation of funds as outlined. Council Members Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

6.4
Purchase of Geosculpt Play Ball Feature for GERP

Time: 3:44:21 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve an exception to bid for the purchase of a Geosculpt Play Ball feature for the Golden Eagle Regional Park (GERP) Project from BCI Burke Company in the amount of $25,340. This purchase is possible due to the use of accumulated interest earned on the funds from the sale of the Don Mello property to RED Development and the use of additional funds collected in the Parks Impact fee fund for Area 1. Because this item is a specialty feature that can only be provided from a single supplier, this play equipment was not competitively bid.

Council Member Smith asked what a Geosculpt is. A photo of the playground feature was displayed and Mr. Sherer noted it is a climbing wall, approximately 16 feet tall, and it is in the shape of a large baseball glove which is holding a ball. Mr. Sherer said that for the new sports complex, they are selecting play structures which use a ball park theme.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the purchase of a Geosculpt Play Ball feature in the amount of $25,340. Council Members

Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

6.5
Bid Award for GERP Score Board Material

Time: 3:45:46 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council award to Electro-Mech Scoreboard Company the bid (No. 07/08-012) for scoreboard material at the Golden Eagle Regional Park (GERP) in the amount of $33,990. This purchase is possible due to the use of accumulated interest earned on the funds from the sale of the Don Mello property to RED Development and the use of additional funds collected in the Parks Impact fee fund for Area 1. This bid is for the purchase of seven Model 1340 Baseball/Softball score boards and one Model 1530 Baseball scoreboard, with upgraded controls, and no artwork on the sponsor panels. The scoreboard materials will be supplied to the project's general contractor for installation.

Capital Projects Manager Chris Cobb noted that these scoreboards were not originally included in the base bid of the project because we were hoping to get some sponsors to pay for the scoreboards. This didn't happen; however, we are able to fund the scoreboards by using NSSOI impact fee funds and interest from the money the sale of the Don Mello Sports Complex.

Council asked if staff tried to get sponsors. Mr. Sherer stated that the type of sponsorship opportunities we had in the past no longer exist in the same form. We can get a beverage company to donate a scoreboard for advertisement; however, a condition of the donation is that we serve their product in our concessions and we did not want to mandate what the concession contractor had to sell.

He noted that the scoreboards were not part of the original bid for construction of the ball park because at the time they thought they had a sponsor for the scoreboards; however, that fell through. He emphasized that the boards we are purchasing will have areas for advertisements and after they are installed, we will sell advertising space and, hopefully, recover the cost of scoreboards.

Council asked if this bid covered all the scoreboards needed for the Park. Mr. Cobb responded that it only covers half the fields and that the purchase of scoreboards for the other half of the fields will come to the Council for approval at a later meeting.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to award the bid for scoreboard material at the Golden Eagle Regional Park (GERP) to Electro-Mech Scoreboard Company in the amount of $33,990. Council Members

Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

6.6
Purchase of Columbia Cascade Play Features for GERP

Time: 3:50:34 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve the sole source purchase of Columbia Cascade Play features for the Golden Eagle Regional Park (GERP) from Park Pacific, Inc., in the amount of $95,760.00. This purchase is possible due to the use of accumulated interest earned on the funds from the sale of the Don Mello property to RED Development and the use of additional funds collected in the Parks Impact fee fund for Area 1. These play features are the same type as those installed in all city parks and can only be provided by Park Pacific, the western regional supplier of this equipment and this supplier has been previously approved as a sole source. The play features will be delivered to the project site for contractor/city installation.

Capital Projects Manager Chris Cobb explained this play structure is in keeping with the theme they have for the ball park amenities and that the play structure is also the same brand that is installed in all city parks.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the purchase of Columbia Cascade Play features for Golden Eagle Regional Park from Park Pacific Inc., in the amount of $95,760.00. Council Members Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

6.7
Motion to Conduct Closed Labor Relations Proceedings

Time: 3:52:02 p.m.

City Manager Carey requested that the Council meet to discuss labor relations, even though all the Council Members were not present. He suggested that the Council Meeting be concluded and adjourned to the closed session, so they did not have to return to the chambers to conclude the meeting.

Time: 3:53:09 p.m.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to adjourn the meeting to conduct labor relations proceedings which are closed to the public, per NRS 288.220. Council Members Mayer, Smith, Schmitt, YES. Council Members Salerno, Carrigan, ABSENT. Motion carried.

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

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

9.	Time: 3:52:33 p.m.
Comments from the Council and City Manager	Mayor Martini commented that he is looking forward to finally seeing a sidewalk on the east side of Pyramid Way and on McCarran Boulevard and he appreciated what NDOT is doing.
10.	Time: 3:53:30 p.m.
Adjournment	There being no further business, the meeting was adjourned at 3:53 p.m.

_____
Mayor

_____
City Clerk

>>>

REGULAR MEETING OF THE SPARKS CITY COUNCIL
February 25, 2008 3:00 p.m.

1. Call to Order

Time: 3:00:29 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: 3:00:35 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt (present via telephone), City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Rick Bareuther, Steve Driscoll, Adam Mayberry, Andy Flock, Heidi Shaw, Victor Villarreal, Brian Allen, Dan Marran, Shirle Eiting, Doug Thornley, Rob Joiner, Kathy Clewett, Stacie Hemmerling, JoAnn Meacham, Janelle Thomas, Marc De La Torre, Trish Kuehl, Tom Minton, Shawn Gooch, Elize Bowlin, Wayne Seidel, and Carrie Brooks.

Invocation and Pledge of Allegiance

Time: 3:00:58 p.m.

The invocation was given by Pastor Brad Dyrness of Sparks First Church of the Nazarene and the Pledge of Allegiance was led by Council Member Mike Carrigan.

Comments from the Public

Time: 3:02:55 p.m.

Mayor Martini recognized students from the University of Nevada Reno, School of Journalism.

The following people spoke in opposition to the proposed ordinance pertaining to an exclusive franchise for garbage, refuse control, and the collection of solid wastes (Item 6.7), citing such concerns as poor customer service on the part of the franchisee and the right to choose their service provider.

Tim Crowley of Castaway Trash Hauling, 550 W. Plumb Lane, Suite B, Box 429, Reno.
Rick Wingo, Nevada Small Engines, 1750 Glendale Avenue.
Judy Guidotti, P.O. Box 50969, Sparks.
Ron Gribble, Resort at Red Hawk, 6399 Toronto Court.
Dick Timmons, 22 S. Gobi Circle, Sparks.
Anthony LaMorte, 5 Cal Lane, Sparks.
Tom Dinsmore, 2050 Brierly Way.
Steven Duqe, Operations Manager for Castaway Trash Hauling, P.O. Box 51061, Sparks, read a letter on behalf of Dan O'Connor, Vice President of Omega Waste Management and President of

Specialized Fibers.
Pawl Hollis, Rail City Garden Center, 1720 Brierley Way.
Tom Clewell, representing Finley Industries, also known as NAPA Auto and Truck Parts, 4976 Domaine Drive.
Rob Vincent, High Desert Recycling, 630 Spice Island Drive.
Mike Presley, 1305 E. Greg Street (didn't speak but was in favor of the ordinance).
Margaret Cavin, 8185 Mile Circle Drive.
Mark Deeter, 52 Hardy Drive.
Ed Davis, Advanced Installations.
Ed Alexander, Western Nevada Supply, 950 Rock Boulevard.
Karen Carter, Sr. Property Manager for Prolodges.
Patrick Wilke, 1300 Glendale Avenue.

Approval of the Agenda

Time: 3:37:50 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 Smith, seconded by Council Member Salerno, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Approval of the Minutes

Time: 3:38:42 p.m.

A motion was made by Council Member Mayer, seconded by Council Member Carrigan, to approve the minutes of the Regular Meeting of February 11, 2008, as written. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Commendation to Ron Schmitt

Time: 3:39:23 p.m.

Mayor Martini read a commendation recognizing Council Member Ron Schmitt for his selfless and courageous act in helping to prevent serious injury to a helpless infant in a domestic dispute incident on June 18, 2007. It was noted that Mr. Schmitt was present at the meeting via phone and that the commendations would be given to him when he returned from vacation.

Police Commander Brian Allen stated that Mr. Schmitt was unable to attend their yearly awards ceremony on November 30, 2007, where they were going to present him with a Certificate of Appreciation for his efforts on June 18, 2007. He said at this time they would like to present this certificate to Mr. Schmitt. Commander Allen noted that representatives from the offices of Congressman Dean Heller and Senator John Ensign were at the November ceremony to present certificates to Mr. Schmitt, and he

was in possession of those certificates on behalf of Mr. Schmitt.
Note: Council Member Schmitt was present at the meeting via phone; therefore the commendations were received by the City Clerk, to be delivered to Mr. Schmitt when he returned from vacation.

5. Consent Items:

Time: 3:42:23 p.m.
Consent Item 5.2 was pulled for discussion and separate vote.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Items 5.1 and 5.3 through 5.7. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering January 24, 2008, through February 6, 2008.

5.2
Approval of the Judge Pro Tempore List for 2008

Time: 3:43:08 p.m.
An agenda item from Court Administrator Heidi Shaw recommending the City Council approve the following attorneys as Pro temp Pore Judges for the Sparks Municipal Court:

Cheryl Field-Lang, Esq.
Douglas Nicholson, Esq.
Michael Specchio, Esq.
Lewis S. Taitel, Esq.
Egan K. Walker, Esq.

City Attorney Chet Adams noted that Douglas Nicholson, Esq. recently accepted a position in the Sparks City Attorney's Office, and therefore his name needed to be removed from the list. However, he clarified, the list could be approved at this meeting, with Mr. Nicholson's name removed.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the Pro tem Pore Judges list, with the exception of Douglas Nicholson. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.3
Purchase of One 2008 Ford Crown Victoria Police Cruiser

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve the purchase of one 2008 Ford Crown Victoria police cruiser through the State of Nevada Administration Purchasing Division Joinder Bid process from Jones West Ford in the amount of $26,276.25. This vehicle will replace a police cruiser that was totaled during a traffic accident on January

13, 2008. For increased officer safety, the replacement patrol car will be equipped with ballistic front doors which are designed to stop a bullet. Funds are available for this purchase through the Risk Management Department.

5.4
Approval of Environmental Document Revisions and Additional Design Efforts for the Sparks White Water Park at Rock Park

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a proposal for environmental document revisions and additional design efforts for the Sparks White Water Park at Rock Park from Wood Rodgers, Inc., in the amount of $50,000. The City is actively pursuing development of a white water park at Rock Park. Wood Rodgers has been providing environmental services for permitting and design plan preparation to date. The scope of said services has expanded; therefore this proposal for additional services has been prepared. Based on comments from the Corp of Engineers, additional two-dimensional modeling is required for the revised plans submitted in November of 2007. Additionally, there are substantial changes being requested of the consultant for the design plans for the parking lot area and land area of Rock Park, which need to be assessed prior to bidding and construction. Funds are available for this work.

5.5
Approval of Technical Services, Project Management, and Coordination for the Sparks White Water Park at Rock Park

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a proposal for technical services, project management, and coordination for the Sparks White Water Park at Rock Park from Fluid Concepts in the amount of $68,500. The City is actively pursuing development of a white water park at Rock Park. Fluid Concepts has provided project management and coordination with the multiple reviewing agencies for permitting to date. The scope of said services has expanded to include the requirement of two-dimensional modeling. Fluid Concepts will prepare the model (using a sub-consultant experienced in the field), coordinate plan changes with Wood Rodgers and the Corp, and provide other technical services. Funds are available for this work.

5.6
Approval of Utilization of Sparks Self-Directed Funding Allocation

An agenda item from Senior Planner Victor Villarreal recommending the City Council approve the utilization of the Sparks self-directed funding allocation of Washoe County HOME Consortium (WCHC) for FY 2008-09 (approximately $221,646), to support the development of affordable senior housing within Sparks. The City's self-directed funds for the 2008-2009 funding cycle will be used to assist Wright Street Partners with the development of a forty-two unit affordable housing project for seniors. This proposed project is in accordance with the City Council priorities for use of the City's self-directed WCHC funds. There are no direct costs associated with these funds; however, the HOME funding initiative will require an in-kind contribution of specific staff time.

6. General Business:

6.1
Acceptance of a Donation from Wal-Mart

Time: 3:44:34 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept the donation to the Sparks Police Department of $1,000.00 from the Wal-Mart located at 5065 Pyramid Way for general police department use.

Police Commander Brian Allen explained Wal-Mart has been a continued sponsor and supporter of the police department. They did not specify a use for the donation; giving the department the discretion to utilize the funds as we see fit. The funds will be utilized to purchase additional breaching equipment for patrol vehicles. This equipment will allow patrol officers to make safer emergency entry into residences/businesses in order to protect those who are inside and in need of assistance.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to accept the donation of $1,000 from Wal-Mart. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Presentation of Legislative Issues

Time: 3:45:69 p.m.

Government Affairs Manager Rob Joiner noted his written report contained information on some of the committees they have been following in both the local chambers of commerce, as well as the State Legislature interim committees. He said that the Sparks Legislative Platform and Policies that the Council adopted in their annual forum is on our Web site now, so the public can access it. Also, some of the meetings we have had with State Legislators are showing fruit. We recently met with a key leader in the State Senate and we are working together on a possible bill draft that should support us on funding for transportation, public safety, emergency response and self-determination all wrapped up into one [bill].

Mr. Joiner said he recently reported that we had lost the entire one-shot money from the State for the Larry D. Johnson Community Center. The good news is that it was reduced 4.5%, but not lost entirely, and we are scheduled to receive $156,391.

A new agreement has been put together to go forward with the Nevada Urban Consortium for the next legislative session.

Mr. Joiner said that 2008 is a very good year for appropriations for us. We received funding for flood management, for the Larry D. Johnson Community Center (again) and for the Truckee Meadows Water Reclamation Facility ($984,000). We have been contacted by

the Department of Energy (DOE) and our staff members at the water treatment facility are working with the DOE on the technical assistance needed to acquire that funding. This project will lead to self-sufficiency (someday) in operating this facility, or at least drastically reducing the energy costs through this green energy project.

Mr. Joiner noted that folks from Longford Ireland (our sister city) will arrive for a visit on March 19th through the 24th.

He then introduced Senior Assistant City Attorney Shirle Eiting, who gave a briefing on some issues with the Public Utility Commission that came through the last session and are culminating in some recent activities that are of great concern.

Ms. Eiting stated there are two matters pending before the Public Utilities Commission (PUC). The first one is the Public Utility Commission's attempts to change definitions and start requiring cities to mark sewer laterals that are branching off our sewer mains. At this time most cities, including the City of Sparks, do not definite locations on the laterals because of the difficulty in mapping them. The home builder is responsible for putting the sewer laterals and they are not installed by the city. Although the builder will supply plans, often times those plans are not accurate. This attempt to make the cities start marking laterals is being pushed mainly by the utility companies, including Southwest Gas.

Ms. Eiting said the City's concern is with potential liability issues that may arise if the laterals are not properly mapped and the cost of marking the laterals, which is estimated to be in the millions of dollars every year. The PUC opened a new docket number and they are going to be taking further information from the cities. This started in 2006 and the City of Sparks received notice just recently, through Mr. Joiner's Office, about their attempts to change the definitions and require cities to mark the laterals in public right of ways.

Mayor Martini asked if the PUC could arbitrarily do this or did this have to go back to the legislature for approval. Ms. Eiting responded that the point of most of the government agencies is that no, they can not just change the definitions. It was her understanding that during the last legislative session, there were some attempts to change the legislation and definitions, but those attempts failed. The utility companies have now come back through the PUC in an attempt to once again change those definitions and add on the required regulations. Mr. Joiner clarified that it would have to go back to the legislature, but the argument that we, and other local governments, would make is that it goes against the

legislative intent. The Legislature chose to not deal with this issue during the last session, and now the PUC is exerting their administrative rule to do this on their own. So, it will go back to the legislative commission, but his understanding in talking with the legislative leadership, is that it will probably take the full legislature to make that decision.

Council Member Smith said he did not know how this would affect the older homes, but he asked if we could ask or force the developers to mark the laterals for us. Ms. Eiting said there is a difference in marking them in the public right of way versus on the homeowners' property. Yes, at this point, we are asking new construction to have the laterals marked, but having them accurately defined on maps is another issue.

Council Member Smith asked if the laterals are inspected by the City. Mr. Joiner said his understanding, in working with Community Development, is that our inspection is at the connection to the main. He said our concern is that it is connected to our utility in a proper fashion. However, where it goes from there is not our purview and we don't want that responsibility. Ms. Eiting said most of the time the laterals are marked on the plans, but the builders are given quite a bit of latitude in installation because of the topographic issues dealing with how deep the line has to be and which way it has to turn to reach the house.

Council Member Mayer commented that it was dangerous to make the City responsible for what is on private property and in the older parts of town, the sewer laterals are in back yards, etc.

Mr. Eiting said the second issue pending before the PUC started in 2005. Washoe County required the undergrounding of some utility lines for the Sugarloaf interchange. It is approximately six miles of power lines that are to be placed underground and it was mandated by Washoe County through a Special Use Permit. Sierra Pacific, in October of 2007, filed their rate increase package with the PUC. Every three years they file a rate increase and this issue is now resurfacing again because some of the users of Sierra Pacific (specifically Newmont Mines) want to see the undergrounding paid for by the project that is responsible for the cost. They want to see Washoe County pay for the extra cost of undergrounding the six miles of lines at an estimated cost of $6.8 million.

As their standard procedure, Sierra Pacific has asked that the cost for the undergrounding be spread out over all their rate users. Ms. Eiting asked for guidance from the Council on this issue, because this has ramifications for future planning and zoning issues. The line will eventually service Stead and parts of Sparks as well, but

right now it is just in the unincorporated areas.

Ms. Eiting said the bigger issue is that cities or governmental agencies are limited in what they can request or require in their Special Use Permits because of costs. They are afraid of a governmental agency being specifically tagged with a cost. Obviously that will affect how we handle this case. We are meeting right now with the other governmental agencies to develop a plan on how we would like to proceed with this.

Council Member Mayer commented that it was unfair to make us pay for Washoe County power lines and he was opposed to making all the rate payers responsible for the cost.

Ms. Eiting said we have some options on how the undergrounding is paid for: we can stick with what Sierra Pacific is proposing… that it be spread among all rate users; we can propose it be spread out among Washoe County, which would include both the incorporated and the unincorporated areas; or just the unincorporated areas.

She said what we have to take into account is that if we start placing requirements on Sierra Pacific for Special Use Permits, are we then going to be expected the full brunt of those Special Use Permit requirements. This is the issue on which the Council is going to need to make a policy decision.

Council Member Carrigan said when this power line was proposed, they chose that area because it was not as dense as alternate route (down La Posada). He said that when the meeting was held, Washoe County said they didn't want to underground the line, because Sierra Pacific told them it would cost about a million dollars per mile, versus whatever it costs to put it above ground. However, Washoe County listened to some of the people that live out there and ultimately required the high voltage power line to be undergrounded. What he remembered from the meeting was that when the undergrounding was required, it was made clear that the cost was not supposed to be spread out among rate users. He said this is a fairness issue and the cost should be paid for by the unincorporated area that is affected by the power line.

Mr. Joiner said it should be noted that we have a use permit on this same line. It goes from the Tracy Power Plant, across our extended Sphere of Influence on a planned master planned community of all densities, but we chose not to require it to be undergrounded. Mr. Carey stated that this is an emerging issue which the legislative team and the City Attorney's Office is dealing with. They have taken the appropriate initial steps to preserve our ability to fight the potential segregation of this application. He said this issue is inside

a rate case that has other huge issues related to it. He said it is a large undertaking to represent the City in a PUC process that is looking at the overall rate changes that Sierra Pacific is proposing.

Mr. Carey suggested that we prepare a letter to Washoe County to see if we could join with Reno and Washoe County to work on this issue together. He said this is an issue on which we can find regional ground to minimize our costs, as well as provide an effective defense.

Ms. Eiting emphasized that part of her concern in fighting this issue is the cost that we could potentially be looking at in hiring experts and a potential full month of hearings and depositions in April, along with many hours of attorney time. She said we don't have specific numbers on what the rate cost increase is going to be, but if the cost is spread among all users, it would be much less of an increase to each user.

6.3
Amendment to Interlocal Agreement (A-3341) to Allow the Conducting and Holding of the 2008 Primary and General Elections

Time: 4:14:02 p.m.

An agenda item from City Clerk Linda Patterson recommending the City Council approve an amendment to Interlocal Agreement No. A-3341, between the City of Sparks and Washoe County, to allow the conducting and holding of the 2008 primary and general elections. The interlocal agreement must be amended to provide for the Registrar of Voters to conduct and hold the City's elections concurrently with their primary and general elections in 2008. In conducting the elections in this manner, the City shall pay to the County $.15 per registered City voter. In addition, the City shall be responsible for payment of actual costs for conduct of the City's portion of the election, incurred by the County in the performance of the agreement, which would not otherwise have been incurred by the County. The agreement provides for a not to exceed amount of $25,000.

Ms. Patterson said she would be bringing an ordinance to the Council in March which would provide for the actual conducting of the elections.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve an amendment to Interlocal Agreement No. A-3341. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4
Approval of a Professional Services Contract with Poggemeyer Design

Time: 4:15:44 p.m.

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a Professional Services Contract with Poggemeyer Design Group, Inc., for additional prevailing wage report review in support of construction of the

Group, Inc., for Additional Prevailing Wage Report Review in Support of the Legends Project

Legends at Sparks Marina Project in the amount of $70,560. These costs will be reimbursable from STAR Bond Procees.

Mr. Krutz stated that this contract is to retain Poggemeyer to continue review of prevailing wage reports and conduct random employee interviews to verify the reports as they relate to the use of STAR Bonds by RED Development at the Legends at Sparks Marina Project. Specifically, this contract will cover the construction in Q&D's contract with RED through October 2008, phase one opening. The City is required to review the reports to ensure compliance by NRS. Poggemeyer has experience in this area and is currently providing similar for the Scheels building.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the Professional Services Contract with Poggemeyer Design Group, Inc., in the amount of $70,560. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5
Resolution No. 3091, Correcting Typographical and Grammatical Errors in Resolution No. 3089

Time: 4:16:04 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council adopt Resolution No. 3091, a resolution correcting typographical and grammatical errors in Resolution No. 3089, a resolution authorizing the payment of a post-retirement group medical and life insurance plan premium subsidy for Tom Clewell, former Sparks Fire Chief.

There was no discussion on this item.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to adopt Resolution No. 3091. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, NO. Motion carried.

6.6
Resolution No. 3092, Authorizing Certain Individuals to Make Financial Commitments to Purchase, Sell, and Approve Collateral for Investment Securities on Behalf of the City of Sparks

Time: 4:17:46 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3092, a resolution authorizing certain individuals to make financial commitments to purchase, sell and approve collateral for investment securities. The city enters into financial investment transactions with various brokers and banks as outlined in NRS 355.170. A resolution authorizing those individuals to make transactions in the name of the City of Sparks is required. For various reasons the authorized individuals change from time to time and this resolution removes two individuals authorized to make these transactions and adds the finance director.

Mr. Minton noted that this resolution will remove former Assistant

Finance Director Joyce Farley and Budget Analyst Stacie Hemmerling from the resolution and add Finance Director Tom Minton to the resolution.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Resolution No. 3092. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7
1st Reading of Bill No. 2571, Amending Chapter 7 Pertaining to Garbage and Refuse Control and the Collection of Solid Waste

Time: 4:18:49 p.m.

City Clerk Linda Patterson read Bill No. 2571 by title, an ordinance amending Chapter 7 of the Sparks Municipal Code pertaining to garbage and refuse control and the collection of solid waste; and providing other matters properly related thereto.

Ms. Patterson corrected the bill number, stating a clerical error had been made in the numbering and the actual bill number was 2571 and not 2564 as noticed on the agenda.

Mayor Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of March 17, 2008.

Council Member Carrigan said he wanted to make sure that we are still in the position that the residential rates would go up 80% if we do not give the franchise for both the residential and the commercial to Waste Management. Purchasing Manager Dan Marran stated the 80% figure was incorrect. This was the number used when we first opened up discussions regarding a franchise only for residential garbage. The numbers quoted to us last spring and summer were 40% increases on the residential garbage if we were to separate the commercial from the franchise agreement. Mr. Marran said he can't speak to the specific franchise agreement because we were still exchanging documents as of this morning. However, he can say that a number of issues brought up during public comment are addressed in the franchise agreement. He encouraged everyone to follow this franchise issue closely.

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

7.1
Adoption of Bill No. 2562, Amending Chapter 13 with Respect to the Sale and Provision of Treated Effluent and Sewer Connection and Use Fees

Time: 4:20:35 p.m.

An agenda item from Utility Manager JoAnn Meacham recommending the City Council conduct a public hearing and adopt Bill No. 2562, an ordinance amending Chapter 13 of the Sparks Municipal Code with respect to the sale and provision of treated effluent and sewer connection and use fees; and providing other matters properly related thereto.

Ms. Meacham stated that this ordinance is the conclusion of the sewer rate study that was conducted over the past year. She gave a brief overview of the ordinance stating the goals for the study were to keep the rates as low as possible; to accommodate reasonable operating and capital expenditures; to add a system reinvestment component; and to provide funding to protect the community from a 1997-like flood. The Council directed staff on January 14, 2008, to bring back two separate ordinances. The first ordinance to accommodate the first three goals and the second ordinance to cover the river flood protection component. She noted that the second ordinance was on this agenda as the next item (7.2).

Ms. Meacham stated that under this proposed ordinance residential and commercial sewer rates will increase 6% each and every year for the next five years. That's in comparison to 5% each of the last five years. Connection fees will be phased in and future increases will be tied to an index. Effluent connection fees will also be phased in with a four-year financing option and future increases will also be tied to an index.

She stated the environmental control fee was an area in which they asked for feedback. The Council requested additional information and they will bring this issue back to a later date. She noted those rates are set by resolution.

Lastly, Ms. Meacham stated staff included an effluent reuse chapter in the proposed ordinance and made other minor changes and corrections to the existing Title 13.

Council Member Smith asked Ms. Meacham to translate the 6% increase to dollar amounts for clarification. Ms. Meacham stated the current rate for residential, per month, is $18.25. This rate will rise to $24.17 per month in 2012. Mr. Smith noted that this is still way below our sister city [Reno] and the County. Ms. Meacham noted that the monthly rate for Reno is $30.12 today and Washoe County is $35.44 today.

Council Member Mayer stated he had received several calls due to misunderstanding the proposed rates and he wanted to make the record clear that this is a public hearing and that we have had at least four public hearings on this issue. Ms. Meacham stated that this is at least the fourth time she has brought this issue before the council. Mr. Mayor asked how many people have spoken in opposition to the proposed rate increases. Ms. Meacham said none that she is aware of. She also noted that they did a fair amount of public outreach with advertisements in the newspaper to develop a Sewer User Group. People in every rate class were represented in the group and all this information was presented to this group and

received feedback from the user group prior to making any decisions on rate changes.

Council Member Mayer asked if senior citizens would still be able to receive a rebate on their sewer rates. Ms. Meacham stated that yes, they would be able to apply for a sewer rebate.

Council Member Mayer commended Ms. Meacham for all the work she has done this study and proposed ordinance.

Council Member Salerno stated that the sewer system in his ward is very old and it is starting to fail in places and he was excited to see a program for rehabilitating these older sewer lines. Ms. Meacham agreed, stating we need to be proactive and replace them before they fail.

Mayor Martini said someone paid for his sewer system a long time ago and now it is time for him to pay for the older sewer systems as well.

Council Member Carrigan said that representing the new parts of Sparks, they have all new stuff. But everyone understands that somewhere along the line we have to pay for upkeep.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to adopt Bill No. 2562 (Ordinance No. 2390), the amendments to Chapter 13 of the Sparks Municipal Code with respect to the sale and provision of treated effluent and sewer connection and use fees; and providing other matters properly related thereto. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.2
Adoption of Bill No. 2563, Amending Chapter 13 with Respect to the Imposition of Additional Sewer Use Charges/Fees for River Flood Protection Purposes

Time: 4:31:12 p.m.

An agenda item from Utility Manager JoAnn Meacham recommending the City Council conduct a public hearing and adopt Bill No. 2563, an ordinance amending Chapter 13 of the Sparks Municipal Code with respect to the imposition of additional sewer use charges/fees for river flood protection purposes; and providing other matters properly related thereto.

Ms. Meacham stated this second ordinance will add $5.41 per month onto residential sewer bills; $0.64 per 1,000 gallons onto commercial bills; and $200 per equivalent residential unit onto the connection fee. This revenue stream will fund the North Truckee

Drain realignment project, which is one of 40 elements of the Truckee River Flood Management Project.

Ms. Meacham noted that the Truckee River Flood Management Project will protect this community from a 1997-like flood; with the project costing an $800 million. We expect to obtain a $400 million dollar federal share for this project and there is currently a 1/8th cent sales tax, county-wide, that will fund about $100 million for the project. This leaves a $300 million short fall to fund this project. This proposal will provide funding for one element of the entire project (the North Truckee Drain realignment project), which is important specifically to Sparks. We would construct the project at a time that is right for the Sparks community, residents, and the industrial area and it will still be considered part of the larger flood management project. She emphasized that any money spent on the realignment will also be considered part of the local match for the federal funds.

She stated that if this ordinance is not passed, actual construction of this project will be dependent upon the 1/8 cent sales tax, which we know, is insufficient to fund this project, or another funding source not yet identified. Ms. Meacham then reviewed the status of the realignment project and stated that we will be able to finish the design of this project, but without this funding source, we cannot go to construction until another funding source is available. Ms. Meacham noted that she is part of the Washoe County flood project and they have been discussing possible sources of funding.

Council Member Salerno asked if this fee will appear on the sewer bill and if so, why. Ms. Meacham confirmed that it will appear on the sewer bills and that it was so that the City would not have to create a separate utility with a duplicate billing system.

At the request of Council Member Mayer, Ms. Meacham displayed the proposed routes for the North Truckee Drain realignment project and discussed the various scenarios for each proposed route. She noted that a users group for the realignment has selected a preferred alignment; however, the final design has not yet been determined.

Council Member Carrigan stated he had some concerns regarding the timing of rate implementation and what Sparks' actual "fair share" of the overall flood project would be, versus what we are spending on the realignment project. He was also concerned about this project being accepted as our local match for federal funds. Ms. Meacham stated that this will definitely be considered part of our local match/fair share and any funds for this project would not be spent until we have a credit from the Army Corps of Engineers

for the total project. Mr. Carrigan said that he understood the need for flood control, but five plus dollars a month was a lot for some people and he felt we should delay implementation of this fee until all the studies come in.

Ms. Meacham stated that the sooner we begin collecting this fee, the lower the fee can be and, other deliverables that the flood project needs to establish have to be paid for in advance of the actual construction. She emphasized that this part of the overall flood project clearly benefits Sparks and it is appropriate to recover the costs in Sparks' utility rates. However, other elements of the flood project have broader regional benefits and may be best funded by a broader, regional rate. She noted that this is a stand alone project and the benefits to Sparks are achieved with or without the larger flood project.

Council Member Salerno stated he appreciated the way Ms. Meacham consulted the businesses that will be impacted by construction on the realignment.

Council Member Smith said he liked the idea of being proactive in getting this project going because it was not only a flood issue, but a public safety issue and we need to protect Sparks from potential floods.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

Council Member Carrigan stated he was not supporting the motion to approve because he would like to wait until the report comes in with some hard numbers regarding our fair share of the overall flood project.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to adopt Bill No. 2563 (Ordinance No. 2391), amending Chapter 13 of the Sparks Municipal Code with respect to the imposition of additional sewer use charges/fees for river flood protection purposes; and providing other matters properly related thereto. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, NO. Motion carried.

7.3
Adoption of Bill No. 2561, an Ordinance Creating the Kiley Ranch Tax Increment Area

Time: 4:50:55 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council conduct a public hearing and adopt Bill No. 2561 by title, an ordinance creating the Kiley Ranch Tax Increment Area pursuant to Nevada Revised Statutes Chapter 278C; ordering an undertaking relating to the tax increment area; creating the tax

increment account for the undertaking; ratifying action taken by City officers toward the undertaking and the tax increment area; and providing other matters related thereto.

Mr. Minton noted that this ordinance would create the Kiley Ranch Tax Increment Area and introduced Mr. Scott Shaver of Swendseid and Stern, the bond counsel for this item.

Council Member Mayer stated this tax increment area was unique to Sparks and that we would be an example to other communities in the future.

Council Member Carrigan thanked staff for taking care of the questions from the union regarding work on this project. He also stated that we basically told Kiley when they brought in their handbook that we would like to see a business park in our city and this was a great time for a public/private partnership for building infrastructure.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to adopt Bill No. 2561 (Ordinance No. 2389), the ordinance creating the Kiley Ranch Tax Increment Area. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

9. Comments from the Council and City Manager	Time: 4:55:00 p.m. None.
10. Adjournment	Time: 4:55:10 p.m. There being no further business, the meeting was adjourned at 4:55 p.m.

_____
Mayor

_____
City Clerk

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SPECIAL MEETING OF THE SPARKS CITY COUNCIL
March 5, 2008 9:00 a.m.

1. Time: 9:00:29 a.m.

Call to Order

The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 9:00 a.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Time: 9:00:37 a.m.

Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Randy Mellinger, Steve Driscoll, Adam Mayberry, Andy Flock, Doug Thornley, Marc De La Torre, Tom Minton, Neil Krutz, Armando Ornelas, Margaret Powell, Jim Rundle, Wendy Chavez, and David Fitzpatrick.

Pledge of Allegiance

Time: 9:00:49 a.m.

The Pledge of Allegiance was led by Council Member John Mayer.

Time: 9:01:16 a.m.

Mayor Martini called for a moment of silence in recognition of the death of Nevada State Trooper Kara Kelly-Borgognone, who died February 25, 2008, after her patrol car, heading northbound on Pyramid Highway, was struck by an eastbound Chevrolet sport utility vehicle as she responded to a report of a possible bomb at a Spanish Springs gas station.

Comments from the Public

Time: 9:01:52 a.m.

Mr. Steve Muchicko, representing the Carpenters Union, spoke in support of the private/public financing partnership for Legends at Sparks Marina Project.

Mr. Gary Schmidt, a recent resident of Sparks, noted that he was running for the County Commission seat that represents Sparks. He said he supports the Legends project, but he is opposed to using STAR Bond funding.

Mr. Don Young said he supports the Legends project, but is opposed to the hotel towers, which does not use STAR Bonds. However, he is opposed to the use of public funds to build a private project. He asked that the Council put safeguards in place so the residents of Sparks do not get stuck paying for the project.

3. Time: 9:08:24 a.m.

Discussion of The Legends at Sparks

Mayor Martini introduced Assistant City Manager Randy Mellinger and noted that this was an information item only on the status of the

Marina

project and that no action would be taken at this meeting.
Mr. Mellinger said that although the hotel/casino was not originally part of the Legends project, it now plays a strong roll in the tax increment portion of the project. He said he was personally involved in the drafting of the STAR Bond legislation and he feels that the issues brought up during public comments were addressed specifically in the statute.

Council Member Mayer stated it was his understanding that the litigation against the Legends Casino had all been cleared up. Mr. Mellinger stated this was also his understanding, but that this issue will be addressed by the applicant.

Mr. Decorse Graham of Olympia Gaming and Mr. Randy Brown of MBA Reno (lead project architect) reviewed the hotel/casino portion of the project. Mr. Graham said Olympia Gaming remains very committed to this project and it is their top priority in their gaming division. Over the last six months they have made considerable progress on the project and they have moved into the fine tuning stage of the project design and development. The project will be named Legends Bay Casino Resort and Spa. They have completed extensive consumer research in the past two months, both in Northern California and the local area. What they have found is that the research validates their position and design of a resort destination. They categorize themselves as a hybrid project; meaning they will appeal to both the local area residents and visitors from out of the market area. People, in the bay area in particular, are looking for a luxury property at a good value.

Mr. Graham noted that Phase I is currently slated to cost $450 million and they will break ground on Phase I in the summer of 2008, specifically in August. The project calls for 1,000 rooms at build-out and Phase I will be approximately 310 rooms. They will still plan to offer a spacious casino with a wide variety of slots and table games, tournament style poker room, state-of-the art race and sports book, four fine dining and casual restaurants, large scale convention facility, high-end spa and fitness center, lakefront water show, and a 1,200 space parking structure which will connect to the hotel/casino.

Mr. Graham noted that according to their current plans, they expect to open the project in March of 2010. They are in the final stages of securing their financing for the project. Two weeks ago they received a highly confident rating from a major financial lending institution indicating that this project is financeable and that they will do the financing. Considering where the markets are today, he felt this is a major validation of the project.

Council Member Smith asked if Phase I included everything except the second hotel tower and when they planed to start and complete Phase II. Mr. Graham stated Phase II will include additional convention and meeting space, dining, gaming and the additional rooms. They will start the project some time after Phase I is operational and complete it sometime in 20012/2013.

Mr. Brown then displayed several views of the proposed project and discussed the architectural elements of the project. They anticipate submitting the tower foundation package to the Building Department at the end of April and the final tower drawings at the end of May. Their schedule calls for the podium building, which contains the kitchens and gaming areas, and the interiors to be submitted at the end of June.

Council Member Mayer asked about the exterior texture of the building, stating it looked like brick. Mr. Brown said the tower is monolithic glass, but the lower portions are the same brick that is being used on the Sheels building. Mr. Graham stated this has been discussed with the City Planners and they have asked that when the working drawings are submitted that they show the detail and he assured the Council that the working drawings do show the brick details.

Council Member Salerno asked for details on the parking garage. Mr. Graham stated the parking garage drawings are well under way and they will submit them to the Building Department within a month. They anticipate starting the parking garage first and the first three floors should be available for use in June of 2009.

Mr. John Griffin, a lawyer, noted that the District Court granted Olympia's motion for summary judgment on Don Young's lawsuit last week; however, there is an appeal period. He explained that the motion for summary judgment basically says that the second complaint filed by Mr. Young should be dismissed because his argument had been previously decided. It was clarified that Mr. Young's first complaint was also dismissed; therefore, at this time there are no active cases against Olympic Gaming or RED Development.

Mr. Mellinger discussed the staff report, stating there has been a lot of progress on the financing structure for this project and noted that the Disposition Development and Financing Agreement (DDFA) will have to be amended.

He said that the basic decision the Council has to make when the amended DDFA comes before them for approval is: if the economic factors are such that the STAR Bond revenues are not as

high as needed, then the tax increment portion of the financing will be higher. He emphasized that there is still a cap on the amount of financing available for this project. Based on the Local Improvement District (LID), the Tax Increment Financing (TIF) and the (Sales Tax Anticipation Revenue Bonds (STAR Bonds), we are still capped at approximately $187 million. If this is a $1.1 billion project or an $800 million project, this is still a fairly low percentage of the total project. However, it is the mix of public financing that could be affected by economic factors.

Mr. Dan Wiles of Fieldman, Rollap and Associates, discussed a meeting scheduled for March 19th, stating the reason the meeting is not scheduled for the 17th is that they are rushing to pull a lot of details together on these documents and the first opportunity to have them in a form that they think might be acceptable to the bond counsel, disclosure counsel, and for the underwriter is the 14th. They have chosen the 19th because, if things work on the 14th, late on the 14th or early on the 15th, the Council will receive a very thick set of documents to review. He said this is a very complex transaction and they wanted to allow as much time as possible for the Council to review the documents before they are asked to vote.

Council Member Smith asked if we will have to start all over with the documentation if the interest rates on bonds go up before the deal is finalized. Mr. Wiles stated the structure of the transaction won't change, but the risk profile and some of the numbers may change. He said interest rates have gone up, but hopefully they will go down.

Council Member Salerno said he keeps hearing remarks that RED keeps changing this deal. He said he wanted to clarify for the record that RED is not the one that keeps changing this deal; it is simply a matter of a changing bond market and other factors that RED does not control. Mr. Wiles agreed that it was not a matter of fault; there are fundamental elements of the transaction that have changed and we have to react to them. Mr. Wiles stated that at the end of the day the City is selling sales tax bonds based on leases, because the buildings have not been built yet and we only have estimates on what those sales taxes will be.

Mr. Wiles then discussed the risks involved in the STAR Bond financing as outlined on page 4, paragraph 8 of the staff report. He noted that staff has discussed with the Council the proposed TIF backstop transaction and the City's first option to sell subordinate level sales tax bonds to the public (to a broader investor base, other than the developer). He said if this occurs, then the list of possible things that could go bad won't happen. However, in the interest of being clear, he felt that what the developer has provided you as

information is correct, with the exception of one paragraph. Mr. Wiles said he felt Citigroup would not be pleased to have RED indicate Citigroup is confident or that Citigroup is sure that subordinate sales tax bonds can be sold if the credit markets "stabilize." He emphasized that Citigroup gave no opinion and he is not giving an opinion either. Mr. Wiles said there have been market times where it seemed like similar types of securities could be sold. A type of security, not completely unlike that, was sold in the Kansas City circumstance. There is some reason to believe it can be done, but he wanted to be careful and clarify that Citigroup is not telling you they are confident it can be done. They are just telling you it is out there; it is a possibility, but it does depend on the market situation and the situation of the developer.

Council Member Carrigan said he has received numerous phone calls and e-mails saying he has not been a supporter of this project from the beginning and that is just not true. However, he does see his job as the last line of defense in protecting the citizens of Sparks and he is concerned about the potential risk the City is taking.

He questioned the line in the staff report that said, "the "Mezzanine" STAR Bonds will be sold to sophisticated investors." He said he had never heard of Mezzanine bonds and asked Mr. Wiles for an explanation of these types of bonds. Mr. Wiles said this is a pretty new concept and has actually been a part of this transaction for only four weeks. He explained that right now the City is intending to sell a senior bond series to a sophisticated group of investors through Citigroup. The City is also intending to sell a subordinate bond series to a developer who is financing it through Key Bank. The idea on a mezzanine bond would be that in 2011, or around that time, based on the status of the project and projected sales taxes, bonds would be sold that are junior in lien to the senior bonds you have already sold. They are one step down from the senior bonds. They would be sold to a broader group of investors to repay the short-fall, as described in the staff report. "Mezzanine" is a corporate finance term and they are called mezzanine because they are in the middle (like a mezzanine between the first and second floors of a building).

Mr. Schmitt clarified that we would not issue these mezzanine bonds for at least three more years and we are just developing a funding mechanism in case something goes wrong and we are not able to cover a short-fall of funding. Mr. Wiles said it would be the City's first option and the option we would hope to use. Mr. Schmitt said it would be just like a corporate business plan that develops an all cases scenario that would carry the corporation ten years down the road in financing. Mr. Wiles agreed, stating in this case the financing has to be built into the structure of the agreement

because the City will have senior bond holders who want their interests protected and there will be a series of subordinate bond holders who also want their interests protected; particularly if mid-level bonds are sold that are senior to the subordinate bonds already sold.

Mr. Wiles said that assuming that the mezzanine bonds can't be sold, we run into the obligation of the city to cover that shortfall with Tax Increment Financing, and this obligation entails a few risks. First, what it does not entail, just to be clear. TIF bonds are revenue bonds; they are not general obligation bonds of the City, so that an individual home owner or property owner in the City of Sparks should not see a tax increase if the project fails. However, what is at risk is: if the cost of the project goes up; if there is a shortage of funding; or, if there is a failure to lease the space. Any or all of these factors could change what is actually built. The agreement calls for $156 million of STAR Bond eligible costs paid for either through STAR Bonds or tax increment financing. However, a smaller project means less sales tax revenues, less STAR Bond proceeds and more TIF to make up the difference.

Mr. Schmitt clarified that if the worst case scenario happened and the economy fell apart, there is no obligation to the City to use property taxes to pay for the bonds; those who bought the bonds are the ones at risk. There is no additional money that comes from any other tax source, present or future, that would be obligated to repay the bonds.

Mr. Wiles stated that if any of the construction development risks occur, the total amount of TIF as written under the DDFA (estimated to be $39.68 million) could go up. The ultimate obligation is to fill up to $156 million and if there are less STAR Bond proceeds available (for one reason or another) the difference has to be made up.

Council Member Carrigan said according to the way the DDFA is written, there is no cap on the potential shortfall. If the project does not go well and the number of STAR Bonds we can sell is limited to, say $100 million, then we are going to be on the hook to make up difference of $56 million. He said the estimated possible TIF is $51 million and if the short-fall goes over the $51 million, where are we going to get the money. Mr. Minton said the agreement will be written that we will issue TIF to the extent available and if there is no tax increment, we can't issue the bonds. Mr. Carrigan said this could mean using the entire TIF of Redevelopment Area II for this project. Mr. Minton said theoretically, yes.

Mr. Wiles said we have seen increases in interest rates, the credit crunch, and sub-prime rates; and this has all caused interest rates on bonds (and particularly bonds that are of lower credit quality such as STAR Bonds) to go up in rate. As the rate goes up, the yield or amount of proceeds goes down and this had created the short-fall. If the interest rate goes up more, it will again reduce the amount of proceeds and increase the amount of the short-fall that has to be covered with TIF.

Mr. Wiles said finally we have the affect of the hotel/casino on the available amount of TIF if the developer builds a smaller amount of the proposed buildings than anticipated, or if the assessed value is lower than anticipated. This will impact the amount of money available for the Redevelopment Agency's other project and the timing of the other projects.

Mayor Martini asked what assessed value figure we are using for the hotel/casino. Mr. Minton said it is estimated at about $530 million, total.

Council Member Mayer asked if we could hold off on selling bonds until the bond market stabilizes. Mr. Wiles stated that at the end of the day the obligation of the City is $156 million, minus whatever comes from STAR Bonds. There is a question that would have to be addressed to the developer as to whether they could modify their need for construction funding, particularly for the second phase of the project. He said in theory you can alter the timing of the bonds. The question is more in practice, whether the developer needs the proceeds at a particular time. It was noted that we are making a promise to provide a particular amount of funding based on a certain set of conditions and if RED comes up with the leases, we need to come up with the bonds, regardless of the market rates.

Council Member Schmitt stated the staff report provided a very clear picture of the risks and the decisions the Council was being asked to make. He said he felt the risks for this public/private project were the same as those for any project of any size all over the world. Mayor Martini stated the exception in this case is that if there is a short-fall, the City is guaranteeing the funding.

Council Member Carrigan said he felt the risks on this project shifted toward the developer or toward the citizens. Mr. Wiles stated that every risk that he has spoken about is a risk that the City assumes. Mr. Carrigan stated he did not feel the City should be a banker or a developer and we are guaranteeing someone's loan and agreeing to provide funding if there is a gap in the amount of financing that the developer needs. He said he does not have a problem with the other factors in the agreement, but he wanted to

know why we have to shift the gap risk to the City, instead of RED. Mr. Carrigan said there is no cap on the amount of gap funding that the City could be required to provide. He said the City is not in the business of risk and if this project "goes south," then the City is stuck with a huge debt.

Mr. Carrigan said if everything goes as planned then there is no problem; however, what we are doing is guaranteeing a private loan and he felt the terms should be shifted so that we repay RED, not the private loan. Mr. Minton said in the term sheets we were given by Key Bank, we understood that these conditions were necessary for them to make the construction loan to RED. Mr. Carrigan gave an analogy that this agreement is like if his daughter went out to buy a car and didn't have the credit for a loan, so he had to co-sign for her. He said this is like what we are doing for RED.

Mr. Minton noted that there were some initial calculations done on the potential TIF. The numbers that Olympia came up with go along with previous analysis: that under the current conditions as proposed, with a $40 million short-fall, we would keep tax increment in fiscal years 2009 and 2010 (estimated at $1.9 million) and RED would get all of the available tax increments in fiscal years 2001 and 2012. Then, in fiscal year 2013, about $6.7 million and growing would accrue to the Redevelopment Authority and for the remaining life of the authority, if the project has a taxable value of $800 million, we would receive $140 million in tax increment.

Council Member Mayer asked Mr. Wiles to review the percentage of risk for the City. Mr. Minton said the risk was still 16.9 percent of the total investment in the project. He emphasized we are just shifting the short-fall from STAR Bonds to TIF.

Mr. Wiles then outlined the proposed schedule for the project and the specific steps that needed to take place in order for the bonds to be issued.

Council Member Smith asked if the "receipt of all tenant certifications" meant the leases. Mr. Wiles stated this has not been decided due to a question as to when the tenants actually open their businesses and when sales tax revenue starts being collected. He said that at this point communication with the sales tax consultant has been informal. We need to have definitive data, either from the lessees or the developer, so we can get certification of when tenants will open and therefore, when sales tax will be generated.

Council Member Mayer asked Mr. Wiles if he was hired to make a recommendation regarding this transaction or just to gather data. Mr. Wiles said he was not hired to make a recommendation; he was

hired to help the Council understand the financial side of this transaction and to lay out the risks. He said there are other factors that have to be considered and those are not in his sphere of expertise, so he is not in a position to make a recommendation.

Council Member Mayer also asked if the bonds receive a very low rating, can RED still pull out of the deal. Mr. Minton responded that in the previous agreement there was an "out" for RED, but in the new agreement there is no "out."

Council Member Smith asked Mr. Minton if he would recommend that the Council move forward with this transaction. Mr. Minton stated that the project has significant risk on the front end, but there is also significant up side, if it works. He said before he could give the Council an absolute recommendation, he would have to understand exactly what their goals are; and at this time he doesn't.

City Manager Carey stated that the duty to provide the Council with a recommendation to approve the DDFA lies with him. He said that as the Chief Administrative Officer of the Redevelopment Agency, in consultation with all parties in this transaction, he would bring forward a recommendation to approve these documents when they are brought forward. He said it is his strong belief that the upside for this project accomplishes the goals we started out to achieve. He said the credit situation not withstanding, he believed that the DDFA that we are now contemplating is in the best interest of the Citizens of Sparks. It also places before the Council an opportunity to create a substantial windfall of revenues for Redevelopment Agency 2 and it does not threaten the general fund of the City of Sparks. We are working on the details of the DDFA and when the document comes forward, it will contain his recommendation.

Council Member Mayer asked if the City Attorney is reviewing this document. Mr. Minton stated he has been forwarding drafts to the City Attorney as they become available.

Council Member Schmitt commented that Mr. Mellinger worked with the legislature on the STAR Bond legislation and asked approximately how many meetings were in the past five years regarding this issue. Mr. Mellinger responded that literally dozens of meetings were held with all types of entities to scrutinize the proposed STAR Bond legislation. He said it was a very intense process and he has heard that there will be further scrutiny in the coming legislative session. He said this is a very new tool to get economic development to our area. He said we would not have this development without the STAR Bond concept. Mr. Schmitt asked Mr. Mellinger if he felt comfortable that the economic analysis of STAR Bonds has been thoroughly scrutinized. Mr. Mellinger said

yes; it was set up through the statutory process and received significant and detailed review with the affected taxing entities, the Taxation Commission, etc. Everyone looked at this and it received incredible scrutiny throughout the entire process.

Council Member Schmitt commented that there was only one other STAR Bond project in the State of Nevada. Mr. Mellinger said the Cabala's project in Reno is a STAR Bond project and there is one other project in Las Vegas; however, the Cabala's project was a stand alone project and this is a total package project, which is why it is taking a significant amount of time to complete.

Council Member Salerno noted he had to attend another meeting at 11:00 a.m. and asked if the Council could hear from RED (the developer) at this time.

Mr. Steve Graham of RED Development, stated they are very excited about where they are in the process of this project. He said this past week they made additional tenant announcements and construction is underway on three buildings adjacent to the Sheels store. He noted that the contractor for the project is Q&D Construction and they have completed a significant amount of the site work on the project and are progressing toward the goal of opening some of the stores this fall.

He stated their consultants and designers have been working on the theme for the Legends, including the streetscape, fountains and statue designs, and they will be bringing this forward in the very near future.

Mr. Graham thanked the staff for their efforts in working diligently to come up with a plan that will allow them to move forward with this project. He said the project is estimated to be in excess of $1.1 billion and they believe this project will be the nation's premier retail and entertainment development once it opens and they are thrilled to be a part of it.

Mr. Graham briefly discussed a few of the risks that Mr. Wiles identified. One was a failure to lease. He said their company has a long history of successfully developing projects as a national developer and he asked the Council to look at their previous and ongoing success in leasing the centers they develop. He said the construction cost risk is a risk they are very aware of in every single project they have done and they work diligently to provide amazing development while still balancing the budgets. He noted that they have a guaranteed maximum price contract with Q&D for construction of the Legends Project and this is a tool they use to help ensure that construction costs do not affect their ability to

deliver a project.

Mr. Jerome Riemann with Integra Realty Resources, financial consultants to RED Development, stated they have been working with the City to put together the financing for this project. He emphasized that this project offers a tremendous opportunity to the City, but as with any project or real estate venture, you do need to focus on risk factors. In responding to the Council's concerns regarding risk, Mr. Riemann said he would like to respond to those concerns by noting the various protections against risk. He said the TIF portion of the financing is in place in case the STAR Bond funding isn't sufficient. The TIF is structured so that after the first bonds in 2011, the remaining capacity is split to allow RED and the City to do certain projects. Therefore, while there is no hard dollar cap listed, there is a de facto cap in that there is a capacity for the overall project for the TIF, less the portions that are going to go to the City. He noted there has also been discussion regarding the TIF 'guaranteeing' the project for RED, but it is really just providing a partial "backstop" to some of the STAR Bond funding and there is no guarantee from the City because there is no general obligation to City; it is only to the extent that the capacity is there to help fund STAR Bond expenses. He emphasized that the DDFA requires that a certain portion of the revenues go to the City and even to the extent that RED's shortfall is larger than anticipated, the City still gets some of the revenues. Mr. Riemann also noted that to the extent that the project is smaller than anticipated, this affects the TIF capacity, which in turn impacts RED's risk profile.

Council Member Carrigan stated that he has been in support of this project from the beginning and we are the ones that took the STAR Bonds to the legislature to get this project going. However, he has a problem with the anticipated shortfall and asking the City to cover that short fall. He asked Mr. Graham why RED could not take out a private loan to cover the short fall and have the City pay it back with the turbo clause. Mr. Carrigan said RED is asking the City to take out the loan (using TIF Bonds). Mr. Carrigan said if this project were not in the Redevelopment District, there would be no TIF funds available.

Mr. Carrigan said he wanted this project to be a success; RED is saying it will be successful and that it probably won't need TIF. However, if this is the case, why won't RED carry the loan instead of shifting the burden onto the City and the citizens? Mr. Graham agreed that Mr. Carrigan has been supportive of their project. He said that the goal of this DDFA is to develop a structure that will allow them to go forward with the project in a bond market that is much more challenging that it has been in the last few years. He said they need to go forward with the project now, but they also

need time to allow the bond market to settle down and time to allow the revenue streams to start providing funding.

Mr. Graham emphasized that the public investment in the project is not changing; they are just reacting to the bond market. He emphasized that as the project moves forward, additional STAR Bonds can be issued to repay the TIF bonds and the goal of everyone involved in this project is to develop a plan over the next three or four years so that we won't need to utilize the additional TIF for a back-stop. He said they have a $200 million construction loan for this project and they will also have a loan for the amount of shortfall on the STAR Bonds. He said for their bank to provide financing, they need some type of proof a source of revenue for repaying that loan and this is why they need to have a mechanism to pay for any shortfall. He said they feel they are developing a plan that will share the risk on this project.

Council Member Mayer asked if RED had come to an agreement with the unions regarding the project. The response that Q&D Construction has been hired to be the contractor for the Legends Project. He said RED has also met with members of the various trade organizations and have communicated regularly with them.

Council Member Mayer asked how many people would be employed in the construction of this project. Mr. Norm Dianda of Q&D Construction responded that they will probably have in excess of 600 workers at the height of construction on the project and that this would include those working on the hotel/casino portion.

Council Member Schmitt asked what the anticipated number of employees this project would provide and the overall economic impact of the project to this community, once it is built and operating. Mr. Graham said they would be glad to work on this, but he did not have any data available at this time.

Community Development Director Neil Krutz gave a status report on permitting and construction activity, stating that in order for this project to open in the fall, there is a series of entitlements and permits that must be applied for, reviewed, and approved by the City. He said the first phase has ten buildings and the building permits for eight of those have been applied for; leaving two that still need applications. He then discussed the various types of permits and approvals needed and which ones have been approved and/or still needed approval.

Mayor Martini asked for the status of the water rights needed for the project. Mr. Krutz said that the City and RED are meeting bi-weekly with the Truckee Meadows Water Authority (TMWA). It is

his understanding that TMWA has proposed a supplemental agreement with RED dealing with the extra work caused by this project and RED is now reviewing this agreement. Mr. Graham noted that he does not have all the details of the TMWA agreement, but the agreement will cover some of the additional costs related to the project. Mayor Martini asked Mr. Graham to provide an update on this agreement to the Council when the details were finalized.

Mr. Mellinger said that staff will continue to work on this project and keep it moving forward. He also thanked Mr. Salter (former Senior Assistant City Attorney) for continuing to work on this project in the evenings and on weekends to make sure it is good for the City of Sparks.

4. Comments:

4.1	Time: 10:48:29 a.m.
From the Council and City Manager	None.
5.	Time: 10:48:35 a.m.
Adjournment	There being no further business, the meeting was adjourned at 10:48 a.m.

_____
Mayor

_____
City Clerk

>>>

REGULAR MEETING OF THE SPARKS CITY COUNCIL
March 17, 2008 3:00 p.m.

1. Call to Order

Time: 3:02:28 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: 3:02:34 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Marc De La Torre, Bill Finley, Adam Mayberry, Shirle Eiting, Victor Villarreal, Jim Rundle, Neil Krutz, Karen Melby, JoAnn Meacham, Dan Marran, John Dotson, Armando Ornelas, Chris Cobb, Stan Sherer, Randy Mellinger, Dale Gillaspy, Tony Turley and Carrie Brooks.

Pledge of Allegiance

Time: 3:02:47 p.m.

The Pledge of Allegiance was led by Council Member Phil Salerno.

Comments from the Public

Time: 3:03:12 p.m.

None.

Approval of the Agenda

Time: 3:03:27 p.m.

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

Mayor Martini requested that Item 7.1 be moved and heard before the consent items. He noted that this was a public hearing item, but no action would be taken at this meeting.

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

3. Approval of the Minutes

Time: 3:04:09 p.m.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the minutes of the Special Meeting of February 19, 2008, and the Regular Meeting of February 25, 2008, as written. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Presentation - EDAWN Report

Time: 3:04:40 p.m.

Mr. Chuck Alvey, President of the Economic Development Authority of Western Nevada (EDAWN) gave a presentation on the National Public Relations Campaign to Promote the Region for Business as outlined below:

5-Year Economic Impact Goal :

By 2012 EDAWN will generate $200 million per year in high yield economic impact comprised of sustainable companies who meet the Economic Development Plus criteria and will work to raise the revenue and resources needed to accomplish that. We will continue to track and report overall economic impact of assisted companies. (2008 Fiscal Goal: $50 Million)

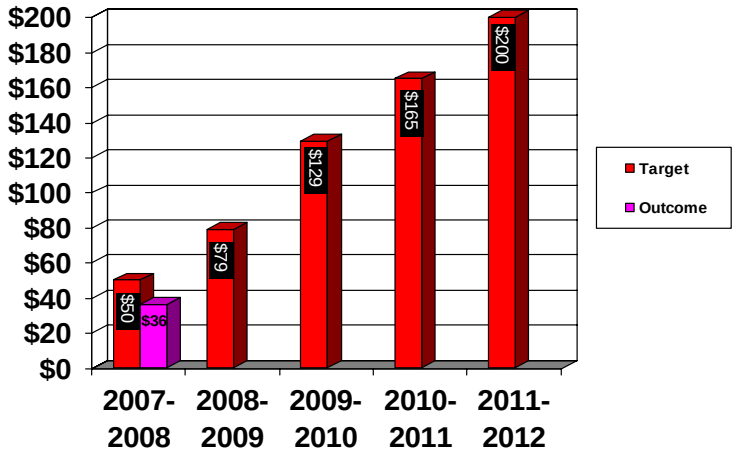
5-Year Goal: Center of Excellence

By 2012 Greater Reno-Tahoe will be recognized by national media sources as a center of excellence in at least one of the six target industry areas.

High Yield Economic Impact Criteria:

- Wages $21.53 (state Average $18.72)
- Target Industry
- Employee Benefits Package
- Community Contribution
- Impact on Community/Environment
- Headquarters

5-year Goal in High Yield Economic Impact



Julie Ardito, Director of Public Relations for EDAWN, explained how they are helping to support business activity in our area through a national public relations campaign and shared some of the feedback they have received from national media coverage. She

said they have hired the public relations firm Development Counselors International (DCI) to help with the campaign. Ms. Julie Curtain with DCI gave a quick overview of the results of their efforts to place stories regarding our region in various magazines.

Target Audiences:
1. Primary: Corporate decision makers in the clean energy and software industries
2. Secondary: Skilled professionals 30+

By the Numbers:

Total Advertising Equivalency:	$188,370
Media Placements:	6
Media Placements on Target List:	2

Looking Ahead…

From: Megha Bahree (Forbes Magazine)
Sent: Tue 11/20/2007 2:57 PM
My editor just approved the story - water parks as a tool for urban renewal. So now I need to figure out some in-depth reporting here...

From: Stephanie Clifford (Heath Magazine)
Sent: Mon 10/29/07 10:11 AM
I talked with my editor, and we both like the Kimmie Candy story a lot. I'd like to hang it on the Korean execs traveling over here and training your people, assuming I can observe that, so would you keep me updated on when exactly they're supposed to be in Reno?

From: Alicia Cascardi (Fox Business)
Sent: Thu 2/12/08 5:08 PM
Our *Money for Breakfast* team expressed interest as part of the "green" segments we've been doing.

Special Events:
Skilled Professionals Marketing Initiative - We are working to attract more young professionals to the region.
Clean Energy Inbound Press Trip - we have three reporters who will be meeting with companies regarding renewable and alternative energy.
New York/DC Media Tour - This is where we take our regional story to the media based in New York and Washington DC.

Council Member Schmitt asked how many of the media have expressed interest in the Legends at Sparks Marina project. She said they have had early interest, but they will be much more interested in the story once the development is operational.

4.2
Informal Presentation on Apartment Survey

Time: 3:20:30 p.m.

Current Planning Manager Karen Melby gave a presentation on the Johnson-Perkins and Associates, Inc., apartment survey dated January 2008 regarding the current apartment vacancy rate in the Sparks/Reno area.

Ms. Melby noted that the survey only looked at apartment complexes with more than 80 units. The survey reflects the market conditions for the whole region, and the willingness of the apartment management to participate in the survey. The survey included 65 apartment complexes with 42% of them within the City of Sparks. The third quarter vacancy rate for 2007 indicated a vacancy rate of 4.54%; however, in the fourth quarter the vacancy rate rose to 6.5%.

Ms. Melby noted that the survey splits Sparks into "West Sparks" and "North Valleys" areas and that there was quite a bit of variation in the vacancy rates from month to month.

Council Member Salerno asked if there was an abundance of vacant apartments in the City of Sparks. Ms. Melby said the current vacancy rate was between 6.9% and 7.1%, but she could not say if this represented an abundance of available apartments.

Council Member Salerno asked if there was an issue in Sparks with regard to a lack of apartments. Ms. Melby responded that no, there was no lack of apartments at this time; however, staff is presenting this information based on a request that was made last year when the Council was asked to consider approval of several conversions of apartments to condominiums. She stated our ordinance does not allow conversions if the vacancy rate is above 5%.

Council Member Schmitt said it was his understanding that a 5% vacancy rate is basically zero apartments available and he felt that there were an adequate number of apartments available. Ms. Melby said that it has been her experience that when the vacancy rate is really low, a lot of apartments are built, which creates an availability of apartments.

Council Member Mayer commented on the need for additional apartments along the transit corridor within the McCarran loop.

5. Consent Items:

Time: 3:33:52 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Consent Items 5.1 through 5.9. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills	An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering February 7, 2008, through February 27, 2008.
5.2 Gaming License for Navjot Discount Liquor & Smoke, 545 Nichols Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Matthew W. Flandermeyer, 620 Bachelor Button Street, Las Vegas, NV 89138, for a Gaming License for Golden Gaming, Inc., doing business at Navjot Discount Liquor & Smoke, located at 545 Nichols Boulevard. Golden Gaming is a slot route vendor with several active gaming licenses in Reno and Sparks. Mr. Flandermeyer has been the Chief Financial Officer of Golden Gaming since October of 2007. The license will provide an $840.00 annual fee for seven multi-denominational, upright slot machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.3 Gaming License for Sparky's Sports Bar & Grill, 1450 East Prater Way, #117	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Matthew W. Flandermeyer, 620 Bachelor Button Street, Las Vegas, NV 89138, for a Gaming License for Golden Gaming, Inc., doing business at Sparky's Prater 1, LLC, doing business as Sparky's Sports Bar and Grill, located at 1450 E. Prater Way, #117. Golden Gaming is a slot route vendor with several active gaming licenses in Reno and Sparks. Mr. Flandermeyer has been the Chief Financial Officer of Golden Gaming since October of 2007. The license will provide a $1,800.00 annual fee for fifteen multi-denominational, bar-top slot machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.4 Purchase of Dictaphone Client/Server-Based Dictation System	An agenda item from Police Chief John Dotson recommending the City Council approve the purchase of a Dictaphone client/server-based system for digital dictation, telephone dictation, digital transcription, audio statement recording/storage and voice recognition software in the amount of $86,774.94. The dictation system currently used by the Police Department is not meeting operational needs of the Department. The new system and voice recognition software will be purchased from funds collected from the alarm user alarm company registrations and permits fees which have generated revenue to be used to augment the police department operations.
5.5 Refund of Permit Fees to Lennar Homes	An agenda item from Building Official Dale Gillaspy recommending the City Council approve a refund of permit fees to Lennar Homes on permits A0701817 through A0701821 in the amount of $33,172.36. Lennar Homes has submitted a request to

withdraw these five new single family residence permits due to the drop in new home sales. The request was made within the 180 day period after issuance which allows for a 70% refund of permit fees. Plan review fees are not eligible for refund. NSSOI and sewer tap fees will be refunded at 100%. Construction tax and NSSOI park fees to be credited back to trust books.

5.6
Refund of Permit Fees to Centex Homes

An agenda item from Building Official Dale Gillaspy recommending the City Council approve a refund of permit fees to Centex Homes on permit A0703313 in the amount of $5,423.82. Permit A0603570 was issued to Centex Homes for a new 2,413 square foot single family home at 4904 High Pass Drive in Miramonte 2B. Centex requested that a different house be built on this lot after the permit was issued. The first permit was withdrawn and permit A0703313 was then issued for a new 2981 square foot home at the same address. The sewer tap, construction tax for park district 2 and RTC fees were charged on both permits. The Construction tax will be reversed from trust book 56. The RTC and sewer fees will be refunded at 100%.

5.7
Award of the Prater Way Storm Drain Interceptor Phase 2 Master Plan to PBS&J Consulting Engineers

An agenda item from Flood Control Manager Shawn Gooch recommending the City Council approve the proposal from PBS&J Consulting Engineers for the Prater Way Storm Drain Interceptor Phase 2 Master Plan (CIP #8089) in the amount of $180,000 (Contract A-3387). This is phase two of a three-phase study for storm drain master plans in the Prater Way interceptor area. In Phase two, field data will be collected and imported into the city GIS system. This information will consist of the physical characteristic of the storm drain network that connects the outermost limits of the watershed to the interceptors and ultimately the Marina. The network will be modeled in hydrologic and hydraulic computer models to determine capacity limitations and possible future capitol improvements. Funds have been budgeted and are available for this project.

5.8
Approval of a Master Service Agreement for Treated Effluent with Kiley Ranch Communities

An agenda item from Civil Engineer Janelle Thomas recommending the City Council approve a Master Service Agreement for Treated Effluent with Kiley Ranch Communities for landscape irrigation and approved construction use. Kiley Ranch Communities will reserve and purchase 473.72 acre feet of effluent water annually for approved uses of nonpotable water, including, but not limited to landscape irrigation, dust control and construction water. Revenues to the sewer utility fund are estimated at $190,586.63.

5.9
Approval of a Proposal for Engineering Services for the Wastewater

An agenda item from Civil Engineer Andrew Hummel recommending the City Council approve a proposal from Shaw Engineering in the amount of $25,500.00 for engineering services for the Wastewater Collection System 2008 Modeling Update

Collection System 2008 Modeling Update Project from Shaw Engineering

Project. Public Works guided the production of a citywide sanitary sewer modeling effort through Shaw Engineering in 2005. Since that time, changes in development (and increases in density) have resulted. This proposal will update the previous modeling effort through metering of key points in the system and updating the existing model. Shaw Engineering is on the City's on-call engineering list and will perform the design work per the attached scope of services

6. General Business:

6.1
Nevada League of Cities Youth Award Program

Time: 3:34:40 p.m.

An agenda item from City Manager Shaun Carey recommending the City Council nominate six students for the Nevada League of Cities and Municipalities Youth Award Program and provide $200 award to each of the eight applicant finalists.

City Clerk Linda Patterson noted that she, along with Council Members John Mayer and Mike Carrigan interviewed the top nine candidates and is recommending six of the students to participate in the League of Cities program. Because these students are so deserving of special recognition, the interviewing Council Members have requested that they each be awarded $200.00 to assist them with college expenses, regardless of the outcome of the Youth Award Program.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to award each applicant $200 and forward the six recommended applications to the Nevada League of Cities Youth Award Program. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Direction to Staff Regarding Comments to City of Reno on Spring Mountain Development Proposal

Time: 3:43:07 p.m.

An agenda item from Senior Planner Jim Rundle recommending the City Council provide direction to staff regarding comments to the City of Reno on the Spring Mountain Development Proposal.

Mr. Rundle noted that he has been meeting with the City of Reno, RTC and the applicant on a frequent basis with regard to the Winnemucca Ranch Project. He said that he has forwarded the letters regarding those meetings to the Council. Mr. Rundle said it has taken a long time to come to any type of agreement and he felt it wasn't a great agreement.

He said that staff was concerned because initially the project will be accessed 100 percent via the Pyramid Lake Highway. There will be a lot of traffic impacting the City from La Posada, south to Interstate 80.

Mr. Rundle stated that the applicant sent an e-mail which has been included in the staff report and staff believes this is the best agreement, at this time, to mitigate the potential traffic impacts on Pyramid. A letter has been forwarded to the City of Reno which says that at this time Sparks supports the plan, but that this issue was being taken to the Council for input. He noted that the City of Reno will be hearing the zoning request to rezone the land to NUD, with the actual handbook going to the Reno Council in April.

Council Member Carrigan thanked the staff for working out the traffic issues. He said he felt it was a good agreement, which requires that as soon as Villages B and C are built, there will be a back road built to Highway 395. He said the agreement structure is fair to the citizens of Sparks.

Mr. Carrigan commented that if the traffic gets too bad, we can put up a toll road around La Posada. Mr. Rundle stated that they talked to Derek Morse of RTC about something like that and he said at this time State law does not allow us to put a toll on a highway.

Mr. Rundle stated staff did require the applicant to put into the handbook that the first Certificate of Occupancy has to be for a commercial development because the applicant claims that they are going to keep over 70 percent of their traffic inside their development. It would be great for the City of Sparks and the Pyramid Highway if this is the case, but staff remains skeptical.

Council Member Mayer commented that he thought the State law changed this last Legislative session to allow toll roads on highways; therefore, it might be possible to institute a toll road. Mr. Rundle said he would look into this.

Council Member Salerno asked if the applicant has agreed to voluntarily participate in the Regional Road Impact Fee program. Mr. Rundle said at this time 100 percent of their project is not inside the impact fee area; however, a representative of the applicant was present and perhaps they could answer this question. Mr. Arlo Stockham, Spring Mountain General Manager, stated that yes, they have agreed to participation in the impact fee program and they have issued a formal letter requesting inclusion of the entire property into the Road Impact Fee system. They have also committed to not developing in advance of the increased impact fees. He said the Pyramid Highway language is a supplemental level of requirement that will ensure concurrency, not just for the Regional Road network, but also specifically for the Pyramid Highway.

Mr. Rundle noted that the agreement also says that if Sparks' staff has a problem with this application, due to it being a project of regional significance, we have the ability to appeal to the Regional Planning Commission.

Council Member Schmitt noted that the toll road bill was not signed by Governor Gibbons and perhaps this could be an issue for our next legislative platform.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to endorse the language endorsing the proposed traffic mitigation for the Spring Mountain Planned Development. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Executive Summary of the Sparks Master Plan

Time: 3:56:16 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council endorse the Executive Summary of the Sparks Plan (Master Plan). The Executive Summary has been developed through the extensive community outreach effort as part of the Master Plan update and will serve as the conceptual framework for the development of the individual plan elements. The Sparks Planning Commission endorsed the summary and forwarded a recommendation of endorsement to the Sparks City Council at their February 21, 2008 meeting.

Mr. Villarreal noted that this document has been about 11 months in the making; since the Council's approval last April of the professional services contract for the Master Plan update. He said the document is a roadmap of where the community wants to see the City going in the next 10, 20, and 30 years. It contains a community vision statement, as well as conceptual goals for each of the Master Plan elements which were derived from the input received at the Community Visioning Workshop. This input will be the basis for the development of the plan elements as we go forward in the final phase of the plan. He said that in addition to serving as an executive summary of the plan, this document does what the Council set out to do; put the community's vision at the forefront of the process.

Mr. Villarreal stated that with the endorsement of the Summary by the Council, staff will be able to move forward into the final phase of the update; the production of three elements of the Master Plan: the Land Use element, the Conservation element, and the Public Services and Facilities element.

Council Member Carrigan noted that the Summary discusses public facilities and infrastructure on Page 7, third bullet: Encourage the School District to develop a funding mechanism for adequate

facilities. He said he concurred with this; however, he felt that they should adequately plan for where they put their schools. He said they put schools in inappropriate locations near high traffic areas and he felt that more important that the funding mechanism for building the schools was the actual location of the schools. He said there should be better coordination between the City and the School District on where they place their schools. Mr. Villarreal stated that he would ensure that this was added as part of the plan.

Council Member Mayer said he concurred with Mr. Carrigan's concerns and commented that he would like to see not only master planning for future schools, but also the City having site approval over potential school locations.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to endorse the Executive Summary of the Sparks Plan as the conceptual framework of the Master Plan Update. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4
Selection of an Auditor for the City, Redevelopment Agency, Regional Planning, and TMWRF

Time: 4:04:17 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve the selection of Kafoury, Armstrong and Company as the auditors for the City of Sparks, the Sparks Redevelopment Agency, the Regional Planning Agency and the Truckee Meadows Water Reclamation Facility for the fiscal year ending June 30, 2008. In March 2004 the City designated Kafoury, Armstrong and Company as auditor for the fiscal years June 30, 2004 through June 30, 2006, with an option to extend for an additional two fiscal years. There is a statutory requirement for an annual audit and the Finance Director is required to notify the Department of Taxation by March 31, 2008 of the City's selection of the auditor. Audit fees would increase 5% from last year and funds have been budgeted for this expense.

Council Member Schmitt expressed concern that through the National League of Cities he has become aware of strict guidelines for auditors and he has not seen anything acknowledging that it is okay to maintain an auditor for more than a five year period of time. He said he is hesitant to approve this company because they have been doing our audits for about 15 years. He felt we should go out for bid and bring new eyes to the City.

A motion was made by Council Member Carrigan, seconded by Council Member Mayer, to select Kafoury, Armstrong and Company as the auditors for the City of Sparks, the Sparks Redevelopment Agency, the Regional Planning Agency and the Truckee Meadows Water Reclamation Facility for the fiscal year

ending June 30, 2008. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, NO. Motion carried.

6.5
Change Order No. 4 for the Golden Eagle Regional Park Project to Q&D Construction

Time: 4:16:04 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Change Order No. 4 to Q&D Construction for the Golden Eagle Regional Park (GERP) Project in the amount of $193,735. The additional cost is for the installation of a Geo-Sculpt play feature, a guard rail along the roadway at the box crossings, purchase and installation of 13 score boards and construction of two Bocce Ball Courts. These items were originally alternate items to the base bid. Funding is now available from interest earned on money from the sale of Don Mello to Red Development and from Impact Service Area 1 Flood for the guard rail at the box crossings.

Capital Projects Manager Chris Cobb stated that this Change Order includes the purchase and installation of the remaining scoreboards and the installation of previously purchased scoreboards. He noted that all the fields would not have scoreboards. He said the Change Order also includes additional guardrail for safer roadways; the construction of two Bocce Ball Courts and installation of a previously purchased play feature.

Council Member Mayer asked if the score boards were hardwired or remote controlled. Mr. Cobb responded that they are hardwired and not remote controlled.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve Change Order No. 4 to Q&D Construction for the Golden Eagle Regional Park (GERP) Project in the amount of $193,735. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6
Acceptance of the Regional Hazard Mitigation Plan Agreement

Time: 4:10:15 p.m.

An agenda item from Emergency Management Administrator Gary Dunn recommending the City Council accept the Regional Hazard Mitigation Plan Agreement among Washoe County, City of Sparks, City of Reno, Reno-Sparks Indian Colony and the Pyramid Lake Paiute Tribe (herein after referred to as Regional Partners), requiring funding a share of plan-writing vendor fees to revise jurisdictional All-Hazard Mitigation Plans into a Regional Hazard Mitigation Plan in the amount of $5,000. The Regional Partners currently have separately approved plans which all must be reviewed, updated and submitted to FEMA at least once every five years. This agreement pools funds to develop one comprehensive Regional Hazard Mitigation Plan with annexes for jurisdiction-specific procedures. Funding from a Pre-Disaster Mitigation (PDM) grant and from the

regional partners will be used to hire a consultant to assist the regional Emergency Managers with the development of the regional plan.

City Manager Carey requested a continuance of this item to the meeting scheduled for March 24, because the agreement was not included with the staff report. He noted that the agreement has been reviewed by the City Attorney's Office; however, it was not included in the Council's agenda information.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to continue approval of the Regional Hazard Mitigation Plan Agreement to the next regularly scheduled Council meeting (March 24). Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7
Approval of City Attorney's Request to Retain Special Counsel

Time: 4:11:26 p.m.

An agenda item from City Attorney Chester Adams recommending the City Council approve the City Attorney's request to retain the law firm of Laxalt & Nomura, Ltd. as special counsel, and fix the compensation for legal services provided in accordance with the hourly rates and costs set forth in the attached fee agreement.

Mr. Adams noted that this most recent legal action filed against the City of Sparks by the Red Hawk Land Company constitutes a conflict of interest due to his representation of the City Council in the original Red Hawk Land Company case. He is recommending that Special Counsel be retained to represent the City at a rate of $200/hour for Partners and Senior Litigators, $175/hour for Associates and $100/hour for Paralegals.

He said another issue is that a Civil Deputy City Attorney recently left employment with the City and due to the current workloads, it would be prudent to retain a law firm that is versed in these issues. He said the good news is that the City, irrespective of who prevails in any of these lawsuits, is not responsible for any monetary damages whatsoever. Mr. Adams assured the Council that he will be monitoring the case. He noted that Laxalt & Nomura was a respondent to the Request for Proposals for the annual City legal services contract and are well qualified and equipped to deal with matters such as this lawsuit.

Council Member Schmitt asked for monthly statements to the Council on what we spend on outside legal counsel. Mr. Adams said he would forward those billings to the Council as they are received.

A motion was made by Council Member Schmitt, seconded by Council Member Salerno, to approve the City Attorney's request to retain the law firm of Laxalt & Nomura, Ltd. as special counsel to represent the City of Sparks and the Sparks City Council Members in Cases CV06-02410; CV07-02180; and CV07-018981 and fix the compensation for legal services provided in accordance with the hourly rates and costs set forth in the attached fee agreement. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

7.1 Adoption of Bill No. 2571, Amending Chapter 7 Pertaining to Garbage and Refuse Control and the Collection of Solid Waste

Time: 3:32:32 p.m.*

An agenda item from Purchasing Manager Dan Marran and Senior Assistant City Attorney Shirle Eiting recommending the City Council conduct a public hearing and adopt Bill No. 2571, an ordinance amending Chapter 7 of the Sparks Municipal Code pertaining to garbage and refuse control and the collection of solid waste; and providing other matters properly related thereto.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

Mayor Martini noted that he received a note from the City Attorney that this item contains specific dates and this item can not be continued. Therefore it is being recommended that this bill be denied. Once the needed changes have been made a new bill will come forward for a first and second reading.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to deny bill No. 2571. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

*This item was heard out of order.

8. Planning and Zoning Public Hearings and Action Items:

8.1 PCN08005, Tentative and Final Approval of an Amendment to the Phase 1 Kiley Ranch North Planned Development Handbook

Time: 4:15:35 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and approve PCN08005, a request for tentative and final approval of an amendment to the Phase 1 Kiley Ranch North Planned Development Handbook.

Ms. Pellett stated Kiley Ranch Communities is requesting to amend the gateway sign locations to allow "way-finding" signs and banners within the project, and to make administrative changes within the

Phase 1 planning area. Because these changes are minor in nature, the tentative and final approval of the amendment is being processed simultaneously.

Ms. Pellett noted that the Phase I Development Area is located in the southern most portion of the Kiley Ranch North project area. The applicant is requesting minor changes on Page 2-29 of the handbook. They are requesting six way-finding signs to help vehicular traffic and pedestrians find their way throughout the project. On Pages 2-30 and 2-31, they are requesting to allow for banners within the Phase I Area and have included language for the maintenance of the banners. The banners will be within the LDZ (Landscape Development Zones) which are owned by Kiley Ranch North and are not City Property. On Pages 2-62 and 2-64, the applicant has relocated the community gateway signs. They have also changed the conceptual illustration for these gateway signs. All other changes were typographical errors and other errors of that nature.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this handbook amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve the tentative and final handbook amendment related to PCN08005, and amendment to the Phase 1 Kiley Ranch North Planned Development Handbook, based on findings PD 1 through PD21 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. General Business (Continued):

6.8
Possible Motion to Adjourn to a Closed Door Session

Time: 4:20:26 p.m.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to adjourn to a closed door session to review information from the City Attorney regarding potential or existing litigation involving a matter over which the Sparks City Council has supervision control or advisory power over, pursuant to NRS 241.015. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9.
Comments from the Council and City Manager

Time: 4:18:19 p.m.

Council Member Mayer commented on the exceptional paint job the facilities maintenance staff did on the exercise room at Alf Sorensen.

10.	Time: 4:20:53 p.m.
Adjournment	There being no further business, the meeting was adjourned at 4:20 p.m.

_____
Mayor

_____
City Clerk

>>>

REGULAR MEETING OF THE SPARKS CITY COUNCIL
March 24, 2008 3:00 p.m.

1. Call to Order

Time: 3:02:04 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: 3:02:12 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: John Dotson, Marc De La Torre, Andy Flock, Bill Finley, Adam Mayberry, Shirle Eiting, Steve Driscoll, Tim Thompson, John Martini, Stan Sherer, David Vill, JoAnn Meacham, Gary Dunn, Wayne Seidel, Chris Cobb, Victor Villarreal, Jim Rundle, Neil Krutz and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:02:24 p.m.

The invocation was given by Pastor Steve Wren from the First Christian Church of Sparks and the Pledge of Allegiance was led by Council Member Ron Smith.

Comments from the Public

Time: 3:03:30 p.m.

None.

Approval of the Agenda

Time: 3:03:40 p.m.

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

Council Member Salerno noted that there were citizens present for the first readings and asked that they be moved and be read at the beginning of the General Business items.

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

3. Approval of the Minutes

Time: 3:04:38 p.m.

None.

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

4.1 Proclamation - Tartan Day

Time: 3:04:43 p.m.

Mayor Martini read a proclamation naming April 6, 2008, as Tartan Day in commemoration of all that is best in Scottish history and culture. The proclamation was accepted by James J. MacDonald, III.

4.2 Proclamation - Fair Housing Month

Time: 3:08:57 p.m.

Mayor Martini read a proclamation naming April 2008 as Fair Housing Month in recognition of the Silver State Fair Housing Council and all other agencies pursuing fair housing. The proclamation was accepted by Katherine Knister, Executive Director of the Silver State Fair Housing Council.

4.3 Presentation/Update on False Alarm Program

Time: 3:13:01 p.m.

Police Chief John Dotson provided the City Council with an update on the Sparks Police Department False Alarm Reduction Program as outlined below:

Permits Issued by ATB

ATB began registering companies and alarm systems in January of 2007. Numbers shown are for Calendar Year 2007.

- Alarm Companies - 42
- Alarm System – Regular
  - Residential 1,533
  - Commercial 1,086
- Alarm System – Senior 470

Total Permit Registrants 3,131

Alarm Comparison 2006/2007

The following is a comparison between 2006 and 2007 in alarm responses by the Sparks Police Department.

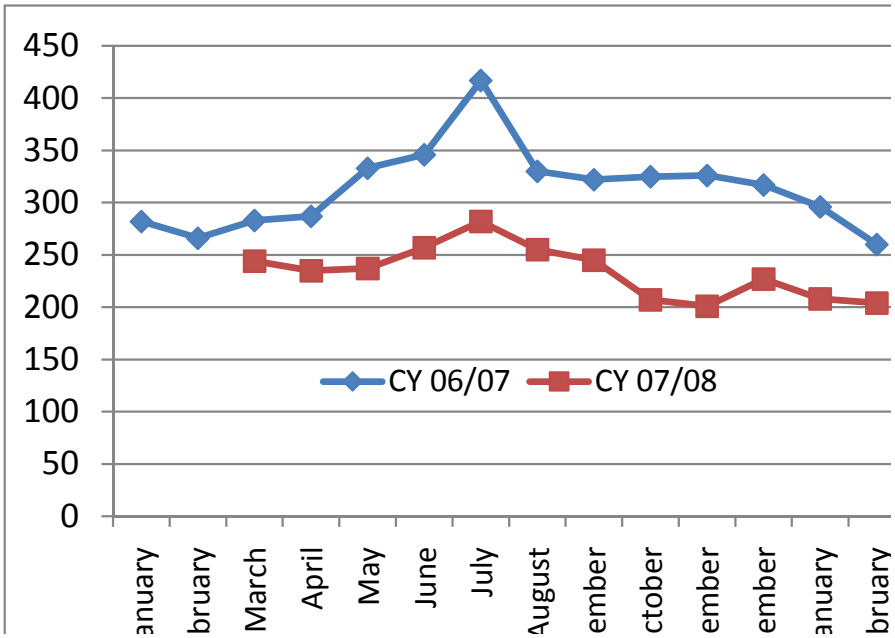
Type of Alarm	2006	2007	% Difference
Residential Intrusion	899	841	- 6.5 %
Business Intrusion	2,650	1,819	- 31.4%
Robbery/Hold-Up	194	228	17.5%
Miscellaneous	91	58	- 36.3%
Totals	3,834	2,946	- 23.2%

12 Month Alarm Comparison

The alarm protocols became fully effective March 1, 2007. The following comparisons are a twelve month (03-07 to 02-08) comparison.

Type of Alarm	Prior to Implementation	Post Implementation	% Difference
Residential Intrusion	937	811	- 13.4%
Business Intrusion	2,605	1,706	- 34.5%
Robbery/ Hold-Up	203	240	5.0%
Misc.	97	45	- 53.6%
Totals	3,842	2,802	- 27.1%

14 Month Alarm Comparison



2007 Alarm Responses

Alarm calls to Dispatch	2,946
Cancelled Prior to PD arrival	611
Total alarms responded to by PD	2,335
Alarms resulting in PD action	38
Percentage of alarms resulting in PD Action	1.6%

98.4% False Alarm Rate

Types of Cases/Arrests

Out of 38 alarms resulting in PD action, 32 cases were taken.

Type of Case Taken	
Burglary	20
Attempted Burglary	5
Trespassing	3
Property Damage	1
Petty Larceny	1
Other	2

Out of the 32 cases taken, 8 cases resulted in 12 arrests.

Type of Arrest Made	
Burglary	4
Trespass	4
Attempted Burglary	2
Petty Larceny	1
Warrant	1

Appeals/Suspensions/Revocations

Appeals:

- Number of Appeals Received
  - Residential 11
  - Commercial 9
- Number of Appeals Up-held
  - Residential 4
  - Commercial 3
- Number of Appeals Reversed
  - Residential 7
  - Commercial 6

Suspensions:

- Number of Alarm Systems Suspended
  - Residential 13
  - Commercial 74

Revocations:

- Number of Alarm Systems Revoked
  - Residential 0
  - Commercial 1

Revenues/Expenditures

ATB began registering alarm companies and systems in January 2007. Revenues/Expenditures are for calendar year 2007.

ATB Billables	
Permit Registrations	$ 74,375
Fines Imposed	111,650
Total Amount Billed	$186,025

Revenue Received by ATB	$ 182,458
Expenditures to ATB	(52,348)
Total Revenue to Alarm Fund	**$ 130, 110**

Police Department Projects

Past Purchases

- Shredders and Label Makers -$400

Given as door prizes during the ID Theft Community Class

- Ballistic Vests for Crime Supp. Unit - $7,870

Ongoing Projects

- Digital Recording Equipment - $86,775

Approved by council on March 17, 2008

Potential Future Projects

- iPaq's
- Plate Scanner
- Other technology based projects not covered in budget.

Cost Savings to the Citizens

Based on the 27.1% or 1,040 reductions in false alarms, this program has saved the citizens of Sparks over 1,040 man hours or $ 27,539.20.

Number of reduced alarms x 2 officers x 30 minutes each = Number of man hours.

Man hours x Officer Dollar per hour = Total Cost Savings

Dollar per hour amount is mid range patrol officer salary.

5. Consent Items:

Time: 3:35:15 p.m.

Consent Item 5.10 was pulled for discussion and separate vote.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.9, 5.11 and 5.12. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering February 28, 2008, through March 5, 2008.

5.2
Alcoholic Beverage Package License for Terrible's #856 Located at 5212 Sparks

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Jerry Edward Herbst, 1701 Enclave Court, Las Vegas, NV 89134, for an Alcoholic Beverage Package License for Berry-Hinckley Industries, doing business at Terrible's #856, located at 5212 Sparks Boulevard. Mr.

Boulevard	Herbst is the President of Terrible Herbst, Inc. C-Store/Gas Station with several stores in Reno and Sparks. The license will provide a $700.00 annual fee, plus $1.00 per $1,000 over $25,000 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.3 Alcoholic Beverage Package License for Terrible's #851 Located at 187 East Greg Street	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Jerry Edward Herbst, 1701 Enclave Court, Las Vegas, NV 89134, for an Alcoholic Beverage Package License for Berry-Hinckley Industries, doing business at Terrible's #851, located at 187 East Greg Street. Mr. Herbst is the President of Terrible Herbst, Inc. C-Store/Gas Station with several stores in Reno and Sparks. The license will provide a $700.00 annual fee, plus $1.00 per $1,000 over $25,000 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.4 Alcoholic Beverage Package License for Terrible's #823 Located at 350 N. McCarran Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Jerry Edward Herbst, 1701 Enclave Court, Las Vegas, NV 89134, for an Alcoholic Beverage Package License for Berry-Hinckley Industries, doing business at Terrible's #823, located at 350 N. McCarran Boulevard. Mr. Herbst is the President of Terrible Herbst, Inc. C-Store/Gas Station with several stores in Reno and Sparks. The license will provide a $700.00 annual fee, plus $1.00 per $1,000 over $25,000 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.5 Gaming License for Baldini's Sports Casino, 856 South Rock Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Sherry Ann Pringle, 3653 Spirit Bluff Court, Reno, NV 89511, for a Gaming License for Baldini's, LLC, doing business as Baldini's Sports Casino, located at 865 S. Rock Boulevard. Ms. Pringle has been a managing member of Baldini's, LLC since July 2001. The license will provide a $73,920.00 annual fee for 616 slot machines: 246 Penny; 206 Nickel; 59 Quarter; 5 Dollar. In addition, there will be a $900.00 annual fee for one Keno table and a $600.00 annual fee for one poker table. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.6 On Premises Alcoholic Beverage License for Baldini's Sports Casino, 856 South Rock Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Sherry Ann Pringle, 3653 Spirit Bluff Court, Reno, NV 89511, for an On Premises Alcoholic Beverage License for Baldini's, LLC, doing business as Baldini's Sports Casino, located at 865 S. Rock Boulevard. Ms. Pringle has been a managing member of Baldini's, LLC since July 2001. The license will provide a $1,000.00 annual fee, plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections

and approvals from various agencies as stated in the staff report.

5.7
Alcoholic Beverage Package License for Baldini's Grand Pavilion, 1055 South Rock Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Sherry Ann Pringle, 3653 Spirit Bluff Court, Reno, NV 89511, for an Alcoholic Beverage Package License for Baldini's, LLC, doing business as Baldini's Grand Pavilion, located at 1055 S. Rock Boulevard. Ms. Pringle has been a managing member of Baldini's, LLC since July 2001. The license will provide a $700.00 annual fee, plus $1.00 per $1,000.00 over $25,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.8
Gaming License for Baldini's Grand Pavilion, 1055 South Rock Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Sherry Ann Pringle, 3653 Spirit Bluff Court, Reno, NV 89511, for a Gaming License for Baldini's, LLC, doing business as Baldini's Grand Pavillion, located at 1055 S. Rock Boulevard. Ms. Pringle has been a managing member of Baldini's, LLC since July 2001. The license will provide a $1,800.00 annual fee for fifteen multi-denominational slot machines. The license is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.9
Award of Informal Quote to Construct Fire Sprinkler System for Fire Station No. 2

An agenda item from Public Works Director Wayne Seidel recommending the City Council accept the quote from Desert Fire Protection to construct the fire sprinkler system for Fire Station No. 2 in the amount of $51,928. Fire Station No. 2 currently has no sprinkler system. The Sparks Fire Department received a grant from the Department of Homeland Security to construct a sprinkler system. It has become standard nationwide to provide this type of system at all fire stations. The grant is for $47,067, which consists of a federal share of $38,454 and requires a minimum local matching share of $9,613. The CIP was budgeted for this project at $53,000 (CIP #8036).

5.10
Award of the Memorial Park Improvement Project

Time: 3:36:12 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council award the Memorial Park Improvement Project (Bid No. 07/08-017) to Gradex Construction Company in the amount of $234,511.07. This project will consist of providing more space for future monuments, replacing the existing pavers, and modifying the landscaping. Funds are available for this project.

Council Member Mayer asked if staff had a rendering of what the Memorial Park was going to look like after construction. Capital Projects Manager Chris Cobb responded that no, he did not have a rendering at this time. Mr. Mayer stated he thought this was the first

time the room tax was being used to refurbish a park in the tourist area and that more than likely we would not be doing this project if it were not for the room tax money.

Mr. Cobb confirmed that this project would not be possible without the room tax funds and that the project included replanting the trees and re-doing the pavers to make the park more inviting. Mr. Mayer asked if there were be electrical outlets in the park. Mr. Cobb said yes, they are running some electrical outlets, as well as new irrigation and a new planting plan for the trees. Mr. Mayer said it would be beneficial to be able to plug in speakers and podium lights on the east side of the park, closer to Pyramid, for special events.

Council Member Mayer asked if the park would be ready to open on Memorial Day. Mr. Cobb said the contractor is aware that the time line on this project is very critical. He asked if the police memorial will also be installed for the Memorial Day events. Mr. Cobb said he would check on this and provide an answer to Mr. Mayer.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to award the Memorial Park Improvement Project to Gradex Construction Company in the amount of $234,511.07. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.11
Authorization for the Fire Department to Pursue a Grant for Extrication Equipment and Training

An agenda item from Fire Chief Andy Flock recommending the City Council authorize the Fire Department to pursue a grand of Federal funds for extrication equipment and training through the 2009 Highway Safety Grant. The Grant is administered by the Nevada Department of Public Safety, Office of Traffic Safety. If awarded, the grant will be for $8,500 per year for three years, with the possibility of doing an in-kind match.

5.12
Amendment No. 3 to the Cooperative Agreement with NDOT for the Victorian Avenue Enhancement Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Amendment No. 3 to the Cooperative (Stewardship) Agreement with the Nevada Department of Transportation (NDOT) for the Victorian Avenue Enhancement Project and authorize the Mayor and City Clerk to execute the document. This amendment changes the termination date of the project from December 21, 2007, to December 31, 2008. It also changes some minor language in the agreement regarding property acquisition. The amendment has no direct financial impact to the City. Under the original agreement, NDOT will reimburse the City up to $1,200,000 for the construction and streetscape improvements on Victorian Avenue. The project is currently under construction with $1,600,000 budgeted in the CIP.

6. General Business:

6.1
Appointments to the Western Regional Water Commission and the Truckee Meadows Water Reclamation Facility

Time: 3:47:04 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council appoint a Sparks City Council Member as a Commissioner on the Western Regional Water Commission (WRWC) to represent the City and to appoint an alternate on this Commission. Staff is also recommending that the City Council confirm the appointment of Mayor Geno Martini as the Truckee Meadows Water Reclamation Facility (TMWRF) representative on the WRWC, as recommended and approved by the City of Reno on February 27, 2008. The Western Regional Water Commission (WRWC) has been formed by a Joint Powers Agreement (JPA), approved by the City Council on January 22, 2008. The WRWC's first meeting is scheduled for April 11, 2008. The current Interim WRWC Commissioners representing Sparks are: Council Member Ron Smith; Mayor Geno Martini (representing the joint Reno/Sparks appointment for TMWRF); and Council Member Mike Carrigan as appointed and approved by the Truckee Meadows Water Authority (TMWA) board.

Mr. Seidel reviewed the interim appointees and noted that now that the WRWC has been formed, in addition to reappointing those who have been serving in an interim capacity, we also need to appoint an alternate.

Mayor Martini asked if any of the Council Members would be willing to serve as an alternate on this board. Council Member Salerno stated he was the alternate on the TMWA Board and he would be willing to serve as the alternate on this board as well.

A motion was made by Council Member Carrigan, seconded by Council Member Mayer, to appoint Council Member Ron Smith as the WRWC Commissioner representing Sparks and appoint Council Member Phillip Salerno as the alternate. Also to confirm Mayor Geno Martini as the joint appointment representing TMWRF with Council Member Mike Carrigan representing TMWA for Sparks. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Resolution No. 3093, Consenting to Relinquishment of Land Transfer Agreement with NDOT for the Property Commonly Referred to as Shelly Park

Time: 3:49:38 p.m.

An agenda item from Real Property Agent David Vill recommending the City Council approve Resolution No. 3093, a Resolution Consenting to Relinquishment of Land Transfer Agreement, between the City of Sparks and the State of Nevada/Nevada Department of Transportation for the property commonly referred to as Shelly Park (3.975 acres). At the request of the City of Sparks, the Nevada Department of Transportation (NDOT) has determined and declared

Shelly Park to be surplus to their transportation needs and is offering to transfer title to the property to the City of Sparks.

Mr. Vill displayed a map of the property and noted that it was located to the south of Baring Boulevard, east of McCarran Boulevard, and west of North Truckee Lane and is identified as Shelly Park. He discussed the history of the park, stating that in March of 1974, the City entered into a 70-year multi-use lease with NDOT for 3.97 acres which ultimately became Shelly Park. Approximately two years ago we entered into discussions with NDOT, requesting that they declare this parcel surplus property and transfer it to the City of Sparks. NDOT has agreed that this is surplus property and this resolution is the first step in relinquishing the property to Sparks. If the Council chooses to approve this resolution, the request will to before the Board of Directors of NDOT in April. If approved by the Board of Transportation, the park will become the property of the City of Sparks.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve Resolution No. 3093, consenting to the Relinquishment and Land Transfer Agreement, as outlined by staff. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Agreement with TEC, Civil Engineer Consultants for Continued Research to Identify Water Rights

Time: 3:52:53 p.m.

An agenda item from Utility Manager Janelle Thomas recommending the City Council approve a Consultant Agreement with TEC, Civil Engineering Consultants, in the not to exceed amount of $315,000 for continued research to identify water rights belonging to the City of Sparks, associated with the street rights-of-way and public facilities. Under this agreement, TEC will continue to perform water rights title research and adequately document, prepare and file Reports of Conveyance with the Nevada Division of Water Resources (NDWR) to reflect the City of Sparks as owner.

Ms. Thomas said the primary purpose of this water rights research is to obtain the necessary water rights to satisfy the requirement of 6,700 acre feet of in-stream flow in the Truckee River Operating Agreement (TROA). This City's portion of that required 6,700 acre feet of water rights is 1,340 acre feet.

She stated the original agreement with TEC was signed in December 2006 and they have proven approximately 637 acre feet of water rights, as of last month. These water rights are filed or are in the process of being filed in the name of the City of Sparks with the State. With this new agreement, TEC will be researching public facilities, which is an avenue not included in the original agreement, where it is thought that more water rights may be found. This

includes public properties that are using effluent, but still have water rights associated with those properties.

Ms. Thomas stated that it is still anticipated that the City of Sparks will have a shortfall of approximately 700 to 800 acre feet of water rights that will need to be purchased in order to satisfy the City's obligation. Staff is pursuing purchases of appropriate water rights as they become available.

She noted that the City of Reno and Washoe County are moving forward with similar agreements with TEC. The current proven water rights for the City of Reno and Washoe County are 1,071 and 293 acre feet, respectively.

Ms. Thomas stated work under this agreement is anticipated to be completed by November 2009; unfortunately we are past the point of researching all the easy, larger blocks of water rights and are now continuing to a much more labor intensive phase of the project.

Council Member Carrigan asked where the money would come from to buy water rights if we don't find additional water rights. Ms. Thomas stated that water rights right now are selling for approximately $14 to $17 thousand an acre foot; however, we do have some funds set aside for this. Public Works Director Wayne Seidel noted that the current rate for Truckee Meadows water rights is about $20 to $22 thousand per acre foot and there are about 2,000 acre feet in inventory. He said the down stream water is about $13 to $14 thousand per acre foot.

Mr. Seidel said when we initially began the TROA agreement we were looking at about $7.5 million in funding between Reno and Sparks and in our current sewer model we have about $2.5 million per year for 10 years (for a total of $25 million) for the purchase of water rights.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the consultant agreement for water rights research with TEC in the not to exceed amount of $315,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4
Endorsement of the Conceptual Utility Master Plan

Time: 3:58:46 p.m.

An agenda item from Utility Manager Janelle Thomas recommending the City Council review and endorse the City of Sparks Conceptual Utility Master Plan, including a recommendation for one service provider for each utility.

Senior Planner Victor Villarreal noted that this plan was created to address a requirement of the 2007 Regional Plan that local jurisdictions plan for concurrency of infrastructure. Basically that we make sure future service areas are going to have necessary public facilities and infrastructure in place.

Mr. Villarreal displayed a map and noted that this plan outlines conceptual demand, cost, and location for three main facility items: water, wastewater, and storm water drainage. These demands were calculated using future population projections for the City and the entire future service areas (depicted on the map by the shaded areas). The plan looks at facilities on a holistic standpoint rather than on a development by development basis; if Sparks grows to its full potential, what will be required to serve the entire area.

Mr. Villarreal stated the report makes a policy recommendation that we seek out a single service provider for each of the utility items that are addressed in the report. The reason for this recommendation is two-fold. First, from a service provision standpoint, if we have a single service provider, Sparks residents will see a single rate structure and a consistent level of service across the entire city. Whereas, if we have multiple small service providers, there will be multiple rate structures and varying levels of service. Second, with essential utilities in the hands of numerous smaller service providers, there is the possibility of not only having a decreased level of service in some areas, but also of having a smaller service go insolvent; in which case we would have a gap in service.

Mr. Villarreal stated that while this document will not come to the Council for actual adoption, the information contained in it is very important and will serve to inform and develop a lot of plans and documents that will come forward for adoption. As an example he noted that the policy on the service provider issue will feed directly into the public services and facilities portion of the Sparks Master Plan and which hopefully will come to the Council for adoption before the end of the year. He said the document will also serve as a starting point for developing new fee benefit districts to ensure that new growth is able to fund the infrastructure required to support it. Mr. Villarreal said that additionally the conceptual costs and locations from this plan will feed into different area plans that staff is currently working on: one being the West Pyramid Area Plan and another being the East Truckee River Canyon Area Plan.

He noted that this document demonstrates our ability to provide key infrastructure items to our future growth areas, which is required before we can move forward with our seven-year annexation program.

Mr. Villarreal stated that at their meeting on March 21, the Planning Commission unanimously endorsed this plan and staff is requesting that the City Council also endorse this plan.

Council Member Smith asked for clarification on the statement that Sparks is currently using 31% of the available ground water. Mr. Eric McGrath of Stantec, the consultant for the utility plan, explained that the 31% was a number for the Truckee Meadows in general for the service territories of the Truckee Meadows Water Authority and the Washoe County Department of Water Resources. He said that groundwater is currently providing 31% of the water currently being used in the Truckee Meadows area, not just the City of Sparks and the other 69% of water being used is provided by surface waters.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to endorse the Conceptual Utility Master Plan and policy direction for one service provider per utility type. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5
Acceptance of the Regional Hazard Mitigation Plan Agreement

Time: 4:05:52 p.m.

An agenda item from Emergency Management Administrator Gary Dunn recommending the City Council accept the Regional Hazard Mitigation Plan Agreement among Washoe County, City of Sparks, City of Reno, Reno-Sparks Indian Colony and the Pyramid Lake Paiute Tribe (herein after referred to as Regional Partners), requiring funding a share of plan-writing vendor fees to revise jurisdictional All-Hazard Mitigation Plans into a Regional Hazard Mitigation Plan in the amount of $5,000. The Regional Partners currently have separately approved plans which all must be reviewed, updated and submitted to FEMA at least once every five years. This agreement pools funds to develop one comprehensive Regional Hazard Mitigation Plan with annexes for jurisdiction-specific procedures. Funding from a Pre-Disaster Mitigation (PDM) grant and from the regional partners will be used to hire a consultant to assist the regional Emergency Managers with the development of the regional plan.

Mr. Dunn noted that Washoe County made application on behalf of the Regional Partners to the State Department of Emergency Management (DEM) for a Federal FY 2007 Pre-Disaster Mitigation Grant in the amount of $62,406.75 (primarily for plan writing vendor fees), and the application was approved. He noted that $38,465.00 of the PDM Grant requires a 25% fund match from the Regional Partners. Per the agreement, Sparks' cost share of the funding match will be $5,000.

Mr. Dunn stated that each of the Regional Partners currently have a FEMA approved multi-hazard mitigation plans; however, all of the local plans must be resubmitted to FEMA every five years for approval. Our plan was approved by FEMA in March of 2006 and will have to be resubmitted to FEMA in March of 2011.

Mr. Dunn stated that based on the last few declared emergencies and training exercises, the Regional Partners realized that jurisdictional hazard mitigation plans need to be updated to include input from subject matter experts on all 13 identified hazards within the region. Additionally, FEMA prefers a regional approach to hazard mitigation planning. He said staff is requesting that the Council approve this Regional Hazard Mitigation Plan Agreement, requiring a $5,000 cost share from the City of Sparks.
Council Member Mayer noted a typographical error in the staff report under the Financial Impact section; making the cost appear to be five million instead of five thousand. Mr. Dunn noted that he was aware of the error; however, when the error was discovered, all necessary signatures had been obtained it was too late to change the staff report prior to it being scanned for the Council.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to accept the Regional Hazard Mitigation Plan Agreement and fund the City of Sparks' share of the plan-writing fees in the amount of $5,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6
1st Reading of Bill No. 2572, Providing for the Conducting and Holding of the 2008 Municipal Election

Time: 3:40:04 p.m.*
City Clerk Linda Patterson read Bill No. 2572 by title, an ordinance providing for the conducting and holding of a Primary and General Election to be held in the City of Sparks on the 12th day of August 2008 and the 4th day of November 2008, respectively; providing filing fees; 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 April 14, 2008.

*This item was heard out of order.

6.7
1st Reading of Bill No. 2573, Amending Chapter 3 Pertaining to Transient Accommodation Tax

Time: 3:40:36 p.m.*
City Clerk Linda Patterson read Bill No. 2573, an ordinance amending Chapter 3 of the Sparks Municipal Code to bring the code into compliance with current state law; 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 April 14, 2008.

*This item was heard out of order.

6.8
1st Reading of Bill No. 2574, 5th Street Investments, LLC, Rezoning 0.62 Acres from R4 to R4/TOD at Wright Way/5th Street

Time: 3:40:58 p.m.*

City Clerk Linda Patterson read Bill No. 2574 by title, a general ordinance rezoning real property owned by Pawl Hollis from R4 (Multiple Family Residential) to R4/TOD (Multiple Family Residential/Transit Oriented Development) on approximately 0.62 acres generally located on the northwest corner of Wright Way and 5th Street, 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 April 14, 2008.

Council Member Mayer asked why it was necessary to rezone this property. He said it was his understanding that a project had already been approved for this property. Assistant City Manager Randy Mellinger stated that when the original project was approved, we did not have the TOD standards in place. This will allow the developer a lot more options and it could result in a different project, with increased density, which is what we are looking for in this area.

Council Member Schmitt asked if Mr. Hollis was applying for this rezoning for the new owner, because he has sold the property. Mr. Mellinger confirmed that Mr. Hollis is not necessarily building the project, but he is the property owner and therefore is listed as the applicant for the zone change.

Council Member Carrigan asked if this was a zone change without a specific project defined. Mr. Mellinger confirmed that a specific project is not required with a zone change; with the exception of (sometimes) a planned development handbook. He asked the Council to keep in mind that we do not require Special Use Permits for anything under 110 units.

*This item was heard out of order.

6.9
1st Reading of Bill No. 2575, Lazy Five Company, Rezoning 24.1 Acres from A-5 to NUD

Time: 3:46:27 p.m.*

City Clerk Linda Patterson read Bill No. 2571 by title, a general ordinance providing for the rezoning of certain lands owned by Lazy Five Company from A-5 (Agricultural) to NUD (New Urban District) on a site approximately 24.1 acres in size; generally located northwest of the intersection of Highland Ranch Parkway and

Pyramid Way, 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 April 28, 2008.

*This item was heard out of order.

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

7.1 Time: 4:10:06 p.m.

Abandonment of a Storm Drain Easement

An agenda item from Real Property Agent David Vill recommending the City Council conduct a public hearing and approve the abandonment of a portion of a strip of land originally granted to the City as a 20' Storm Drain Easement, as shown in Parcel Map No. 2143, containing an area of 9,298 square feet (0.21 acres), more or less.

Mr. Vill noted that the property is located south of Glendale Avenue and west of south 21st Street. He stated that to the north, across Glendale Avenue is the Sierra Regional Complex and east of the property is Gillson Auto Body.

He stated that applicant has constructed a single story commercial office building in which a number of small businesses are located.

Mr. Vill noted that the original 20 foot storm drain easement was granted for public use in June 1987. The easement cuts diagonally through two parcels, which basically precluded the development of the parcel. The owners paid for the relocation of the existing storm drain and dedicated a new easement to the City; therefore, the diagonal easement area is no longer required by the City and the applicant is requesting it be abandoned to facilitate development of the property.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed abandonment. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve the abandonment of 9,298 square feet of Storm Drain Easement, and the relinquishment of the public rights retained by the City, as outlined by staff. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.2
Resolution No. 3094, Setting Environmental Control Inspection Fees

Time: 4:13:58 p.m.

An agenda item from Utility Manager JoAnn Meacham recommending the City Council conduct a public hearing and approve Resolution No. 3094, a resolution setting Environmental Control Inspection Fees.

Ms. Meacham said this item is the conclusion of the 2007 Sewer Rate Study and will reset the Environmental Control Permit Fees, effective May 1, 2008. Staff did a significant amount of public outreach regarding these inspections. As a result of that outreach, staff came to a better understanding of the program and developed an alternative cost recovery method. It is called the direct cost method and this method is written into the resolution. Because the increase is between 29% and 157%, depending on which class the customer is in, staff feels it is appropriate to phase-in the increase over a five year period.

She said that the phase-in method will require the City to manage our cash flow accordingly and it will create a subsidy of about $80,000 the first year and the subsidy will drop to $0.00 after five years. She noted that these permit fees are less than 1% of the revenues in the Sewer Enterprise Fund and therefore, staff feels this subsidy is manageable.

Ms. Meacham noted that the last public outreach was mailing a letter to all business owners in the City to show them what the new rate will be and how the phased-in method would work. We asked them if this would cause a direct, significant economic burden or restrict the formation operation, or expansion of their business. We received no response stating that this plan would cause economic burdens on their business. Because of this, there is no business impact statement provided with this resolution.

Council Member Carrigan asked if any of the businesses challenged our math on the direct cost figures. Ms. Meacham's response was no.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed resolution. There being no comment, the public hearing was closed.

Council Member Mayer asked that the record note that no one spoke at this meeting in opposition to the new fees. He commented that he received several calls and he is surprised that no one is present to protest the fee increases.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to adopt Resolution No. 3094, as

presented by staff. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, NO. Motion carried.

9. Comments from the Council and City Manager	Time: 4:18:15 p.m. None.
10. Adjournment	Time: 4:18:22 p.m. There being no further business, the meeting was adjourned at 4:18 p.m.

_____
Mayor

_____
City Clerk

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REGULAR MEETING OF THE SPARKS CITY COUNCIL
April 02, 2008 8:00 a.m.

1. Call to Order

Time: 8:02:45 a.m.

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 8:02 a.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 8:02:50 a.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Neil Krutz, Randy Mellinger, Randy Waterman, Kathy Clewett, Steve Driscoll, Chris Syverson, Adam Mayberry, Tom Minton, Tracy Domingues, Stan Sherer, Tony Turley, Armando Ornelas, Dan Marran, David Fitzpatrick and Carrie Brooks.

Pledge of Allegiance

Time: 8:03:07 a.m.

The Pledge of Allegiance was led by Council Member Phillip Salerno.

Comments from the Public

Time: 8:03:55 a.m.

Senator Randolph Townsend spoke in support of the RED Project, stating it was a huge project for Northern Nevada.

Mr. Don Young asked the Council to consider the legacy they are leaving the citizens of Sparks. He said the agreement is not equitable and does not benefit the City.

Mr. Steve Machico, representing the Carpenters Union, spoke in support of the project.

Ms. Clara Andriola, representing the Association of Builders and Contractors, spoke in support of the project.

Mr. Justin Ivory, a business owner in Sparks, spoke in support of the project, stating so many positive things will come out of this project.

Mr. Gary Schmidt stated he supported the project, but was opposed to portions of the public financing on this project. He also read an editorial claiming that public officials are at fault for the current budget crisis for not making growth pay its own way.

Mr. Michael Sterns, representing the Reno/Tahoe Open, spoke in support of the project.

3.
Amendment to the Disposition, Development and Financing Agreement (DDFA) with Sparks Legends Development Incorporated

Time: 8:18:14 a.m.

An agenda item from City Manager Shaun Carey recommending the City Council review and approve an amendment to the City of Sparks Disposition, Development and Financing Agreement (DDFA) by and between the City of Sparks, Redevelopment Agency II and Sparks Legends Development Incorporated. As described and disclosed within this agenda report and in the DDFA, the DDFA provides for the use of a Local Improvement District (LID) funded by individual assessments, or upfront payments, from the various parcels included within the Legends Project. The DDFA also provides a pledge of tax increment revenues from the Tourism Improvement District (TID) created for the Legends Project in the form of several series of Tax Increment Financing (TIF) Bonds secured by the bonding capacity of the Agency and pay as you go revenues to back stop the potential Sales Tax Anticipation (STAR) Bond short fall. The final and principal revenue source for the project is the issuance of STAR Bonds from the revenues generated with the Sparks Tourism District to the maximum degree economically feasible. The funds used for STAR, LID, and TIF Bonds are NOT General Obligations of the City of Sparks.

Mr. Carey stated it is his privilege to bring this item to the Council and he thanked the team of Finance Director Tom Minton, Assistant City Manager Randy Mellinger, consultant Dan Wyles, former Sr. Assistant City Attorney Greg Salter, and City Attorney Chet Adams for their dedication and hard work over many months to complete this amended DDFA. He said the City Attorney has found that this document is in accordance with law and he has agreed to its form. Mr. Carey said he is making a recommendation to the City Council and the Redevelopment Agency that they approve this amendment today and provide staff with any further direction they may have.

Mr. Carey stated the City of Sparks began its redevelopment efforts in June 1999 in recognition that redevelopment would provide a powerful tool to fix the blighted areas of Sparks located in the Conductor Heights area south of Interstate 80, the old commercial area along Oddie Boulevard, and yes, a blighted area in what is today the beautiful Sparks Marina. We began with an overall property value of $6.9 million and, as of today, that property value has grown to over $55 million. This project has been long in its inception, and slow its deliberations to ensure the public had a financing agreement that would protect future Sparks residents and taxpayers in the event that plans don’t turn out the way they are

envisioned, as some times happens in real estate propositions.

We first entered into an agreement with RED Development to create Nevada's first Tourism Improvement District in April 2004. This was then amended into the original DDFA in March 2006. It is important to note that, at that time, both parties agreed that additional work would need to be done on the financing of this project. That work has been the subject of many months of study and partnership between RED Development and various professionals, managed by the City, to ensure that this agreement meets the interest of both parties and delivers a project.

Mr. Carey stated that the opportunity that is before this City Council for consideration is the construction of 1.3 million square feet of retail, restaurant, and entertainment venues which will premier the use of Nevada's sales tax anticipation revenues for the creation of a Tourism Improvement District that will deliver not less than three million visitors per year to our market. Our developer has laid this out in various components and has been joined by other private sector retailers who will be buying and building portions of this project. The tourism core, the very heart of this project, is some 600,000 square feet. A combination of retail stores and destinations would not have chosen northern Nevada without this efficient use of sales tax revenues to entice stores to grow our market and deliver upon what our City Council sought - the removal of blight from the Marina Area. The combination of this tourism must be supported by lifestyle retail in order to provide the sales tax fuel necessary to entice, lure, and otherwise secure a tourism center that will serve to prosper our community.

The anchors of our retail core today are Sheels (the worlds largest all sports sporting goods store covering over $250,000 square feet) and the new Legends Bay, a 1,000 room hotel/casino that will soon be opening on the shores of the Sparks Marina. This new casino resort will be the first new casino in our area since the Silver Legacy was built in downtown Reno. It will have a 75,000 square foot casino, convention space, restaurants, and parking structures; making it an operation that will lend its attraction to those being built by RED Development in the core of the project.

We also, as a Redevelopment Agency, have long identified the need for a third anchor for this project and have pursued baseball for many years. Baseball made a choice to locate in downtown Reno and our Council has now entertained thoughts of a special events area to provide a third anchor to this center. Should this third anchor, a sports event arena, not be successful, we would be able to

build an additional 40,000 square feet of retail.

Mr. Carey said he is very proud of what of our Agency has accomplished in the elimination of blight. This project represents a tremendous opportunity for this community by adding over $149 million in available tax increment revenue to meet the needs of this community in its revitalization efforts. Our consultant, Meridian Business Advisors, has also looked at our tax potential and will be presenting additional information at this meeting which makes the tax increment revenue numbers even higher (an estimated 266 million). However, being conservative and not wanting to base our financing on 100% of what could be built, we have chosen $149 million. One project of $149 million goes a long way to provide money to revitalize the old Conductor Heights neighborhood and the Oddie Boulevard corridor and provide our citizens with a sustainable community long into the future.

We have faced many hurdles in the current financial markets with today's banking and lending conditions. Mr. Dan Wyles from Fieldman Rolapp has been with us for months; making sure that when these public financings enter the market, it will be under his good advice and some 25 years of experience assuring municipalities that their investments are well thought out and well placed. The banking and lending industry has been a challenge for RED Development. Key Bank has served them in a fifteen year relationship in many projects and that relationship is the one they are responding to with these changes in the DDFA.

One of our goals has been to ensure that we prudently finance this project and protect the interests of the public. To do that, we have created a 125 page Development, Disposition, and Financing Agreement. This is the form of agreement that is used in Nevada to control, direct, and carry out the mutual intentions of both parties to ensure that the interests of both parties are met. The 13 Articles in the agreement, if approved or modified today, will be the basis for building the successful project that the Council has sought for so long.

Mr. Carey stated it is important that he review each of the articles so that the public can hear the basis for the Council's decision and so that a record is established of the Council's consideration.

Under Article1 we agree to the parties in this agreement. STAR Bonds and the LID are under the authority of the City of Sparks. The use of TIF is under the authority of the City of Sparks' Redevelopment Agency and the third party to the agreement is

Sparks Legends Development Inc., a duly incorporated corporation in the State of Nevada, formed by a partnership at RED Development. Article 1 provides a definition of the area of the project and the sizing.

At this point there is a project description, a schedule, and a financing plan. As of this date, RED has made considerable investments in this project. They have acquired all of the properties which were contemplated in the original DDFA and have proceeded to acquire additional parcels as well. Parcels have also been sold. Olympia Gaming CRS Sparks, LLC will begin construction of the Legends Bay casino on 12.6 acres and Target Corporation is already underway with construction of a new store on 17.9 acres. All other parcels remain under the control of the developer. The City of Sparks formed Nevada's first Tourism Improvement District (TID) which will encompass more than a single entity. This was to allow the City to utilize a new tool to reinvest a portion of the sales taxes generated solely from this project site for the purpose of creating tourism in Northern Nevada. The City Council has carefully considered the requirements of the use of STAR Bonds and determined that the performa the developer is using will have a preponderance, or a majority, of its sales coming from tourism. RED is agreeing to carry out the Legends and populate the project with a retail mix that meets the intent of the law. RED has also completed its zoning entitlements and they hold a PD handbook which can lead to construction at this site and continue to comply with all the conditions that are in place in the various codes and regulations of the City of Sparks. Red will continue to seek Special Use Permits for further entitlements that will be needed during construction.

We also have the use of STAR Bonds. We will be using this tool in a very deliberate and well thought out manner. We are looking at $151 million of STAR Bonds being issued for this project in three forms. The first is a senior STAR Bond, which will be the bonds holding the highest pledge. A second form will be a mezzanine bond. This is a new, powerful tool which will serve the City well. After the center is opened and developed, we will be able to position the City to achieve the maximum STAR Bonds possible. The third tool is subordinate STAR Bonds which will be used in the third position.

Mr. Carey said he wanted it to be clear that this use of STAR Bonds is not a general obligation of the tax payers of the City of Sparks. Its success rests solely in the revenues that will be collected within the Tourism District, which is defined as the Legends project.

Another tool which will be used is the Tax Increment Financing (TIF) from the Sparks Redevelopment Agency. This section has had the most significant change since the original DDFA. The changes were brought on by changes in the banking commitment and climate and are necessary for this project to move forward to construction. Public financing markets for STAR Bonds, which are backed by only a pledge of sales tax revenue today, face challenging times in the markets they will enter in the coming weeks. We believe time for the financial markets to return to lower interest rates is in our best interest and have agreed to utilize our tax increment financing to allow us to reach those markets with our STAR Bond structure, which we believe will yield to the full recovery of the STAR Bonds associated with this project.

He said he used the term "back stop" throughout this DDFA. The original DDFA contemplated that the developer would take the sales tax from the project with a modest $5 million of tax increment coming to the project from the Redevelopment Agency. That has had to change because of the banking conditions and the outcomes of conservative evaluations of sales tax revenues. The yield of STAR Bonds needs to be bridged for a short period of time by this public agency for this project to move forward. He asked the public to listen carefully as he discussed the use of TIF and STAR Bonds in Articles 6 and 7.

Under the TIF proposal there is a range of outcomes from $13 million to $30 million. Mr. Carey stated we have put together a worst case scenario designed to demonstrate the effect of stressful conditions. He asked the Council to fully consider the disclosure case outlined in the staff report because this is the case from which he is recommending the Council to base their decisions. He said they need to be aware of the stress case and understand its outcomes because the disclosure case is highly likely to occur as a conservative outcome of this project. There are many reasons it will be exceeded by our ability to capture STAR Bonds on this project. The powerful use of the turbo clause with Star bonds will yield outcomes far better than those shown in the disclosure case. However, he is asking the Council/Agency to look closely at the disclosure. He stressed that Tax Increment Financing is not a general obligation of the City of Sparks. It is a tool, under the law, which has been provided to the Council and the revenues from TIF, in this case, are limited to the property taxes that will be collected within the bounds of the Tourism Improvement District.

Mr. Carey noted that the Developer has attached a financing plan to the DDFA. That plan shows private sources being used on this project in excess of $991 million. The full cost of STAR Bonds, the $156 million that we are committing to, carries with it costs, from its net to its full amount, which the developer has estimated to be $205 million.

A Local Improvement District (LID), a third form of financing, will also be used on this project. This is a traditional LID whereby private properties have come together to share the burden, through an assessment, of the cost of providing infrastructure that they share in common. Some $21 million will be paid in this LID. This will be the third LID in the City of Sparks and it comes with a cost of issuance of an additional $6.9 million. The LID is not a general obligation of the City of Sparks. It rests on assessments which will be collected from property tax bills, which will include an assessment for this improvement district.

Mr. Carey stated these three sources of public financing join with the millions of dollars from private investment to yield an overall project of $1.158 billion dollars. The public share, which will not change, is 18.8% of the total cost of this project - less than 20%; one dollar in four - to achieve the dreams of tourism increases in Northern Nevada and removal of blight from our City.

Article 3 sets forth general responsibility and introduces the important concept of conditions precedent. The City Council can rest assured that the City Attorney, the finance team, and the management team have worked very carefully to craft this agreement with appropriate conditions present at each future stage to ensure that the public interests, and the responsibilities of the developer and his desires, are all being met.

Article 4 is being removed from this agreement as we are no longer considering Triple A baseball. Article 5 is also being removed from this agreement. However, the sale of this property has had a fantastic outcome. Mr. Carey stated the City Council will arrive on April 14 at 11:00 a.m. to open the new Golden Eagle Regional Park. This Park will be the finest sports complex anywhere in the United States the day it opens. It has been built using the funds the City committed in the original DDFA from the sale of the Don Mello Sports complex. The developer paid more than the appraised value of the Don Mello site so that the parcel could be part of the overall success of the Legends project. The proceeds from the sale of this parcel, as well as a portion the Agency's sales tax revenues from growth were used to build the ball park, along with a contribution

from Washoe County and impact fees that were collected from new development.

Mr. Carey stated that Tax Increment Financing is a tool that is given to Redevelopment Agencies for purposes of removing blight. It must be done in accordance with rigid and constantly reviewed Nevada Revised Statutes (NRS). We have adopted a plan for Redevelopment Area 2 which identifies the removal of blight and the attraction of new investment that will improve conditions in portions of our community. The primary source of funding for this project, from its inception, has been senior STAR Bonds. However, near-term market conditions will not yield all of the STAR bonds needed to make our maximum commitment of $156 million. This commitment and sharing of risk between the developer and the Redevelopment Agency are the primary change in this agreement. Under this amended DDFA, if approved, the Agency/Council will be asked to make certain findings in the suggested motion as part of our delivery of the promises we are making to the developer.

A total of 1.3 million square feet will be contemplated in the final build-out of this project, which will provide access to $149 million, at build out. Mr. Carey stated that Article 6 has been negotiated to be a pledge… a serious pledge… an irrevocable pledge… of revenues from the Legends project. This developer is entitled only to tax increment that is built on this project, inside the Tourism District, and makes no claim to tax increment from other portions of the Redevelopment Agency. Mr. Carey emphasized that this is a revenue pledge and the Agency is not permitted to make future bond commitments to the specificity and degree for the Council to layout the exact time, the exact buyer, or the exact interest rate and this is why staff has stayed within the law and made this revenue pledge.

Mr. Carey said one of the concerns present through much of our discussions with the developer is why there is no cap on the use of tax increment for this project. Because of the discussions we have had with Key Bank and the developer, he believes that this agreement is capped. Not by a number in revenue, but by a placement of a restriction on its source of revenue and on its sole legislative discretion in future bond issues to ensure that we have created a project which is building the tax increment revenues. Those TID revenues can only be utilized if there are STAR Bond eligible costs and if the project is actually in place.

Mr. Carey stated that Senior STAR Bonds will be issued and will continue to be issued to maximize the use of this tool. That is why the developer's finance plan suggests that only $13 million will

ultimately be needed. In our disclosure case, that number is higher. And, in a stress case of many things going bad, it is even a higher number.

Mr. Carey stated that staff is authorized today, by the Council, to bring back the first series of TIF bonds. He said the TIF commitment that we are making today is available from the revenues that exist today and is not banking on future investments, only those that have already occurred. We are seeking $9.2 million of TIF in 2008 to aid the financing plan of this overall project. With the infusion on Senior STAR Bonds, LID funds, and $9.2 million from the TIF, substantial construction will commence at the Legends project in various phases. He stated there will be a grand opening on September 27, 2008, of the world's largest all-sports sporting goods store (Sheels) and there will be more ribbon cuttings that there have ever been in the history of this community in the next 18 months.

Mr. Carey stated the developer has gone well beyond the Phase I leasing activities required and has indicated to the City that by August 1, 2008, they will have met the second leasing hurdle. At that point we will begin the second issue of senior STAR Bonds. He reminded the Council of the turbo clause, which will allow us to pay off the STAR Bond commitments within nine to twelve years from the date this project opens and begins receiving revenues. He said is it highly likely we will be in a position to issue STAR Bonds using this turbo clause and making use of mezzanine STAR Bonds in just a few years. Once the center has opened and its revenues have stabilized, we will be able to enter the bond market under a different set of conditions. These will not be speculative conditions, but they will be based on what is actually occurring at the site. He said the use of mezzanine bonds are the way we will yield the full potential of STAR Bonds for this project.

Mr. Carey noted that there will be additional construction with the Legends Bay Casino, which will be constructing a multi-story structure that will take time. He said staff will be coming back in 2011 with a request for TIF bonds. Those bonds may be necessary if we are not able to issue sufficient senior STAR Bonds or mezzanine bonds. At that time we will make use of the TIF to take out the short-term financing being used by the lender and developer; use what has already been created on our tax roll by this project - an additional $10 million of TIF. At that point, in 2011, we want to split, above $10 million, the remaining bonding capacity between retiring additional short-term debt and achieving some of the pressing needs of the City. The Council has expressed their desire

to revitalize the Oddie Boulevard corridor. Sharing the TIF capacity in 2011 will yield substantial revenues to bring this part of the redevelopment plan to fruition.

In 2012 we will need to take action because the short-term financing agreement between RED and its lender must come to an end. The developer has never indicated to the City of Sparks that they have the ability to carry debt or bonds for a log period of time. They are in the shopping center development business and use their banking arrangements to create the equity necessary for their participation. In 2012 a project will be open and associated with not less than $800 million worth of assessed valuation and will be associated with producing stabilized funds associated with retail. We will look first to the market for additional STAR Bonds and/or mezzanine bonds; however, if those tools do not cover short-term debt, we will move to make our final commitments. Those final commitments include the issuance of subordinate STAR bonds that will be privately placed with this developer. Those bonds will be the final component that the developer will hold until paid off by subsequent bonding by the City of Sparks or until the bonds are paid off.

Mr. Carey then discussed the disclosure case. In the use of TIF in the manner outlined, we are going to look closely at what we expect to occur on this project. This is the outcome that is most likely to occur. The disclosure case consists of Phase 1A: the construction of 629,000 square feet. Phase 1B is the additional construction of 474,000 square feet. Both phases will be retail which will pay sales tax into the STAR Bonds district. Phase C is the infill which will occur in space that is not leased in Phases 1A and 1B. However, at the completion of Phase I, we will have over 1 million square feet. Leasing activities will draw to a close on Phase 1B in August of this year.

The developer is actively seeking financing and actively designing Phase 2 of this project, which will yield an additional 156 million square feet. This Phase is principally located along the edge of Helms Lake at the Sparks Marina Park and along the north side of the Sheels building and the central plaza, extending north to the arena site. The developer expects to complete leasing on this 156,000 square feet by 2008. Phase 2B is another infill phase to accommodate the filling of vacant lease space. In total, 1.336708 square foot of retail in both Phase A and Phase 1 are presented in the disclosure case, along with construction of the Legends Bay Casino. This assumes that we have issued a series of STAR Bonds; Phase 1A which we begin today; a series that will follow the leasing cut off date in August, Phase 1B; and a Series 2 that will occur

when the phasing, construction and leasing hurdles are met by the developer.

The disclosure case has total STAR Bond eligible costs of $165 million. The Real Estate Research Consultants' (RERC) study was done by a nationally recognized expert consultant which was retained by the City of Sparks to analyze the sale tax productions which would come from retail installations on a nation-wide basis, and more particularly, from this project. We believe, based on the moderate case presented by the RERC study, that the use of senior STAR Bonds at the completion of those three bond issues will generate $116,559 million, which, along with the TIF of $9.25 million, represents a financing short-fall of $40 million. We then apply all of the terms and conditions which are found in the DDFA. We will have a shortfall of $49 million in $2012 that can be met. Staff does not believe that under the disclosure case, we will ever have to place subordinate TIF bonds in that 2012 series with this developer. We believe they will be taken out by mezzanine bonds and the utilizations and structure previously discussed. Staff projects that in June 2012, the agency will issue additional TIF bonds in the amount of $13,502,000.00 and that will close our transaction from public financing.

Mr. Carey stated that under the disclosure case the City of Sparks will have yielded to itself a total of $138 million of tax increment revenue and utilized $3 million in TIF Bonds. We will retain 82.5% of the revenues which are coming from this project. RED Development, under the disclosure case, will have received $7,339,000.00 in tax increment revenue and we will have issued $22 million worth of bonds (the $13 million in 2012 and the $9.25 million being issued today).

He said the ratio is very important. The Agency reinvestment ratio is 17.5% of the property taxes created through the Legends project being reinvested in the project; and 82.5% (or over $142 million) being used in the public interest. This is a good return on our investment.

Mr. Carey then discussed the stress case; a case which could happen. We have designed this case to stress the STAR Bond production, which is the threat that exists to the City because we are the backstop for the lack of production of STAR Bonds. We believe that if the developer stops at the completion of Phase 1A and does no more construction, and if the Legends Bay Casino is not built, we would face our toughest position from which to generate STAR Bonds. In that case the STAR Bonds would reach $132 million and

we will have issued only senior STAR Bonds in the amount of $65 million dollars. We would have issued the 2008 bonds of $9 million. Under the stress case we would be looking at obligations in excess of $67 million. By applying the tools of this development agreement, we would be in a position to pay off our obligations in June of 2012. The application of our interest is not our friend and the cost would rise to $92,000,732.00 because we will have issued private subordinate TIF Bonds and Agency subordinate STAR Bonds by this time. Under the stress case, the STAR Bonds would continue to produce excess revenues associated only with Phase 1A and generate an additional $34 million. Our TIF bonding would rise to $29 million and our use of available STAR Bonds from our revenue stream would be an additional $29 million. These are the sources that would pay off a worst case scenario. The stress case would change the Agency's reinvestment ratio, but the City would still have $91 million to invest into public improvements and will have made a 43% investment in the RED's project and will retain for its own use 57% of the revenues.

Mr. Carey said Article 6 continues the discussion and disclosure of how each of the bond measures will be carried out. We have the potential for TIF Bonds to be placed in the hands of the developer and we want to ensure that the developer retains those or sells them no more than twice to what is called a "qualified institutional buyer." This is to insure that the persons taking this type of public debt understand the restricted revenue pledges associated with it and are qualified to make those decisions. Article 6 also covers the commitment of Legends revenues to the retirement of the STAR Bond shortfall and reserves for the Agency (from the Legends revenues) over $1 million in 2009 and $2 million in 2010, along with the revenues we will enjoy from the balance of the Agency. Funds in excess of these amounts can, and should be, used to retire as much of the outstanding commitment by the Agency as quickly as possible, as interest is not our friend.

Throughout this process, we have included an independent financial consultant to examine each of our future bonding decisions. We want the bonding decisions to be placed before the Council when all conditions are known. General provisions associated with the use of tax increment financing are addressed in Article 6. They include the requirement for the developer to follow prevailing wage requirements in the execution of this project.

Article 7 has been discussed to some degree under the presentation on Article 6. It is the primary source of funding and the article that provides the muscle for this project to come to fruition. It allows us

to use senior STAR Bonds, mezzanine bonds, and subordinate bonds to bridge these difficult financial times. We have affirmed that the TID was properly formed and the DDA places limitations on the maximum amount of STAR Bonds that are being pledged in this agreement; $151 million, plus $5.5 million associated with prevailing wage impacts and an amount related to interest on private STAR debt on the subordinate STAR Bonds held.

The foregoing represents the maximum STAR Bond obligations that the City is considering. Mr. Carey said he spoke earlier about the proper use of Conditions Precedence and these are employed in each of the mechanisms that the Council will employ to issue STAR Bonds in its first senior phase. He emphasized that we are using a way of protecting the public, and this is being protective of our coverage ratios. The City is using 165% coverage, based upon the advice of experts in this area, to provide for having 165% of the revenues needed to meet the obligations associated with our bonds. The 65% is the form of insurance to ensure that we will meet the commitments that we are making for the bond holders. The developer will need to build and operate the buildings and we will also need to have completed the LID.

In this structure we move through STAR Bonds until we get to a point, later in the project, when we will begin to consider the use of lower coverages for the debt the developer will hold in subordinate STAR Bonds. In that case we must have less coverage because those are held by the developer. These bonds require 110% coverage, with appropriate conditions present. We also cover the conditions precedence for mezzanine bonds, which we believe will be a very powerful tool.

He emphasized that the developer is only using STAR Bonds for things which are qualified for their use. The term “eligible STAR Bond costs” is very important to the City. In our use of any tax increment financing, we are designing this project so we will be purchasing eligible STAR Bond improvements.

Mr. Carey said he would not discuss the Local Improvement District (LID), stating Nevada law will guide its implementation and it is meeting the criteria for lien to value ratio or through letters of credit enhancement. He said some $21 million will be employed using this tool.

He then discussed Article 9, which discusses prevailing wage. He stated this received significant review by the City Attorney and Deputy Community Development Director Neil Krutz and we

believe we are in full compliance with Nevada's prevailing wage requirements. We are using public dollars on this project and are following closely the statutes which are associated with that. He said this developer understands how important his compliance will be and the penalties they would face should they not comply with these requirements. They must maintain fair employment practices and provide opportunities to all members of our community.

Mr. Carey said Articles 10 through 13 are largely unchanged from the original DDFA and he would not discuss them unless the Council had questions. He then invited the developer to make a presentation regarding the proposed project and DDFA.

Council Member Mayer asked for clarification on the mezzanine bonds. The City's Financial Advisor, Dan Wyles of Fieldman Rolapp and Associates, explained how mezzanine bonds fit into the financing for the project.

Council Member Mayer asked if the sales taxes from construction of the project are captured under the tax increment district for the bonds. Finance Director Tom Minton stated that the Department of Taxation has requested an opinion from the Attorney General on this issue; however, we have not yet received an answer. Mr. Minton stated that the City's position is that with the creation of the tourism improvement district, if title passes on goods within that district, then we are entitled to the use tax.

Council Member Carrigan asked for confirmation that the biggest change to this DDFA is that now we are putting up tax payer money in the form of TIF to cover the developer's short term debt obligation. Mr. Minton responded that to fully secure the $156 million pledge, yes, we will now be using TIF.

Council Member Salerno asked for clarification regarding the provision for a substitute manager under Article 10; page 26. Mr. Carey stated that RED currently has a manager for the operation of the retail center; the same manger that opened their project in Kansas City. This provision states that they must maintain a manager capable of leading the center and that manager must be approved by the City. We want to make sure that RED continues the management of the center to achieve its' greatest potential.

Mr. Carey introduced Mr. Larry Thiess, who was selected to open Sheels. Mr. Thiess stated he moved to Sparks last July and has been working to train a management team for the store.

Mr. Steve Graham of RED Development thanked the Council and City staff for their vision which has created this project. He said if it had not been for the work that was done by the City/Agency at the Marina and the development of a Tourism District, this project would not be possible. He thanked everyone who worked so hard to put this deal together and played a short video promoting the Legends at Sparks Marina project.

Mr. Graham stated that Council Member Schmitt had asked for some research regarding the economic impacts of this project. A senior analyst with Meridian Business Advisors, stated they were retained to conduct an economic impact analysis of the Legends at Sparks Marina and that the analysis was done in conjunction with the Center for Regional Studies at the University of Nevada, Reno. She gave a brief project description which included the anticipated finished size of the project and the cost projections. After reviewing the methodology of the study, the analyst briefly discussed the impacts of the construction of the project on our economy, as well as the jobs generated by that construction. She also reviewed the impact of the opening and operation of the retail center and the estimated economic impact on our region.

Council Member Mayer asked for more detail regarding the impacts of the project throughout the community. The analyst stated that the developer will spend $471 million buying goods and services to vendors and paying salaries to employees. Then the employees and the vendors for the development will, in turn, spend money within the local economy. This would be an indirect impact. The money that is spent by local businesses would have an induced impact.

The financial advisor for RED, Mr. Gerome Morinan, responded to a question Mr. Carey asked in his presentation: in the financial plan there is a $205 million figure shown for STAR Bonds, yet we are pledging a maximum amount of STAR Bonds. Mr. Carey wanted Mr. Morinan to explain what makes up the difference between the maximum pledge we are making and the $205 million figure. The advisor explained that in order to raise net proceeds of $156 million in bonds, we will have to issue gross bonds in the amount of $205 million. The gross proceeds will include capitalized interest; debt service reserve funds; underwriter fees, and reimbursement of consultants, etc. The capitalized interest will pay back the bonds until such time as there is sufficient sales tax to begin paying back the bonds. The debt service reserve is required by the bond holders and is approximately ten percent of the bonds. If for any reason the revenues are not sufficient to make the bond payment, the reserve would be used to make the payment. The reserve fund does accrue

interest and when the bonds are almost paid off, the reserve will be used to make the final payment on the bonds.

Council Member Carrigan asked RED's Financial Advisor about using tax payer money in the form of TIF for this project. He emphasized that he is in favor of this project, but he was concerned about the recent development of using TIF to bridge the shortfall between STAR Bonds and RED's investment. He said it makes the City a venture capitalist and he felt government should not be in the venture capital business. The Financial Advisor stated that RED's construction loan has to have a point of repayment because the lender is not going to let RED borrow money for construction with a repayment term of 20 years. Typically a construction loan is around three years and RED has to show how they are going to repay the loan within that time limit. The typical process is that after the project is complete, a developer would go to a different type of lender to refinance the project, which is what RED is planning to do. He explained that RED's financing plan and the amount of money their bank will let them borrow was based upon the amount of STAR Bonds for the project. However, seven or eight months ago the public financing market has drastically changed and the interest rates went up. This caused a $40 million shortfall, from the amount RED originally expected to receive in STAR Bond funds.

Council Member Carrigan said the $40 million shortfall is now being made up with TIF. He said according to the staff report, we can't use just a little bit of TIF, but the entire amount of TIF. If the market starts going south, the gap gets bigger. He said he had no problem with using STAR Bonds, but he felt we should not use TIF to make up the shortfall in bond financing.

Council Member Carrigan stated that he also had concerns regarding the fact that as of September 15, 2009, RED could sell the project to someone else. Mr. Graham stated this is a typical clause in most of their development agreements; however, they have a very significant financial commitment to this project and their company has a history of holding their shopping centers for the long-term and they have sold very few in the many they have developed in the last 12 years. He said it would be a very unusual circumstance that would allow a developer to sell a project before it is completely built and leased and operational.

Council Member Carrigan stated the big contributor to TIF is the hotel/casino and he asked what would happen if, for some reason, the casino is not built. Mr. Graham stated that at this time the hotel/casino has contractual obligations and performance

requirements and they have already purchased the property. The Financial Consultant stated that they have very strong interests in making sure that the casino goes forward. He emphasized that there are a lot of mechanisms in place to minimize the impact of the TIF.

Mr. John Griffin, on behalf of Olympia Gaming, stated they will not be seeking TIF money and it has been their position that they are not going to receive any public money for this project. Mr. Carey clarified that there is an LID assessment on the property for public improvements.

Council Member Schmitt asked who had authorization on behalf of RED to approve any changes in the DDFA that might be made at this meeting. Mr. Graham responded that this document has been signed and approved by the banks, the managing partners, etc., and therefore, they were not in a position to approve any changes at this meeting. Council Member Schmitt expressed disappointment that no changes could be made in the agreement, stating it seems to be a "take it or leave it" proposition. Mr. Graham stated that if the Council could not support this agreement, he would request a continuance so that staff and RED could work through any issues. He said he would never look at this as a "take it or leave it" agreement.

Council Member Schmitt said a lot of effort has gone into making sure that this agreement is right for both parties and he felt there has been plenty of opportunity for any of the Council to voice their opinion on this document.

Mr. Graham introduced Mr. Dennis McGovern, who will be the manager of the Legends project. Mr. McGovern stated that he has been in the industry for approximately 20 years and this is the seventh shopping center he has been associated with. He said that as a shopping center manager for RED Development, he felt an obligation to be an active member of a community and he will be an active member of the Sparks community.

Mr. Carey noted that the suggested motion for the Council is a two part motion and includes findings as disclosed on page 31 of the staff report.

Council Member Mayer asked for information regarding the proposed arena. It was noted that the arena is a "work in progress." Mr. Carey clarified that the City Redevelopment Agency is acquiring, through this agreement, the site of the arena. There will be a period of time where we are the owner of that property and we

will work with the developer to build an arena; however, if we are unable to get through the financing of this facility, it will remain in the agreement to be developed as additional square footage.

Council Member Salerno thanked the council members who worked so hard to make this dream a reality. He noted that some of the council members had reached their term limits, including him, and he was proud to have been a part of this project.

Council Member Mayer stated that he is torn between the risks and benefits of this project to the City; but ultimately he felt that the benefits outweighed the risks.

Mayor Martini said he has watched the project evolve from a lush pasture; to a big polluted hole in the ground filled with water; to ultimately, a terrific marina. He said if this was 2004 and the economy was strong, he would not approve this agreement. However, the economy is not strong right now and we need to support our local economy. He said this is our local "economic stimulus package" and will benefit the whole region. We have an opportunity to redefine what a tourist destination resort is and when this is all said and done, we will be proud of this project. He said this will not affect the general fund in any way and he is very in favor of this project.

Council Member Schmitt stated that five years ago this property was a blighted area and no one ever thought a project like this could happen. He said this project has been through many revisions in since it was first proposed, but he believed this project will set the bar for tourist destinations on the West Coast and it will be a substantial benefit to this community.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve the amendment to the Disposition, Development and Financing Agreement with Sparks Redevelopment Agency and Sparks Legends Development Incorporated. Based on Findings 1 through 9, I move that the City Council consent to the Agency's purchase of those properties described in Article 6, Section 6.05.A through and including 6.05.C of the DDFA. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, NO. Motion carried.

RECESS Time: 10:15:52 a.m.

Mayor Martini called a five minute recess to allow those attending the meeting to hear the discussion on the Legends project to leave the council chambers, before continuing with other business.

4.
Award of the Contract for Golden Eagle Regional Park Concessions

Time: 10:25:26 a.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council award to Bully's Sports Bar, Inc the Contract (RFP #07/08-011) for the Golden Eagle Regional Park (GERP) Concessions. Anticipated annual revenues to the City from the agreement are $14,000.

Mr. Sherer stated that this is a partial concession contract for GERP. He said we have no intention of opening the upstairs portion of the building and this contract was only for the separate, downstairs portion of the concession building. He stated we are still in negotiations with the contractor for a long term agreement on the upstairs and downstairs concessions. We are not fully aware of what the tenant improvements need to be in order to meet the contractors needs or how we are going to finance those tenant improvements. As a result, this agreement if for the downstairs area only so we can provide service during the upcoming year. The agreement contains a clause that provides for negotiation of a new agreement by October 1, 2008, or we will have to issue another RFP and solicit another contractor.

Mr. Sherer noted that normally the concession contract is for a longer period of time, but there are unresolved issues with the new ball park. We have to determine what the market will be and what a reasonable amount is to charge for a lease on the upstairs space. He noted that the item following this one was the concession agreement for Shadow Mountain Park and it was for a three-year term.

Council Member Smith remarked on how nice the ball park looked and how well the construction was progressing.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve the contract with Bully's Sports Bar, Inc. for concession operations at the Golden Eagle Regional Park. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.
Award of the Contract for Shadow Mountain Concessions

Time: 10:30:19 a.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council Contract award to Goodi's Fresh Squeezed Lemonade the contract (RFP #07/08-018) for the Shadow Mountain Concessions. The annual estimated revenue to the City from this contract is $10,000 to $12,000.

Mr. Sherer said Goodi's is the same contractor that runs the concession at Sparks Marina. Under this agreement we will receive 15% percent of the gross proceeds, annually. This contractor was 9% more than any of the other respondents to the request for proposals (RFP).

Mayor Martini asked if it works out better to have a percentage contract or a flat fee contract. Mr. Sherer stated that in a concession of this size, the percentage works well. However, when we finalize the GERP contract, we will negotiate a per square foot charge because of the size of the operation.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to award the contract with Goodi's Fresh Squeezed Lemonade for concession operations at the Shadow Mountain Park. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. Comments from the Council and City Manager

Time: 10:31:45 a.m.

None.

7. Adjournment

Time: 10:31:55 a.m.

There being no further business, the meeting was adjourned at 10:31 a.m.

_____
Mayor

_____
City Clerk

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REGULAR MEETING OF THE SPARKS CITY COUNCIL
April 14, 2008 3:00 p.m.

1. Call to Order

Time: 3:02:28 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: 3:02:33 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Phillip Salerno, ABSENT.

Staff Present: Chris Syverson, Karen Todd, Neil Krutz, Karen Melby, Nancy Owens, Victor Villarreal, Tim Thompson, Mike Biselli, Steve Driscoll, John Dotson, Wayne Seidel, John Martini, Shelley Ricketts, Lori Howard, Rob Joiner, Tracy Wheeler, Pete Etchart, Pete Krall, Jim Rundle, Suey Huey, Marc De La Torre, Andy Flock, Chere' Jigour, Mike Kelley, David Vill, Starlin Jones, Chris Cobb, Stan Sherer, Bob King, Shirle Eiting, Michelle Peltier Margaret Powell, Doug Thornley, Randy Mellinger, Carrie Brooks.

Invocation and Pledge of Allegiance

Time: 3:02:50 p.m.

The invocation was given by Bishop S. Clay Jorgenson from the Church of Jesus Christ of Latter Day Saints and the Pledge of Allegiance was led by Council Member Ron Smith.

Comments from the Public

Time: 3:04:40 p.m.

Mary Jones read a statement for Shirley Bertschinger, who was unable to attend the meeting. Ms. Bertschinger requested to go on record opposing any master plan amendment for any property located north of Los Altos Boulevard and Vista Boulevard in which Vista Boulevard would be the main route of travel because of the limitations for accommodating additional traffic on Vista Boulevard.

Louis Dauria, 3334 Ten Mile Drive, the President of the Wingfield Springs Homeowners Association, spoke in opposition to increasing the density on the 60 acres without first providing adequate infrastructure. He said Vista Boulevard needs to be widened to accommodate additional traffic prior to allowing additional development.

Approval of the Agenda

Time: 3:03:40 p.m.

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

Mayor Martini asked that the consent items be moved to be heard prior to approval of the minutes, in order to facilitate approval of a liquor license.

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

3. Approval of the Minutes

Time: 3:13:34 p.m.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the minutes of the Special Meeting of March 5, 2008, and the Special Meeting of March 17, 2008. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

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

4.1 Proclamation - Arbor Week

Time: 3:14:05 p.m.

Mayor Martini read a proclamation naming April 21-25, 2008 as Arbor Week in recognition of Arbor Day and the many benefits of trees to our community. The proclamation was accepted by the City's Urban Forester, Mike Kelley.

4.2 Proclamation - National Telecommunications Week

Time: 3:15:57 p.m.

Mayor Martini read a proclamation naming April 12-19, 2008 as National Telecommunications Week in recognition of the importance of emergency communications personnel. The proclamation was accepted by Sergeant Pete Krall, supervisor of the Communications Division at the Police Department. Sgt. Krall introduced Emergency Communications Specialist Nancy Owens, and Emergency Communications Dispatchers Shelley Ricketts and Lori Howard.

5. Consent Items:

Time: 3:12:37 p.m.*

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve Consent Items 5.1 through 5.11. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

*This item was heard out of order.

5.1 Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering March 6, 2008, through March 26, 2008.

5.2 Cabaret License for Cantina Los Tres Hombres, 926 Victorian Avenue	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Shawn P. Plunket, 10155 Cascade Falls, Reno, NV 89521, for a Cabaret License for Role Model, LLC, doing business as Cantina Los Tres Hombres, Victorian Square, located at 926 Victorian Avenue. This will be Mr. Plunket's first liquor license in Sparks. The license will provide a $1,300.00 annual fee plus $1.00 per $1,000 over $50,000 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.3 Alcoholic Beverage Package License for Sam's Discount Liquors, 675 S. Rock Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Gurmeet Singh Gill, 790 E. 2nd Street, Reno, NV 89502, for an Alcoholic Beverage Package License for Sam's Discount Liquors, located at 676 S. Rock Boulevard. This will be Mr. Gill's first liquor license in Sparks. The license will provide a $700.00 annual fee plus $1.00 per $1,000 over $25,000 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.4 On Premises Alcoholic Beverage License for Spanish Springs Sushi, 222 Los Altos Parkway, #112	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Jerald Owen Kiger, 10575 Palm Desert Drive, Sparks, NV 89441, for an On Premises Alcoholic Beverage License for Spanish Springs Sushi, LLC, doing business as Spanish Springs Sushi, located at 222 Los Altos Parkway #112. This will be Mr. Gill's 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 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.5 Reversion to Acreage Map for 1913-1949 Pacific Avenue	An agenda item from City Surveyor Andy Fuller recommending the City Council approve an application from Sparks Nugget, Inc. for a Reversion to Acreage Map for property located at 1913-1949 Pacific Avenue. The reversion is to eliminate interior lot lines conflicting with an existing building. The map has been checked and found to be technically correct and the appropriate fees have been paid. A performance bond is not required to be filed with the City Clerk as no public improvements are associated with this map.
5.6 Purchase of a Laboratory Information Management System for TMWRF	An agenda item from Laboratory Services Supervisor David Bruketta recommending the City Council award to Accelerated Technology Laboratories Inc. the competitive quote for purchase of a laboratory information management system for the Truckee Meadows Water Reclamation Facility (TMWRF) in the amount of $80,789.60. TMWRF is working to update their database management tools for the purpose of managing workload, measuring performance and defining more precise benchmarks in their activities. This Software purchase provides the tool by which this can occur.

5.7
Approval of a One Year Contract for Disposal of Bio-Solids for TMWRF

An agenda item from Operations Superintendent Starlin Jones, recommending the City Council approve a one year contract (Bid No. 07/08-015) with Wastewater Solids Management Company in the amount of $76,950 per digester to clean, dewater and dispose of bio-solids for the Truckee Meadows Water Reclamation Facility (TMWRF). The contract begins May 1, 2008 and includes three one year renewal options. TMWRF has five anaerobic digesters that may need to be cleaned over the next four years. There is a possibility that the digester domes are in need of re-coating, repair or possible replacement. Funds were budgeted and are available for this expense.

5.8
Lease Agreement for the Land and Buildings at 1989 Pacific Avenue

An agenda item from Real Property Agent David Vill recommending the City Council approve a new lease agreement between the City of Sparks and Peavine Leasing, LLC, for the land and buildings located at 1989 Pacific Avenue (APN: 032-231-35). On September 25, 2006, Council approved a ten year lease agreement for approximately 0.48 acres of land and a 4000 square foot building to provide space for the street and sign crews, plus two heated vehicle maintenance bays. The lease also provided a fenced and alarmed parking area, freeing up additional space in he maintenance yard for City and employee vehicle parking. It was noted, at that time, that there was an 800 square foot building with three to four parking/storage spaces located on the same lot that was leased to Pacific Cable Construction, who would be relocating to a new building in the future. Pacific Cable has relocated and Peavine is now offering a new ten year lease to the City to include the additional building. The drains utility crew will relocate and utilize the additional building, freeing up space in the equipment services facility for inside maintenance of oversized vehicles. The new lease starts at $2,950 per month with an annual 3% escalator clause, plus utilities. Under the current lease the City is paying $2,532.50 monthly.

5.9
Approval for Sparks' Share of Construction of the TMWRF No. 2 Water Pump Suction Modification Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Sparks' share of the bid award to RDC Inc. by the City of Reno for construction of the Truckee Meadows Water Reclamation Facility (TMWRF) No. 2 Water Pump Suction Modification Project in the amount of $34,695.22, to be reimbursed to the City of Reno. The City of Reno will administer this maintenance contract with RDC Inc., to modify and improve the No. 2 water system at TMWRF in an amount not to exceed $110,600.00 with Sparks reimbursing Reno based on the updated existing capacity as the result of the TMWRF expansion project. This project is on our five year CIP.

5.10
Approval of Destruction/ Disposal of Paper Copy

An agenda item from Human Resources Manager Chris Syverson recommending the City Council approve the destruction/disposal of the paper copy of documents that have been microfilmed, as

of Documents That Have Been Microfilmed

itemized in the staff report. NRS 239.124 directs local entities to follow the procedures set forth in the NRS, and any procedures specifically authorized by the City Charter, for the disposal of records. Human Resources has followed procedures for Terminated Recreation Employee Files 2000-2006. Each roll of microfilm to be considered has been visually inspected for clarity and indexed for reference and retrieval purposes.

5.11
On Premises Alcoholic Beverage License for Bully's Sports Bar & Grill, dbat Golden Eagle Regional Park, 6400 Vista Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Paul D. Sonner, 830 Crocker Way, Reno, NV 89509, for an On Premises Alcoholic Beverage License for Bully's Sports Bar & Grill, Inc., doing business as P. Sonner Concessions doing business at the Golden Eagle Regional Park located at 6400 Vista Boulevard. Mr. Sonner currently holds alcohol and gaming licenses for eight Bully's locations in Reno and Sparks. The license will provide a $1,000.00 annual fee plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

6. General Business:

6.1
Professional Consulting Services Proposal for Architectural and Engineering Design Services for Phase 2 of the Larry D. Johnson Community Center

Time: 3:20:02 p.m.

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council approve a professional consulting services proposal from Hershenow and Klippenstein Architects to provide Architectural and Engineering Design Services for Phase 2 of the Larry D. Johnson Community Center in the amount of $244,600. There are three phases planned for the community center which will provide a central location for children to get involved in the community. Phase 1 is complete, but with current and future use, Phase 1 will need to be expanded. Phase 2 will provide 7,000 square feet of additional space for an entry vestibule, lobby, a larger aerobics classroom, dividable multipurpose room, additional restrooms, and support space. Funding has been approved in the 2007/2008 CIP for these design services.

Mr. Cobb stated that initially there was some State funding which has since been rescinded. However, Government Affairs Manager Rob Joiner reports that it looks as if we have been approved for Federal funding for about $245,000. He emphasized that we have to ensure that we meet all the environmental requirements for this funding.

Council Member Mayor asked how much more it would cost to include the design for Phase 3 with the design for Phase 2. Mr. Cobb stated that because of the size and nature (a gymnasium) of Phase 3, it would cost an additional $700,000 for the design and engineering.

Council Member Schmitt asked if there were any contingency plans if we do not receive the federal funds. Mr. Cobb stated we have $353,000 left over from last year; therefore, if the federal money does not come through before we get the environmental issues taken care of; we do have enough to go forward with the design.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve a professional consulting services proposal from Hershenow and Klippenstein Architects to provide Architectural and Engineering Design Services for Phase 2 of the Larry D. Johnson Community Center in the amount of $244,600. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.2
Possible Direction Regarding Master Planning of the West Pyramid Area

Time: 3:24:38 p.m.

An agenda item from Senior Planner Jim Rundle recommending the City Council hear a presentation, hold discussion, and provide direction to staff regarding master planning of the West Pyramid area within the City of Sparks sphere of influence, a portion of which is governed by cooperative planning; generally located north of Wedekind Road, west of Pyramid Highway, east of Sun Valley, and south of Eagle Canyon Drive.

Mr. Rundle noted that in 2007 the Council approved a contract with JDA Consulting to prepare a master plan for the West Pyramid Area. This area was included in the Sparks Sphere of Influence in 2002 and 2006.

Mr. Rundle directed the Council's attention to several large posters and noted that the large colored areas indicated the West Pyramid Area under study. He said the plan started with a meeting with the Spanish Springs Citizen's Advisory Board to ask for comments and concerns. All the property owners inside the planning area were notified of a meeting to be held at City Hall. They were also asked for their comments and concerns regarding master planning the area. A third meeting was held where notices were sent not only to the property owners inside the planning area, but also the property owners in areas surrounding the planning area.

He stated the preliminary plans were taken to the Sparks Planning Commission and the Washoe County Planning Commission for comments, in accordance with the cooperative planning requirements. He said this presentation to the Council is being made to solicit their comments and concerns and to provide direction to staff regarding the proposed master plan.

Mr. Rundle stated that staff will incorporate all the comments and concerns they have received into a definitive master plan with an

accompanying area plan, which will ultimately be brought to the City Council for approval.

Council Member Mayer asked if there was a sign-in sheet for the public meetings. Mr. Rundle stated that yes, he had sign-in sheets for the meetings; however, signing the list is optional and some citizens choose not to sign. Mr. Rundle stated there will be one more notice to the public when the final plan is brought to the Sparks Planning Commission.

Mr. Shawn Richardson with JDA Architects and Planners said they started out looking at the general area of the plan. They then looked at the topography of the area and RTC's general plan for the area. Mr. Rundle noted an error in the agenda report, stating Delores Drive is shown as a moderate access arterial; however, Delores is not a moderate access arterial. The goal is to require developing properties to annex and attach to existing city roadways; not to use county roadways for primary access.

Council Member Mayer stated that the proposed outer ring road has not been finalized and it could be moved further north; however, it is shown on the map as being in a specific spot. He said he felt it should not be on a map because it has not been officially approved. Mr. Rundle stated it is shown on the map only for comment purposes.

Council Member Carrigan noted that there were two north/south roadways shown on the map; one going to Highland and one going to Pyramid. Mr. Richardson stated that the roadways shown on the maps in the staff report are some alternative proposals that they have come up with, but the actual roadways are yet to be determined and will depend on the type of development proposed.

Mr. Richardson then discussed the various alternates as depicted in the attachments in the staff report. Mr. Rundle emphasized that with the exception of the Wedekind Road area, the citizens at the neighborhood meeting asked for a slightly higher density land use designation. Council Member Mayer noted that the Wedekind Road area used to be the Wedekind Mine and there are all sorts of mine tunnels in that area. He cautioned that this was an unstable area and not the best location for high density apartments or similar development. Mr. Rundle explained that they had suggested one dwelling unit per acre and the residents asked for a slightly higher density.

Mr. Richardson noted that to the north, they have tried to buffer existing neighborhoods from any new uses by showing a landscape buffer. Mayor Martini asked how big the buffers were. Mr. Richardson replied they are proposing 150 feet. Mr. Rundle

clarified that the buffers have not yet been defined. He said once they were defined, they would be written into the area plan.

Council Member Mayer said he was concerned about the traffic on Eagle Canyon Drive, particularly with both a high school and a middle school located on this roadway. He asked if there had been any input from the citizens of Hungry Valley, because they have to use this roadway. Mr. Rundle said staff has been working with Washoe County on this plan and they asked Washoe County to notify the Sun Valley Citizen's Advisory Board (CAB), the Warm Springs CAB, and any other CAB's that may be interested. However, he was not sure that Hungry Valley had a CAB, so he was not sure what type of notification, if any, they may have received regarding the neighborhood meetings.

Mr. Rundle emphasized that if someone comes in to develop a project in this area and if they do a handbook, they will have to do a phasing plan. That phasing plan will say they have to connect to one of the southern roads to Pyramid before they can connect to Eagle Canyon. He said if we allowed the northern section to connect to Eagle Canyon it will create the same conditions as those created by connections on La Posada and we will wind up taking over Eagle Canyon. This would be a big concern and this is not our goal. He said that we would look at connectivity to Pyramid first, so that the traffic is evenly distributed, and then we would allow connections to Eagle Canyon only as secondary access.

Council Member Smith asked if the PF designation was for a school or a fire department and whether there was a commitment for a school at this location. Mr. Rundle responded that there is already an elementary school at that location.

Council Member Schmitt said this is a painstaking process for the good of the community and he commended staff for reaching out to over 2,500 people, with 65 giving comments. He said he was not surprised that property owners wanted higher densities, because their property is currently not being utilized and they are using it as an investment. He said we had two letters commenting about traffic on Delores Drive and he asked for assurance that Delores Drive would not be used as a connector road to Pyramid. Mr. Rundle said he could not say that it would not be used at all, but it will not be used as the primary access.

Council Member Schmitt said another concern in the letter was regarding water and flood impacts. He asked for assurance that any project would have to follow all existing laws and if water rights are not available, then nothing gets built. Mr. Rundle stated this is a master plan that sets out land use designations. If a project is proposed and the developer does not have water rights, the project

will not be built. Mr. Richardson noted that the plan acknowledges that there will be water traveling though development and there will need to be a way to control it; however, this plan does not specifically address flood impacts.

Council Member Schmitt also asked about schools. Mr. Rundle said the School District has not indicated they have a facilities plan for this area; but as with all projects, at the zoning stage, the School District is notified of the intent for a project and has an opportunity to provide comments.

Council Member Schmitt summarized previous discussion by saying that just because a road is shown in the exhibits does not indicate that is where the road will actually be in the final design because elevations, terrain and property boundaries will be considered in the final design. Mr. Rundle confirmed that the exhibits only show where roads could be built and that the actual placement of the roads will depend on the final design of whatever project is built.

Council Member Carrigan explained for the benefit of the public that this is just a master plan, not a specific project. He said the process provides for property to be brought into our Sphere of Influence; then a master plan is created for the area; then if a property owner requests, it goes through the annexation process; and finally, the property is rezoned (usually through the handbook process) and a specific project is brought forward for approval. He said the master plan is just our best guess on what we would like to see developed in this area; however, there will be plenty of public meetings if anyone requests to build any type of development in this area. Mr. Carrigan said he preferred the third exhibit because it most closely matches Sparks' motto of "live, work, play" when it comes to development.

Mayor Martini said he also preferred the third option because it contains all the components that we have been requesting for the past ten years.

Mr. Rundle stated that he will re-notice everyone that was notified of the neighborhood meetings when the final draft of the master plan goes to the Planning Commission. He emphasized that the City does not plan to do a forced annexation on any of the land in the West Pyramid Area; all annexations will be voluntary. He said if anyone requests to be annexed; the residents within 750 feet will be noticed. If someone requests to do a project, the land will have to be rezoned and this will require another notice. Mr. Rundle said he felt that if any of the land is developed in this area, there will be plenty of opportunity for the public to comment on any proposed project.

Council Member Mayer said alternate three would also be his preference.

Mr. Rundle thanked the Council for their input and noted that he would take their comments into consideration when drafting West Pyramid Area Master Plan.

6.3
Resolution No. 3095, Regarding Update of Fees Related to Development Services

Time: 4:03:55 p.m.
An agenda item from Senior Planner Jim Rundle recommending the City Council approve Resolution No. 3095, a resolution to amend Resolution No. 3078 updating fees related to the Development Services provided by the City of Sparks, specifically including a fee to review applications to modify the Truckee Meadows Service Area.

Mr. Rundle noted that this resolution would amend the Enterprise Services list to include the Truckee Meadows Service Area applications. He said we have processed three individual property owner requests to be included in the Truckee Meadows Service Area. The Council has reviewed all of these applications. He said at the time these requests were processed the settlement agreement was in place and the applicants were required to go to Regional Planning to submit the applications. However, Regional Planning forwarded the applications to Sparks and staff did a substantial portion of the analysis before the applications were sent back to regional staff; therefore, we believe we should be collecting a fee to recover our costs for doing the analysis of the applications.

Mr. Rundle stated he took this request to the Enterprise Development Services Group and they recommended allowing the fee to recover our costs. Mayor Martini asked Mr. Rundle to explain who serves as the Enterprise Development Services Group. Mr. Rundle said it used to be called the Development Services Users Group and representatives from contractors, builders, property owners, planning firms, engineering firms and other stakeholders in the community serve on this committee and had the ability to comment on this fee request. One of the concerns expressed at the meeting was if they submit to Sparks, will they also have to pay a fee at Regional Planning. We have worked it out with Regional Planning so they won't have to pay a double fee.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve Resolution No. 3095. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.4
Interlocal Agreement for CDBG Funding for

Time: 4:07:05 p.m.
An agenda item from Grants Administrator Tracy Wheeler recommending the City Council approve an Interlocal Agreement

Construction of Phase IIB of the Community Assistance Center located on Record Street

between the City of Sparks and the City of Reno for $188,000.00 in Community Development Block Grant (CDBG) funding toward the construction of Phase IIB of the Community Assistance Center located on Record Street. On May 14, 2007, the Sparks City Council approved the expenditure of these block grant funds. Phase II includes the building which will house the Family Shelter and the Resource Center.

Ms. Wheeler stated this is the agreement that will transfer the funding from the City of Sparks to the City of Reno. She noted that this project was in the annual action plan which the Council approved this past May; this is our latest contribution toward completing the community assistance center, also known as the homeless shelter.

Council Member Mayer asked how much the County is putting into this project. Ms. Wheeler said she was not sure of the details, but they have committed a total of $1.5 million over several years for the construction of the shelter.

Ms. Wheeler said this is the last contribution Sparks is obligated to make to this project and over the past few years we have contributed just shy of $700,000 toward construction of the shelter.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve an Interlocal Agreement for $188,000.00 in CDBG funding toward the construction of Phase IIB of the Community Assistance Center. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.5

Time: 4:09:58 p.m.

1st Reading of Bill No. 2576, CA-3-08, Amending Chapter 20.56 Relating to Total Allowable Sign Area in the I and IC Zoning Districts

City Clerk Linda Patterson read Bill No. 2576 by title, an ordinance amending Chapter 20 of the Sparks Municipal Code; 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 April 28, 2008.

6.6

Time: 4:10:22 p.m.

1st Reading of Bill No. 2577, PCN07029, Annexation of 8.19 Acres Located South of N. McCarran Between El Rancho and Sullivan

City Clerk Linda Patterson read Bill No. 2577 by title, a general ordinance providing for the annexation of certain lands to the City of Sparks; lands more specifically described as Assessor Parcel Number (APN) 026-013-01, a site approximately 8.19 acres in size generally located south of North McCarran Boulevard between El Rancho Drive and Sullivan Lane; providing for the addition to Table V of the Sparks Municipal Code "Annexations"; 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 April 28, 2008.

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

7.1
Public Hearing on Abandonment of 5.5 Feet of the South Side and 8.5 Feet on the West Side of Wright Way

Time: 4:11:03 p.m.

An agenda item from Real Property Agent David Vill recommending the City Council approve the abandonment of 5.5 feet of the south side of Wright Way along the northerly line of Parcel Lot 13 (APN 033-186-02) and 8.5 feet of the westerly line of 5th Street along the easterly line of lots 13-21 (APN 033-186-02, 03, and 04) in "Block T" amended plat of O'Sullivan Tract T.M. No. 85.

Mr. Vill displayed a map and noted that the property was generally located at the northwest corner of the intersection of Wright Way and 5th Street. He noted that the applicant had previously submitted an abandonment request in December 2006, which the Council approved. However, we did not record an order which would finalize the abandonment. Due to the changes in the proposed use of the property from a condominium complex to a senior housing project, the abandonment needed to be redone.

Mr. Vill stated that the abandonment still leaves six feet to allow for a four foot sidewalk and signage areas. He noted that the abandonment will facilitate development of the property and return excess public right of way to the tax rolls.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed abandonment. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the abandonment of the City owned right-of-ways as outlined by staff and as more particularly described in the Exhibit "A-1", attached. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

7.2
Adoption of Bill No. 2572, Providing for the Conducting and Holding of the 2008 Municipal Election

Time: 4:15:28 p.m.

An agenda item from City Clerk Linda Patterson recommending the City Council conduct a public hearing and adopt Bill No. 2572, an ordinance providing for the conducting and holding of a Primary and General Election to be held in the City of Sparks on the 12th day of August 2008 and the 4th day of November 2008, respectively; providing filing fees; and providing other matters properly relating thereto.

Ms. Patterson noted that this bill will allow us to conduct and hold our elections for 2008.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Carrigan, to adopt Bill No. 2572 (Ordinance No. 2392), creating an ordinance which provides for conducting and holding of the 2008 Municipal Elections. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

7.3
Adoption of Bill No. 2573, Amending Chapter 3 Pertaining to Transient Accommodation Tax

Time: 4:16:40 p.m.

An agenda item from Assistant City Attorney Doug Thornley recommending the City Council conduct a public hearing and adopt Bill No. 2573, an ordinance amending Chapter 3 of the Sparks Municipal Code to bring the code into compliance with current state law; and providing other matters properly related thereto.

Mr. Tim Smith with the RSCVA noted that this ordinance will put Washoe County, the City of Reno and the City of Sparks all on the same page as it relates to ordinances regulating the transient lodging taxes. He said that as the administrator of transient lodging taxes for the County, this will make their job much easier.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to adopt Bill No. 2573 (Ordinance No. 2393). Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1
Adoption of Bill No. 2574, 5th Street Investments, LLC, Rezoning 0.62 Acres from R4 to R4/TOD at Wright Way/5th Street

Time: 4:18:20 p.m.

An agenda item from Associate Planner Chere' Jigour recommending the City Council conduct a public hearing and adopt Bill No. 2574, a general ordinance rezoning real property owned by Pawl Hollis from R4 (Multiple Family Residential) to R4/TOD (Multiple Family Residential/Transit Oriented Development) on approximately 0.62 acres generally located on the northwest corner of Wright Way and 5th Street, Sparks, NV; and providing other matters properly relating thereto.

Ms. Jigour stated this is a rezone request to add the Transit Oriented Development (TOD) overlay district to the existing R4 zoning district. She stated the general definition of a TOD is that it is a Transit Oriented Development district that encourages medium to high density developments within walking distances to existing and future transportation corridors. Using this definition, this site conforms to the TOD, in that this site is zoned high density, it is within walking distance of Prater Way, which is an established transportation corridor that includes an existing bus route. Clearly this proposal is in conformance with the TOD regulations and Planning Commission and staff are recommending approval.

Council Member Mayer noted that some citizens had expressed concern that this was a transient development for itinerant people. He said this is a transit oriented development, meaning it is near public transportation and not a development for housing transient persons. Mr. Mayer stated we need transit oriented development near bus lines and this is an ideal spot for this type of development.

Mayor Martini said that this developer has completed other projects in the City and those projects are very well-done. He said this project would be a great addition to the area.

Council Member Schmitt pointed out that this type of development is what we are asking developers to build in this area.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed zone change. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to adopt Bill No. 2574 (Ordinance 2394), the rezoning request associated with PCN08007, adopting Findings Z1 through Z3 and the facts supporting these Findings as set forth in the staff report. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.2
Resolution No. 3096, PCN07037, Master Plan Amendment Regarding Flood Areas

Time: 4:24:21 p.m.

An agenda item from Senior Planner Jim Rundle recommending the City Council conduct a public hearing and adopt Resolution No. 3096, a resolution adopting a change in the Sparks Master Plan to the Conservation Element goals and policies providing specific direction for development within flood areas identified as "Critical Zones," Zone AE, and Floodways, and inclusion of a reference to Low Impact Development practices for all developments.

Mr. Rundle stated that this Master Plan Amendment was initiated by the City of Sparks. He provided a brief history of the request,

stating that in 2002, Sparks exercised planning jurisdiction of land south of the Truckee River. In 2006, more land was included in the City of Sparks' Sphere of Influence. In 2005, Sparks entered into an agreement with the City of Reno, Washoe County, and the University of Nevada, for implementation of the Truckee River Flood Project. In 2006, the group developed the Living River Plan. Last year adoption of the 2007 Regional Plan occurred and that document required staffs (of the various entities) to initiate amendments to the Master Plan to bring local Master Plans into conformance to the Regional Plan.

With this background in mind, staff is proposing the following amendments to the Sparks Master Plan:

1. The critical zone term is now proposed as part of our Master Plan. The goal of this area is to protect the rural designation within the critical area. If someone where to come into the City and request a Master Plan Land Use Change, we would require full project details at that point so that we could ensure that the development would meet all the elements of the Living River Plan. This is not standard for the City, but staff believes it is pertinent in this case.

2. Inclusion of policies and requirements for Low Impact Development practices, addressing development in floodways and addressing the new Regional Plan policies, should bring the Sparks Master Plan into conformance into the Regional Plan in that respect.

3. The policies and strategies proposed for removal from the Sparks Master Plan have also been included in this amendment. These policies have become outdated.

Council Member Schmitt asked if the map area of Critical Zone 1 changed with the execution of the Regional Flood Plan. Assistant City Manager Mellinger responded that the Critical Zone was established by the Department of Water Resources with the Regional Water Planning Commission and that zone will still be designated when we implement the flood project. In fact, most of that property has been acquired by the flood project for retention and detention of water in the event that we have a flood. The intent of the amendment is to provide policies to implement the Living River Plan should someone wish to develop a project in this area.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed resolution. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by

Council Member Schmitt, to approve Resolution No. 3096, associated with PCN08012, certifying the Planning Commission approval of a change in the Master Plan to the Conservation Element goals and policies providing specific direction for development within flood areas identified as "Critical Zones," Zone AE, and Floodways, and inclusion of a reference to Low Impact Development practices for all developments, adopting Findings MP1 through MP 4 and the facts supporting these Findings as set forth in the staff report. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.3
Resolution No. 3097, PCN08012, Master Plan Amendment Request from Red Hawk Land Company

Time: 4:30:37 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and Resolution No. 3096, a resolution adopting a change in the Sparks Master Plan from approximately 24 acres of 1 DU/AC (one dwelling unit per acre), approximately 24 acres of 4 DU/AC (four dwelling units per acre) and approximately 188 acres of OS (Open Space) to approximately 73 acres of 1 DU/AC (one dwelling unit per acre), approximately 58 acres of 4 DU/AC (four dwelling units per acre) and approximately 39 acres of OS (Open Space) on a site approximately 1,645 acres in size with the Wingfield Springs Planned Development located north of the Miramonte Planned Development, east of the Pioneer Meadows Planned Development, south of the Cimarron Planned Development and west of the Foothills at Wingfield Planned Development, Sparks, NV.

Council Member Carrigan read a lengthy disclosure regarding his friendship with the principals making this application and declared that based on current Nevada statutes, he did not have a conflict of interest in this matter and, therefore, would be voting on this item.

Council Member Schmitt made a disclosure that the fundraiser hosted by the applicant (Mr. Whittemore) in November 2007, does not preclude him from voting on this issue, according to Nevada Revised Statutes (NRS).

Council Member Smith disclosed that he was at the same fundraiser and has the same relationship with Mr. Whittemore and that he would also be voting on this issue.

Mayor Martini said he does not have a vote on this issue; however he wanted to disclose his personal relationships with the principals in this item.

Planning Manager Karen Melby displayed a map of the property and noted that this item is a request for an amendment to the Sparks Master Plan. Red Hawk Land Company is proposing to amend the

current land use designations to increase the number of acres designated for one dwelling unit per acre to 73; to increase the number of acres designated for four dwelling units per acre to 58; and to decrease number of acres designated for open space to 39. Even with the decrease in open space, Wingfield Springs still exceeds the 20% open space requirement for planned developments.

She noted that this amendment was approved by the Planning Commission and staff is recommending that the City Council certify this amendment.

Mr. Dave Snellgrove with Wood Rodgers, representing the applicant, highlighted the area being amended, and noted that part of this request is a "clean up" of existing lots. He stated that they have some final map lots that exist within the current open space area and some golf course areas and building lots that exist within the four dwelling units per acre area. He noted that they anticipate an additional 10 to 20 lots from what the handbook currently identifies.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed Master Plan amendment.

Mr. Paul Przybyla started to speak on this item, but it became apparent that he was referring to the next item. He was given the opportunity to wait and provide his comments under Item 8.4.

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

Council Member Schmitt asked for verification that all this amendment was doing was rearranging some lots and increasing the number of lots to between 10 and 20.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve Resolution No. 3097, associated with PCN08012, certifying the Planning Commission approval of a change in the Master Plan adopting Findings MP1 through MP 4 and the facts supporting these Findings as set forth in the staff report. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.4
Resolution No. 3094, PCN07075, Master Plan Amendment from the Foothills at Wingfield for

Time: 4:47:51 p.m.

An agenda item from Senior Planner Tim Thompson recommending the City Council conduct a public hearing and adopt Resolution No. 3094, a resolution adopting a change of Master Plan Land Use Designation from 2 DU/AC (two dwelling units per acre)

60 Acres

to 11.2 acres of Mixed Use (MX), 6.3 acres of General Commercial (GC), 9.1 acres of 20 DU/AC, 18.6 acres of 29 DU/AC, 6.4 acres of 15 DU/AC, and 8.3 acres of open space (OS) on approximately 60 acres of land generally located southeast of Vista Boulevard, south of the Foothills at Wingfield Springs Planned Development, and east of the Golden Eagle Regional Park, Sparks, NV.

Mr. Thompson noted that this request was to change 60 acres located east of the new Golden Eagle Regional Park from two dwelling units per acre to an array of land uses, including; mixed use, general commercial; 20 dwelling units per acre; 29 dwelling units per acre; 15 dwelling units per acre; and open space. On request went to the Planning Commission on December 6, 2007. The request was to change all 60 acres to mixed use and that request was denied. Later in the meeting they voted to reconsider this item and subsequently remanded it back to staff and directed staff to work with the applicant.

Mr. Thompson displayed a map and stated that staff worked with the applicant to better define the land uses that are being proposed. The revised plan went to the Planning Commission on January 17, 2008. Because there was a lot of public comment and given concerns regarding BLM Land patents and other concerns, staff requested that the Planning Commission continue the application to allow staff time to respond to the public concerns. The application then went to the Planning Commission again on February 21, 2008, and the Commission approved the Master Plan Amendment by a vote of six to one.

Mr. Thompson said what is driving this Master Plan Amendment is its location adjacent to the new Golden Eagle Regional Park. At some point in time, the existing designation of two dwelling units per acre was an appropriate land use, given that the land belonged to the BLM. However, now that a regional park is located on this land, the locational criteria shows that general commercial is an appropriate use for property located next to a regional park facility. The remainder of the land uses being proposed are derived from the general commercial and the mixed use (which could be general commercial, professional office, or residential) designations.

Mr. Thompson stated that staff has looked at this request; reviewed the Master Plan; examined the locational criteria; and weeded through traffic and infrastructure issues to focus on the land use and come up with a recommendation for approval. He said infrastructure is an important component of an analysis, but a detailed infrastructure analysis will be required at the zoning or handbook stage and is not required when requesting a land use designation change. He said we don't know whether the infrastructure can handle the development or how much development, but the details of that analysis will come into play

when we look at the actual zoning and handbook for this development. He said staff has been able to make the applicable findings and are recommending that the City Council certify this Master Plan amendment request.

Council Member Schmitt asked when the present Master Plan land use designation of two dwelling units per acre was put in place. Mr. Thompson said his guess would be when the NSSOI plan was adopted in 1991; however, the land use designation was probably a carry over from a previous plan. Mr. Schmitt commented that a lot has changed in this area since that time.

Council Member Schmitt said that this is just a Master Plan Amendment and a mixed use designation requires a handbook and in that handbook process, all the issues are analyzed. For example, we can designate 29 units per acre, but if it is not feasible, it can't be built.

Council Member Schmitt asked how many units were approved in the Wingfield Springs handbook. Mr. Thompson said he thought it was for 2,242 units and that the Foothills at Wingfield project was approved for an additional 2,260 units. Mr. Schmitt said the confusion in numbers that the gentleman in the audience was referring to is the difference between how many units were originally approved and how many were actually built. Mr. Thompson said that the previous item for a different Master Plan Amendment was to increase the total number of allowed units to exceed the overall number of units to 2,366.

Council Member Mayer said Master Plan amendments were not unusual and commented that the National Park and Recreation Association states that some studies suggest that the more activity there is around a park, the safer the park becomes, because there are more people around to notice what is going on. He said he felt that the mixed-use bordering the park, although we don't know what it be, will surely add eyes that will be watching what goes on in the park. Mr. Thompson said there are studies that show that an increase in density show that crime statistics go down because there are more people watching.

Council Member Mayer asked if the highest density would be in the mixed use area bordering the park. Mr. Thompson stated that what drove the mixed use designation next to the park was the applicant's desire to have some sort of recreational amenity, such as batting cages or something similar, which will complement the park. In order to do this, the designation would have to be Tourist Commercial, Industrial, and Industrial; however, staff felt that none of these three land uses were appropriate in this area. The mixed-use designation has been amended to remove Tourist Commercial

as an appropriate use (thus not allowing casinos); therefore, staff felt mixed use would be the best designation which would allow for the recreational type of use the applicant is proposing. Mr. Mayer stated that when the applicant comes forward with a proposed use and the Council does not feel that use is appropriate, they can deny the application. Mr. Thompson emphasized that some of the policies in the NSSOI plan require that any development that takes place on this 60 acres must come before the Council for approval in the form of a Planned Development Handbook. He said hopefully the handbook would provide an overall picture of the development; but this may not happen. If the property owner sells part of the 60 acres, there could be multiple handbooks for various parts of the 60 acres. However, any handbooks would be required to be approved by the Planning Commission and the City Council, so if they felt that there was a use being proposed that was not appropriate, they could take action at that time. Mr. Mayer commented that economics will dictate the density of this project. Mr. Thompson agreed that from a developer standpoint, economics will certainly play a roll in what is planned and built on the property. Mr. Thompson emphasized that staff will have to look at what the proposal is and look at the land use plan. The land use plan will dictate what uses are appropriate and that is how staff derives their recommendations.

Council Member Mayer asked if he would see apartments next to Golden Eagle Regional Park at Christmas time. Mr. Thompson stated no unless a handbook application could be processed in the next few months; it will not be built "over-night". Council member Mayer stated that the widening of Vista Boulevard is the number one priority of the City of Sparks, with regard to the transportation plan; however, it may not be the number one priority on a regional level. Mr. Thompson clarified that any project construction on this site would be subject to the RTC impact fees - fees that are paid to the RTC that goes into the benefit district which will ultimately pay to widen Vista Boulevard.

Council Member Carrigan pointed out that the property where Mr. Przybyla lived in The Foothills at Wingfield was Master Planned, at some time in the past, as one dwelling unit per acre. He said that in order to change the land use designation, the lot Mr. Przybyla now lives on went through this same process (Master Plan Amendment and a Planned Development Handbook). Mr. Carrigan emphasized that the City Council was just considering an amendment to the Master Plan and that they were not approving a specific project at this meeting. Mr. Thompson stated he thought the land uses for this area were designated when we amended our Master Plan in 1991.

Council Member Schmitt asked if the NRS allowed the City Council to deny an amendment to the Master Plan because of traffic

issues. Mr. Thompson stated traffic is not one of the findings we are required to make; although the infrastructure and other factors are taken into consideration when an application for a Planned Development Handbook is made.

Mr. Dave Snellgrove with Wood Rodgers, representing the applicant, stated this is an evolving process and one of the anticipated uses in the mixed use designation would be a family fun center, similar to the Coconut Bowl with batting cages. However, this is just a vision and they have no specific project at this time. Mr. Snellgrove then reviewed each of the proposed designations and the locational criteria they had to follow in choosing those designations.

Council Member Mayer asked if this project would increase the number of vehicle miles traveled. Mr. Snellgrove stated the current land use designation of two dwelling units per acre on 60 acres would generate 120 homes, or approximately 1200 average daily trips. The new land use designations would provide a high-end number of a maximum of 842 residences at 6.5 average daily trips; which would provide about 4500 to 5000 daily trips, if the maximum number of residences were built. He said it would be very difficult to determine what the commercial uses might generate. He said a rough seat estimate of the total impact of the new land use designations to average daily trips is 4 to 6.5 times the number now allowed.

Council Member Mayer speculated on the amount of impact fees that could result from this project, which in turn, would increase the amount of money available to widen Vista Boulevard. Mr. Thompson stated that we could speculate on what the fees could be; however, we don't yet have a project. Depending on the density and intensity of the uses that are ultimately built will drive how much money that will be collected by RTC in impact fees.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed resolution.

Mr. Paul Przybyla, 6481 Sandy Rock Road, spoke in opposition to the Master Plan amendment, stating that the Council was not being honest and that Vista was not the number one priority for widening, it was Pyramid Highway. He also said that higher population densities do not lower crime rates; it raises crime rates. He felt that the developer was keeping secrets and that they already knew exactly what they were going to build on the property, once the densities were increased with this amendment.

Council Member Carrigan asked Mr. Przybyla what was his "biggest beef" with this application. Mr. Przybyla stated his

"biggest beef" was the secrecy with which this amendment was being done. He felt that the developer was not being truthful or forthcoming, because they already know what they are planning to build on the property.

Council Member commented that he objected to Mr. Przybyla's statement that this was a pre-determined vote. He said that if everything the Council did was predetermined, then he could just stay home and watch it on TV. He said he put a lot of time and consideration into this application. Mr. Carrigan emphasized that Mr. Przybyla would have plenty time to talk about the zoning and specific densities when the Planned Development Handbook is submitted.

Council Member Schmitt commented that he did not make his decisions until public comment has concluded on an item that comes before the City Council. He said it was not fair to demand that a developer spend millions of dollars on a detailed plan and wait to see if it gets approved. He said this process was designed to be fair to everyone and there is plenty of opportunity for public input. But, we cannot consider streets under a Master Plan amendment; that information comes into play during the handbook process. He said you can't determine how many cars are going to travel on a specific street until you know exactly what will be built.

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

Mayor Martini commented that this project has had more scrutiny than any other project in our community, with the exception of the Lazy 8 Casino. He said there were a lot of comments being made about who is developing this project because it involves the same developer as the Lazy 8 Casino project. He said there were more steps to go through before anything gets built and there would be further opportunities for public comment.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Resolution No. 3094, certifying the Master Plan Land Amendment associated with PCN07075, on a site approximately 60 acres from 2 DU/AC (two dwelling units per acre) to 11.2 acres of Mixed Use (MX), 6.3 acres of General Commercial (GC), 9.1 acres of 20 DU/AC, 18.6 acres of 29 DU/AC, 6.4 acres of 15 DU/AC, and 8.3 acres of open space (OS), adopting Findings MP1 through MP4 and the facts supporting these Findings as set forth in the staff report. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

9.	Time: 5:32:01 p.m.
Comments from the Council and City Manager	Council Member Schmitt commented on the opening of the Golden Eagle Regional Park, stating this is a great project and it will be a great source of pride for many generations to come. Council Member Smith commented on the proposed Children's Park to be named after Council Member John Mayer, in recognition of his years of public service to the community.
10.	Time: 5:33:40 p.m.
Adjournment	There being no further business, the meeting was adjourned at 5:33 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
April 21, 2008 3:00 p.m.

1. Call to Order

Time: 3:03:08 p.m.

The special 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: 3:03:14 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: John Dotson, Kathy Clewett, Adam Mayberry, Margaret Powell, Neil Krutz, Andy Flock, Tom Burrous, Steve Driscoll, Armando Ornelas, Rick Bareuther, Dave Vill, Tom Riley, and Carrie Brooks.

Pledge of Allegiance

Time: 3:03:44 p.m.

The Pledge of Allegiance was led by Council Member Ron Schmitt.

Comments from the Public

Time: 3:04:25 p.m.

Mr. Tom Venner, 846 S. Stanford Way, stated his business has grown tremendously in the last year and he rented the lot next door to his business (a former car wash) in order to expand his facility. He said based on complaints made, he was inspected by the City and now faces fees in excess of $3,000 that he must pay in order to be allowed to use the former car wash property for his business expansion.

Council Member Schmitt asked what type of business this was. Mr. Venner stated they are an industrial handling equipment company (Toyota and Crown Forklift Dealership) that has outside service, parts, and sales. Staff was instructed to work with Mr. Venner regarding his efforts to expand or relocate his business.

Approval of the Agenda

Time: 3:11:57 p.m.

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

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

3. Approval of the Minutes — Time: 3:12:28 p.m. None.

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

4.1 Proclamation - National DNA Day — Time: 3:12:30 p.m. Mayor Martini read a proclamation naming Friday, April 25th, 2008 as National DNA Day in recognition of the roll that genetics plays in all human medical conditions. The proclamation was accepted by Ms. Robin Palmer, Certified Genetic Counselor.

4.2 Proclamation - National Day of Prayer — Time: 3:15:27 p.m. Mayor Martini read a proclamation naming May 1, 2008, as the National Day of Prayer in support of encouraging all Americans to pray on this day. Mayor Martini noted there was a special event on this date at the Nazarene Church on El Ranch at 6:30 a.m., and invited everyone to attend.

4.3 Presentation - Digital Television — Time: 3:15:43 p.m. Mr. George M. Jostlin, Director, Government Affairs & Public Relations for Charter Communications and Ms. Marsha Berkbigler, Western Division Vice President of Government Relations for Charter Communications, gave a presentation regarding the federally mandated transition to digital television broadcasts and the impact on Sparks' government access Channel 15 (Sparks Centennial Television), as follows:

DIGITAL TRANSITION - W*hat is the digital transition?*

- Congress has mandated by 2/17/09 all Full-Power TV Broadcasters – ABC, CBS, NBC, PBS, FOX, CW, Univision, and Independents, must transition their "over the air" signals from analog to digital.
- Broadcast signals from these stations can currently be captured "over the air" in the analog format via rabbit ears or rooftop antenna.
- After 2/17/09 they will only be available in digital format.
- Traditional analog signals will be reclaimed by the Federal government for public safety (police, fire and rescue) and other services.
- FCC is requiring Cable Operators to down-convert the digital "over the air" broadcast signals to analog for a period of 3 years after the digital transition.

Do you need to do anything before February 17, 2009, to assure your TV continues to provide your favorite programs?

- If your TV is currently connected to cable TV, satellite or other video provider the answer is "NO"
  - Charter Communications will make sure the cable signal going to your TV will work. If you have extra sets not currently hooked up to one of these services and your TV is not a digital-ready set, it will need to be connected before February 17, 2009 if you want it to continue providing broadcast programming or you may need an "over the air" digital receiver

- If you currently *only* receive your television signals from either "rabbit ears" or a rooftop antenna the answer is "YES"
  - Meaning you ***do not*** have either a cable provider, DBS or other video provider and are getting your service directly "over the air" through "rabbit ears" or an outdoor antenna
  - You will need to know what type of TV you are watching in order to know what you'll need to do to assure you continue to receive TV programming after February 17, 2009
  - You have time to take care of this but you should know that some broadcasters and cable programmers will begin the conversion process prior to February 17, 2009 so you could begin losing programming prior to the deadline date

DIGITAL TRANSITION

- Some analog programming will continue post 2/17/09
  - Charter Communications will down-convert "over the air" broadcast stations in analog for up to 3 years
  - Low Power stations will not be required to move to digital until 2010
  - Cable operators may continue to offer some cable networks in their expanded analog package
- Analog TV sets that are connected to cable, satellite or have a "digital to analog" converter box will continue to work as is.
- Digital-to-Analog "over the air" converters will not provide cable programming but will be able to view "over the air" broadcast signals (ABC, CBS, NBC, PBS, FOX, CW, Univision and Independents)

COUPON PROGRAM

- Dept of Commerce has developed a "digital-to-analog over the air" converter box Coupon Program
- Effective 1-1-08 all US households are eligible to request two $40 coupons to be used toward purchase of two "digital-to-analog" converters
- These units will provide consumers continued access to free "over the air" broadcast signals
- Digital-to-analog converters should be available in retail stores throughout the of the country by June 2008

Digitizing PEG Channels

- Digital delivery of PEG programming will mean much better quality – including a sharper picture and better sound
- Converting PEG channels to a digital format will benefit Charter customers by maximizing cable capacity to allow for more High Definition & Video On Demand
- As technology continues to evolve, Charter's customers increasingly expect television programming to be delivered in the highest quality digital format, rather than standard analog
- While there is no digital mandate for PEG channels, we believe PEG access programming should receive the same high quality digital delivery as broadcast stations
- Charter wishes to work with you to customize a digital solution for PEG delivery that benefits our customers (your constituents)
- Charter is committed to continuously enhancing the viewing experience of our customers in PEG programming and overall customer satisfaction.

- Digitizing PEG Channels

VOD OPTIONS

- Technology is changing how consumers view video programming and this is also true with PEG programming. Consumers are becoming less reliant on linear channels (with fixed viewing times) and more interested in creating their own viewing schedules, through the use of technologies such as Video on Demand (VOD) and Digital Video Recorder (DVR).
- Switching PEG channels from analog to digital and uploading programming to VOD will significantly enhance the customer experience by meeting the particular viewing needs of each individual constituent.
- Many PEG viewers are interested primarily in a particular PEG program, such as a City Council meeting or special event and VOD enables the customer easier access to specific targeted events.
- PEG offered on VOD allows a customer to view the preferred PEG programming "on demand" according to his or her own schedule. The customer is in essence liberated from a fixed schedule.

Digitizing PEG Channels - Online Options

- Charter's customer base has become increasingly savvy when it comes to the Internet and its unlimited opportunities for access to the media and other information outlets.
- Video streaming technology offers many opportunities for delivering PEG access programming events to customers.
- Charter representatives will make themselves available to discuss video streaming and website options as alternative means to analog PEG channels.

4.4
Presentation - Web-Based Services

Time: 3:31:58 p.m.

Information Technology Manager Rick Bareuther gave a presentation on the Web based services provided by the City of Sparks, the outline of which is as follows:

Services & Usage

- www.cityofsparks.us
- Website became active in July 2008.
- During those 8 years, the primary value of the Web site has been as a tool to get information out to the public.
- We are well along the way to achieving a "24 hour" City Hall.

Technology Services Strategic Plan – 2008-2010

- City Business Plan - in December 2007 the Information Technology Steering Committee adopted a new strategic plan for the next three years.
    - #1 New Financial Systems - we are currently conducting a search.
    - #2 Web-based Services
    - #3 Improve Manageability/Cost Efficiency
    - #4 Mobile Computing
- Web-based Services - marketing campaign to get information out to customers regarding our web services:

- eBetterplace
- Employment Applications - a link on the front Web page will take the customer to a link which lists all the current openings, allows them to read the job description, fill out an employment application, and apply for a job with the City
- Recreation Registrations - allows customers to apply and pay for recreation programs on-line.
- Sewer Bill Payments - we are the only agency, right now, that allows for on-line payment of residential sewer bills.
- E-Mail Subscriptions:
  - Allows customers to register to receive:
    - City Newsletter – 252 people
    - Council Agendas – 190
    - Emergency News – 177
    - Press Releases – 165
    - Roadwork – 146
    - SCTV Channel 15 – 101
    - Special Events - 189

- Web-Services Usage - FY2006-2007 Statistics:
  - 734 citizen services requests received
  - 1,011 employment applications submitted
  - 1,392 online parks & recreation transactions resulting in revenue of $101,731.50
  - 1,961 online sewer bill payments resulting in revenue of $142,274.17

Service	Prior Period	Current Period
Customer Service Requests	7/1/06 to 6/30/07 734 requests	7/1/07 to 4/15/08 526 requests
Employment Applications	7/1/06 to 6/30/07 1,011 applications	7/1/07 to 4/21/08 1,504 applications +48.7% 95.7% online
Recreation Registration	1/1/06 to 12/31/06 1,259 registrations $88,531	1/1/07 to 12/31/07 1,529 registrations 21%+ $113,144
Sewer Bill Payments	7/1/06 to 6/30/07 1,961 payments $142,274	7/1/07 to 4/16/08 2,231 payments 13.7%+ $148,539
E-Mail Subscriptions	7/1/06 to 6/30/07 None	7/1/07 to 3/31/08 123,918 messages

- Web Coordinators:

Erik Aaquist - Attorney	Suey Huey - TMWRF
Elize Bowlin - Finance	Adam Mayberry - Manager
Mark Bowman - TMWRF	Linda Patterson - Clerk
Gary Dunn – Admin Serv.	Heidi Shaw – Muni Court
Lynn Eisert – PW Maint.	Andre Stigall – Parks & Rec.
Pete Etchart - PW	Chris Syverson - HR
Marilyn Evans – PW Maint.	Karen Todd - CityWorks
Bill Finley - Fire	Randy Waterman - Risk
David Fitzpatrick - Clerk	Kathy Williams - HR
Karen Freismidl – PW Maint.	Amy Youngreen - Finance
Teresa Gardner - Admin Serv.	Steve Davidek – IT
Nancy Holder - HR	Kim Wong – IT

4.5
Presentation - Economic Development Division

Time: 3:55:43 p.m.

Redevelopment Economic Analyst Tom Burrous presented a report on the accomplishments of the Economic Development Division as outlined below:

Sparks Economic Development Division
Activity Report For 2007

Economic Development Strategies

I. Maintain Present Economic Position & Allowing for Future Expansion
II. Partnering With Other Entities
III. Business Retention and Expansion
IV. New Business Recruitment

What was accomplished in 2007?

- Business Recruitment and Expansions
- Marketing Efforts
- Partnering With Other Entities
- Foreign Trade Efforts
- Presentation from
  - EDAWN & NSBDC

Business Recruitment and Expansion

1. Responding to Inquiries From Website Hits
   - www.sparksmeansbusiness.com
     - Site Selectors
     - Business Owners (National & International)
     - College Students
     - Sparks Businesses
     - Retirees
     - Other Cities
2. Sparks Chamber of Commerce Referrals
3. EDAWN Referrals
   - Site Selectors, Business Builder follow-ups.

4. Real Estate Brokers / Developers
5. Trade Fares
6. Publications, Press Releases

2007 Marketing Efforts

- Trade Fares
  - ICSC - Las Vegas
  - Directions 2007 - Reno
  - Sparks Business Forum - Sparks
  - Contractors Association Conference - Reno
- Web Site www.sparksmeansbusiness.com
- Publications
  - NBJ / Sparks Relocation Guide & Web Site
  - Nevada Business Journal / Sparks Supplement #4
- Networking Events – Mayor's Roundtable
  - Kiley Ranch
  - Copper Canyon

Partnering With Other Entities

- **EDAWN** Committee Involvement:
  - Board of Trustees – Randy Mellinger
  - Business Builders / Company Visitations
  - Key Prospects Committee
  - Workforces Network
  - Marketing Committee
  - Industrial Advisory Committee
  - Client Visitations
- **Sparks Chamber of Commerce**
  - What's Happening in Sparks Luncheon
  - Sparks Business Forum
  - Mayors Luncheon
  - Board of Directors (retired 2007)
- **Nevada Small Business Development Center (***NSBDC***)**
  - Sparks Business Development Center
  - Reno Sparks Activity Report
- **Nevada Commission on Economic Development**
  - Foreign Trade & Investment Divisions
  - Commission meetings
- **Nevada Microenterprise Initiative**
- **University of Nevada Reno**
  - Career Development Division
- **Small Business Administration (***SBA***)**
- **SCORE**
  - Sparks Business Development Center
- **National Association of Industrial Office**
- **Professionals (***NAIOP***)**

FOREIGN TRADE EFFORTS

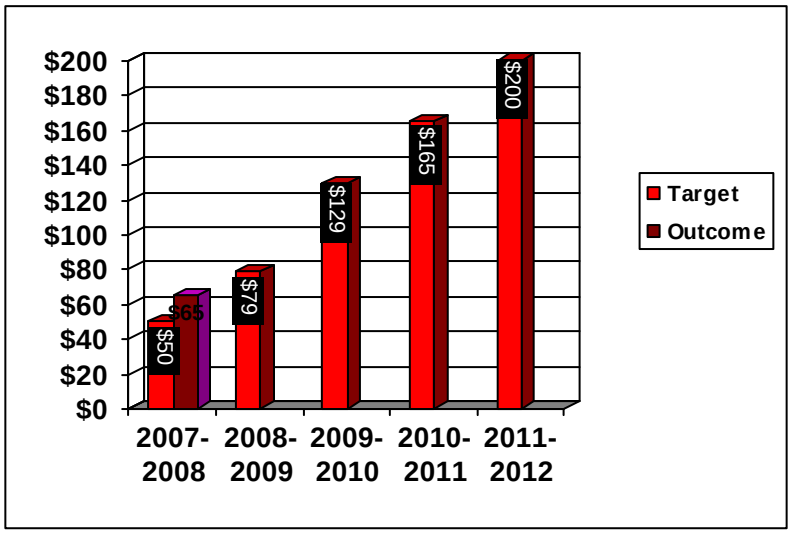
- Nevada Commission on Economic Development (NCED)

- China Hand – Paul Swenson
- EDAWN
  - To Date: China (2) South Korea
    Norway Canada
    Italy Japan

Business Development Report By:
- Donna Crooks, Business Development Manager, EDAWN
- Tracey Buxton, Business Builders Program Manager, EDAWN

Ms. Crooks read a statement from EDAWN President Chuck Alvey, who was unable to attend the meeting, and continued the power point presentation started by Mr. Burrous by reviewing the steps they are taking to market the City of Sparks.

Economic Impact
By 2012 EDAWN will generate $200 million per year in high yield economic impact comprised of sustainable companies who meet the Economic Development Plus criteria and will work to raise the revenue and resources needed to accomplish that. We will continue to track and report overall economic impact of assisted companies.
(2008 Fiscal Goal: $50 Million)



Center of Excellence
By 2012 Greater Reno-Tahoe will be recognized by national media sources as a center of excellence in at least one of the six target industry areas.

High Yield Economic Impact Criteria
- Wages $21.53 (state Average $18.72)
- Target Industry
- Employee Benefits Package

- Community Contribution
- Impact on Community/Environment
- Headquarters

Bright Systems	Spot Devices
Productivity California (Dillen Plastics)	Gems TV
Schneider National Inc.	TREX
Henry Schein (Call Center)	Altair Nano
Undisclosed	Alere
Russell Stover	Dell
Mariah Power	Pacific Radomes
AIG SunAmerica	Pacific Coast Flange
Fruit of the Loom	Enel North America
Heetronix	Ormat - Galena III

Current fiscal year 07-08 * All HYEI $6.2M	# of Companies Jobs Square ft.	2 17 77K
3 Year Data	#of Companies Jobs	23

Productivity California (Dillen Products)

Expansion:

- 75,000 square feet
- 9 new jobs
- HYEI: $3M
- Leading manufacturer of nursery containers
- Transferred production from South Gate, CA facility to their sister company called Dillen Products which is located at 550 Spice Island Drive.
- NCED incentives approved in July, 2008

Business Builders Committee Report

- 77 Completed Surveys
- 39 companies (51%) planned expansions in the next 3 years
  - 808 new jobs planned,
  - occupy nearly 500,000 additional square feet of real estate
  - spend nearly $127 million within the next 3 years
- Workforce stability and productivity rated above average
- 45% of respondents said workforce difficulties are <u>community</u> related
- 26% attributed the workforce challenge as <u>industry</u> related

2006 to present Planned Business Expansions	# of Companies 100 # 54
Business Opinion – Services	Great hub location Attractive TAX Structure
Business Outlook	Most companies happy doing business in City of Sparks

Nevada Small Business Development Center

Sparks Business Development Initiative

Importance of Small Business

- Represent 99.7% of all employers
- Employ half of all workers
- 60-80% of new job in all areas are created by small businesses (last decade)
- Employ 50.6% of US private sector workforce
- Represent 97% of exporters
- Small businesses are the core of sustainable communities
- Generate majority of innovations from US companies

Small Business Survival

- All industry sectors.
- 66% of new businesses survive 2 years.
- 44% survive 4+ years.

Partners

- University and community college system
- Economic and business development organizations
- SBA and other federal agencies (EPA, Agriculture, etc.)
- Local governments (cities, counties, state agencies)
- Chambers of commerce
- Financial institutions/public utilities
- Businesses (large and small)

NSBDC Programs

- Business Counseling
- Entrepreneurial Training
- Technology Development
- Bureau of Business and Economic Research
- Center for Regional Studies/Geographic Information Services
- Business Environmental/Energy Efficiency Program
- State Demographer

NSBDC Goals

- Collaborate with partners
  - Training
  - NxLeveL
  - Basic business training
  - Business Counseling (one-on-one assistance / follow-up)
  - Access to capital
- Consistent services – keep good people
- Leverage resources / partnerships
- Community support
- As many service areas as possible
- Economic impact (jobs, financing)

Sustainability
- Leveraged by other NSBDC program funds
- NSBDC and partners are committed and will continue to seek other funding
- All communities contributing

Sparks Efforts - 6/1/07 to 3/20/08
- 72 clients
- 254 client sessions
- 530 hours
- 8 new jobs created
- Capital formation:
  - $690,000 debt financing
  - $1,345,000 equity investment
- Lenders Conference
  - 6 agencies
  - 8 local lenders
- SBA Loan Clinics
  - 2 clinics
  - 36 attendees
- Sparks Business Forum 10/10/07
- Kathy Carrico
- "Do You Live to Work or Work to Live" – 100 attendees
- "Non-Traditional Marketing" – 100 attendees
- NxLevel Fall 2007 class
  - 3 Sparks attendees
- NxLevel Spring 2008
  - 3 classes offered
  - 12 Sparks attendees

Future
- Local economic success dependent upon small business.
- Continued success of small business is dependent upon all our efforts.
- NSBDC asks for your continued partnership and support.

5. Consent Items:

Time: 4:42:15 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Consent Item 5.1. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1
Interlocal Cooperative Agreement with NDOT for the Greg Street Rehabilitation

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Amendment No. 3 to the Cooperative (Stewardship) Agreement with the Nevada Department of Transportation (NDOT) for the Victorian Avenue Enhancement Project and authorize the Mayor and City Clerk to execute the

document. This amendment changes the termination date of the project from December 21, 2007, to December 31, 2008. It also changes some minor language in the agreement regarding property acquisition. The amendment has no direct financial impact to the City. Under the original agreement, NDOT will reimburse the City up to $1,200,000 for the construction and streetscape improvements on Victorian Avenue. The project is currently under construction with $1,600,000 budgeted in the CIP.

6. General Business:

6.1 Legislative Issues

Time: 4:05:52 p.m.

An agenda item from Government Affairs Manager Rob Joiner recommending the City Council hear a presentation, discuss, and possibly provide direction on federal, state, Nevada League of Cities and/or local legislative affairs issues.

Assistant City Manager Steve Driscoll noted that Mr. Joiner was in Carson City dealing with transportation issues and was not able to attend the meeting.

Government Affairs Analyst Kathy Clewett noted that she attended the Washoe County Board of Commissioner's Retreat where two presentations were given. The first presentation was regarding Washoe County taking the lead on "being green" in the region. The second presentation was on the changing face of senior citizens and what the Senior Services Departments within Washoe County should do to keep up with the needs of the "baby-boomers." She noted that City Engineer Pete Etchart was on the "Green" Team, along with members from Washoe County and the City of Reno.

Ms. Clewett stated that at the County Commission meeting last week, Commissioner Larkin was very complementary of the Golden Eagle Regional Park and inquired about verification that the park is going to receive the Guinness Book of World Records distinction for being the largest artificial turf installation. Commissioner Larkin also said he was interested in having someone from the City give a presentation on the Golden Eagle Regional Park.

Mr. Driscoll provided a review of the staff report, stating that last month we had 18 visitors from our Sister City, Longford, Ireland. The visitors were elected officials and their families and some administrative staff and their families. He said one of the points of conversation was how we can encourage students who have studied governmental administration to take advantage of some type of cultural exchange program.

Council Member Schmitt reported that he had heard negative comments from staff and local business leaders regarding the

purpose of having a sister city. He suggested that we need to outline what we have in common and define our goals and expected outcomes of the relationship. He emphasized that he fully supports the program and said there is a lot of value in having a foreign sister city.

Mr. Driscoll reported that our state lobbyists have been working in the "south" to forward our agenda. Later this week Mayor Martini and our Government Affairs Manager Rob Joiner will be meeting in Las Vegas with a couple of key legislators to discuss our legislative platform, including taxation issues. The most recent issues discussed are taxation, transportation, housing, water, utilities, and being able to do self-determined funding for public safety.

There are two big issues in front of the Public Utilities Commission (PUC) that have consequences for us. One issue being identification of sewer laterals from the street to the backside of the sidewalk; the discussion is not going in our favor at this time. The second issue deals with how to pay for the undergrounding of some power lines in the northern unincorporated area of the County. There have been numerous meetings, but no resolution.

At their last board meeting the Nevada League of Cities accepted a white paper that had been put together by our staff with input by other cities. Mr. Schmitt noted that the white paper was well received and had even been passed up to the National League of Cities.

Our request for the next round of federal appropriations has been given to all our federal representatives and delegates. They really liked our one-page marketing piece and our request is now working its way through all the various appropriation offices. Mr. Greg Fragiano, the new legislative director for Mr. Heller, was so impressed with the details in our marketing information that he made a special visit to the area to view the projects.

6.2
Legislative Issues

Time: 5:00:27 p.m.

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a professional services contract with Poggemeyer Design Group, Inc., for additional prevailing wage report review and violation investigation services related to the Legends at Sparks Marina Project in the amount of $84,140.00. These costs will be reimbursable from STAR Bond Proceeds. This contract will extend the scope of work with Poggemeyer Design Group to include additional review and prevailing wage reporting error investigation related to Scheels and to add the same services for Target. Poggemeyer has, so far, identified 312 discrepancies regarding Scheels. Additionally a

complaint has been filed against Target related to subcontractor selection. Therefore, City staff believes the additional expense is necessary to ensure that prevailing wages are paid. Both Scheels and Target are currently under construction at the Legends at Sparks Marina Park Project. The City is required by NRS to review the reports and ensure compliance.

Council Member Schmitt said we are required to do prevailing wage oversight and therefore an oral report from staff was not necessary.

Council Member Salerno asked if this additional oversight was triggered by the group that is picketing the project. Mr. Krutz said there was no specific issue that provoked the need for this agreement. He said this contract accomplishes three things: adding the service for the Target contract, which we are required to do as part of the STAR Bond funding; additional funds for the Sheels oversight; and oversight for the RED Development contractor--Q&D. Mr. Krutz said the work is more challenging than was originally anticipated and more oversight is needed to make sure that the public funds are being used appropriately.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to a professional services contract with Poggemeyer Design Group, Inc., for additional prevailing wage report review and violation investigation services related to the Legends at Sparks Marina Project in the amount of $84,140.00. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Motion to Adjourn to Closed Door Session

Time: 5:02:35 p.m.

A request from Senior Assistant City Attorney Tom Riley for the City Council to adjourn to a closed door session to review information from the City Attorney regarding potential or existing litigation involving a matter over which the Sparks City Council has supervision, control or advisory power over, pursuant to NRS 241.015(B)(2).

City Manager Shaun noted that staff wanted to provide updates to the Council on several active cases; however, the Council could discuss and/or vote on Item 6.4 prior to going into the closed session, if they chose.

After discussing and voting on item 6.4 and Mayor Martini asking for any comments from the Council and City Manager, the meeting was adjourned to a closed door session.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to adjourn to a closed door session.

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

6.4
Approval of a Settlement in White v. City of Sparks

Time: 5:03:28 p.m.

An agenda item from Senior Assistant City Attorney Tom Riley recommending the City Council approve a settlement in White v. City of Sparks, Case No. CV-03-00251 DWH/RAM, U.S. District Court; Docket No. 05-15582, Ninth Circuit Court of Appeals, U.S. Supreme Court No. 07-1132.

Council Member Carrigan said the Council provided direction to Mr. Riley the last time this case was discussed [January 14, 2008] to try to settle for a lower amount; but Mr. Riley was unable to negotiate a lower settlement amount with the plaintiff. Mr. Riley confirmed this was correct; the amount they are holding out for is about $50,000 more than the prior settlement offer. However, the amount they are seeking through the court is anticipated to be about $330,000. He said the U.S. Supreme Court denied review of the case this morning, so our options have come to a halt, and the plaintiffs are the prevailing party in this case.

Mr. Riley sated that the Council has two options: settle the law suit for the agreed upon amount; or sit back and wait to see what the courts do to us. He said all the motions for the attorney's fees and costs have been filed--both in the District Court and the 9th Circuit. There is still a motion to bring in the U.S. Supreme Court costs and fees; however, it will probably take another 8 to 9 months to resolve all the fee issues. In the meantime, the plaintiffs will continue to accrue fees, and, if we delay, the fees will continue to escalate.

Mayor Martini said the bottom line is Mr. Riley is saying we should settle because the longer we wait, the more it is going to cost us. Council Member Salerno said it has already cost us $50,000 more than the original settlement offer in January.

Mr. Riley noted that the settlement amount now being proposed is $250,000.00.

A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve the settlement as recommended. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, NO. Motion carried.

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

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

9. Comments from the Council and City Manager	Time: 5:07:33 p.m. None.
10. Adjournment	Time: 5:08:05 p.m. There being no further business, the meeting was adjourned to a closed door session at 5:08 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL CITY COUNCIL BUDGET WORKSHOP
MONDAY, APRIL 21, 2008 at 1:00 p.m.
City Hall Training Room, 431 Prater Way, Sparks, Nevada

1. Call to Order

The meeting was called to order by Mayor Geno Martini at 1:00 p.m. in the Council Chambers of the Sparks City Hall Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Stan Sherer, Armando Ornelas, Heidi Shaw, Andy Flock, John Dotson, Steve Driscoll, Chris Cobb, Pete Etchart, Neil Krutz, Andy Hummel, Adam Mayberry, Debi Hunt, Marc De La Torre, Teresa Gardner, JoAnn Meacham, Tony Turley, Chris Syverson, Tom Minton, Karen Todd, Randy Mellinger and Carrie Brooks.

Comments from the Public
None.

3. Update on Sparks Strategic Plan

Assistant City Manager Steve Driscoll discussed the legislative team activities and several developing legislative issues. He also discussed the Strategic Goals for 2007-2008 as follows:

- Educational summit on hold

Legislative:
- Tax options - hear from School District
- State of Nevada - 5/8 revenue

F.I.R.S.T. Committee:
- continue to gather information
- have had presentations from the Sparks, Reno and Washoe County, and the tax payer's association regarding tax flows, tax streams and tax options
- Next: hear reports from the Regional Transportation Commission and the Washoe County School District, as well as lobbyists and officials from the State of Nevada.

Arts, Culture and History:
- Adam Mayberry is working on the video production of oral histories from some of our older, long-time residents. The goal is to get as many oral histories recorded as possible.
- Centennial Plaza will have artistic components
- Memorial Park is under construction and on schedule to be completed by Memorial Day
- The Parks and Recreation cultural program continues to look for opportunities to put art out in the City
- The Arts in Bloom event is coming up in May

Economic Development:

- The Council is actively involved in the RED Development and the Marina projects
- There have been briefings on the proposed Copper Canyon and Kiley Ranch projects
- There will be a Tourism Branding Assessment Workshop on June 18th at 6:00 p.m. at LDJ Community Center. Council Member Schmitt asked Mr. Driscoll to expand on the work being done on tourism branding. Public Information Officer Adam Mayberry said the Sparks Marketing and Tourism Committee has retained a consultant (Destination Development) who will begin an assessment of the City of Sparks from a tourist perspective beginning the week of June 16th; culminating in a workshop on June 18th.

Transportation:

- Continue to work on traffic enforcement in targeted areas

City Engineer Pete Etchart discussed the sustainability of being "green" as outlined below:

- Mayor Martini joined in on the "Green Up" kick off last week
- We now have a Sparks Sustainability Committee that meets on the fourth Thursday of the month at 9:00 a.m. at the Public Works offices on Roberta Lane.
    - The first order of business was to develop a list of current green practices and projects - we have already done a great deal as a community.
    - The current focus is to develop a Sparks Sustainability Action Plan.
    - Keep up with all the new policies, requirement and regulations related to being green
    - This is a regional issue; therefore a Regional Sustainability Committee has been formed and includes staff members from Reno, Washoe County, UNR, the Airport Authority and TMCC
    - We are looking at ways to do things together; such as joining UNR in recycling florescent light bulbs

Mr. Driscoll stated that the budget priorities are the link between the long-term strategic plan and the key services. He then reviewed components of the budget priorities from "Priority Point" as follows:

Public Safety:

- How can we be more efficient in public safety?
    - There has been consolidation in some fire programs and discussion regarding consolidation or joint police programs.
- A study has been initiated (among Sparks, Reno, and Washoe County) regarding six components that could potentially be shared services.
    - Information Technology
    - Human Resources
    - Risk Management
    - Purchasing
    - Fleet Services
    - Parks and Recreation

Infrastructure:

- Shared satellite maintenance yard areas in outlying areas - work with Reno, State, and County

- Council Member Mayer commented that the Lorick Study was three years ago and nothing has happened. Mr. Driscoll said we have incorporated a lot of the Lorick Study suggestions - shared equipment, road striping, PCI Index, and snow removal program. Shared maintenance yards are one of the final elements we still need to incorporate. Mr. Etchart said one of the biggest advancements that came from the Lorick Study is that we are now on the same page with Reno and Washoe County with regard to how we bench mark ourselves and measure work - we all have the same software and we all do it the same ways. Shared maintenance yards are now a land issue - trying to find available land that we can share.
- Larry D. Johnson Community Center - there have been some issues with obtaining funding for the next phase. Staff continues to work at the Federal and State levels, but with all the recent budget cuts, some potential funding is no longer available.
- Gondolfo Arena - there was some discussion regarding relocating this facility and using the property for a maintenance yard, but with the SunCal Development now "on hold", this won't happen in the foreseeable future.
- Maintenance standards - how does the current expenditure model in the proposed budget affect our ability to provide services? Based on the money allocated, we will have to cut back on maintenance standards - such as mowing lawns every two weeks instead of every week.

Redevelopment/Economic Development:

- The DDFA for RED Development is in place. We are finalizing all the documents for the bonds and the TIF and LID financing on track for June.
- The TOD ordinance is under final review

Appearance of the City:

- No current pro-active code enforcement due to budget restraints.

Citizen Participation:

- The Citizen's Academy is scheduled for May 2nd and May 16th.
- The public attitude survey has been completed and Customer Service Coordinator Mark De La Torre will be presenting a report to the Council soon.
- S.M.I.L.E. groups continue to meet and bring issues forward.

Mr. Driscoll said once the final budget is established, the Department Head Team will adjust the priorities as necessary and carry out the goals as funding allows.

City Manager Carey noted that one of the issues we have with the Strategic Plan is funding; the Future Finders need resources to carry out some of the steps and goals. We do not have money available for new needs in this fiscal year and no allocation will be made. He said the Future Finders will continue to meet and make progress in identifying the resources that are needed.

4. Discussion and possible direction on the FY 2008-2009 Budget

Finance Director Tom Minton reviewed projected revenues through 2010, stating they are trying to craft a budget that will get us to a break-even point over a three year period and enable us to meet our first financial hurdle of maintaining an ending fund balance of 8.3% of expenditures.

- Our biggest revenue source - the consolidated tax revenues (CTAX), which make up 41.5% of General Fund revenues - are down substantially.

- Revenues are currently projected to be down $3.2 million from the initial 2008 budget to the current estimates. This has precipitated a number of actions by the City:
    - Voluntary Separation Program
    - Freezing of vacant positions
- Budget estimates for fiscal years 2009 and 2010 do not include any COLAs (except for the Fire Department labor contract)
    - Council Member Mayer - very unfair that only the Fire Department will be getting COLAs
    - Mr. Minton - A 1% COLA increase for all employees (except fire) would cost about $480,000
    - 4% COLA would be $1.9 million
    - We are in a deep hole and we have made the necessary cuts. It is not going to be a short recession and we will be in a "flat" spot for at least a couple of years. The City Manager has made the decision to try to maintain the ending fund balance of 8.3% because we can't finance a deficit for a two or three year period out of the ending fund balance.
    - This is a conservative approach and when things improve, we can "gear" back up.
- For FY 2008 - we will have about $93,000 over the 8.3% ending funding balance.
- For FY 2009 - we will draw below the 8.3% at $88,000; with a recovery of $861,000 due to cost recovery measures.
- Following the City's financial policies means not funding any new needs.
    - The request made at the Council retreat in January for $847,000 in new needs for the Police Department, is not in this budget.

We have an opportunity in the year ahead to shift one penny from debt to operating, which will provide additional revenues of $259,000.

- Debt from retiring outstanding bonds associated with the 1987 police and flood control improvements
- This additional revenue is not included in the budget at this time.
- A good policy move to consider would be to use this funding to make up the shortfall in the ending fund balance for FY 2009.

The positions that are on hold/frozen are listed on page 10 of the staff report.

Departmental accomplishments for FY 2008 are shown on page 17 of the staff report.

- Shows good returns versus the lack of resources for all departments; particularly the Parks Department

At the January retreat Council asked to see the percentage of the overall budget that each department is allocated.

- Page 30 shows the total expenses broken down by department.
- Pages 31 through 43 provide bar charts for each department showing the historical percentage of expenditures for each department as part of the total budget.
- Beginning at page 45, some of the individual department spending plans are projected
- Page 46 shows where the budget is being cut for each of the departments.

Staff is closely following the City's financial policies

- When we have a more positive revenue picture, we might consider additional policies that would fund some of the needs in the strategic plan

Questions:

Council Member Schmitt:

- in the three-year look ahead, no salary increases are included in the projected budgets
    - only those that are in the current labor contracts (fire)
    - won't know exact numbers in 2010 until labor negotiations are completed

Council Member Carrigan:

- Contingency fund appears to be at $0 in each column - did we spend that?
    - No. Estimated in FY 2009 at 2% - $2.05
    - Projecting not to spend this year's contingency account - it would roll over to next year
    - Under our financial planning model, we show we might spend the contingency once in the two year that follow the year we are ending - this assumes some type of extraordinary need that requires use of the contingency.
    - Not a source of funding for the operating budget, but for use in an emergency situation.
- Ending Fund Balance:
    - Doesn't appear that the 8.3% is being met for 2009
        - We are very close. We don't budget vacancies and historically we have an underspend of 3.5% to 4.5%
    - Are we only going to have $3 million in the fund balance?
        - It's $1.884 million with a cumulative underspend. You have to add $1.884 million and $6.194 million for a cumulative underspend - or $8 million in the ending fund balance. We should be very close to meeting the 8.3%.
    - We have spent below the 8.3% when we needed to.
        - The Council sets the policy and staff follows it.
        - It is their prerogative to spend the ending fund balance below the 8.3%.
        - There is an $88,000 shortfall in next year's budget. This will be worked out, but it is the Council's prerogative to provide direction outside the policy.
        - If they want to provide direction for COLAs or for police needs, they can make exceptions.

Mayor Martini - when was [the financial] policy set?

- 2001
- The [Financial] Policies have served us well in periods of revenue expansions and they will serve us now that we are seeing our revenues take an historic slide.
- The conservative financial policies are in place to act as a regulator on our spending and this plan meets the stability the Council has asked for.

Council Member Mayer:

- Are we the only government agency freezing COLAs?

- Discussions with Washoe County are that they are not intending to have COLAs at this point, unless the Commission provides direction differently.
- Most of Reno's current labor agreements expire in June of 2010, so they have to do what is mandated in those agreements or renegotiate.
- If the Council decides to reduce the fund balance, it would be better to look at one-time expenditures and not budget an on-going deficit.
- Council Member Carrigan asked if they needed to, could they do a one time expenditure. Mr. Minton said yes.

Council Member Schmitt:

- We receive a lot of negative criticism for our 8.3% requirement; however, because of this policy we have at least 30 days of operating expenses.

City Manager Carey asked the Council if they had any suggestions they would like him to emphasize in his final budget recommendations when he brings them for approval at the May 12th Council Meeting. This is the date that the Council will act on those recommendations and direct the Finance Director to file a budget.

Mayor Martini:

- How long before the 12th will the Council receive the City Manager's budget recommendations.
  - They will be in the agenda packet on Tuesday, May 6.

Council Member Mayer:

- We owed it to our employees to look at some kind of a cost of living raise.
  - Mr. Carey will include a COLA option in the budget for the Council to consider.
- Mr. Mayer suggested that there could be a revenue trigger - for example if things are better than expected in six months.

Mayor Martini:

- He can appreciate Council Member Mayor's comments, but from a business person's perspective, if the profits aren't there, you don't get a raise.

Council Member Schmitt:

- Agreed that it seems unfair that the Fire Department gets COLAs when no one else does, but cuts [in services] are being made; therefore, COLAs do not appear to be reasonable at this time.
- Are any other services going to be cut to meet the proposed budget:
  - Mr. Carey noted that each department was asked to list cuts in services and supplies to meet the financial policy goals.

Council Member Carrigan:

- Are the new needs for the Police Department frozen?
  - They are not included in the recommended budget.

Council Member Carrigan:

- Asked for confirmation that the budget that will be presented to the Council has no new needs for any department and it contains an 8% cut in services.

  - Yes.
- The budget document needs to be more concise so that the figures show what is actually being cut.

Council Member Mayer:

- Budget cuts should be based on the percentage of the total expenditures of the city that each department utilizes - across the board type cuts.
  - Staff has chosen to utilize a system that looks at the budget priorities and the performance levels that can be achieved and has built a budget based on these requirements.
  - If we were to base cuts on each department's percentage of the budget we would have a greater degree of service failures.
  - Asking each department to present to cuts yields better performance and outcomes than across the board cuts.

5. Discussion and possible direction on the draft FY 2008-2013 Capital Improvement Projects

Mr. Carey noted that the financial policies were also followed with regard to the Capital Improvement Program (CIP). The program for next year does not include a transfer from the General Fund and it did not include a transfer for the year we are in. He then asked City Engineer Pete Etchart to review a draft of the Five-Year Capital Improvement Plan.

Mr. Etchart noted that his presentation would highlight this year's CIP. He noted that the staff report also included the Five-Year CIP for the City, the Redevelopment Agency, and the City's Facility Investment Plan. The staff report also contains detailed descriptions for individual projects. He stated the CIP will be included with the budget for Council approval at the meeting in May.

Mr. Etchart noted that there is growth in the number of projects in Parks and Recreation and Streets and Traffic, mainly due to the franchise fee increase. Some of the increased funding will be used to compensate for part of the lack of operating budget. The report also shows a decrease in some funds; particularly Fund 1405 - (Ad Valorum).

Street & Traffic (1401)

- Total budget - road projects = $5,386,056
- Major projects:
  - Preventative/Corrective Maintenance (POP) - $1,458,000. We are up to 3.5% on our way to the 5% franchise fee increase--it increases .5% per year. We will also start to collect funds in July for our indexed fuel tax from Washoe County as a result of the interlocal agreement between the RTC and Washoe County. We anticipate about $250,000 coming to Sparks to be used for preventative maintenance. This will allow us to use more of our money for the overlays on our local streets and use more of the Washoe County money for slurry seals.
  - Temporary Street Maintenance Work Crews - $250,000. We are starting to pay for these temporary workers through the CIP. In the past they were paid from the operating budget.
  - RTC-2008/2009 Fuel TAX Supported Roadway Projects and NDOT Enhancement Supported Projects - $300,000. Next year the projects RTC will be

doing for us include: Victorian Avenue, Los Altos, Oxington, E. Lincoln. This money will be used in association with those projects.

- New Traffic Signal Upgrades - $230,000. Now that the ball park is open, the funds for this year will be used for the Vista/Golden Eagle Regional Park traffic signal.
- Sign Compliance Requirements Review - $125,000. This is on-going to meet the MUTCD Standards which have changed over the years. We are replacing all of our signs to upgrade the sun reflectivity and size.
- Annual Traffic Calming Enhancements - $50,000. We are anticipating installing radar/speed signs by Kestrel Park.
- Streetscape and Electric Undergrounding of Prater Way from 22nd Street to View Street - Phase III - $1,470,000. This is a continuation of the streetscape projects we have been doing on Victorian and on Prater. We have done the south side and now we are doing the north side. The biggest part of this three-year project is putting the electrical utilities underground. We will be getting reimbursed for about $650,000 by the State.
- I-80/Pyramid North Side Landscaping - $730,000. This is a 50/50 program with NDOT. Up to $400,000 will be reimbursed by NDOT for these two projects.
- Intersection and Corridor Enhancements in Support of Traffic Flow - $50,000. This will provide new communication equipment on Vista and Sparks Boulevard.
- Sparks Alley Preventative (SAP) - $50,000. This is preventative and corrective maintenance in some of the alleys.
- Roadway Maintenance Full Time Employees - $200,148. This is for three full-time employees.

Council Member Schmitt asked for clarification of the revenue sources for this fund. Mr. Etchart stated the revenue sources have been the same for quite a few years and include: fuel tax revenues from the 6.35 cent gas tax (about $1.4 million); the TMWA franchise fee ($635,000); electric and gas franchise fee from Sierra Pacific ($1.3 million); the RTC/NDOT Stewardship revenue (reimbursement from projects we are doing). Mr. Etchart noted that there is no general fund revenue in this fund--it all comes from dedicated roadway sources.

Council Member Schmitt expressed concern that the franchise fee increase was supposed to pay for more repair of streets and roadways; but instead, we are using it to pay for workers. City Manager Carey noted that because we knew we had revenues coming from the franchise fees, these employees were hired to do more preventative maintenance (crack sealing and deep patching), in order to have the capacity to use the new money from Washoe County for slurry sealing. He said this has worked to our advantage every year since we hired these workers, because we were able to have more streets prepared and received more slurry sealing than we would have, had these workers not been hired.

Capital Projects (1404)

- Total budget = $507,450
- Major projects:
    - ADA Elevator Compliance at Fire Station 1 - $37,450.
    - Annual Facilities Maintenance Improvement Projects - $75,000. This will be utilized as needs arise. Staff has been tasked to provide a comprehensive facility

plan by December 2008, which will include anticipated maintenance and improvement projects for all City buildings.

FIP Capital Projects (1404)

- Total budget = $921,443
- Major projects:
    - Larry D. Johnson Community Center, Phase II - $71,443. The Council has approved using Federal funds for design of this phase.
    - Larry D. Johnson Community Center, Phase IB, Solar Energy - $500,000. We are doing the base design right now. $193,000 will be reimbursable from Sierra Pacific under the "sure bet" program. Staff will be doing a cost/benefit analysis prior to going forward with a solar energy design.
    - Victorian Square, Phase II-B Public Improvement Design - $200,000.
    - Victorian Square Phase II-B Site Assembly - $150,000. This is the main focus for the coming year.

Ad Valorem (1405)

- Total Capital Projects budget = $852,150
    - This is the fund that is used primarily for purchase of capital assets and renovation of existing facilities.
    - Will be decreasing by 60% over the next several years as we are losing 3 cents of the total 5cents for a roadway project. Mr. Carey stated this tax shift will stabilize at about $360.000 and the funds that will be going away have been bonded by NDOT for improvements on U.S. 395 at the I-80 interchange.
    - This reduction in funding will mean we will need to find ways to address our building maintenance needs.
- Major projects:
    - Fire Department Facility Improvements
        - Chiller Removal & Replacement, Fire Station No. 1 - $40,000. This is the original chiller; it is rusty and corroded; and in need of replacement.
        - HVAC Evaluation and Heating Bay Boiler Removal and Replacement with Radiant Heating System Roof Repair Replacement Project, Fire Station No. 2 - $100,000. We are looking at going to a more energy efficient system which will reduce the maintenance hours we are having to put into the current system.
        - Emergency Generator Replacement, Fire Station No. 2 - $152,250. This is a 1974 generator and needs replacement.
            - Could the generator be used somewhere else? Capital Projects Manager Chris Cobb said the generator is over 40 years old and it is in very poor shape.
    - Police Department Facility Improvements
        - ADA Rehabilitation for Front Entrance Handrail - $64,200. This project, along with the stair renovation project, will include the front entrance near the bus stop on Prater Way.
        - Supervisor Offices in Records Remodel - $85,000.
        - Police Station Exterior Stair Renovation Project - $60,000.
    - Other

- Alf Sorensen Roof (full) Replacement, Phase II - $250,000. Half of this project will be funded under Ad Valorem tax.
- Fire Hydrant Maintenance and Replacements (2nd Year) - $100,000.

Parks and Recreation Projects (1402)
- Total budget = $2,118,730
- Projects:
  - Bi-annual Marina Tree Farm Restocking - $15,000.
  - Marina Emergency Call Stations, Phase II - $20,000.
  - Art in Public Places with Youth Art Works - $20,000.
  - Truckee River Back Path Reconstruction and Upgrades - $325,000. This is from Glendale to Rock Park and is due to flood damage. Up to $100,000 is reimbursable from FEMA.
  - Tahoe/Pyramid Bridge - $25,000. - This is a bicycle bridge in partnership with Washoe County and supports the development of the E. Truckee River Canyon.
  - Alf Sorensen Roof Replacement - $250,000. This is the other 50% of the roof funding.
  - Wedekind Park & Trails Fencing, and Clean Up, Phase I - $100,000. This is in support of the 287 acre park - for design, fencing, and clean up.
  - Park Lighting Electrical Contracting Services - $15,000. - This professional services contract is due to low staffing levels, to help with minor repairs.

Mr. Etchart noted that staring in 2011/2012, there will be a $500,000 reserve fund that is being put aside for the eventual replacement of the turf at Golden Eagle Park.

Park Construction Tax District #1 (1406)
- Total budget = $926,500
- Major Projects:
  - Rock Park, Improvements in Support of White Water Project - $531,500. We are anticipating putting the plans out for bid on Wednesday. It will be done in two phases - the white water improvements will be done first and the second phase will focus on the park itself. The schedule for the first phase is July through September and the $1.25 million is being funded through the State and the RSCVA.
  - Longford Park Renovation, Shade Structure/Picnic Tables - $120,000.
  - Village Green Park Asphalt Rehabilitation - $120,000.
  - Oppio Play Structure Replacement and Concrete Rehabilitation - $85,000.

Park Construction Tax District #2 (1407)
- Total budget = $130,000
- Major Projects:
  - Cottonwood West Park Shade Structure Replacement - $45,000.
  - Shadow Mountain Play Structure Replacement, Structure #1 - $85,000. The second structure will be in next year's CIP.

Park Construction Tax District #3 (1408)
- Total budget = $1,050,000
- Major Projects:

  - Replace or Upgrade Shelters & Playground Equipment - $75,000. General rehabilitation of existing parks.
  - Foothills at Wingfield Springs Park #3 - $400,000. This is a new park to be developed over the next two years.

Victorian Square Room Tax (1415)
- Total budget = $3,350,000
- Major Projects:
  - Victorian Square Improvements/Land Acquisitions - $2,900,000. The major focus this year is on land acquisitions.

Community Development Block Grant (CDBG) (1203)
- Total budget = $300,000
- Major Projects:
  - Pedestrian Improvements on the West End Prater Way, Phase III - $300,000. This will be added to our stewardship enhancement project for this coming year and it will help us to do the north side of Prater Way and we are hoping to extend the project an additional block.

Municipal Court Administrative Assessment Fund (1208)
- Total budget = $258,000
- Major Projects:
  - HVAC System Upgrades and Remodel - $200,000. This is the second year of a two year project.
  - Lobby Remodel, including X-Ray Machine - $38,000. This is the purchase and installation of a new technology x-ray scanning machine as part of the lobby remodel.
  - Security Counter Remodel - $20,000. This is also part of the total remodel project.

Street Cut (1224)
- Total budget = $525,000
- Major Projects:
  - Annual Street Cut Repair Contract - $325,000. This is an ongoing project and the utility companies are the main driver for this--we spend what we get through street cut permits.
  - Street Rehabilitation Project - $200,000. Every few years the revenue sources build up enough that we have enough to do an actual project. We will be focusing on Glen Carran Circle/Freeport Boulevard by Western Nevada Supply. We cannot reconstruct the entire street, but there are some things we can do that will buy us another 10 years of use on this street.

Sewer Improvements (1600s)
- Total budget = $43,047,844
- Sanitary Sewer Projects:
  - Sewer Utility Management Program, Annual - $100,000.
  - Capital-Sewer System Rehabilitation - $300,000.
  - Noncapital Sewer System Rehabilitation - $150,000.

  - Interceptor Condition Assessments by Outside Vendor - $50,000. This is for the large interceptors; the smaller interceptors will be assessed in-house.
  - Asset Management Enhancements - $50,000. This is sewer management software and staff training.
- Vista's Flash Flood 2005/New Year's Flood Event:
  - Site 11 - VHOA Drainage Swales - $200,000.
  - Truckee River Storm Drain Outfalls Tideflex Valve Retrofits - $320,000.
  - Baring Boulevard Residential Zone Drainage Assessment & Upgrades - $225,000.
- Storm Drain Projects:
  - Bi-annual Storm System Mapping Support - $35,000.
  - Nichols Boulevard Storm Drain Rehabilitation - $300,000.
  - Annual curb & Gutter Replacement/Rehabilitation - $500,000.
  - Annual Ditch Piping Rehabilitation (Sessions Ditch) - $150,000.
  - Annual Pollution Improvements/Drainage Inlets Upgrades - $50,000.
  - North Truckee Drain Realignment Project (Design & Construction) - $5,000,000.
  - Goldy & Baring Upgrades - $200,000.
  - Drainage Swales Rehabilitation, Maldonado Park - $200,000.
  - Peoples Ditch Piping, Phase II - $700,000. The first phase was done a few years ago. We really want to get the bid package out. The prices from the contractors are very competitive right now.
  - Wild Creek Golf Course Detention Dam - $105,000.
  - Truckee River Channel Maintenance - $100,000.
  - Ditch and Channel Maintenance - $100,000.
  - Marina Lake Park and Pumping Facilities Master Plan - $100,000.
  - Marina Lake Water Quality, Annual Maintenance - $50,000.
  - Dredging of Sparks Marina Canal, Capital Maintenance - $50,000.
  - Annual Maintenance and Improvements to Dam Facilities - $50,000.
  - Stanford Way Storm Drain Upgrade, Phase I - $5,000,000. A major project, it includes a storm drain infrastructure and pump station to serve the industrial area west of McCarran Boulevard. This is a two year project.
- Effluent Projects:
  - Effluent System Expansion and Enhancements - $200,000.
  - Effluent System Surge Protection Project - $700,000.
  - Effluent Metered Site Upgrades - $100,000.
  - Effluent Water Truck Fill Station Replacement - $250,000.
  - Effluent Line Extension - $250,000.
  - Effluent Pipeline Market and Pricing Analysis Project - $150,000.
- State Revolving Loan Sewer Projects:
  - Sparks Boulevard Reliever Interceptor, Phase III - $8,300,000. Vintage Hills Boulevard out to Spanish Springs Dam. This phase is in open fields and the traffic impacts will be minimal. It is expected to start this fall.
- TMWRF Projects:
  - River Restoration, Mitigation - $500,000.
  - Nonstructural Program Elements - $150,000.
  - Steamboat Creek Mitigation - $833,333. This is a realignment of meandering to provide environmental water quality improvements. We are partnering with Reno on this project.

- Total Maximum Daily Load Project - $500,000.
- Secondary Access to TMWRF - $100,000. We hope to get some design and construction on this access to the south. This became a problem during the flood when the main access bridge was damaged.

Motor Vehicle Fund (1702)

- Total budget = $1,085,653
- Major Projects:
  - Vehicle & Equipment Replacement Plan - $924,000. The vehicles to be replaced are mostly public safety vehicles, with two public works 10-wheel vehicles and one parks vehicle.
  - Equipment Services Remodel/Safety Enhancement Project - $103,745. The main portion of the remodel is the fire-truck lift so that we can maintain our fire vehicles.

6. Discussion and possible direction of the rules of procedure for Sparks City Council Meetings, methods of internal and external communications, including calendaring, and opportunities to work together more effectively

City Manager Carey stated staff is recommending that the speaker request form for City Council Meetings be revised to indicate that providing address or phone number information is optional. He stated that staff has been working to make sure we have a citizen friendly process and there were some inquiries regarding the inclusion of telephone numbers and addresses in our minutes. Some members of the public felt that this might be going too far in their right to speak to the Council (to have their phone numbers and addresses displayed). We checked with the City Attorney and found that our current rules do not require this information to be captured, under NRS. Mr. Carey noted that contact information is useful when we are trying to follow up on individual complaints.

Council Member Smith asked if we could request whether or not a person lives in Sparks (versus the County). Council Member Schmitt said because of the way the Postal Services lists address, some people believe they live in the City of Sparks (when they actually live in the unincorporated county). Mr. Carey pointed out that the form only requests an address, not whether they live in the City or County. He said, if the Council wanted to require verification of residency in Sparks, then this would be beyond the current rules and the rules would have to be amended by resolution. City Attorney Chet stated that unless the Council wished to restrict public comment to Sparks' residents only, there was no need to require any type of verification. He stated that the Council could legally restrict public comment to residents of Sparks only; however, the rules would have to be amended. Comments were made that this was not a very friendly forum. It was also noted that in the past, most of the public comments regarding contentious agenda items were from people who did not live in the City of Sparks. City Attorney Adams stated that as long as the person who is making comments is talking about a matter that the City Council has jurisdiction, control, or influence over--under the current rules, it does not make any difference where they are from. Mr. Adams stated the Council was free to ask people whether or not they live within the city limits. Council Member Carrigan commented that he was satisfied with the current public comment form, as long as he can ask where they live. Council Member Smith stated that the complaint that he received was that they didn't want their address or phone number as public information for fear of retaliation. After further discussion, the consensus was that wording would be added to the "Request to Address the City Council"

form to indicate that providing the person's address and telephone information were optional; not required.

Mayor Martini asked the Council if they were comfortable with the way public comment was being conducted or if they felt it should be more structured. Council Member Mayer stated it was alright. Council Member Schmitt stated he felt that they way we are handling public comment--firm and no-nonsense--is the reason we have not had a lot of rambling, unnecessary, and off-topic speakers.

Mr. Carey noted that there will be a change in the type of electronic media used for the council agenda packets--from a computer disc to a flash-drive. He provided the council with an instruction sheet and asked each of the Council Members to bring their lap-top computers to the City Clerk's office some time this week, so that the computers could receive a software update.

Mr. Carey commented that staff is doing the best we can with regard to calendaring. He said he appreciated how well the Council was working with Sally to reduce scheduling conflicts. He noted we are staying with Monday's for scheduling meetings as much as possible. He asked if the Council had any requests or suggestions for improvement in scheduling activities.

7. <u>Comments</u>:

7.1 *Comments from the Mayor, Council and City Manager

Council Member Schmitt asked for information on the dollar amount that the general fund is subsidizing Special Events.

Adjournment –

There being no further discussion, the meeting adjourned at 2:50 p.m.

>>>

REGULAR MEETING OF THE SPARKS CITY COUNCIL
April 28, 2008 3:00 p.m.

1. Call to Order

Time: 3:01:00 p.m.

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

2. Roll Call

Time: 3:01:05 p.m.

Mayor Geno Martini, Acting City Clerk David Fitzpatrick, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. City Clerk Linda Patterson, ABSENT.

Staff Present: John Dotson, Andy Flock, Adam Mayberry, Chere' Jigour, Alan Minor, Shawn Gooch, Marc De La Torre, Wayne Seidel, Pete Etchart, Tim Thompson, Armando Ornelas, Steve Driscoll, John Martini, Neil Krutz, Tom Minton, Rick Bareuther, Dave Vill, and Carrie Brooks.

Invocation and Pledge of Allegiance

Time: 3:01:28 p.m.

The invocation was given by Dr. Bruce Taylor from the Spanish Springs Presbyterian Church and the Pledge of Allegiance was led by City Attorney Chet Adams.

Comments from the Public

Time: 3:03:46 p.m.

None.

Approval of the Agenda

Time: 3:04:05 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 Smith, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Approval of the Minutes

Time: 3:04:43 p.m.

Mayor Martini read the following into the record: The City Council approved Resolution No. 3094, a resolution setting the environmental control inspection fees, at the council meeting of March 24, 2008. Due to a typographical error, the correct Resolution No. is 3099. Therefore the Clerk's Office is entering this into the minutes for today's meeting, for the record.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve the minutes of the Regular

Meeting of March 24, 2008, and the Special Meeting of April 2, 2008, as corrected. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1
Employee Award for Outstanding Performance

Time: 3:05:57 p.m.

An agenda item from Alan Minor, Chair for the City of Sparks Labor/Management Committee, recommending the City Council approve an Outstanding Performance Award for Civil Engineer Shawn Gooch for his efforts in securing FEMA accreditation of the flood protection provided to the Marina area by I-80 and Sparks Boulevard.

Mr. Minor presented to Mr. Gooch an Outstanding Performance Award certificate, the coveted "Good Job" mug, a check for $500.00, and noted that Mr. Gooch would also receive an extra 8 hours of annual leave as part of the award.

Mr. Gooch thanked the Council for the recognition and thanked the consultants that were working on this project for him--Black Eagle Consulting, Odyssey Engineering, Quad Knopf, and HDR. He said they all did an excellent job for the City on this effort.

5. Consent Items:

Time: 3:09:50 p.m.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.14. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering March 27, 2008, through April 9, 2008.

5.2
Gaming License for Terrible's #851, Located at 187 E. Greg Street

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Gene King, 5020 River Lane, Reno, NV 89519, for a Gaming License for Winner's Gaming, Inc., doing business at Terrible's #851, located at 187 E. Greg Street. Mr. King has been the president of Winner's Gaming, a slot route vendor, since 1984. The license will provide an $840.00 annual for seven multi-denominational, upright slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3
Gaming License for

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Gene King,

Terrible's #823, Located at 350 N. McCarran Boulevard	5020 River Lane, Reno, NV 89519, for a Gaming License for Winner's Gaming, Inc., doing business at Terrible's #851, located at 187 E. Greg Street. Mr. King has been the president of Winner's Gaming, a slot route vendor, since 1984. The license will provide an $840.00 annual for seven multi-denominational, upright slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.4 Gaming License for Terrible's #856, Located at 5212 Sparks Boulevard	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Gene King, 5020 River Lane, Reno, NV 89519, for a Gaming License for Winner's Gaming, Inc., doing business at Terrible's #851, located at 187 E. Greg Street. Mr. King has been the president of Winner's Gaming, a slot route vendor, since 1984. The license will provide an $840.00 annual for seven multi-denominational, upright slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.5 On Premises Alcoholic Beverage License for Smokin' @ Pyramid, Located at 2955 N. McCarran Boulevard #109	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Paul D. Sonner, 830 Crocker Way, Reno, 89509, for an On Premises Alcoholic Beverage License for Bully's Sports Bar & Grill, Inc., doing business as Smokin'@ Pyramid, located at 2955 N. McCarran Boulevard #9. Mr. Sonner is the owner/President and currently holds Alcohol and Gaming licenses for eight Bully's Sports Bar & Grill locations in Reno and Sparks. The license will provide a $1,000.00 annual fee plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.6 Gaming License for Smokin' @ Pyramid, Located at 2955 N. McCarran Boulevard #109	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Paul D. Sonner, 830 Crocker Way, Reno, 89509, for a Gaming License for Bully's Sports Bar & Grill, Inc., doing business as Smokin'@ Pyramid, located at 2955 N. McCarran Boulevard #9. Mr. Sonner is the owner/President and currently holds Alcohol and Gaming licenses for eight Bully's Sports Bar & Grill locations in Reno and Sparks. The license will provide a $1,800.00 annual fee for fifteen bar-top, multi-denominational, slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.
5.7 Gaming License for Anchors Bar & Grill, Located at 325 Harbour Cove Drive, Suite 201	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Roger L. Fuller, 11032 Dixon Lane, Reno, 89511, for a Gaming License for Dynasty Games, doing business at Anchors, LLC, doing business as anchors Bar & Grill, located at 325 Harbour Cove Drive, Suite 201. Mr. Fuller is the owner of Dynasty Games, which has several gaming licenses in Sparks. The license will provide a $1,200.00 annual fee

for five nickel poker and five quarter poker, bar slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.8
On Premises Alcoholic Beverage License for B.J.'s Barbecue, Located at 754 N. McCarran Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Peter Carl Rathmann, 420 Omni Drive, Sparks, 89411, for an On Premises Alcoholic Beverage License for Nevada Barbecue Company, doing business as B.J.'s Barbecue, located at 754 N. McCarran Boulevard. Mr. Rathmann has been the owner of B.J.'s Barbecue since 1991. The license will provide a $1,000.00 annual fee plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.9
Cabaret License for Louie D's Paradice Pub, Located at 1923 Prater Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Louis Canio DeMarco, 144 Jumping Frog Circle, Dayton, NV 89403, for a Cabaret License for Canio Enterprises, LLC, doing business as Louie D's Paradice Pub, located at 1923 Prater Way. This will be Mr. DeMarco's first liquor license in Sparks. The license will provide a $1,300.00 annual fee plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.10
Cabaret License for The Stone Rose Saloon, 400 S. Rock Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Joe Russell Pirtie Jr., 510 Nancy Circle, Reno, NV 89503, for a Cabaret License for Stone Rose Entertainment, LLC, doing business as the Rose Stone Saloon, located at 400 S. Rock Boulevard. This will be Mr. Pirtle's first liquor license in Sparks. The license will provide a $1,300.00 annual fee plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.11
On Premises Alcoholic Beverage Package License for Italy's Extreme Pizza, Located at 1560 S. Stanford Way, Suite 102

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Charles Joseph DeFelice, 2 Birchwood Drive, Perrineville, NJ 08535, for an On Premises Alcoholic beverage License for Italy's Extreme Pizza, Inc., doing business as Italy's Extreme Pizza, located at 1560 S. Stanford Way, Suite 102. This will be Mr. DeFelice's 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 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.12
Aware of Informal Quote for Sparks

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award to Legends Landscaping the competitive quote for construction of landscaping along the Sparks

Boulevard Median Landscaping

Boulevard median, CIP 8028/8029, in the amount of $42,052.00. The landscaping will take place in the median between Los Altos Parkway and Henry Orr Parkway. Currently there is little to no landscaping in this median. The project will provide a xeroscape type landscaping, using effluent water for irrigation.

5.13
Ratification of Change Order No. 1 to Resource Development Company for Emergency Digester Seal Repair at TMWRF

An agenda item from Maintenance Superintendent Alan Minor, recommending the City Council ratify Change Order No. 1 for an additional $11,076.00 on Purchase Order No. 167067 to Resource Development Company of Sparks for the emergency digester seal repair at the Truckee Meadows Water Reclamation Facility. TMWRF has six digesters used in the treatment of wastewater. Prior to executing the plan to replace the seal in the #3 digester, the #5 digester suffered a cover failure and was taken out of service, necessitating the repair of the #3 digester seal on an emergency basis, in order to maintain the requirements of our discharge permit.

5.14
Approval of Change Order No. 1 to West Coast Paving for Additional Quantities Under the Annual Permanent Patch Joiner Contract with Reno

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council approve Change Order No. 1 to the Annual Permanent Patch Joiner Contract with the City of Reno to West Coast Paving, Inc., in the amount of $100,000.00 for additional quantities of work, as required, through the remainder of the fiscal year. The funds will only be spent if permits are pulled for street cuts and, in turn, fees will be collected to cover the cost of the permanent patch constructed.

6. General Business:

6.1
Professional Services Agreement with RERC for Feasibility Studies for STAR Bond Financings for the Legends Project

Time: 3:10:56 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve a professional services agreement with Real Estate Research Consultants, Inc. (RERC) for feasibility studies and related services for the STAR Bond financings for the Legends at the Sparks Marina project in the not to exceed amount of $25,000.00, including the consultant's reimbursable expenses, such as travel. As directed by City staff (or the City's designee, such as the City's financial advisor or STAR Bond underwriter), RERC will provide updates of the feasibility studies for the issuance of STAR bonds for RED Development's Legends at Sparks Marina project, respond to inquiries from rating agencies, and participate in discussions and meetings with prospective investors (i.e., buyers of the bonds).

City Manager Shaun Carey noted that this agreement is for up to $25,000.00 in anticipated costs for the study of the sales tax projections related to the Legends project and staff is recommending approval.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the professional services agreement with RERC, as outlined. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Consent for the Redevelopment Agency to Purchase Two Pacific Pawn Locations

Time: 3:12:08 p.m.

An agenda item from Redevelopment Manager Armando Ornelas recommending the City Council grant consent to the Redevelopment Agency to purchase two Pacific Pawn locations (1246 and 920 Victorian Avenue) and a vacant parcel (329 Pyramid Way) in the amount of $1,650,250, plus closing and relocation costs. The costs are payable from a combination of Redevelopment Agency bond proceeds, City 2005 consolidated tax bond proceeds and Victorian Square room tax revenues. The Redevelopment Agency proposes to purchase these three properties for implementation of the Victorian Square Development Plan.

Mr. Ornelas stated this transaction involves the Agency's acquisition of three parcels from Pacific Pawn Brokers, Inc., who is the owner of all three parcels. Per NRS 279.846, before the Agency can acquire property, the City Council must consent and make certain findings specified in the statute. The analysis provided in the staff report gives a basis for making the required findings. He said this agenda item asked that the City Council review the transaction, conduct a public hearing, make the requisite findings, and consent to the transaction.

In order to ultimately implement the Victorian Square Redevelopment Plan and, specifically, the retail and office development along the plaza that is contemplated by the plan, gaining site control of the seller's 1246 Victorian Avenue property is critical. There are three properties involved in this transaction: 1246 Victorian Avenue; a second Pacific Pawn location at 920 Victorian Avenue; and a third property located at 329 Pyramid Way.

Stated that staff has been negotiating with Mr. Joe Slater for well over a year, but had not been able to come to terms. The seller finally proposed that the Agency also acquire the other two properties they own. Staff responded with an offer to acquire the three properties as a package because of the importance of the 1246 property to the Victorian Square Development Plan, and because the 920 Victorian Avenue and 329 Pyramid Way properties are within the redevelopment area and are currently underutilized.

Mr. Ornelas outlined the findings the Council needs to make as follows:

1. That the buildings, facilities, structures, or other improvements are of benefit to the redevelopment area or the immediate

neighborhood in which the redevelopment area is located. With regard to benefit, the plan calls for the 1246 Victorian Avenue property to be cleared and to be used for a new, mixed-use development and will be part of a larger complex of buildings that are retail and mixed-use with a significantly higher intensity and density of use. The other two properties are currently underutilized, but staff anticipates the Agency can put them to a more productive use. Therefore, staff believes that the finding of benefit can be made.

2. That the Agency's acquisition of these properties, and the financing to do so, are the only reasonable way to make these properties available for redevelopment.

Mr. Ornelas stated that the action that is called for on the part of the City Council is to consent to the Agency's acquisition of these properties. He noted the statute requires a public hearing on this matter. He requested that when making a motion regarding a determination of consent, the motion include the findings.

Mayor Martini noted that Mr. Ornelas stated this item required a public hearing; however, it was not on the agenda as a public hearing item. Mr. Ornelas responded that he thought it had been submitted as a public hearing item. Mayor Martini asked if the item could be heard as a public hearing. City Attorney Adams stated that the City Council can take items out of order and they are given a wide array of discretion on matters they can take action on. He stated there is no requirement that an item be listed as a public hearing on the agenda; therefore, his opinion was that they could hold a public hearing and take action on this item.

Council Member Carrigan noted that the sale price is $1,650,250.00, plus closing costs and relocation assistance. He asked what the estimated closing costs might be. Mr. Ornelas stated it was in the range of $15,000 to $20,000. He said typically in real estate transactions between private parties the closing costs are apportioned between the two parties; however, under the uniform relocation act that governs the Agency's acquisitions, the costs are weighted more heavily to the buyer or the Agency in this case. He said the intent in this transaction is to allow the businesses to rent back the properties for a short period of time to allow them to wind down their operations and dispose of as much of their inventory as possible. He said the Agency would have the relocation responsibility to assist in moving the remaining inventory. The amount of inventory to be moved over to the pawn broker's location in Reno should be fairly minimal and the associated costs should also be fairly minimal.

Council Member Carrigan commented that the only parcel we really need is the 1246 Victorian Square property, which is appraised at about $790,000. So we are basically paying $900,000 more for two pieces of property we don't really need, because the seller is saying it is either all the property or none. Mr. Ornelas stated that this proposal is structured as a package acquisition and the staff report lays out how the findings can be made for the acquisition of all three properties. He emphasized that in disposing of the two additional properties, we could expect to recoup a significant portion of the cost of all three parcels. Council Member Carrigan expressed concern that we would not be able to sell the two extra parcels for the purchase price of $72.00 per square foot. Mr. Ornelas stated that he did not know what the appraised value would be as individual assets at the point in time when we chose to sell them, but we would be able to recoup a significant portion of what we paid.

Council Member Carrigan stated we have been trying to buy the 1246 Victorian Avenue property for a long time; however, we don't really need the other two properties and he did not think this was a good deal for the citizens.

Council Member Schmitt asked how long have we been negotiating for the sale of this property. Mr. Ornelas stated that they have been negotiating on and off for about two years. He emphasized that ultimately purchasing all three properties and putting them to new, denser uses, makes the sum greater than the parts.

Council Member Schmitt asked if we chose not to purchase the property, could we choose to condemn it under the new state laws. Mr. Ornelas stated not if we condemned the property for the purpose intended under the Victorian Square Development Plan, which is ultimately a parcel in private ownership. In the 2005 and 2007 Legislative sessions, the Legislature restricted the Agency's ability to condemn property in order to make it available to a private party. Mr. Schmitt stated Mr. Carrigan put it best--we are between a rock and a hard place. We are running out of time in Redevelopment Area 1 and we can't get developers to build on the property until it is cleared. We are overpaying and buying two properties that we can't immediately use, but we are also losing money by not proceeding.

Council Member Smith said that we have been working on this for a long time and we need to get this property under our control for purposes of redevelopment.

Attorney Adams said that the agenda provides sufficient notice for anyone wishing to address this item and that the Council could open the floor for a public hearing.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed purchase agreement. There being no comment, the public hearing was closed.

Mayor Martini said the downtown redevelopment has been held up because we can't acquire property. We are between a rock and a hard spot, but we need this property to make the plan work and it is prudent for us to purchase this property. He said this purchase was in the best interest of the citizens of Sparks if they ever want to see the downtown area redeveloped.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to grant consent to the Redevelopment Agency's possible acquisition of the properties at 1246 and 920 Victorian Avenue and 329 Pyramid Way, and to find, based on the staff report and discussions at this meeting, that: (1) Such acquisition benefits the redevelopment area as contemplated by NRS 279.486, and (2) No other reasonable means of financing the land and building is available. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
1st Reading of Bill No. 2578, Amending Chapter 15 to Update the Building Code

Time: 3:29:02 p.m.

Acting City Clerk David Fitzpatrick read Bill No. 2578 by title, an ordinance amending Chapter 15 of the Sparks Municipal Code to update the Building Codes; 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 May 12, 2008.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1
Adoption of Bill No. 2575, PCN08003, Lazy 5, Rezoning from A-5 to NUD on 24.1 Acres Northwest of Highland Ranch Pkwy. And Pyramid Hwy.

Time: 4:18:49 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and adopt Bill No. 2575, a general ordinance rezoning of certain lands owned by Lazy Five Company from A5 (Agricultural) to NUD (New Urban Development) on approximately 24.1 acres in size; generally located northwest of the intersection of Highland Ranch Parkway and Pyramid Way, Sparks, NV; and providing other matters properly relating thereto.

Senior Planner Tim Thompson noted that staff had received a letter from the applicant on April 22, 2008, asking that this item be withdrawn from the agenda, due to some unforeseen changes in their plans.

Mayor Martini noted that this item had been noticed as a public hearing and opened the public hearing, asking if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

This item was withdrawn from the agenda and no action was taken.

8.2
Adoption of Bill No. 2576, CA-3-08, Amending Section 20.56 Relating to Total Allowable Sign Area in the Industrial and Industrial Commercial Zoning Districts

Time: 3:30:34 p.m.

An agenda item from Senior Planner Tim Thompson recommending the City Council conduct a public hearing on Bill No. 2576, an ordinance amending Chapter 20 of the Sparks Municipal Code; and providing other matters properly related thereto.

Mr. Thompson noted that several months ago several property owners in the Industrial area came to the City Council and requested that they direct staff to look at a code amendment to change the total allowable sign area criteria in the I (Industrial) and IC (Industrial Commercial) zoning districts.

Two specific projects that will be affected by this ordinance are located at Greg and McCarran and McCarran and Kresge. The property owners felt that the current total allowable sign area for these types of commercial developments was insufficient.

Staff is recommending a third way to calculate total allowable sign area in the I and IC zones: if there is a common property line with the right of way on Greg Street from the western City boundary to McCarran; on Glendale from the western city boundary to McCarran; and on McCarran and Rock Boulevards from I-80 south to the southern incorporated boundary--that those properties be allowed to calculate the sign area utilizing the existing C1 standards. Mr. Thompson emphasized that that this does not rezone the property to neighborhood commercial (C1); it simply says if the property meets the above criteria, the C1 standards can be used to calculate total allowable signage.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance.

Mr. Dean Smith, 1055 W. Moana #104, one of the property owners affected by this proposed ordinance change, spoke in favor of the amendment.

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

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Bill No. 2576 (Ordinance No. 2395), CA-3-08, to amend Sparks Municipal Code Chapter 20.56 relating to total allowable sign area in the I (Industrial) and IC (Industrial Commercial) zoning districts in the City of Sparks and other matters properly related thereto. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.3
Adoption of Bill No. 2577, PCN07029, Annexation and Master Plan Amendment for 8.19 Acres Located South of N. McCarran Between El Rancho and Sullivan

Time: 3:35:55 p.m.

An agenda item from Associate Planner Chere' Jigour recommending the City Council conduct a public hearing and adopt the following annexation and Master Plan amendment associated with PCN07029, as follows:

Bill No. 2577, a general ordinance providing for the annexation of certain lands to the City of Sparks; lands more specifically described as Assessor Parcel Number 026-013-01, a site approximately 8.19 acres in size generally located south of North McCarran Boulevard between El Rancho Drive and Sullivan Lane; providing for the addition to Table V of the Sparks Municipal Code "Annexations"; and providing other matters properly relating thereto; and

Resolution No. 3098, a resolution adopting a change in the Sparks Master Plan from EDR (Estate Density Residential) to MDR (Medium Density Residential).

Council Member Salerno said that he received several calls from citizens claiming they did not receive notice of this meeting. Ms. Jigour stated they would not have been individually noticed; we notice via newspaper, 10 days in advance, for Council Meetings. She clarified that individual property owners in the area were noticed for the Planning Commission meeting, which meets the legal requirements for notification of these actions. Mr. Salerno asked if the citizens were told at the Planning Commission meeting when this item would appear before the Council. She stated she did not know the exact date at the Planning Commission meeting; however, she did point out that her name and phone number were on the notice they received for the Planning Commission meeting and if they called her, she would give them the date for the City Council meeting.

Ms. Jigour stated that the rezoning that is outlined in the staff report is not a part of this public hearing; for legal purposes the Master Plan amendment must be separated from the rezoning until the Master Plan amendment is acted upon by the Regional Planning

Commission. The rezoning request will then be placed before the City Council for a public hearing. This is anticipated to occur sometime in July.

Ms. Jigour displayed a parcel map and noted that this item consisted of a request for annexation and a Master Plan amendment for 8.19 acres. She stated that the annexation is supported by the fact that this parcel is located within the City's Sphere of Influence and also within our seven-year annexation plan. Because of these facts, the Planning Commission and staff are recommending approval of the annexation.

She stated the applicant is proposing a medium density land use; changed from an estate density land use. This proposal is supported by the City's Master Plan, in that this is an infill site; it is located in an area that has available infrastructure and a full range of urban services to support the medium density land use. Because of the locational criteria, this proposal is in conformance with the Master Plan and the Planning Commission and staff are recommending approval.

Council Member Mayer asked for clarification of which properties shown on the map were in the city limits and which were in the county. Ms. Jigour pointed out various parcels and discussed the current and proposed zoning on those parcels. Mr. Mayer asked if it was true that the applicant wanted to annex this parcel and zone it for apartments because they could not get apartment zoning in the County. Ms. Jigour stated that the applicant has disclosed that they are looking into the possibility of building apartments on this property; however, she was unaware of any prior application for rezoning to the County. She stated the only way the property could be rezoned for a more intense use (higher density) would be to annex the property into the City because it is in the City of Sparks' Sphere of Influence.

Council Member Carrigan asked if anyone attending the Planning Commission meeting asked what the applicant was going to build on the property. Ms. Jigour stated she did not recall anyone asking that question.

Council Member Salerno said the people that live in this area are quite concerned regarding the proposed change in density, the potential traffic impacts of a large project, and the lack of information on what is actually going to be built on the property. Other concerns included the appearance of a potential project and the availability of public transportation (bus lines) in proximity to the property.

Mr. Chad Wilkinson (CFA, representing Bob Neilson and Jeff Lewis, the developers of the property) stated that they agree with staff's recommendation that the proposed Master Plan amendment complies with the Sparks Master Plan goals and policies. It also specifically complies with the locational criteria found within the Master Plan. In addition, it complies with the goals and policies with the Regional Plan; providing appropriate land use designation where infrastructure is readily available. He said the Planning Commission agreed with staff's recommendation and unanimously approved the Master Plan amendment and the annexation and they respectfully request that the City Council also approve the application.

Mr. Wilkinson stated that they did not first apply to the County for a zone change; they applied directly to the City because the property is within the City's Sphere of Influence.

Mayor Martini asked if this was creating an "island" of city property surrounded by county property. Ms. Jigour stated this annexation is contiguous because City property is ajacent on two sides and the property is located within our seven-year annexation plan.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed resolution. The following individuals spoke in opposition to the annexation, citing concerns such as the lack of public facilities, the steep topography of the site, increased traffic, and the surrounding estate density homes.

Mr. Jerry Cruitt, 2394 Mayer Way.
Mr. John Watson, 3860 Isle of Skye.
Ms. Pat Watson, 3860 Isle of Skye.
Mr. Chad Hicks, 2350 Farrel Ross Drive.
Mr. Hollis Nielsen, 3840 Ile of Skye Drive.
Mr. Farrel Ross, 2400 Farrel Ross Drive.

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

Council Member Schmitt commented that the Regional Plan calls for 35% of new development to be inside the McCarran loop and this proposal came from the County Commission, therefore this is the plan that the City has to follow.

Council Member Salerno commented that a lot of these concerns were addressed when the apartments at the corner of Wedekind and Sullivan were built. He agrees that there is a dangerous blind spot at the bridge. He emphasized that NDOT is very strict when it

comes to allowing egress/ingress onto McCarran and that no project has been approved for this property. Mr. Salerno assured the residents that these concerns will be addressed when a specific project is brought forward.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Bill No. 2577 (Ordinance No. 2396), the annexation associated with PCN07029, based on findings A1 through A4 and the facts supporting these findings as set forth in the staff report. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Motion carried.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Resolution No. 3098, a Master Plan amendment associated with PCN07029, based on findings MP1 through MP3 and the facts supporting these findings as set forth in the staff report. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Motion carried.

9. Comments from the Council and City Manager

Time: 4:21:40 p.m.

Council Member Smith presented Council Member Mayer with a pink tie, stating that after an unofficial, but wide-spread survey, the consensus was that pink was definitely Mr. Mayer's color.

10. Adjournment

Time: 4:22:51 p.m.

There being no further business, the meeting was adjourned at 4:22 p.m.

_____
Mayor

_____
City Clerk

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REGULAR MEETING OF THE SPARKS CITY COUNCIL
May 5, 2008 3:00 p.m.

1. Call to Order	Time: 3:01:30 p.m. The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:01 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.
2. Roll Call	Time: 3:01:36 p.m. Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Staff Present: Neil Krutz, John Dotson, Adam Mayberry, Tom Minton, Armando Ornelas, and Carrie Brooks. Disclosure Counsel John Murphy, was stuck in transit to this meeting (in San Jose, CA) and attended the meeting via phone.
Pledge of Allegiance	Time: 3:01:48 p.m. The Pledge of Allegiance was led by Council Member Ron Schmitt.
Comments from the Public	Time: 3:02:17 p.m. None.
Approval of the Agenda	Time: 3:02:25 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 Salerno, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.
3. Approval of the Minutes	Time: 3:02:54 p.m. A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve the minutes of the Special Meeting of April 14, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.
4. Agreement with Target Corporation Related to Prevailing Wage Provisions	Time: 3:14:05 p.m. An agenda item from Community Development Director Neil Krutz recommending the City Council approve an agreement with Target Corporation related to prevailing wage provisions for the Target store planned at the Legends at Sparks Marina Project.

Mr. Krutz noted that this project is subject to the prevailing wage requirements for the project, due to the variety of public financing mechanisms that are being used. Target requested an agreement with the City that outlined how the prevailing wage requirement will be enforced. He said Target wanted assurance that the prevailing wage requirement applied only to the initial construction of the building and did not include such things as energy monitoring equipment, point of sale devices, computers, cash registers, warranty work and cleaning and maintenance work. They were also asking for some written documentation from the City concluding that they do comply with the 1999 redevelopment plan.

Council Member Carrigan stated that based on Target's concern with compliance, it appears that this was the first prevailing wage project that they have done in Nevada. Mr. Krutz stated he believed it was.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the Confirmation and Agreement between the City of Sparks and Target Corporation. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.
Bill No. 2579, Authorizing the Creation of LID No. 3 (Legends at Sparks Marina) and the Issuance of Bonds

Time: 3:05:55 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council conduct a public hearing and adopt Bill No. 2579, an Emergency Ordinance of the City Council of the City of Sparks, Nevada, describing certain recitals, making certain findings, authorizing certain actions, including the creation of City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina), the levying of assessments therein and the issuance of Limited Obligation Improvement Bonds therefore, pursuant to the Consolidated Local Improvements law, Nevada Revised Statutes Chapter 271, the execution and delivery of specified agreements, documents and instruments, and approving certain matters relating thereto; and providing the effective date hereof.

Mayor Martini read Bill No. 2579 by title. The bond counsel team for the City, Mr. Dan Wiles and Mr. Greg Harrington presented items 5, 6, and 7.

Mr. Harrington noted that this ordinance, as well as the following Resolution, is the legislative action to approve the creation of the improvement district, the assessment district, and the issuance of bonds as the first piece of the financing for the Sparks Legends project.

Council Member Schmitt asked for confirmation that the reason this is an emergency ordinance is not because we have an emergency on the site, but because of the timing issues involved in issuing bonds. Mr. Wiles confirmed that the statutes provide that bond ordinances can be adopted in the same way that an emergency ordinance is adopted. It does not indicate that there is an emergency or that there needs to be an emergency--simply that it can be adopted with one reading.

Council Member Carrigan stated that for the record, he wanted clarification of the actions being taken today: one is a Local Improvement District (LID) and the other is STAR (Sales Tax Anticipation Revenue) Bonds. He emphasized that the issuance of these bonds are for public improvements--roadways and water, sewer, electric utilities that will ultimately be dedicated to the City. He said there is always talk about growth paying for growth and he wanted to make it clear that those public improvements are going to be paid for by the various property owners in this project.

Bond Counsel Mr. Greg Harrington, clarified that the LID finances the public improvements that will ultimately be owned by the City and the repayment source for those bonds is an assessment levied on the properties in the Legends development. He said the STAR Bonds will be paying primarily for private improvements and those will be payable solely from sales tax revenues available to the City. He emphasized that the financings are different in use--the application of the proceeds--and different in the security for repayment.

Mr. Harrington noted that we received a rating today on the STAR Bonds (from Moody's Investor Service) of BA2. We are very happy with this rating; it is at the high end of the rating scale. The LID bonds will not be rated.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the Bill No. 2579 (Ordinance No. 2397). Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.
Resolution No. 3100, Creating LID No. 3 (Legends at Sparks Marina)

Time: 3:14:37 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council conduct a public hearing and adopt Resolution No. 3100, a resolution of the City Council of the City of Sparks, Nevada, describing certain recitals, making certain findings, authorizing certain actions, including the creation of the City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina) and the levying of assessments therein, pursuant to the Consolidated Local Improvements law, Nevada Revised Statutes

Chapter 271, the execution and delivery of specified agreements, documents and instruments, and approving certain matters relating thereto.

Mayor Martini read the resolution by title. Mr. Harrington noted that this was a companion resolution to the ordinance that the council just adopted. He stated that the statutes require that some actions be taken by resolution and some actions be taken by ordinance. The two items, together, provide the legislative action necessary to approve the Local Improvement District (LID) financing.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Resolution No. 3100, creating the City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina). Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.
Bill No. 2580, Pertaining to the Issuance of Tourism Improvement District No. 1 (Legends at Sparks Marina) Senior Sales Tax Anticipation Revenue (STAR) Bonds, Series A

Time: 3:16:15 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council conduct a public hearing and adopt Bill No. 2580, an Emergency Ordinance of the City Council of the City of Sparks, Nevada, describing certain recitals, making certain findings, authorizing certain actions pertaining to and including the issuance of City of Sparks, Nevada, Tourism Improvement District No. 1 (Legends at Sparks Marina) Senior Sales Tax Anticipation Revenue Bonds, Series A, and City of Sparks, Nevada, Tourism Improvement District No. 1 (Legends at Sparks Marina) Subordinate Sales Tax Anticipation Revenue Bonds, Series A, pursuant to the Tourism Improvement District Law, Chapter 271A of the Nevada Revised Statutes, and the Local Government Securities Law, NRS 350.500 ET. SEQ; the execution and delivery of specified agreements, documents and instruments, and approving certain matters relating thereto; and providing the effective date hereof.

Mayor Martini read the bill by title. Mr. Harrington stated that this ordinance will authorize the issuance of STAR Bonds; both senior and subordinate bonds.

Council Member Schmitt asked for confirmation that the bonds were rated this week and what the interest rate might be for the bonds. The response was that the bonds were rated just this morning and the interest rate outlook has not changed a great deal. We are looking at something in the 7% range, on a tax exempt basis. We hope to do better than that when the offering is actually made the first week of June, 2008.

City Manager Carey asked Mr. Wiles to outline the next steps for the City Council with regard to the STAR bonds. Mr. Wiles said this is the last action the Council will need to take for this Series A bonds; however, the developer's plan calls for Series B bonds and those will come to the Council for approval later this year. He stated that any TIF bonds that are required will also come back to the Council for approval.

Mr. Wiles said that later this week we hope to receive a [bond] rating from Pitch Investor Services, as well. We next look to print the official preliminary statements--they will be printed and published and CitiGroup will have them distributed to their high-yield bond customers.

He said the next major action here at the City is an investor presentation, which we are looking to have during the week prior to Memorial Day. At this time the prospective buyers will have an opportunity to see and evaluate the project. In the first week of June, we will monitor the pricing of the bonds and the rates on both sets of bonds will be set. The construction loan by Key Bank [to RED] will be closed and then two weeks after the rates on the bonds are set, the City has agreed to sell the bonds to CitiGroup at the agreed prices. The actual money will change hands, the bonds will close, and the funds will be available.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the Bill No. 2580 (Ordinance No. 2398). Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, NO. Motion carried.

9. Comments from the Council and City Manager

Time: 3:21:26 p.m.

Council Member Schmitt thanked staff, legal counsel, and all involved for all their hard work, stating this is a day we have all been working toward for a long time.

Council Member Mayer stated that he toured the project after lunch today and it is shaping up to be a marvelous project for the City.

10. Adjournment

Time: 3:23:16 p.m.

There being no further business, the meeting was adjourned at 3:23 p.m.

_____
Mayor

_____
City Clerk

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REGULAR MEETING OF THE SPARKS CITY COUNCIL
May 12, 2008 3:00 p.m.

1. Call to Order

Time: 3:01:37 p.m.

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

2. Roll Call

Time: 3:01:44 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Andy Flock, Stan Sherer, Adam Mayberry, Marc De La Torre, Tom Minton, John Dotson, Tracy Dominguez, Victor Villarreal, Steve Driscoll, Wayne Seidel, Margaret Powell, Armando Ornelas, Chris Syverson, Jeff Cronk, Pete Etchart, Dale Gillaspy, Tony Turley, Debi Hunt, Wayne Webber, Tracy Wheeler, Tim Thompson, and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:01:57 p.m.

The invocation was given by Pastor David Schmidt of Crosswinds Assembly of God Church and the Pledge of Allegiance was led by Council Member Ron Schmitt.

Comments from the Public

Time: 3:03:38 p.m.

None.

Approval of the Agenda

Time: 3:03:47 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 Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Approval of the Minutes

Time: 3:04:21 p.m.

None.

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

4.1 Proclamation - Older Americans Month

Time: 3:04:25 p.m.

Mayor Martini read a proclamation naming May 2008 as Older Americans Month in recognition of the 12,725 residents 60 years of age or older who live, work, and volunteer in the City of Sparks.

4.2 Proclamation - National Police Officers' Week

Time: 3:06:58 p.m.

Mayor Martini read a proclamation naming May 11-17, 2008 as National Police Officers' Week in recognition of the contributions of the men and women of law enforcement in safeguarding the rights and freedoms of Sparks' residents. The proclamation was accepted by Police Chief John Dotson.

4.3 Presentation - 2008 Sparks Public Attitude Survey Results

Time: 3:08:35 p.m.

Citizens' Services Coordinator Marc De La Torre provided an overview of the results of the 2008 Public Attitude Survey for the City of Sparks as outlined below:

2008 Public Attitude Survey
"The City of Promise"

Survey Synopsis

- Survey was conducted the week of March 31-April 4, 2008
- Press Release informed citizens of afternoon and evening calls from City Hall
- 18 Surveyors
- 518 completed surveys

6 Survey Categories

- City of Sparks Services
- Citizen Issues of Concern
- City of Sparks Neighborhoods
- City of Sparks Events
- Consolidation
- Overall City of Sparks Satisfaction Rating

City of Sparks Services

- Police Department - Satisfaction Rating: 86%
- Fire Department -Satisfaction Rating: 92%
- Traffic Enforcement - Satisfaction Rating: 72%
- Street Repair - Satisfaction Rating: 62%
- Snow Removal - Satisfaction Rating: 73%
- Traffic Signal Timing - Satisfaction Rating: 54%
- Recreation Programs/Classes - Satisfaction Rating: 74%
- Appearance/Maintenance Parks - Satisfaction Rating: 90%
- Overall Quality of Services - Satisfaction Rating: 93%

Citizen Issues of Concern

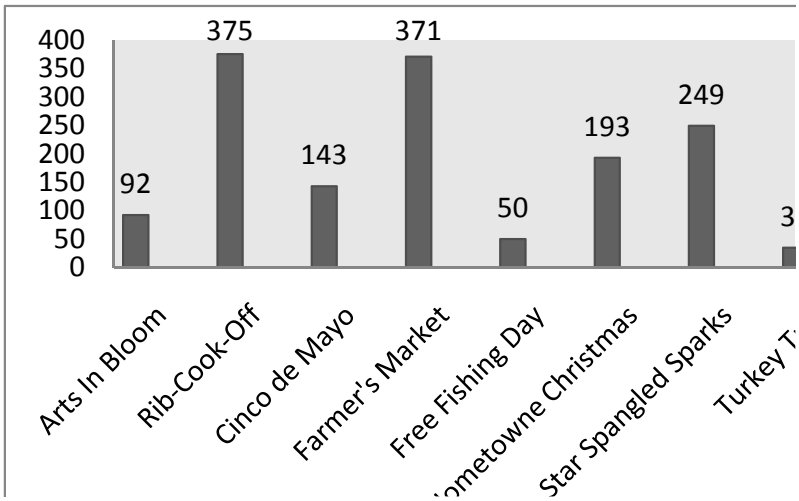
- Crime - 73% Perceive Crime as Moderate to Major Problem
- Graffiti - 78% Perceive Graffiti as Moderate to Major Problem
- Traffic Congestion - 85% Perceive Traffic Congestion as Moderate to Major Problem

City of Sparks Neighborhoods

- Personal Safety (Daylight) - Satisfaction Rating: 87%
- Personal Safety (Night Hours) - Satisfaction Rating: 72%
- Overall - Satisfaction Rating: 93%

City of Sparks Events

- 84.17% have attended an event at Victorian Square in the past year.
- Which events did Sparks citizens attend?



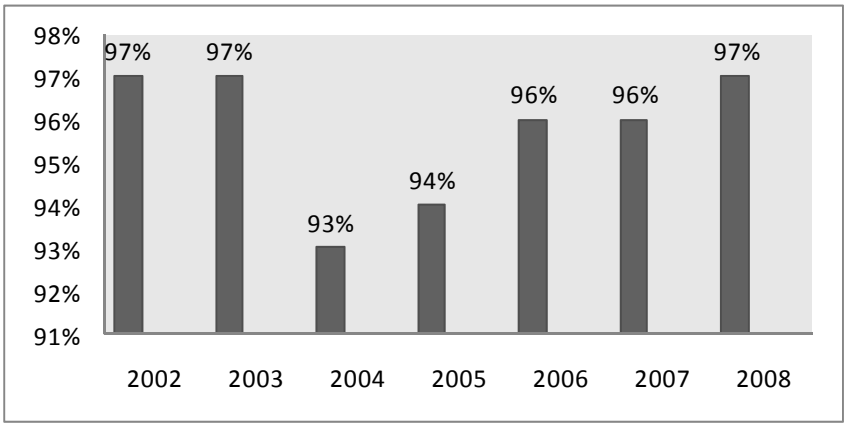
Consolidation

- 76.25% would NOT support one consolidated government for Sparks, Reno and Washoe County.

Overall City of Sparks Satisfaction Ratings

- How do you rate the overall quality of life in Sparks?
  - Satisfaction Rating: 97%
- How do you rate the City of Sparks as a place to live?
  - Satisfaction Rating: 97%

Overall Satisfaction Rating Comparison



Council Member Smith commented that he was surprised at the snow removal rating--he thought the City did an excellent job. He said the traffic enforcement was a good rating, but not excellent and asked if this means the public wants more traffic enforcement. Mr. De La Torre said he did not think it meant an increase of officers, just an overall response to the increase of traffic.

Council Member Mayer said it was interesting to note the amount of citizens who had contact with City Hall. He asked if this was due to the amount of transactions that can be done on line. Mr. De La Torre said the number of citizens who had access to the internet went up; so the drop in contact with City Hall could be a correlation to more on line transactions.

Council Member Smith asked that the survey for next year include how many of our citizens commute to Reno for work. He said that without getting too deep in what they do, maybe we can get an idea of what we need to do to provide jobs in Sparks, so they don't have to commute.

5. Consent Items:

Time: 3:23:15 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.6. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering April 10, 2008, through April 23, 2008.

5.2 On Premises Alcoholic Beverage License for The Steamed Clam, Located at 224 N. McCarran Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Alain V. Gregorie, for an On Premises Alcoholic Beverage License for Steamed Clam, Inc., doing business as The Steamed Clam, located at 225 N. McCarran Boulevard. This will be Mr. Gregoire's 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 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3 Alcoholic Beverage Package License for Goodi's Fresh Squeezed Lemonade, Located at 3300 Sparks Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Forrest Carl Huett, for an On Premises Alcoholic Beverage License for Goodwin-Huett Enterprises, Inc., doing business as Goodi's Fresh Squeezed Lemonade, located at 3300 Sparks Boulevard. Mr. Huett is the owner of the business. The license will provide a $1,000.00 annual fee plus $1.00 per $1,000.00 over $50,000.00 and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.4 Reversion to Acreage Map for Carlsen Investment

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a Reversion to Acreage Map for Carlsen Investments, LLC, for property located at 1690 Industrial Way. The reversion is to eliminate interior lot lines conflicting with an existing building. The map has been checked and found to be correct. The appropriate fees have been paid. A performance bond is not required to be filed with the City Clerk, as no public improvements are associated with this map.

5.5 Amendment to Participation Agreement

An agenda item from Risk and Benefits Manager Randy Waterman Recommending the City Council approve an amendment to the Participation Agreement with the Nevada Health Partners

with Nevada Health Partners for Hospital Services with Carson-Tahoe Regional Health Care

(Coalition) of Hospital Services Agreement with Carson Tahoe Regional Healthcare (Hospital). The City currently has a Hospital Service Agreement with Carson Tahoe Regional Healthcare which runs through December 31, 2009. The basic hospital PPO contract is being amendment to increase discounts to 50% of billed charges. This amendment only affects the City of Sparks in those few cases where our employees or eligible dependents are confined as an impatient for 10 days or for whom total billed charges will exceed $10,000 (previously $20,000). In those cases, interim payment arrangements may be required.

5.6
Contract with Matrix Imaging Solutions for Preparation, Printing, and Mailing of Utility Bills

An agenda item from Revenue Manager Elize Bowlin recommending the City Council approve a contract with Matrix Imaging Solutions for the preparation, printing, and mailing of utility bills. The City contracts these services for accounts that receive sewer services from the City. The contractor takes a data file from the City that is used to generate statements that are mailed to the account holders. The contract calls for the printing and mailing of the individual statement, the mailing envelope, and the return envelope. Postage is applied by the contractor and actual postage costs are passed through to the City without markup. The billing activity includes roughly 29,000 residential accounts every quarter and 1,600 commercial accounts every month; or about 135,000 mailings per year. Matrix Imaging Solutions bid of $09.500 per account, plus postage, is very reasonable and represents a significant savings over the incumbent vendor.

6. General Business:

6.1
Approval of Four Sponsors for the 2008 Arts in Bloom Event

Time: 3:24:02 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve $8,000 in total sponsorships from four sponsors for the 2008 Arts in Bloom event. The 6th Annual Arts in Bloom event was held on May 11, at the Sparks Marina Park.

Recreation Superintendent Tracy Domingues noted that the plate auction raised approximately $10,000 and the event was very well attended. She said the event would not be possible without the generous sponsorship of the title sponsor, Reno Lawn and Landscape and the presenting sponsors: Costco, Dr. David Welmerink, and Edward Jones Investments. Ms. Domingues noted that the in-kind sponsors included Camelot Party Rentals, John Ascuaga's Nugget, KTVN Channel 2, Playful Potter, Reno News and Review, Reno Radio Representatives/Americom Broadcasting and the UPS Store. She stated these local businesses make this event possible. Ms. Domingues mentioned that the Playful Potter donated all the ceramic plates and supplies so the celebrities could paint the plates and mail them back to be auctioned for the benefit of the Susan B. Komen Breast Cancer Foundation.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the sponsors as outlined. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Presentation of the Washoe County Open Space and Natural Resource Management Plan

Time: 3:27:11 p.m.

Senior Planner Victor Villarreal introduced Mr. Bill Whitney from Washoe County Community Development on the (almost) final Washoe County Open Space and Natural Resource Management Plan. He stated that Mr. Whitney has made several presentations updating the council on this plan over the past year and the original intent of this meeting was to obtain the Council's endorsement of the plan. However, while Mr. Whitney will make a presentation and receive input, staff is asking to delay any action on this item until the May 27, 2008 meeting. This is due to a recent agreement to include verbiage into the plan which will change staff recommendations. He noted that Mr. Whitney will discuss the new verbiage. Mr. Whitney made a presentation as outlined below:

Washoe County Regional Open Space and Natural Resource Management Plan

Why we are here?

- Presentation on County open space plan.
- Answer questions and receive comments.
- If Council is comfortable - ask for your **endorsement** of the plan.

Authorization

- NRS 376A.020 gives the County the ability to adopt an Open Space Plan for the unincorporated County.
- NRS 376A.040 gives the County the ability to ask voters if they would fund the acquisition of open space in Sparks/Reno and the County.

Nevada Revised Statutes - 376A

- Cities endorsement is desired but **not required** for plan approval by the County Commission.
- Endorsement **is required** by both Sparks and Reno Councils prior to any future ballot measure for public funding.
- NRS stipulates an equitable allocation of proceeds among Sparks/Reno/County. NRS legislation enables two ballot measures: a ¼ of 1% and a property tax increase of $.01 per $100 of assessed valuation. He said this legislation was passed in 1991, the first open space was adopted in 1994 and neither of these ballot measures has been passed by the public.

Plan Approval

- NRS stipulates that Sparks/Reno City Councils have the opportunity to review and comment on the Plan within 60 days.
- County Commission considers city comments, responds and adopts the plan.
- Plan found in conformance with the Truckee Meadows Regional Plan.
-

Purpose

- Update of original 1994 Open Space Plan.
- 20-year plan for the provision of open space focused on southern Washoe County. The next plan update will focus on the northern areas.
- A new natural resource management component addressing urban interface and ecosystem services.

Planning Area Boundaries

The Plan (3 separate components)

- **The Plan:** Summary of issues, long term vision, guiding principles, goals, policies (The component that the Council is reviewing & commenting on).
- Inventory and Assessment: compilation and evaluation of data.
- Implementation component: Prioritization of actions to carry-out the Plan's policies, achieve its goals and realize its vision.

Defining Open Space

- "Undeveloped land with significant natural, cultural and visual resources that is integral to Washoe County's quality of life."

Extensive Public & Agency Involvement

- Initial Stakeholder Interviews
- Local Government Mini-Summit
- Five Public Workshops
- Stakeholder Advisory Committee (20)
- Science Review Team (14)
- County web-site comment form

What This Plan Doesn't Do

- Does not affect city codes/ordinances.
- Does not change the land use designations/zoning found in County or City Master Plans.
- Does not affect private property rights.

Six Key Resource Categories

- Biodiversity
- Cultural & Sensitive Lands
- Parks, Trails and Connections
- Visual and Scenic Character
- Water Resources
- Natural Hazards

How will this data/mapping be used?

- Evaluate open space purchase opportunities.
- Support public lands decisions.
- Identify areas in need of attention.
- Extensive data is available to Sparks/Reno and other agencies for their use.

What is Next? Continue the Regional Approval Process

- County Parks and Open Space Commission
- Reno and Sparks Planning Commissions
- Washoe County Planning Commission
- **Sparks** and Reno City Councils
- Washoe County Commission
- Regional Planning Governing Board

Results: A New Regional Open Space Plan
In Conclusion
- We are here to answer your questions.
- Receive your comments on the Plan.
- If Council is comfortable - ask for your **endorsement** of the plan. Cities endorsement is **not** required for plan approval by the County Commission.
- Endorsement **is** required by both Sparks and Reno Councils prior to any future ballot measure for public funding.

Mr. Whitney stated that Mr. Villarreal's staff report outlined the two main concerns expressed at the April 3rd Planning Commission meeting. The first concern was the need for a definition of Open Space that includes parks and trails. This can easily be inserted on page 5, paragraph 2 and will read as follows: "Open space is a critical component of the quality of life in our region. This includes access to world-class recreation near our homes, to include our areas parks and trails."

The second concern was the inclusion of Urban Open Space within the plan--for example, large open space areas within the City limits. On page 8, third paragraph, language can be inserted to address this concern as follows: "The study area includes the County's urban areas and any large open space areas located within City limits." -- referring to the fact that open space is not always on the fringe of developed areas; sometimes it is within the urban, developed areas.

Mr. Whitney stated the main concern they have addressed through changes to the draft is that the current plan didn't include a mechanism for the provision of an equitable allocation of taxes collected for open space.

Council Member Salerno asked if the "evaluate open space purchase opportunities" was just for the County or for all three entities. Mr. Whitney said this was for the County; however, this is a regional open space plan and the intent was that the each of the planning partners will use the data and information for their own benefit.

Council Member Salerno also asked for confirmation that the City of Reno has not yet reviewed this plan. Mr. Whitney replied that it was scheduled and then the issue of the distribution of proceeds came up, so the presentation was rescheduled for later this month. Mr. Salerno asked if all three entities had to endorse the plan in order for a question to go on the ballot. Mr. Whitney said that NRS requires that the County create the plan, send it to the two Councils for comments. The Comments then go to the County Commission, who responds to the Council's comments. He said the actual ballot issue will require the endorsement of the two City Councils. He said the intent was to ask for endorsement of the plan up front, so

they would not have to come back in a few years, when the question is ready to go on the ballot. Council Member Salerno pointed out that in a few years there would be new people serving on both City Councils, and they would not be the same people who endorsed the plan. Mr. Whitney said the implementation agreement and language should lay out the basic groundwork for the ballot question.

Council Member Schmitt said he wanted to make sure that if this Council endorsed the plan, we would not be giving up any rights to future review and approval of the actual ballot question. Mr. Whitney said if the two Councils endorse the plan, then yes, the County would not have to come back for approval of a ballot question; however, if a question was going to be put on the ballot, the language would need to be worked out with Reno and Sparks. Mr. Schmitt said he felt it would be better to not endorse the plan and reserve our right to review any future ballot questions. Mr. Whitney stated there will be language and a flow-chart included in the plan to address these types of issues:

1. A set of guidelines for allowed uses, improvements and land management practices and acquired open space property should be consistent for Reno, Sparks and Washoe County.
2. Common standards for operation of open space should also be developed.
3. These guidelines should be included in the implementation agreement.

After reading the language, Mr. Whitney said that it did not directly address Mr. Schmitt's concern. Council Member Schmitt asked if this could be clarified before this item comes back in two weeks, because he was not going to give up his right to review ballot questions in the future.

Mr. Villarreal stated staff is asking for this item to be continued for a couple of reasons:

1. In the draft document submitted for this Council Meeting, there was no language addressing how the funding mechanism might be fairly divided among the three entities. Just last week, we have agreed to some language which states in the implementation plan that, should this be an issue that is going to be put on the ballot, the three entities will have to agree (prior to any question being put on the ballot) as to how that funding is going to be allocated. This means there will have to be a lengthy process involved on the front end of any ballot question and only if an agreement is reached between the three entities, can the question can go forward.
2. Also, there was not a resolution included in this staff report and by NRS, this endorsement must be done by resolution.

Council Member Schmitt asked if there was any indication that there would be any type of a ballot initiative or question for the

2008 elections. Mr. Whitney stated there has been no conversation at the County that he is aware of.

Council Member Schmitt asked how the open space plan is being funded. Mr. Whitney stated these ballot initiatives were available when the first plan was adopted in 1994, but since it never made it to a ballot, we have been working every angle to implement this plan with very good success. Being able to use a small portion of the Southern Nevada Public Lands Management Act has helped to implement our plan.

Mr. Villarreal emphasized that endorsement [from the Sparks and Reno City Councils] does not mean the plan will go forward as a ballot initiative. There are many things that need to take place prior to that happening.

Mr. Whitney displayed a page that will be included in the plan, addressing Mr. Schmitt's question. The first paragraph says, "The following diagram illustrates the annual distribution process for funding the acquisition of open space, if public funds are realized from the potential ballot measures. In addition to this annual process, the three jurisdictions will work together to develop and maintain a long-range acquisition plan for the entire region that can be used to guide the prioritization of the annual list." Mr. Whitney noted that this is an updated version of what is in the 1994 plan. The flow chart is titled "Distribution of Regional Open Space Funds" and demonstrates how the money from the ballot measures would be used and allocated through the three jurisdictions.

Council Member Schmitt stated that in the State of Nevada, 87% of our lands are owned by the Federal government and this is the highest percentage of land in the country that is owned by the Federal government. He asked how much of the land (open space) in Washoe County is already owned by the government and how much are we planning to increase that amount (as another governing body) by purchasing and owning more open space land. What does this do to the competitive market place for purchase and development of land? This should be part of an economic impact statement; what does pulling land off the market (and normally paying higher than appraised value) do to the economy. Mr. Schmitt said before we go to Washington, DC, and start talking about how much land the Federal government owns and asking them to release land so we can use it for low-cost housing and other purposes; we need to be careful not to do the same thing.

Mr. Whitney said the percentage of Federally owned land in Washoe County is in the low 70th percentile--not as much as the overall State ownership. The ownership of Federal land is a huge issue throughout the rural counties in the state, but it does not appear to be as big an issue in suburban counties like ours. Mr.

Schmitt commented that if we have a high cost of housing because of the unavailability of land, then it is a huge issue. It took us 15 years for us to get 300 acres to use for the new regional park (Golden Eagle Regional Park).

Mr. Whitney said the County owns about 900 acres of land as open space and most of that had been obtained through development agreements. We don't own a large portion. Mr. Schmitt said there are other land conservation groups that also own land for open space, so he felt that it was more than 900 acres. Mr. Whitney explained that the Nevada Land Conservancy was formed after this plan was adopted in 1994. One of the goals was to form a land conservancy that could help preserve open space. They have focused on open space within the urban/suburban areas and those are usually small acreages because of the cost. Some of the larger parcels that have been acquired with Southern Nevada public money have been in cooperation with BLM and Forest Service. Those are basically in holdings or checkerboard pattern of ownership. They have acquired more acreage around Reno and Sparks, but they are usually filling a checkerboard pattern or a particular holding in a place that has a resource that they want to protect. He agreed that there is more Federal ownership of land, but at the same time, working with the County under the open space plan, the acquisitions have been fairly focused.

Council Member Mayer stated that he felt the plan was worthless without a funding mechanism. Before this plan comes to the Council for endorsement, we need to know how the money is going to be used and have some way to prioritize which properties would be purchased. He suggested that the Copper Canyon area would be an excellent acquisition due to its historical value.

Council Member Carrigan said the plan was not in the electronic agenda information; just the power point and he would like to see the plan before he makes any decision. The number of 70% of Washoe County being owned by the Federal government is staggering. This leaves only 30% as private property and this plan is to purchase private property and turn it into open space. Mr. Whitney emphasized that one difference between this plan and the 1994 plan is the map that showed potential open space. He noted that this plan does not have that map; this plan has lots of different resource maps and under the six different resource categories, the maps show the areas that have the most valuable resources. We can use those maps to look at which areas have the most critical resources (cultural or natural), with a high value for preservation. We are approaching this planning in a different manner this time and he felt it would work much better. There is a lot of flexibility for each of the three entities, if we do achieve public funding. Each entity will be able to decide which open spaces are appropriate for acquisition in their jurisdiction.

Mr. Whitney agreed that we don't have a funding source right now; but there are two ways to do this. 1) Go for the funding source first and then do a plan, or: 2) Do the plan first and then go for the funding source. We did a plan in 1994, but for a lot of different reasons we were never able to get the public funding source. However, because we have that plan, we have made some very good acquisitions within the southern portion of the County in the last 14 years.

Council Member Carrigan asked of the 30% not owned by the Federal government, how much is already developed--what percentage of undeveloped land are we looking at for acquisition of open space. Mr. Whitney stated that is the choice each entity will make--is a piece of land really critical to acquire as open space or is it more important to have it for affordable housing or a park.

Mayor Martini asked if the Council needed to vote to continue this item to the meeting on the 27th or take no action. City Attorney Adams stated that judging from the comments, the item should be continued. City Manager Carey stated that given the concerns raised by the City Council Members, he would like an opportunity to work with staff on preparing answers to the questions that were posed; therefore he would prefer that the item not be scheduled for the meeting for May 27. Today's item was styled so that the Council could take possible action or just receive the report and provide comments. Staff will bring this item back as soon as possible, but they needed time to prepare answers to the questions asked.

Mayor Martini said his understanding was that it did not mater whether Sparks endorses the plan or not. Mr. Whitney stated for adoption of the plan, no, it did not matter. But for any kind of future funding, yes, it did matter.

A motion was made by Council Member Schmitt, seconded by Council Member Salerno, to receive the report on the Washoe County Open Space and Natural Resource Management Plan and to table the endorsement. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Motion carried.

6.3
City Manager's Fiscal Year 2008/2009 Budget Recommendations

Time: 4:03:32 p.m.

An agenda item from City Manager Shaun Carey recommending the City Council approve the City Manager's Final Budget Recommendations Report for the 2008-2009 Budget Year.

Finance Director Tom Minton gave an overview of the general revenue picture and noted that we have been grappling with an economic downturn since he came to work for the City in 2006. Consolidated Tax Revenues hit a high water mark for the City of

Sparks in fiscal year 2006 at $27.497 million. They declined 3.7% in fiscal year 2007 to $25.867. We are forecasting further declines of 3.7% for fiscal year 2008 and an additional 3% in fiscal year 2009. The cumulative decrease is $3.3 million for this one revenue source.

The 2008 budget that was passed was very much a holding pattern and prior to that time we had not had a mortgage crisis or credit market meltdown at that point. In 2008, the City Manager recommended extending the hiring freeze; adding some positions; drawing down some of the fund balance in health insurance costs due to a good claims history; and using some of the general fund ending fund balance.

One year later, things are even worse and we anticipate at least a two or three year recession. We instituted a voluntary separation program which netted 17 positions, but minimal fiscal year 2008 savings. We will be able to maintain an 8.3% fund balance, with $1.2 million in savings in fiscal year 2009. Staff has looked through the services and supplies budget and from the expense total of $62.072 million, we are projecting a decrease of .6% to $61.721 million. He emphasized this was in light of granting 4% cost of living (COLA) increases in fiscal year 2008.

In fiscal year 2009, the estimate is an increase of .8% from our 2008 budget estimates with just a COLA for fire personnel. Total anticipated costs in fiscal year 2009 will be a 1.4% increase and if we subtract what we expect to be under spent, we have a decrease in the overall budget of 3.2%. In light of higher energy costs, higher gasoline costs, some COLAs, and step increases that are still being granted, we have little or no increase in absolute spending in the projected budgets for the next three years.

Mr. Minton emphasized that we knew this was coming since the fall of 2006--we knew it was coming--it has simply gotten worse. We don't know at what point the Federal Reserve's rate cuts or the Bush Stimulus Package will have an affect [on the economy]. However, the last current month of taxable sales (February) for Washoe County were down 15.1% in all major sectors.

City Manager Carey provided a review of the critical changes made to the recommended budget since it was last discussed at the retreat in April. We will be conducting the required public hearing for the budget on Tuesday, May 20, 2008, at 10:00 a.m. in the Council Chambers. This year we will follow the public hearings with consideration and possible approval of the final budget document. Any direction provided by the Council at this meeting will be incorporated into the final document to be sent to the State of Nevada.

Mr. Carey stated he agreed with Mr. Minton's comments regarding the fiscal year 2008 budget that will end on June 30, 2008. We will not be using our contingency budget again. The contingency was budgeted at $1.3 million. We will end the year with our spending at 94% of the authorized budget. When this money is not used, it represents the ability to fund a contingency for next year with no real transfer of funds into the account.

Since the retreat, staff has identified a need to do additional cuts in order to meet the financial policies set by the Council. The policy calls for an 8.3% ending fund balance in the general fund. In looking at the latest revenue projections and an analysis by the Finance Director, we felt it was necessary to curtail spending an additional $989,000 from the numbers presented in April. The Council's discussion at the workshops indicated they felt we have done all the cuts possible outside of public safety and that additional cuts would begin to go across departmental lines. The 6.3%, as it appears in the spread sheet, is a general cut that will be applied to all the departments in the city, based upon their percentage of the budget.

Therefore, the percentage of services and supplies in the Police Department will be cut by about $251,000 and the Fire Department will be cut by $151,000; so that all departments are sharing in the cuts. Mr. Minton is working with all the departments on an integrated process to allow them to achieve savings this year to help us to reach the $989,000 figure by June of 2009 and to allow the departments a good deal of flexibility as they manage their budgets. The Police and Fire Departments will have an opportunity to find the best way to achieve those cuts through the course of the year. This plan represents the ability for staff to return next year with a budget which will have stayed within the policy determined by the Council.

Mr. Carey stated that in April he was not recommending any new needs for the Police Department; however, this budget does include a recommendation to fund two additional patrol vehicles. The Police Department has made strong changes in order to get the maximum amount of officers on the street during peak crime times. With the current number of patrol cars, we are finding that we are not able to achieve our goal of having a peak number of officers during the critical times. Subsequently, these two new vehicles will allow us to use existing resources to the best degree. Because we are not adding new police officers, Mr. Carey stated, he felt this was an option the Council should consider.

Mr. Carey stated the two police vehicled represent the only two new needs he is recommending. We hope that the $989,000 curtailed services and supplies spending can be met. We have been able to

achieve a 4% and a 3.5% under spend in the budget authority in the past and we are hoping to achieve this in the coming year. However, we have been cutting, slashing, and being more efficient so much that 4% will be a very large goal in the year ahead. Currently we are a very lean city trying to preserve current service levels.

We have made no changes in the capital plan since the presentation by the Public Works Department at the workshop. We continue to monitor the Development Services Enterprise Fund very closely and the Sewer Fund is stable, due to the recent rate increases. According to calculations, the Health Care Fund will require an 8% increase in rates. A general fund transfer to our Self-Insurance Fund is necessary this year--a little over $600,000 in order to maintain the stability of that fund.

Mr. Carey noted that the Redevelopment Agency preliminary budgets, although separate from consideration from the Council, should have a very positive year with the Sparks Legends Project moving forward in Area 2 and our efforts to focus on acquiring property in Area 1.

Mr. Carey summarized his budget recommendations, stating that this is a financially prudent budget which meets the financial policies and keeps an adequate fund balance to meet the challenges ahead. At the retreat the Council asked for some alternatives to the recommended budget and those alternative are provided. However, we are not including in the budget the ability to fund any COLA raises for those bargaining groups which are not currently under contract. This is a difficult position to be in, but the inclusion of cost of living increases would not have maintained the financial policies of the Council.

At the latest retreat, the Council also inquired as to how these actual savings, cuts, and increases were occurring from year to year. We have amended the budget pages beginning on page 45 to show where those cuts are being made on a year-to-year basis. Mr. Minton noted that the information is also broken down by salaries and benefits and services and supplies.

Mr. Carey stated he took the budget to the Citizen's Advisory Committee for the City of Sparks and there were two areas of question. The first was the recent round of lay-offs in the Enterprise Fund and whether the City took efforts to place those employees in other positions. Mr. Carey said he reviewed the procedures that were followed to try to place as many of those employees as possible. The second area of concern was what the future holds. At a time when our revenues are falling and demands for service are increasing, this is certainly a question to consider. He said he answered with a historical prospective of how strong our City has

grown over the last 17 of 19 years and hopefully this cycle will bottom out into a slow period and then we can begin to grow again, as indicated from our past.

Council Member Carrigan asked for confirmation that we are looking at an $800,000 increase in the budget from fiscal year 2008, or 1%, and that initially we were looking at a 10% increase. Mr. Minton confirmed this, stating that staff recalculated the 2008 figures and because of the estimated current year under spend, the projected actual budget figure for 2008 was lower and therefore the percentage of increase from 2008 to 2009 is lower.

Council Member Carrigan said he was aware that no new police officers were being recommended; however, he wanted to know the status of how many of the already approved positions were not yet filled. Chief John Dotson stated they are currently authorized 116 sworn positions. As of January, 2008, the Council authorized two new positions mid year. They are currently three positions short, due to attrition and he has received six resignations for retirement between June 6, 2008 and August 29, 2008. One new hire will graduate from the Police Academy on June 19 and another academy session begins June 23. Chief Dotson stated they have tentative authority to hire for the nine vacant positions.

Council Member Smith questioned the $129,000 for the two new police vehicles. Mr. Carey noted this was the fully loaded cost--the full impact of the vehicle on the budget--which includes the purchase of the vehicle; equipment such as radio, computer, and lights; maintenance; and fuel for the operation of the vehicle.

Council Member Mayer asked about the percentage of the COLA that the fire Department is going to get. Mr. Carey responded that the Fire Department receives a 2% cost of living increase in July and 2% in January. They also will be receiving a contractual rate increase, which takes effect on July 1, 2008.

Council Member Mayer made a motion that the budget for the City of Sparks include the same rate of increase for other employees that the Fire Department employees receive. Council Member Schmitt said he would second the motion for the sake of discussion.

Council Member Carrigan questioned whether the 525 city employees figure on page 8 of the budget book included fire department personnel. Mr. Carey responded the figure was for the employees that we do not currently have labor contracts with.

Mayor Martini asked what the impact of an across the board COLA would be and where would we have to make additional budget cuts to stay within the financial policy limits. Mr. Carey stated the cost of a 4% increase would be $1,163,152.00 to the general fund and

including all the other funds, the total would be $1.9 million. He emphasized that this would cause the ending fund balance to fall short of the 8.3% goal. He said there were two ways to make up this shortfall: one would be employee layoffs in order to stay within the 8.3% ending fund balance; or the Council could choose to have a lower fund balance. Mr. Carey said he did not believe an additional $1.9 million could be cut from the budget; even the $987,000 is a considerable stretch.

Mayor Martini stated if the ending fund balance went below the 8.3% financial policy because of a COLA, the shortfall would only be compounded next year.

Council Member Schmitt said he was concerned about where we are going to make additional cuts to the budget, because he did not feel lowering the 8.3% ending fund balance was an option. He said this is what has saved us from being in worse shape that we are now. He asked where we are at in negotiations with the unions regarding COLAs. Mr. Carey stated we are in active, good-faith negotiations with the Sparks Police Protective Association and Operating Engineers Local 3. Those negotiations regarding the city's inability to pay an increase in wages will continue in good faith. If an impass is reached, both parties would follow the prescribed steps for resolution.

Council Member Schmitt asked how we would pay if we approve no raises today and the bargaining units come back after arbitration and say we have to provide raises. Council Member Carey stated if that was the outcome of a binding arbitration process, it would mean we would have to find the money if a labor agreement is made. The financial policies of the City do not allow us to include an increase in the forecasted budget. This is why a million dollars for a matching fire department type of increase in the general fund is not possible.

Council Member Schmitt said he understood Council Member Mayer's concern regarding making sure that we give raises to all the employees, but he is concerned that we would set a precedence if we give raises before the negotiations take place. He said Mr. Mayer's concern about losing employees over the next twelve months was very real and he said he would prefer that the council look at Alternate B, a 1% retention bonus.

Mr. Carey stated that most labor agreements with the City of Sparks have a longevity clause. He said under Alternate B, the Council would be setting aside 1% as a funding stream for negotiations. In terms of the "cart before the horse," in years where the City had money for COLAs, 3% or 4% was included in the budget and allocated at the end of the negotiation process. The difference this year is that the financial policies indicate that the inclusion of a

COLA would not yield a satisfactory ending fund balance and therefore, we can not budget an unallocated amount for negotiation purposes. Without a change in the policy, funds are not available.

Council Member Smith asked how far a COLA would cause us to fall below the required 8.3% ending fund balance. The response was a 2% COLA would leave about a 7.8% ending fund balance. Mr. Smith asked if the City had gone below the 8.3% ending fund balance. Mr. Carey stated that in most of the 1990s the City did not maintain an 8.3% ending fund balance. Starting in 2000, we began working toward that goal and in each of the last five years we have not fallen below the 8.3%.

Council Member Smith asked if the Council chose the option of giving the employees an additional day off in lieu of a COLA, would the fire department that added benefit. Mr. Carey stated the fire union has a negotiated contract so it would not apply to them. The intent would be to provide that benefit to the employees who were not receiving a COLA.

Council Member Carrigan stated that in the past we have built COLAs into the yearly budget, above and beyond what was negotiated. Mr. Carey said more accurately it was subject to negotiations and an unallocated percentage was budgeted for the purposes of negotiations. Mr. Carrigan asked if no COLA is built into the budget, does this stop the negotiations. Mr. Carey stated negotiations are a process of meeting in good faith with the labor groups. We present our economic terms and they present their understanding of our economic terms and they are free to make proposals for COLAs at those negotiation sessions. If an agreement is reached, staff will bring back a proposal for Council consideration. Mr. Carey emphasized that this is a process of give and take, in good faith, whereby, the City's financial position is subject to challenge and binding arbitration. However, if the current negotiations result in a recommendation for a COLA, we will have to find the funds within the resources of the City: cuts in services, use of the contingency, or the ending fund balance.

Mr. Carrigan asked if it would be easier to just put 2% for a COLA in the budget or better to just look at this issue again in six months, based on economic conditions. Mr. Carey noted that Alternative E provides for the reexamination of the budget in October, based on monitoring economic conditions. At this time we will have the full results of the fiscal year as it relates to COLAs.

Mr. Carrigan said he would like to have the ability to take another look at this, maybe in October, to see if there is a chance of a 2% COLA to give the employees some hope.

Council Member Mayer said his motion was for all other employees to receive the same COLA as the fire department: 2% in July and 2% in January. He asked how this would affect the budget. Mr. Carey said it would have the same affect as a 3% COLA, or about $1.5 million.

Council Member Mayer called for the question. A discussion ensued regarding whether there needed to be a second and vote on the call for the question. The general consensus was yes. There was no second and discussion on Council Member Mayer's motion continued.

Council Member Salerno said that no matter what alternative the Council chose, it did not mean that is what is going to happen. Mr. Carey confirmed that the Council is simply setting the plan for the budget for the City of Sparks. Mr. Salerno asked if the alternatives figured in where the money was going to come from. Mr. Carey stated that the budget before the Council for approval does not include the COLA because of the policy to maintain 8.3% as the ending fund balance. He said in the absence of lay-offs or cuts in service, he is unable to find the ability to generate that money without spending down the fund balance. He said the alternatives are within the Council's purview, as a policy group, to include a COLA as they see fit.

Mayor Martini said in talking about losing employees--we have great employees and to not give them a raise is a tough business decision. However, if the economy gets worse before it gets better, we can guarantee that we are going to lose people because we are going to have to lay some people off. We have decent services now, but those services are not going to get better if we have to start laying people off. He said he would love to give the employees a raise; however, this is a business decision. If the Council wants to go below 8.3% in the fund balance, just say that is what you want to do; but, he did not think it was prudent to give a COLA at this time. It is a policy we made and we should hold to that policy.

Mayor Martini asked if there was any further discussion on the motion. There being no further discussion, Mayor Martini asked the Council to vote.

Motion by Council Member Mayer, seconded by Council Member Schmitt, for the budget for the City of Sparks to include the same rate of increase for other employees that the Fire Department employees receive. Council Members Mayer, Schmitt, YES. Council Members Salerno, Smith, Carrigan, NO. Motion failed.

Council Member Schmitt made a motion to ask that staff bring this item [COLAs] back in October, with a review of where we are at

[financially] and what we are able to accomplish with regard to COLA raises. The motion was seconded by Council Member Smith. Mayor Martini called for discussion.

Council Member Carrigan said he was going to make a motion to accept the budget with the same caveat: that we reexamine the City budget in October. However, he was going to add that we look at a 2% COLA at that time, to cover the Consumer Price Index (CPI), which is about 2.1%.

Council Member Mayer said he was going to make a motion that instead of 2%/2% that we go 1%/1% for all the employees that are not covered by existing labor agreements. He said he really felt that good people were going to leave the City and we have to do something.

Council Member Carrigan asked the maker of the motion (Mr. Schmitt) if the intent of his motion was to look for a COLA at that time. Mr. Schmitt said that would be the purpose of the review. He asked if Mr. Schmitt would put this into the motion, because he wanted to be specific with regard to the COLA. Mr. Schmitt said he had no problem with being more specific. He clarified his motion, stating that the purpose of the October meeting would be to review the budgets for COLA increases for those employees who are not already getting increases this year and to determine what that would be: a 1%, 2%, or 3%. Council Member Smith, as the second to the motion, agreed to the amendment.

Council Member Carrigan said he could now support the motion because it was now clear that the purpose of bringing this back in October was to look into COLAs.

Council Member Mayer once again asked that the Council consider a 1% COLA in July and 1% in January.

Motion by Council Member Schmitt, seconded by Council Member Smith, to ask that staff bring this item back in October, with a review of where we are at [financially] and what we are able to accomplish with regard to COLA raises. The purpose of the October meeting would be to review the budgets for COLA increases for those employees who are not already getting increases this year and to determine what the increase might be. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Motion carried.

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

7.1 Public Hearing and Approval of the FY	Time: 4:51:47 p.m. An agenda item from Grants Administrator Tracy Wheeler recommending the City Council conduct a public hearing and

08/09 CDBG and HOME Consortium Action Plan

approve the fiscal year 2008-2009 Community Development Block Grant (CDBG) and HOME Consortium Action Plan.

Ms. Wheeler noted that this is the annual action plan for the U.S. Department of Housing and Urban Development (HUD). This plan outlines how the city will undertake activities funded by the CDBG entitlement funding. This year the City of Sparks will continue to fund the City's single family, owner occupied housing rehabilitation loan and grant program; leverage our CDBG dollars with the State of Nevada stewardship fund and City dollars for improvements along Prater Way; and continue our previously approved funding contribution toward the Washoe County Human Services Consortium for services in the community.

City Attorney Adams stated the Attorney's Office will be losing their Victim Advocate and asked about the possibility of using CDBG funding in order to retain this position in their department. Ms. Wheeler replied that the Victim Advocate position would not meet the requirements of funding as discussed in the CDBG funding, but she would assist him in looking into grants for staffing those types of services.

Council Member Schmitt asked Ms. Wheeler if she foresaw substantial changes coming for this cycle of the Human Services Consortium process, in light of the joint meeting this morning. Ms. Wheeler stated the funding that was allocated this past winter to be used for the Human Services Consortium has already been parceled out. Under our basic needs category, service providers can come in and request funding for services that fall under addressing homelessness. The executive director of Family Promise spoke this morning and they were successfully granted some funding. She said that other than Family Promise and some funding for St. Vincent's, she did not notice any changes in the allocations. Council Member Schmitt asked if we can plan on seeing the CDBG funding go toward the services at the homeless shelter in the future. Ms. Wheeler said that what was not pointed out at the joint meeting was that the Consortium conducted a request for proposal process which was opened to the public. On Friday they received three proposals to operate the men's drop in center and, separately, to operate the women's drop in center. Certainly those service providers can come to the consortium to apply for funding. She said the question is do we take the entire pool and allocate it toward one resource, or do we continue to allow those service providers to come to the table and apply for the funds. She said the flavor in the community is to leave things as they are because those service providers can apply for those funds like all the other services.

Council Member Schmitt said he felt that the Consortium process should continue, because it is a successful process, but if we put all these funds into the shelter, it will leave a big vacuum in funding for

all the other human service providers.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding the action plan. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the FY 2008/2009 Community Development Block Grant Action Plan to HUD as presented by staff, with the assurance that Ms. Wheeler will work with the City Attorney's Office to retain the Victim Advocate position. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.2
Adoption of Bill No. 2578, Amending Chapter 15 to Update the Building Codes

Time: 5:06:39 p.m.

An agenda item from Building Official Dale Gillaspy recommending the City Council conduct a public hearing and adopt Bill No. 2578, an ordinance amending Chapter 15 of the Sparks Municipal Code; and providing other matters properly relating thereto.

Mr. Gillaspy stated this ordinance adopts the new 2006 versions of the International Building Code and encompass the Uniform Building Code and adopts the following:

1. 2006 Edition of the International Building Code, chapters 2 through 35 together with Appendix Chapters C, E, I, and J.
2. 2006 Edition of the International Residential Code, chapters 2 through 43 together with Appendix Chapters A, B, C, G, H, J, K, and M.
3. 2006 Edition of the International Existing Building Code, chapters 2 through 15 together with Appendix Chapters A and B.
4. 2006 Edition of the International Energy Conservation Code, chapters 1 through 6.
5. 2006 Edition of the Uniform Plumbing Code, chapters 2 through 16 together with Appendix Chapters A, B, D, E, I, and L.
6. 2006 Edition of the Uniform Mechanical Code, chapters 2 through 17 together with Appendix Chapters A, B and C.
7. 2005 Edition of the National Electrical Code.
8. National Fire Protection Association 58 and 54.
9. 2007 Northern Nevada Amendments by the Northern Nevada Chapter of the International Code Council together with Appendix A. ("2007 Amendments") Copies are available at www.nnicc.org.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance.

There being no comment, the public hearing was closed.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to adopt Bill No. 2578 (Ordinance 2399), as written and submitted, amending Title 15 of the Sparks Municipal Code. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

9. Comments from the Council and City Manager

Time: 5:08:44 p.m.

Council Member Mayer asked that Mr. Carey move the process forward to provide citation powers for park rangers.

City Manager Carey announced vacancies on the following boards and commissions: Civil Service Commission; Parks and Recreation Commission; Sparks Advisory Committee to the Disabled.

Council Member Salerno asked for a list of service opportunities on Sparks' boards and commissions.

Council Member Mayer asked for a report on the recent Cinco de Mayo event.

10. Adjournment

Time: 5:12:04 p.m.

There being no further business, the meeting was adjourned at 5:12 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
May 19, 2008 3:00 p.m.

1. Time: 3:02:03 p.m.

Call to Order

The special 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. Time: 3:02:11 p.m.

Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, Assistant City Manager Steve Driscoll, City Attorney Chet Adams, PRESENT. City Manager Shaun Carey, ABSENT.

Staff Present: Andy Flock, Janelle Thomas, Trish Kuehl, Marc De La Torre, Adam Mayberry, Randy Mellinger, Wendy Chavez, Doug Thornley, John Dotson, John Martini, Wayne Seidel, Tim Thompson, Margaret Powell, Jim Rundle, Rob Joiner, Chris Cobb, Kathy Clewett, and David Fitzpatrick.

Pledge of Allegiance

Time: 3:02:24 p.m.

The Pledge of Allegiance was led by Mr. Michael Moreno from the Regional Transportation Commission.

Comments from the Public

Time: 3:02:49 p.m.

Council Member Mayer pointed out several students from Reno High School, who attended the meeting as a requirement for their government class.

Approval of the Agenda

Time: 3:04:15 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 Smith, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Time: 3:04:39 p.m.

Approval of the Minutes

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the minutes of the Special Meeting of April 21, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Proclamation - Coney Island Bar Day

Time: 3:05:30 p.m.

Council Member Phillip Salerno read a proclamation naming May 19, 2008 as Coney Island Bar Day in recognition of one of the oldest continuously operating businesses in Sparks; it is also registered by the Nevada State Historic Preservation Office as a historic place. Mr. Salerno noted that the family could not be present today to accept this proclamation.

4.2 Proclamation - National Public Works Week

Time: 3:09:16 p.m.

Mayor Martini read a proclamation naming May 18-24, 2008, as the National Public Works Week in recognition of the quality of public works services and facilities our community depends on in our everyday lives. The proclamation was accepted by Public Works Director Wayne Seidel.

4.3 Exemplary Business Award - Discount Pet food & Supplies

Time: 3:11:37 p.m.

Ms. Laura Sheldon-Casson, Chair of the Sparks Advisory Committee for the Disabled; staff liaison Marc De La Torre; and Council Member Ron Smith; presented an Exemplary Business Award to Discount Pet Food & Supplies, located on 520 E. Prater Way, in recognition of the excellent physical access, as well as customer friendly staff that are always eager to assist individuals with disabilities. The award was presented to Travis, representing Discount Pet Food & Supplies.

4.4 Presentation - Southeast Connector Project Update

Time: 3:14:51 p.m.

Mr. Garth Okson, Project Manager of the Southeast Connector Project for the Regional Transportation Commission presented an update on the Southeast Connector [Road] Project as follows:

Southeast Connector Plan Line Study Update

Agenda:

- History of Plan Line Study
  - History of the Southeast Connector
  - Board of Director's Meeting
    - January 19, 2007
  - Signed Consultant Contract
    - Effective August 1, 2007
  - Gathering Data and Information
- Why a Southeast Connector?
  - By 2040 almost 50,000 more people and over 18,000 more dwelling units. We need support facilities for those homes.
  - RTC takes this information and inputs it into a traffic model to generate traffic volumes.
  - If the Southeast Connector is not built these numbers

will be larger by thousands or tens of thousands.
    - Pembroke - 6,000 to 14,500
    - Greg Street - 18,000 to 45,600
    - McCarran - 31,000 to 68,500
    - I-80 - 57,000 to 196,000
- Areas of Focus
    - Soils
    - Cultural and Archeological
    - Wetlands
        - Working with the United States Army Corp of Engineers (USACE)
    - Traffic Analysis
        - More in depth look at intersections
    - Drainage Analysis
        - Truckee River Flood Project
        - Flood Protection Levels
        - United States Army Corp of Engineers Flood Model
        - Steamboat Creek Restoration
    - Golf Course
- Evaluation of Alternatives Criteria
    - Traffic Operations
    - Safety Considerations
    - Conformity
    - Geology & Geotechnical
    - Cultural & Archeological
    - Wetlands
    - Right of Way
    - Probable Costs
    - Constructability
    - Flood Control Integration
    - Residential Buffering
    - Golf Course
    - RTC Access Control Standards
    - Recreational, Park and Open Space
    - Conceptual Intersections
    - Mill Street Extension
    - 50 possible alignments
- Schedule:

Started	August 1, 2007
1st Public Meeting	January 29, 2008
2nd Public Meeting - Alternatives to Evaluate	Mid-May 2008
3rd Public Meeting - Preferred Local Alternative	Late July 2008
Final Board Presentation	August 15, 2008
Study Complete	July 31, 2008

State of Nevada Demographer

- January 1997
  - 1,747,471 residents of Nevada
  - 137 years (pre-statehood)
- January 2007 to January 2026
  - 1,747,471 NEW residents in Nevada
  - 19 years to duplicate what we have now

Council Member Smith asked if the Mill Street extension was going to be built at the same time as the southeast connector. Mr. Oksol stated that right now they do not anticipate that happening. Mr. Smith asked about the public meeting in January. Mr. Oksol stated that based on previous public meetings relating to the southeast connector (previously called the Tahoe-Pyramid link), he felt the meeting was well received by the public. Mr. Smith noted that the parkway was not due to be called the Veteran's Parkway. Mr. Oksol agreed that at least the southern portion will be named the Veteran's Parkway.

Council Member Schmitt asked about the funding for the project. Mr. Oksol stated that right now there is no money to construct the roadway; however, there is funding to finish the study and funding in the 08/09 budget to continue into a design. Mr. Schmitt asked if there had been any discussion regarding making this a toll road. Mr. Oksol stated there has been some very preliminary discussion, but right now the State of Nevada does not allow for privately financed roads, i.e. toll roads, so this would have to be changed at the State level before it could be considered.

Council Member Mayer commented he felt the community should get behind a design/build format for constructing this road, because it would save a lot of money.

Council Member Smith commented that this is not just a Sparks problem, it is a regional issue and we need to get this roadway funded and built. Mr. Oksol noted that for more information, people could visit their website: rtcwashoe.com, and click on "Hot Topics."

Mayor Martini asked if Federal funds would be available for this project. Mr. Oksol stated that the Federal funds are drying up and there is enough demand for other projects within the state that will use up the available Federal funding. If we added the southeast connector project to the list, it could affect the other projects. He noted that if we used federal funds, it would add two to three years to the project and cost millions of dollars more to go through the Federal process.

5. Consent Items:

Time: 3:29:20 p.m.

Consent Item 5.1 was pulled for discussion and separate vote.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Item 5.2 through 5.4. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1
Refund to The Preserve Galleria for Overbilled Effluent Usage

Time: 3:29:57 p.m.

An agenda item from Civil Engineer Janelle Thomas recommending the City Council approve a refund in the amount of $33,945.84 to The Preserve Galleria for overbilled effluent usage due to incorrect meter readings for the period of April 2007 through November 2007. They were billed for total consumption of 39,915 kGal of effluent and they should have been billed for 3,991.50 kGal. The Preserve at Galleria is current with their payments; therefore the City needs to reimburse them for overpayment.

Council Member Schmitt asked if staff anticipated any additional overbillings coming forward. Ms. Thomas stated that at this point they do not anticipate any additional refunds. She stated this refund was due to an oversight made when the account was set up. Staff has reviewed the billing system and checked to make sure each of the meters is being read correctly.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Item 5.1. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.2
Award of the Annual Fire Hydrant Replacement Project

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award an informal quote in the amount of $95,867.80 for the Annual Fire Hydrant Replacement Project (CIP 8044) to Reno-Tahoe Construction (RTC). This program is to remove and replace existing fire hydrants installed in the 1950s. The Fire Department has been experiencing problems with the mechanism rusting or striping when turning the hydrants on. It is more cost effective to replace the entire hydrant than it is for parts and labor costs to repair them. Seven informal quotes to remove and replace 25 fire hydrants and five street valves were received. Based on the bids, staff is adding a $10,000 force Account to the low bid to deal with unforeseen issues that may arise during underground construction required. Funds have been budgeted for this project.

5.3
Award of the Liberty Hill Drainage Diversion

An agenda item from Civil Engineer Janelle Thomas recommending the City Council award to Mike's Trenching, Inc., the bid (No. 07/08-025) for the Liberty Hill Drainage Diversion Project in the

Project

amount of $138,938.00. This project will consist of the installation of approximately 2,400 lineal feet of 10-inch pipe through fairly steep terrain in order to provide for a piped overflow from the detention pond, in lieu of overland flow. This project is part of the Vista area flood mitigation improvements.

5.1
D'Andrea HOA Efluent Irrigation System Modifications Project

An agenda item from Civil Engineer Janelle Thomas recommending the City Council award to Q&D Construction, the bid (No. 07/08-026) for the D'Andrea HOA Effluent Irrigation System Modifications Project in the amount of $255,550.00. This project will consist of the installation of effluent irrigation pumping station and associated pipe to service the D'Andrea Home Owner's Association landscape irrigation, and associated improvements necessary to complete the project. The current effluent irrigations system for the common area is provided from the D'Andrea Golf Course irrigation system. This system was permitted while under ownership by a single user; however the HOA and D'Andrea are now separate entities and it is necessary to separate the systems in order to adequately permit the two systems through the NDEP. This work will also provide the City with a controlled shut-off and connection point to the D'Andrea and HOA irrigation systems, which includes the City park.

6. General Business:

6.1
Legislative Issues

Time: 3:31:05 p.m.

An agenda item from Government Affairs Manager Rob Joiner recommending the City Council hear a presentation, discuss, and possibly provide direction on federal, state, Nevada League of Cities and/or local legislative affairs issues.

Mr. Joiner noted that on February 2, 2009, the Nevada State Legislature will be convening again. During the interim staff has been tracking and keeping apprised of the interim committees and the discussions. We have one bill draft request (BDR) to work with, but we also have a great delegation of Assembly representatives and Senators that have offered to assist us with BDRs, if they agree with the content.

Mr. Joiner said they have been talking with the departments regarding what their needs might be to clarify existing legislation or for proactive legislation. Last session we were able to expand our regular bonding capacity, so it would not be limited after our population goes over 100,000. Now we want to do the same thing for our redevelopment bonding and we will be talking with our representatives to see how this could work for us.

Staff is also working with Risk Management on a couple of potential BDRs that might affect our insurance regarding liabilities for public

safety employees.

Last session we attempted to look at the residential construction tax, which has not been increased in over 15 years and cannot be used for certain improvements. We were not successful in getting changes at the last session and staff would like to revisit this issue in the upcoming session.

We are also looking at transportation funding. We took a proactive approach and worked with the Nevada League of Cities to produce a "White Paper" on the needs and shortfalls of seven communities around the State. We have presented this paper to Legislators, as we have met with them. We are also working with the Nevada Highway Users Coalition on some approaches to funding, along with the Nevada League of Cities and the Nevada Association of Counties. Everyone sees a need a to work together as much as possible during this session.

Mr. Joiner said the issue of franchise fees will probably be raised again in the upcoming session; as well as, consolidated tax. There was an interim study on the consolidated tax revenue and distribution process. Staff has presented information when requested. Other issues include water resources, the cost of funding infrastructure, and improvement district benefits and limitations.

The Interim Committee on Affordable Housing and Mortgage Reform has been dealing just with mortgage reform so far, but they will be readdressing the bill that passed last session, where we are required, through our planning efforts, to master plan and do exactions through development for affordable housing. We have reported to them, as required. The Committee has not revisited this issue, but they will before they adjourn later this summer.

We are also looking at property tax caps and depreciation schedules. As the state is looking to balance their budget; local government has the same constraints. There are a lot of blue ribbon task forces that are looking at revisiting innocuous ways of adding to the coffers without hitting any one segment of the population in a harmful way.

Mr. Joiner stated we received some things in the last session that were later rescinded: including additional capital improvement proceeds that went towards transportation; the funding for our community center. This brings up the opportunity to discuss the issue of self determination, so we can do things through local initiatives.

We are working with Reno on the FIRST Committee. We may wish reserve our single BDR for recommendations the Committee makes.

Traffic cameras were discussed at the last session and this has come up in other local government jurisdictions as something they want to pursue. Another issue--no seatbelts as a primary offense--is also being discussed again; right now it is a secondary offense.

Mr. Joiner said they will continue to receive input and work with other jurisdictions to be as judicious as possible an not waste our single BDR.

Council Member Schmitt commented that we have traditionally used our BDR for things that may affect more than just the City of Sparks. With the reduction in the number of BDRs that we are allowed, he would like us to put a priority on issues that mean something to the City of Sparks, alone. If we are always looking at things that will get merged into other bills, then we lose our identity. He suggested that staff begin looking at something that would affect our tourism and marketing position so that we can capture some of our own funds and increase our tourism/marketing funds.

Council Member Mayer said he felt that we needed to do something about the monster that was created during the last session - the staff studies they did instead of the interim committee reports. The staff studies take no input from outside sources and are completed by the legislative staff. There are no open meetings involved and no opportunity for public comment or testimony. Mr. Joiner stated this is a two-edged sword, because while a staff report could go against us, it can also benefit us, as was the case with consolidated tax. He said the Legislature has instituted a cutoff on the number of committees because of the lack of staffing available and they see the staff reports as solution to the lack of and cost of staff. We don't have any interaction and maybe we could suggest being allowed some input or response to the staff reports before they result in a BDR. Mr. Mayer commented that he felt that at least the reports should be available to the public. He said he felt that just doing a staff report was a dangerous practice because is the reports were not favorable, they could be easily buried.

Mayor Martini asked Mr. Joiner if he felt that a BDR to require the Legislature to work under the same open meeting law that local jurisdictions must work under would get passed by the Legislature. Mr. Joiner responded that he did not think it would pass, but it would send a great message.

Mayor Martini asked when we had to make a final decision on our BDR. Mr. Joiner said not until September 1; however, we did not want to wait until the last minute.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1
PCN08032, RED Development, Tentative and Final Approval of an Amendment to the Legends at Sparks Marina Handbook, to Alter the Approved Construction Hours

Time: 3:47:12 p.m.

An agenda item from Senior Planner Tim Thompson recommending the City Council conduct a public hearing and approve PCN08032, a request for Tentative and Final Approval of an amendment to a planned development handbook (Legends at Sparks Marina Handbook) from RED Development, LLC, to alter the approved construction hours for a site approximately 148 acres in size in the NUD (New Urban District-Legends at Sparks Marina) zoning district generally located northwest of Sparks Boulevard/ Interstate 80 interchange and east of the Sparks Marina Parks, Sparks, NV.

Council Member Schmitt disclosed that he spoke last Thursday at the Planning Commission Meeting regarding this item. He said when he spoke as a citizen at the Commission Meeting he was not aware this would be a public hearing item before the Council. Therefore, he will be abstaining from the vote on this item.

Mr. Thompson stated that the request for a change centers around the construction hours. The project, as proposed in the handbook, is not changing, nor is the integrity of the project changing. The applicant is simply asking to alter the construction hours.

In the existing handbook, the construction hours are 7:00 a.m. to 7:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m. on Saturday, with no construction on Sunday. The proposed new hours are 6:00 a.m. to 12 midnight, Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday. The applicant is requesting these hours in order to get Phase I of the project completed before the October 2008 deadlines. Both of the anchor tenants (Sheels and Target) have late September, early October opening dates, and there is still quite a bit of site work to do.

The lack of progress on the project is largely due to the financing. The Council only approved the financing plan a few weeks ago. Within that financing plan was a constructability report that stated that these two anchor stores would be opened by the end of September and this is related to our ability to issue bonds for public financing.

Staff acknowledges that there will be some impacts to the adjacent residential areas, but in looking at the big picture, the detriment to the community as a whole [if the project is not completed on time] is greater than those of the adjacent residents.

Because this is a handbook amendment, there are 21 Planned Development (PD) findings as follows:

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 designs.

The proposed development is consistent with the master planned use and, therefore, does not displace any planned area for housing. In addition, housing could possibly be added to this site at a later date, though this is not part of the plan at this time. The Planned Development standards allow for residential uses with the approval of a special use permit.

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

The proposed development provides jobs to the local economy and provides extensive commercial facilities convenient to the local neighborhood, as well as the greater regional area.

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

The development creates a critical mass of commercial uses which will make the development more attractive to users of public services such as bus transit. This development will also utilize a largely vacant site which is currently not providing a significant contribution to the community in either an aesthetic or financial manner. The development includes removing a blighted structure in the old outlet mall. The development will also provide further development of the public street system in the area.

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.

Currently, no additional housing is being proposed within this development, but the use is consistent with the Marina Area Plan, and the development will generate tax revenue which will further support the continued development of public infrastructure, including areas identified for redevelopment. The Planned Development standards allow for residential uses with the approval of a special use permit.

PD5 The plan is consistent with the objective of furthering 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 plan provides for development to occur within a fixed set of parameters but allows flexibility in terms of land use consistent with the City of Sparks master plan.

PD6 The plan does not substantially depart from the zoning and subdivision regulations otherwise applicable to the property, and the plan is in the public interest for density. The proposed development is consistent with the zoning and subdivision regulations for the existing Tourist Commercial land use.

The site development will allow for a minimum of 20% open space/landscaping, as opposed to the 10% required for typical Tourist Commercial developments allowed for this site. This will allow a substantial amount of high quality open space/landscaping adjacent to a high density residential area, and is consistent with the intensity envisioned by the Marina Area Plan.

PD7 The plan does not substantially depart from the zoning and subdivision regulations otherwise applicable to the property, and the plan is in the public interest for bulk.

The plan includes an appropriate setback from lower scale residential development, and is consistent with the Marina Area Plan, which includes provisions for taller 'landmark' buildings.

PD8 The plan does not substantially depart from the zoning and subdivision regulations otherwise applicable to the property, and the plan is in the public interest for use.

The proposed use is consistent with the Tourist Commercial land use designation and is consistent with the uses envisioned in the Marina Area Plan.

PD9 The ratio of residential to non-residential use in the development is 0%, but the project contributes to an appropriate balance of commercial and multi-family residential in the immediate vicinity. The Planned Development standards allow for residential uses with the approval of a special use permit.

PD10 Common open space in the planned development exists for pedestrian area and landscaped buffer areas. The open space is distributed throughout the project, with a heavier concentration at the pedestrian way throughout the retail/entertainment center and at the lakefront on the west edge of the development. The open space will comprise a minimum of 20% of the development.

PD11 The plan provides for the maintenance and conservation of the open space directly by the owner of the development.

The developer is required to form a property owner's association for the uniform maintenance of the overall development.

PD12 Given the plan's proposed density and lack of residential development, the amount and purpose of the common open space is appropriate.

The landscaped open area will provide an attractive streetscape consistent with the balance of the development and consistent with the Marina Area Plan design guidelines. It will also provide an appropriate landscaped buffer between the proposed retail use and the existing adjacent high density housing development. There will also be substantial attractive landscaped areas within the site itself to complement the buildings and proposed use of the site.

PD13 The plan provides for public services (transit stop, public streets and utilities, bike lanes).

PD14 The plan provides for control over vehicular traffic. Site access is designed appropriately in conjunction with existing and planned public streets. Specific controls and improvements will be determined in conjunction with the City of Sparks and RTC recommendations. By including the additional land area into a single planned development handbook, there is greater control over vehicular traffic.

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

The proposed development will not block access to light and air to the adjacent development. The development will provide enhanced access to recreation by providing for bike lanes in the adjacent street development which will connect to the existing bike path around the Sparks Marina Lake. The existing marina lake path will be maintained and enhanced to provide for an interface between the recreational users of the path and those utilizing the commercial center.

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

The development will be contiguous with other Tourist Commercial land use, will be buffered from existing residential use, and will be in keeping with the scale of development in the area. The development is consistent with the land uses envisioned in the Marina Area Plan

PD17 The planned development is proposed to be completed in a relatively short time frame and therefore adequately protects the interests of the public, nearby residents, and owners of the development.

The development is proposed to be completed in a single phase.

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

The Master Plan and Marina Area Plan specify a Tourist Commercial land use for this site, which includes retail development as proposed.

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

Adjacent land uses include Tourist Commercial, Planned Development, Medium Density Residential, and High Density Residential.

PD20 Public notice will be given and a public hearing held per the requirements of the Sparks Municipal Code and Nevada Revised Statutes.

Public notice was given per the requirements of the Sparks Municipal Code and the Nevada Revised Statutes. The Planning Commission and City Council meetings function as the public hearing for this item.

PD21 Modification of the Legends at Sparks Marina Planned Development furthers the interest for the City and the residents and preserves the integrity of the plan.

The development plan is not being changed and the proposed amendments do not alter the integrity of the plan. The requested change to the construction hours will, not only further the interests of the City of Sparks, but the region as a whole. While there are potential noise impacts to the adjacent residents, the ability to work longer hours will reduce the duration of the construction. It is in the resident's and City's best interest to allow this modification. Based on PD Finding 21, staff is of the opinion that the financial aspects of this project should also be considered. PD Finding 21 ensures that the modification of the Legends at Sparks Marina Planned Development Handbook furthers the interest for the City and the residents and preserves the integrity of the plan. The plan is not changing. Therefore, the integrity of the plan is preserved. What would change are the construction hour limitations. Does the proposed amendment further the interests of the City and the residents? Staff believes the term residents to mean all residents of the City, and in this case, given the magnitude of this project, all residents in the region. The financing for this project is very complex and has been a long time in coming. The current financing plan is based on certain tenants being open by specific dates. Should these tenants not be able to open on schedule, the entire financing plan must be redone. This could take months and, in fact, stall the project.

Mr. Thompson noted that PD Finding 21 is a new finding. He emphasized that the development plan is not being changed and therefore the integrity of the plan is being maintained. The applicant is simply asking to alter the construction hours, which staff believes is in the best interest of the City for the reasons listed in the staff report.

This amendment went before the Planning Commission on Thursday night and the Planning Commission chose to forward a recommendation of approval, with modifications, with a vote of four to two. The Planning Commission recommended the construction hours to be from 5:00 a.m. to 9:00 p.m. The two dissenting votes commented that they would like to see construction hours from 5:00

a.m. to 10:00 p.m.

Both staff and the Planning Commission are recommending approval of construction hours from 5:00 a.m. to 9:00 p.m., Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday.

City Attorney Adams stated that while Mr. Schmitt can choose to abstain on the vote for this item because he spoke at the Planning Commission Meeting, the City Attorney's opinion was that elected officials do have first amendment rights and the reason they are elected is because they have positions on issues within the community. He said that simply because Mr. Schmitt voiced his opinion on a matter, it does not disqualify him from voting. Mr. Schmitt said he was under the impression that speaking at the Planning Commission meeting disqualified him from voting as a Council Member. He thanked Mr. Adams for his clarification and stated he would now be voting on this item.

Council Member Carrigan asked what is the original recommendation for construction hours from the staff to the Planning Commission. Mr. Thompson stated that applicant requested 6:00 a.m. to 12 midnight, Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday. Staff's original recommendation was for approval of those proposed hours. Staff is now supporting the Planning Commission's amendment to those hours. Mr. Thompson emphasized that the City Council had the ability to alter the Planning Commission's recommendation, if they chose.

Council Member Mayer stated that one of the benefits of extending the construction hours is that the contractors could have two eight-hour shifts (and avoid overtime); however, 5:00 a.m. to 9:00 p.m. would not allow for two shifts. Mayor Martini stated this was his problem also.

A representative of the applicant stated that 5:00 a.m. to 9:00 p.m. would give the contractors 16 hours. With the transition between shifts and crew changes, it is a little tight, but they can work with these hours.

Council Member Smith said he was familiar with scheduling and he felt that if they started at 5:00 am., then they should go to 11:00 p.m. at night to allow for breaks and lunch times for two shifts. He said that another concern is that that 5:00 a.m. might be a little too early.

A representative of the contractor commented that during the summer they do a lot of concrete work and for that, 5:00 a.m. is actually not early enough.

Council Member Carrigan asked what the reasoning was behind the Planning Commission's change in the recommended hours. Mr. Thompson said it was his understanding that they felt midnight was too late and that by starting a little earlier and shutting them down earlier, it would provide a more comfortable evening for the adjacent residents.

Council Member Salerno asked who was impacted most by the construction hours. Mr. Thompson said both the Harbour Cove residents and the Park Vista Apartments would be impacted most by the construction. The Harbour Cove residents will be more impacted because of the Target building that is currently under construction. However, once the building and site improvements are completed, the construction impacts from this site will be very minimal.

Council Member Salerno asked Mr. Thompson to review PD21 finding. Mr. Thompson read the finding. Mr. Salerno commented that the finding makes sense to him and the general public has to be a little more flexible and understand that we need to get this work done… the sooner it gets done, the sooner they are gone.

Council Member Schmitt asked when the two shifts would start and would there be two shifts, continuously, until the October completion date or would the two shifts just be intermittent to fill in where work needs to be done. The applicant's representative referred this question to the contractor and noted that if the construction hours were changed, it would be for the entire duration of the project, including subsequent phases completed after October.

Mr. Schmitt said the City and the Developers have made the promises to those purchasing bonds to have this project done by mid to late October. He asked if there anything to preclude the Council from confining the extension of construction hours to October 31st and then if there needs to be another extension, having the applicant make and additional request through this same process.

Mayor Martini said he had the same concern: that if we change these hours, it is in for the duration of the entire project, which could be years. He said he like Mr. Schmitt's suggestion for a time limit on the extension.

Mr. Brian Kernan, the Project Director for Q&D Construction, noted that he lived about six blocks from the project. Mr. Tim Kretzschmar, Senior Vice President of the Building Department. Mr. Kernan stated the applicant requested specific hours based on detailed schedules that have been prepared by Q&D construction and their assessment of the amount of work that needs to be done

prior to the September Sheels opening and the early October Target openings. The hours of six to midnight were requested to allow for double shifts. While double shifts would not be consistently employed through this period of time, they feel one of the most important considerations is the safety of the workers. Extending work hours to 10 or 12 hour days increases the risk of accidents or injuries to workers.

Mayor Martini asked the contract what was the minimum extension of hours that would work for them. Mr. Kernan stated that for them to do double shifts, they needed at least 18 hours to allow for the mandatory lunch and breaks and for refueling of vehicles and restocking of materials.

Council Member Smith asked if 5:00 a.m. was too early for them. Mr. Kretzschmar said either five or six; it didn't matter. The typical union starting time is six, but they could get a variance to start at five.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed handbook amendment.

Ms. Nancy Brown, 1151 Bayshore Drive, Sparks, stated she is for the development, but opposes the changes to the handbook because there is no plan to mitigate any of the noise from 9:00 p.m. to midnight. She stated they have heard the construction during the concrete pours and they understood that it was for a limited time, so they dealt with it. She said if this change is in the handbook, it gives the developer free reign on construction hours with no end and no consideration to the residents. She also expressed concern that the renters of the apartments were not notified. She asked that the hours be shortened because midnight was too late. She stated she felt she could live with the noise knowing that the extended hours would end in October.

Mr. Buzz Harris, representing the Associated General Contractors, spoke in support of the extended construction hours, stating that as an association they would like to see this job get done safely and on time.

Mr. George Del Carlo, 1601 Lewis Street, Reno, echoed Mr. Harris' support.

Ms. Rachel Larson, Park Vista Apartments, stated they support the hours of 5:00 a.m. to 10:00 p.m. They will have about 50 units that will be heavily affected by the noise. She suggested that they build a concrete wall or install the landscaping buffer before they begin

the extended hours.

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

Council Member Schmitt asked what was planned for the barrier between the target store and the Park Vista Apartments. Mr. Thompson stated they are still working out the details with RED Development; however, tentative plans show a densely planted landscape barrier with evergreens and some type of prickly shrub, to discourage people from taking a short cut through the area. It will not be a solid or masonry wall. Staff is waiting for the landscape architect to complete the proposal.

In response to questions from Council Member Schmitt, the contractor stated that they would employ double shifts throughout the extension period, during different phases of the project. They anticipate that acceleration of work will need to be done during the placing and preparation of the aggregate base materials prior to placing concrete and asphalt paving throughout the site. Work that is immediately behind Target and the adjacent areas northeast and northwest of the Target building should be complete by August first.

Council Member Schmitt asked if the contractor could notify the renters if there was going to be work within a couple hundred feet of the buildings after 9:00 p.m. at night and for how many nights. The response was that yes, they could do this notification.

Council Member Smith commented that the Target building, once built, will act as a buffer when the contractor is actually doing the street and concrete work. The contractor agreed and said that they can make every effort to do the work immediately behind Target [between Target and the apartment complex] during regular hours.

Council Member Salerno asked if the contractor intended to do the work immediately adjacent to the homes, if possible, during daylight hours and not purposely wait until evening to do that work.

Council Member Smith made a motion that included the hours of operation. Council Member Schmitt seconded the motion and made a request that the motion include a requirement to notify the residents if work was going to be done close to the homes after 9:00 p.m. Council Member Smith agreed to the amendment to his motion.

Council Member Carrigan said he did not want the citizens to think the need for extended construction hours was the fault of the contractor (Q&D). He clarified that this extension is a result of the financial package that took a long time to come to fruition and the

contractor is simply responding to circumstances requiring them to complete the project in a specific amount of time.

Mr. Thompson asked the Council if it was their intention to have the hours of construction to revert back to what was originally in the handbook after the extension period ends on October 31, 2008. The response from Council was yes. Mr. Thompson asked if the noticing requirement was the responsibility of the staff or the responsibility of the Developer. Mr. Schmitt said he believed the Developer/Contractor was responsible for the noticing of construction hours.

Council Member Mayer asked if the Developer could come back for another extension, if it was necessary. The response was yes.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to grant Tentative and Final Approval of an amendment to the Legends at Sparks Marina Handbook associated with PCN08032, adopting findings PD1 through PD 21 and the facts supporting those findings as set forth in the staff report. Because the request includes final approval, the City Council does not require a bond at this time as stated in NRS 278a.490. That the hours of construction be extended from 5:00 a.m. to 11:00 p.m., Monday through Saturday, and 9:00 a.m. to 5:00 p.m. on Sunday, through October 31, 2008, after which construction hours will revert back to those outlined in the original handbook. If a longer extension is required, the Developer will bring back the construction hours for review. That the contractor/developer notifies residents within 200 feet when construction will occur in the immediate proximity to their homes after 9:00 p.m. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 From the Council and City Manager

Time: 4:24:57 p.m.

Council Member Mayer requested that staff look into an ordinance that would prohibit political signs from being displayed in Sparks, because he felt they were a nuisance.

Council Member Schmitt noted that Friday saw the completion of the second day of the Adult Leadership program. He thanked the Council, Mayor, and Staff for their support of the program, stating it was very well received by the 16 participants.

Council Member Carrigan noted that in an insert included in a recent issue of National Geographic, the City of Sparks was mentioned as the answer to one of the trivia questions: "Sparks, a rapidly growing city on the Truckee River, is located near Lake Tahoe in

which State?"

City Attorney Adams assured Council Member Mayer that the sign ordinances will be reviewed for conformance to the constitutional edicts of the 9th Circuit Court of Appeals, as well as the U.S. Supreme Court; particularly in light of the fact that he will also be campaigning for re-election this year.

10. Adjournment

Time: 4:30:46 p.m.

There being no further business, the meeting was adjourned at 4:30 p.m.

_____
Mayor

_____
City Clerk

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SPECIAL MEETING OF THE SPARKS CITY COUNCIL
May 20, 2008 10:00 a.m.

1. Time: 10:02:10 a.m.

Call to Order

The regular meeting of the Sparks City Council was called to order by Senior Council Member John Mayor at 10:02 a.m. in the Council Chambers of the Legislative Building, 1045 Fourth Street, Sparks, Nevada.

2. Time: 10:02:16 a.m.

Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Acting City Manager Steve Driscoll, Acting City Attorney Doug Thornley, PRESENT. Council Member Ron Schmitt, City Attorney Chet Adams, ABSENT.

Staff Present: Wayne Webber, Debi Hunt, Tom Minton, Wendy Chavez, Jeff Cronk, Tony Turley, Andy Flock, Marc De La Torre, Adam Mayberry, Wayne Seidel, Doug Nicholson, Jen McCall, and David Fitzpatrick.

Pledge of Allegiance

Time: 10:02:32 a.m.

The Pledge of Allegiance was led by Council Member Phillip Salerno.

Comments from the Public

Time: 10:02:58 a.m.

None.

3. Time: 10:02:58 a.m.

P.H. on the Tentative Budget for Fiscal Year 2008-2009

An agenda item from Finance Director Tom Minton requesting that the City Council conduct a public hearing as required by NRS 354.596 to allow public comment on the Tentative Budget of the City of Sparks for fiscal year 2008-2009.

Mr. Minton noted that this was the day, set by statute, to hold a public hearing on the tentative budget and possibly approve the final budget that will be forwarded to the State.

Council Member Salerno asked for the deadline for providing the final budget to the State. Mr. Minton responded it was June 1st.

Council Member Carrigan asked what the percentage of change was for next year's budget compared to this year's budget. Mr. Minton stated next year's budget is approximately 1.4% higher than what was budgeted for this fiscal year. Mr. Carrigan asked for confirmation that the increase was due to public safety salary increases and new hires.

Mayor Martini opened the public hearing on the Tentative Budget for Fiscal Year 2008-2009 and asked if there was anyone present who wished to make comments.

Mr. Tim Randolph, Senior Assistant City Attorney, stated he has been a prosecutor for the Sparks City Attorney's Office since 1990. He said that this budget is being touted as containing only cost of living (COLA) increases for fire personnel, which is part of a negotiated contract; however, this budget contains cost of living increases for the City Council and Mayor, as well. Mr. Randolph also discussed health insurance benefits for retirees, conversion of sick leave, deferred compensation match, bonuses, and non-union represented employees, stating there were inequities in the way benefits are being applied to employees and we are losing good employees as a result.

Council Member Salerno questioned Mr. Randolph's statement that the City Council and Mayor are getting COLAs in this budget. Mr. Randolph explained that the Council and Mayor are getting automatic COLAs because on June 26, 2007, the Washoe County Commission voted to adopt statutory raises in their entirety--providing automatic salary increases for the Commissioners through 2010/2011. Since the Sparks City Council voted in 2003 to tie its salaries to the Commissioner's salaries (a fixed percentage), when the County Commissioner's voted to institute automatic increases for themselves, they effectively gave the Sparks City Council an increase every July 1st through 2011--in effect a COLA.

There being no one present who wished to comment, the public hearing was closed.

4.
Adoption of the Final Budget for the City of Sparks for Fiscal Year 2008-2009

Time: 10:10:27 a.m.

An agenda item from Finance Director Tom Minton requesting that the City Council adopt the Final Budget of the City of Sparks for fiscal year 2008-2009.

Mr. Tom Minton noted that a 6.3% cut has been incorporated into the budget document, based on previous discussions of the preliminary 2008-2009 budget. Mr. Minton pointed out that the final budget document is slightly different from what was previously shown, because they could not take the 6.3% cut out of the street lighting and traffic signal line items. The budget has been reduced by an additional $80,000.00, as discussed on May 12, 2008.

Council Member Mayer commented that in previous years the Department Manager appeared before the council and individually

presented their department budget and needs, but this did not happen this year. He said he felt that it was more informative to not only the Council, but also to the public, to have personal presentations on the departmental budgets and new needs.

Mayor Martini said he also liked the presentations; however, he understood the time to attend the additional meetings can be a burden on some of the Council Members, who have other jobs and responsibilities.

Council Member Salerno agreed that the presentations were beneficial because they learned more about some departments that they don't interact with on a frequent basis.

Mr. Minton asked if the Council would want to hear presentations at a workshop. The consensus was that scheduled meetings for the presentations worked well for the budget presentations. Mr. Minton commented that this year, the resources were so scarce there was really no need for presentations.

Council Member Carrigan commented that it was discussed at the last retreat that they would not have presentations this year because there was no money for new needs. This is one of the reasons he agreed to review the budget in October to see if there are any funds available for COLAs. Mr. Carrigan stated that it was a surprise to him, and to everyone on the Council, that they were going to get a type of COLA because of the Washoe County Commission. He said leadership starts at the top, and he felt that if they could not give the rest of the city employees a COLA in October, then he would give up his COLA.

Mr. Minton assured the Council that in October, we will have a review of the tentative results fiscal year 2007/2008 and hopefully we will have better news by then. Mr. Carrigan commented that he understood that we have to live up to the labor contracts, but things are tight and we will have to see what happens in October.

Council Member Mayer stated he was going to vote no on this budget because he felt it was very unfair that one segment of the employees get a COLA and the other segments do not. He said he also feels that the insurance benefits for retired employees should be reexamined and that if we don't keep our salaries up, we are not going to attract quality people.

Mayor Martini said it was his understanding that approval of the final budget required a 4/5 majority vote to pass. Assistant City Manager Driscoll asked for clarification from the City Attorney's Office that because there is a tax change (from debt to operating)

proposed in the budget, that it would require a super majority to pass. If that is the case, the final budget will not be approved; however, we are required by law to submit a budget on time and a budget that balances, according to NRS. Therefore, it is one of the defined responsibilities of the Council to meet the requirements of NRS.

Acting City Attorney Doug Thornley requested a five minute recess to research this question. Mayor Martini announced a five minute recess at 10:20 a.m. The meeting reconvened at 10:37 a.m. with Mayor Martini calling the meeting back to order.

Attorney Thornley stated that a review of the Local Government Budget and Finance Act and discussions with staff determined that the only time a super majority vote is required for budget approval is when a tax rate is being increased. Because we are simply reallocating the same tax rate, a 4/5 super majority is not required for this vote to pass.

Mayor Martini stated that there was a motion on the floor to approve the Final Budget and asked the Council to vote at this time.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to adopt the budget, as presented, as the Final Budget for fiscal year 2008/2009. Council Members Salerno, Smith, Carrigan, YES. Council Member Mayer, NO. Council Member Schmitt, ABSENT. Motion carried.

4. Comments from the Council and City Manager

Time: 10:38:42 a.m.

There were no comments from the Council or City Manager.

5. Adjournment

Time: 10:38:52 a.m.

There being no further business, the meeting was adjourned at 10:38 a.m.

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Mayor

_____

City Clerk

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SPECIAL MEETING OF THE SPARKS CITY COUNCIL
May 27, 2008 3:00 p.m.

1. Call to Order

Time: 3:02:30 p.m.

The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 3:02:36 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Ron Schmitt, ABSENT.

Staff Present: John Dotson, Andy Flock, Adam Mayberry, Victor Villarreal, Marc De La Torre, Neil Krutz, Margaret Powell, Steve Driscoll, and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:02:51 p.m.

Pastor Tom Butler of Sparks United Methodist Church was scheduled to give the invocation and the Pledge of Allegiance was led by Council Member John Mayer.

Comments from the Public

Time: 3:03:25 p.m.

None.

Approval of the Agenda

Time: 3:03:33 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 Salerno, seconded by Council Member Carrigan, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

3. Approval of the Minutes

Time: 3:04:06 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the minutes of the Regular Meeting of April 28, 2008, and the Special Meeting of May 5, 2008. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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

4.1 Proclamation - Bank of Sparks Day

Time: 3:04:40 p.m.

Mayor Martini read a proclamation naming May 27, 2008 as Bank of Sparks Day in recognition of the Bank of Sparks building facing

Victorian Avenue: built in 1905; the first bank in Sparks; added to the Nevada State Register of Historic Places in June, 2007; and listed in the National Register of Historic Places in November, 2007 in recognition of its role in architecture, community planning and commerce in early Sparks. The proclamation was accepted by Mr. Gordon Foote and Ms. Margie Foot, the owners of the building.

5. Consent Items:

Time: 3:06:24 p.m.

Consent Item 5.2 was pulled for discussion and separate vote.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Consent Items 5.1 and 5.3 through 5.7. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering April 24, 2008, through May 7, 2008.

5.2
1st Amendment to Agreement for Master Planning Services with HNTB (A-3509)

Time: 3:06:24 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council approve the first amendment to the Independent contractors Agreement (A-3509) for consulting services for Master Planning with HNTB Corporation; increasing the contract amount by $39,220.00 from a "not to exceed" amount of $380,000.00, bringing the total amount of the contract to $419,220.00. The amendment will add completion of a Land Use element for the Sparks Master Plan to the scope of the master planning contract. This land use segment of the plan will outline future land uses in the Sparks planning area, taking into consideration the constraints revealed through the development of the conservation element, and the public safety/facilities elements of the plan--both of which are in process.

Council Member Carrigan asked about the amount of funding originally set aside for the Master Plan. Deputy Director for Community Development Neil Krutz clarified that the Council budgeted $400,000 for the Master Plan Update and we had about $45,000 in budget authority already reserved, for a grand total of about $445,000. He noted that we are getting close to expending all the available funding for the Master Plan Update. Mr. Krutz emphasized that this would not complete the Master Plan Update, but it will get us about half way toward completely redoing our Master Plan.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Consent Item 5.2. Council

Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

5.3
Award of Proposal for Design of the Wingfield Effluent Main and Path Project

An agenda item from Civil Engineer Janelle Thomas recommending the City Council award to Shaw Engineering the design proposal for the Wingfield Effluent Main and Path Design in the amount of $33,284.00. This project will consist of research, field exploration, field and laboratory testing, and engineering analysis in order to formulate geotechnical recommendations for design and construction of the proposed effluent main and concrete path/access road. The project will address a substandard effluent system that was constructed by Wingfield Springs between Vista Boulevard and Pelican Park. The city is going to share in the cost of construction of the upgraded effluent pipe line and the concrete path/access road, estimated to be 1/3 of the total cost paid by Wingfield Springs. This project is not in the approve 5-year CIP; however appropriations are available.

5.4
Award of Informal Bid for the Mint Casino Asbestos Abatement Project

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award to Diversified, the informal quote in the amount of $32,957 for the Mint Casino Asbestos Abatement Project. This amount includes an additional force account of $5,000. The force account has been added in case additional asbestos containing materials are found during the abatement. Asbestos was found by Converse Consultants in several areas of the Mint Casino building, including the roof. The asbestos must be removed prior to demolition of the building taking place. This project is not in the 5-year CIP, but resources are available from the Victorian Square Land Acquisitions account.

5.5
Interlocal Agreement with RTC to Replace Storm Drain Facilities as Part of the Rock Boulevard Rehabilitation Project

An agenda item from Civil Engineer Andrew Hummel recommending the City Council approve an Interlocal Cooperatie Agreement for Reimbursement with the Regional Transportation Commission (RTC) in the amount of $92,263.00 in order to replace storm drain facilities as part of the Rock Boulevard Rehabilitation Project. RTC is currently preparing to rehabilitate Rock Boulevard beginning in May, 2008, from Victorian Avenue to Oddie Boulevard. The City's sewer and storm drain catch basins in this area are outdated and need to be replaced with newer structures that are more efficient and easier to maintain. Two additional catch basins are proposed to address drainage issues in the area, as well. In all, 22 catch basins are being replaced and two catch basins are being added, plus 150 feet of storm drain lateral will be upsized. Funds are available for this project.

5.6
Approval of Sparks' Share of the Chemical Tank Installation Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Sparks' share of a bid award to Western Summit Constructors, Inc., by the City of Reno for the Chemical Tank Installation Project at the Truckee Meadows

at TMWRF

Water Reclamation Facility (TMWRF). Sparks will reimburse Reno up to $60,073.55. The project involves the replacement of deteriorating chemical storage tanks inside the existing chlorine building at TMWRF. The existing storage tanks which have reached their service life. The concrete foundations for the tanks have been constructed and coated and the tanks and associated plumbing must now be installed to complete the project. The project was not included in the 5-year CIP; however, budget appropriations are available in the TMWRF structural project component.

5.7
Award of RFP for Sparks Parks & Recreation Activity Guide Publication and Distribution

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council award to the Reno Gazette-Journal Custom Publishing Group the Request for Proposals (RFP) (No. 07/08-019) for publication and distribution of the Sparks Parks and Recreation Activity Guide in the amount of $42,814.00. The proposal includes the cost of publication and distribution of 85,000 copies of the Spring/Summer and Autumn/Winter activity guides. The actual cost of the services will vary, depending on in-house ad sales and the number of pages required. The proposal is for one year with an option to renew for one additional 12 month period (2 issues).

6. General Business:

6.1
Grant Award from the Historic Preservation Fund for Phase 7 of the Cultural Resources Survey of Sparks' Historic Neighborhoods

Time: 4:05:52 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council accept a grant award from the Historic Preservation Fund Grant Program in the amount of $15,000 for the implementation of Phase 7 of the cultural resources survey of Sparks' historic neighborhoods. This will be a continuation of the survey, which began in 2003. The survey seeks to inventory the historic resources in the "original town site" of Sparks to better preserve these areas for future generations. This grant requires a match of 40% from the City.

Mr. Villarreal displayed a map of the original town site for Sparks and noted that the 6th phase of this project is anticipated to be completed in the next couple of weeks. This grant will start a 7th phase and continue the on-going survey of Sparks. We have been very successful over the past few years because of the steady progress we have made with regard to preserving the history of Sparks, including modifying our historic preservation ordinance and establishing a Historic Preservation Commission. He said that should we chose to create a Historic District in Sparks, the survey will be used to establish the boundaries of that district. The Survey is also a requirement for application to the State Historic Preservation Office as a certified Local Government, which will open up more doors for additional grant money.

Mayor Martini asked if there was a special area that would be surveyed in Phase 7. Mr. Villarreal stated that the area will be chose in conjunction with the consultant that is chosen to survey Phase 7. We did not chose the area for Phase 6, although we did want to survey the area that is under the most potential development pressure, before it is gone--the area just north or the theater. For Phase 7, it is anticipated we will be working to "fill in the blanks" between the previous survey areas--somewhere to the north and west of the theater area.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to accept the grant as outlined. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.2
Resolution No. 3101, Approving the Inter-Governmental Agreement for the Washoe County HOME Consortium

Time: 3:12:58 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council approve Resolution 3101, a resolution renewing the inter-governmental agreement of the Housing and Urban Development Home Investment Partnership Program, authorizing the Mayor to sign said agreement.

Mr. Villarreal noted that this resolution will renew the inter-governmental agreement for the City's continued participation in the Washoe County HOME Consortium. Sparks has participated in the Consortium since its establishment in 1994. Since that time the Consortium has served as the conduit for distribution of State and Federal money for affordable housing programs and projects throughout the region.

The revised agreement took a considerable amount of time to complete. Essentially it is the same agreement that has been renewed every three years since 1994, with the exception of the inclusion in this agreement of an automatic renewal clause. Should the council approve this agreement, it will begin in the fiscal year 2009/2010 and run through fiscal year 2011/2012. However, the next time the agreement comes up for renewal, the city and county managers will provide a letter of intent to continue participating, which will serve as the renewal mechanism--it will not continue to require approval from the City Council or County Commission.

Our participation in the Consortium has been very beneficial to the City and its residents and staff is recommending approval of the agreement.

Council Member Carrigan said the staff report says there is about $2.7 million in State and Federal fund for the next fiscal year, and we get $221,000.00 (our prorata share, based on population). We

have 90,000 people in Sparks out of 400,000 people in the County, but we are getting less than 10% of the money and he felt the math did not add up. Mr. Villarreal stated he did not know what percentage of the $2.7 million that was pulled out for prorata funding, but it is not the total amount. Some of the money is pulled out every year and then our prorata share is based on what is left. Mr. Villarreal stated that even though our population has been gradually increase over the past several years, we have seen a gradual decline in the prorata because there is less funding available because each of the entities has been receiving less prorata funding for the last several years.

Council Member asked how much funding the City of Reno receives. Mr. Villarreal said he did not have the figures with him, but he could provide Mr. Carrigan with information on the prorata amount for each of the entities over the past three years at a later time. Mr. Carrigan requested Mr. Villarreal send him an e-mail containing the information. A request was made to send the e-mail to the Mayor and all Council Members.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve Resolution No. 3101, approving the attached inter-governmental agreement renewing the City's participation in the Washoe County HOME Consortium. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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

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

9. Comments:

9.1	Time: 3:22:32 p.m.
From the Council and City Manager	None.

10.	Time: 3:22:38 p.m.
Adjournment	There being no further business, the meeting was adjourned to a closed door session at 3:22 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
June 9, 2008 3:00 p.m.

1. Call to Order

Time: 3:03:26 p.m.

The special 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: 3:03:34 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Ron Schmitt, City Manager Shaun Carey, Acting City Attorney Tom Riley, PRESENT. Council Member Mike Carrigan, City Attorney Chet Adams, ABSENT.

Staff Present: Randy Waterman, John Dotson, Jon Ericson, Marc De La Torre, Dan Marran, David Vill, Marty Redding, Brandon Miles, Al Davis, Ryan Anderson, Mike Biselli, Ron Korman, Shirle Eiting, Chere Jigour, Adam Mayberry, Steve Driscoll, Alan Minor, Wayne Seidel, Neil Krutz, Andy Flock, and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:03:48 p.m.

The invocation was given by Father George Wolf of Holy Cross Catholic Community and the Pledge of Allegiance was led by Council Member Ron Schmitt.

Comments from the Public

Time: 3:05:36 p.m.

Mr. Gary Schmidt, noted the passing of Elaine Francis Cappuro, who died in an accident on the Pyramid Highway. He also disclosed that he was a candidate for Washoe County Commissioner for District Four.

Approval of the Agenda

Time: 3:08:56 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 Smith, seconded by Council Member Salerno, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

3. Approval of the Minutes

Time: 3:09:26 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the minutes of the Regular Meeting of May 12, 2008, the Special Meeting of May 19, 2008, and the Special Meeting of May 20, 2008. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

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

4.1 Proclamation - United States Army Week

Time: 3:10:11 p.m.

Mayor Martini read a proclamation naming June 9-15, 2008 as United States Army Week in recognition of the birthday of the United States Army and to thank those who have served and those who are presently serving our nation. The proclamation was accepted by members of the United States Army.

4.2 Commendation to Facility Maintenance Workers

Time: 3:13:09 p.m.

Mayor Martini read a commendation for the City of Sparks Facility Maintenance Workers who, in addition to their regular duties, upgraded, remodeled and refurbished several City Facilities with professional expertise, saving the city a substantial amount of money. The Mayor commended Marty Redding, Brandon Miles, Ryan Anderson, Eli Espinosa, and Al Davis for their commitment to the City of Sparks. It was noted that Mr. Espinosa was unable to be present to receive his commendation.

4.3 Presentation - Regional Traffic Signal Operations Improvement Project

Time: 3:17:35 p.m.

RTC Traffic Operations Engineer Jim Poston gave a presentation regarding the Regional Traffic Signal Operations Improvement Project. He noted that while RTC does not own or operate any traffic signals, they do have a vested interest in assisting cities that do this critical work.

Project Overview

- 2-year project
  - 165 intersections (40% of traffic signals) (out of 360 total in Washoe County)
- Project cost $615,050
  - 95% Federal funding
  - 5% match from NDOT
- Results
  - Improved signal timing
  - Timing guidelines
  - Staff tools to expedite future signal timing
  - Staff training

Results on the street

- travel times were measured before and after improved signal timing
  - Average speed increased by 13%
  - Delay reduced by 8%
    - 113,000 vehicle-hours saved per year
  - Less fuel used – 550,000 gals saved
  - Cleaner air

- NOx: 5,600 lbs
- PM_{10}: 720 lbs
- CO: 67,000 lbs

- 16.7:1 benefit-cost

Additional Products

- Regional timing guidelines
- Targeted signal operations training
- Regional Synchro™ computer network
- Public outreach materials
- Recommendations for improvement beyond signal timing
  - Maintain regional level of service

A goal of this project was to give City staff tools to take less time and do a better job of improving traffic signalization in the future. Those tools included

- Regional timing guidelines
- Improve training
- Regional Synchro™ Network - enables engineers to simulate traffic flow and make modifications to timing via computer
- Recommendations for Improvement beyond Signal Timing
  - Some intersections cannot be improved with signal timing
  - List low cost improvements
  - List major cost improvements
- Public Outreach Materials
  - Working on a program for the Web site so the public can make virtual changes to signal timing and better understand how traffic signals work

Is It Better?

- Quote from Las Vegas Mayor Oscar Goodman on a similar project RTC did in southern Nevada: *"I'm not having the pleasant experience that's been represented to us. …If I'm wrong, I'm going to apologize. But I'm not wrong … You show me that it's working. It's not, from my perspective."*
- Video comparison to measure improvements and aide the public in recognizing the subtle improvements

Coming up

- Improved public information
- Next project
  - New intersections, some repeats
  - Closer cooperation with UNR
  - MOU to “freeze” signal timing - will aid in coordination of signal improvements
  - Traffic counts provided to consultant
- Cooperative traffic management
  - Computer access-read only
  - Shared information on construction projects so traffic

is not detoured from one construction zone into another construction zone
- Single contact for signal calls
- Put phone number on telephone cabinets already located at most intersections
  - Supplemental call center, not a replacement for individual entity concerns

Contact information:
- Jim Poston; 332-2139; JPoston@RTCwashoe.com
- www.RTCwashoe.com; *Hot Topics > Traffic Signalization*
- Information on other RTC projects or programs
  - Speaker's Bureau
  - Info@RTCwashoe.com

4.4
Presentation - Proposed Southbound Right Turn Improvements at McCarran and Pyramid

Time: 3:04:40 p.m.

Mr. Bill Van, with RTC, Project Manager for the Pyramid/McCarran Intersection Improvements Project provided an update to the Council on the project.

Started a major improvement project at this intersection in early 2006
- Provided a briefing to the council in 2006 on what the most likely solutions might be
- Analysis of project made it apparent that the alternatives could not be accomplished without a significant purchase of right-of-way
- $15 to $20 million
- Lack of funding and lengthy Federal environmental process prompted the RTC Board to ask staff to look at less expensive, lower impact solutions to traffic issues at this intersection
  - Solutions may be interim
  - May not be significant improvements
- Reexamined alternatives that had been previously eliminated
  - Round-a-bouts
  - Two-way couplets
  - Northwest cutoff - a route from Disc Drive to Sullivan/El Rancho
- Alternative that showed promise - extending a southbound right turn lane on Pyramid from McCarran to Queen Way
  - The southbound lane will have two through lanes; a left turn storage lane and a right turn lane at the intersection
  - The median is removed to provide for a third lane without taking any additional right of way; except
  - 10 feet of right-of-way will be needed from the Largomarsino property and from the Catholic Church property

- Cost/Benefit analysis
    - Benefits are $5 million a year in saved delay time
    - Initial cost of approximately $500,000 of up-front costs
    - Little operation and maintenance costs
    - Equates to a 10/1 benefit cost ratio for every year that the new lanes are in operation
    - Assuming the new configuration will be in operation eight or more years before the entire intersection is rebuilt; this provides an 8/1 benefit/cost ratio
- Based on cost/ratio analysis the RTC Board asked staff to develop a project using local funding so that they didn't have to go through the Federal NEPA (National Environmental Protection Agency) process
    - Project will replace an existing 14 foot median with a 4 foot median
    - One difficulty with taking right-of-way is that it will make the Largomarsino driveway extremely short and the concern is that there will be no gaps in traffic to allow egress from the property
    - A major impact will be the loss of the left turn storage lane for turning northbound on Emerson
        - Traffic that needs to turn on Emerson will be re-routed up to the Queen Way intersection
    - Improvements to the Queen Way intersection include lengthening the northbound left turn pocket
    - The traffic movement on Queen Way will be changed to give traffic turning on Queen Way the right-of-way to turn north or south on Farr without stopping
    - On McCarran, the merge lane from Pyramid Way will be extended to the deceleration lane for the entrance to the Church

Status of the project

- Preliminary design has been submitted to NDOT for review
- In the process of getting appraisals for property acquisition
- Held neighborhood meetings in April
    - Concern was expressed about cutting off the left turn access on Emerson
- Have not started typical outreach program because the schedule for when this work would occur is still tentative
    - Schedule is still tentative because of NDOT's lack of commitment to the project
- Federal Highway Administration is reluctant to support this alternative because of the possible impact on the NEPA process for the larger improvement project
- RTC is confident these issues can be resolved

Council Member Schmitt asked for the peak traffic counts for left-hand turns onto Emerson. Mr. Van stated they do not have that information due to the availability of traffic counting equipment. However, their intent is to get those counts in order to better analyze the impacts to the Queen Way intersection.
Council Member Schmitt asked if the Homeowners in the Village Green area have agreed with the concept of changing the stop sign right of way at the "T" of Queen Way and Farr. Mr. Van stated they have not talked to the homeowners regarding the specific situation; however, they have spoken to them regarding the need to make the ingress easier in this area. The homeowners have expressed concern that changes will make it harder to get out of their neighborhood and it is currently hard to exit onto McCarran because of the short green light at Queen Way and the lack of gaps in traffic to provide right turns on red. Mr. Van said RTC needs to look at the signalization of that intersection as part of the overall solution--to possibly give increased green time to the Queen Way movement.

Council Member Schmitt stated that a positive to this project is that it will possibly reduce the number of vehicles using Queen/Wedekind (through the Village Green Subdivision) as a short-cut to get to McCarran because there is no right-turn lane. Mr. Van stated this was part of their analysis of the benefits of the project, but he did not have specific traffic counts at this time.

Council Member Smith asked how close the traffic will be to the front porch of the Largomarsino house. Mr. Van stated the turn lane will encroach about 10 feet from the existing curb on the east side of property. There is existing right-of-way on McCarran for the remainder of the turn lane. Mr. Van agreed that the property owner has a problem exiting her property onto Pyramid now and the proposed right-turn lane will only make it worse. RTC is committed to working with the property owner (Mrs. Largomarsino) for resolution of her concerns. They are looking at the possibility of another access to her property off Wedekind as part of the overall solution to her concerns.

Mr. Van stated they have talked with the Fire Department to make sure they are agreeable to eliminating that left turn. They will install a mountable curb to provide emergency access if the access off Queen Way is not sufficient.

Council Member Mayer said he felt this proposal is great, however, he was concerned that with the current median, vehicles can cut through Emerson to Pyramid for a left turn, but when the median is modified, drivers will be able to "jump" the median and use Emerson as a short-

cut. Mr. Van stated the hope is that the improvements will improve traffic flows and eliminate the need for short-cuts.

Council Member Mayer commented that even if RTC had the cash on hand to build the major improvements at this intersection, they would still have to wait three years for the NEPA process, so these minor improvements will be a great benefit. Mr. Van commented that they have already started the NEPA process and hope to have it finished by the end of 2009. However, then the project has to be funded, designed, built, etc., so the major improvement won't be accomplished any time soon.

Council Member Mayer noted that alternate access to the properties along Pyramid was needed because Waste Management backs up traffic every Friday morning about 8:00 a.m. when they pick up garbage.

Mayor Martini asked if RTC was planning to have more public meetings with the residents in the area. Mr. Van stated that as part of the larger project they will be meeting with the residents and businesses who may have concerns. He said they are aware that the Village Green residents are the most impacted about with regard to the smaller, more immediate proposed improvements.

5. Consent Items: Time: 3:54:04 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Consent Items 5.1 through 5.7. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

5.1 Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering May 8, 2008, through May 21, 2008.

5.2 Beer Wholesaler License for 24 Seven Enterprises, 1887 Deming Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Matthew Francis O'Dowd for a Beer Wholesaler License for 24 Seven enterprises NV, Inc., located at 1887 Deming Way. Mr. O'Dowd is the Operations Manager for the business, which will warehouse, distribute, and ship beer to businesses in the area. The license will provide a $500.00 annual fee and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3 Cabaret License for

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Serena Sophia Wagner

The Pirate Ship, 495 Greenbrae Drive	for a Cabaret License for Watkins-Wagner, LLC, doing business as The Pirate Ship, located at 495 Greenbrae Drive. Ms. Wagner was approved for an On Premises license for the business in 2007, but due to funding, she was unable to open the restaurant at that time. The license will provide a $1,300.00 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.
5.4 On Premises Alcoholic Beverage License for Ben's Fine Wine & Spirits, 2990 Sullivan Lane	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Jamal Keshmiri, for an On Premises Alcoholic Beverage License for Jamy Inc., doing business as Ben's Fine Wine & Spirits, located at 2290 Sullivan Lane. Mr. Keshmiri currently holds a liquor license with the City for Ben's; however, he would like to host wine and beer tastings for patrons of his Sparks store for a fee. 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.
5.5 Dining Room Wine and Beer License for Soochow Chinese Restaurant, 656 E. Prater Way	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Melody Sun Kuen Cheung, for a Dining Room Wine and Beer License for Soochow Chinese Restaurant, located at 656 E. Prater Way. This will be Ms. Cheung's first liquor license in Sparks. The license will provide a $500.00 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 Empoknor, Inc., 2240 Victorian Avenue	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Kalwant Singh Sidhu, for an Alcoholic Beverage Package License for Empoknor, Inc., located at 2240 Victorian Avenue. Mr. Sidhu is the owner of Sidhu's Mini-Mart #82369 and is changing the name of the business. 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 Gaming License for Baldini's Grand Pavilion & Smoke Shop	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Robert Alvin Woodson, Jr., for a Gaming License for United Coin Machine Company, doing business at Baldini's Grand Pavilion & Smoke Shop, located at 1055 S. Rock Boulevard. Mr. Woodson is the Vice President/Regulatory Compliance for United Coin, Located in Las Vegas. The license will provide a $1,800.00 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
2008 Alley Rehabilitation Project

An agenda item from Pavement Management Coordinator Brent Quilici recommending the City Council award to Sierra Nevada Construction the Bid (No. 07/08-029) for the 2008 Alley Rehabilitation Project in the amount of $67,007.00. Sparks is undertaking an Alley Maintenance Program which includes Deep Patching and Slurry Sealing of alleys from 15th Street to Sullivan Lane and from Prater to "I" Street. With the program the City will be preventing the further decline of our alleys and save on the cost of future rehabilitation. Funds are available for this project.

5.9
Spanish Springs Storm Water Detention Facility Slope Stability Project

An agenda item from Civil Engineer Jason Dukes recommending the City Council award to J Slash B enterprises, Inc., the Bid (No. 07/08-032) for the Spanish Springs Storm Water Detention Facility Slope Stability Project in the amount of $189,750.00. This project will stabilize the surface of the dam face slopes by placement of rock rip-rap layer, underlain by a Geomembrane liner. The project will have a positive impact on future operating budgets and should result in a reduction of maintenance resources currently provided by Public Works Drain crews. Funds were budgeted for this project.

5.10
4th Amendment to the Lease for 1675 E. Prater Way

An agenda item from Real Property Agent David Vill recommending the City Council approve the 4th amendment to the lease for commercial office space in the building located at 1675 E. Prater Way. This lease was originally dated July 19, 1999, between WDCI, Inc., a Hawaii Corporation, as successor in interest to Vista Distribution Center, Inc., and is the location of the City of Sparks Cityworks Department. The original lease has been amended three times to extend the lease term and increase the amount of square footage leased. The lease payment also calls for payment of Common Area Maintenance (CAM), which has averaged $3,000 per month. The fourth amendment extends the lease for five years, with the City retaining a one time option to terminate the lease at three years, with six months written notice and the payment of a termination fee of $18,567.75. Should the City not notice WDCI, Inc., in the 30th month of the lease and pay the termination fee, the lease will automatically extend to five years, terminating June 30, 2013. Approval of this lease extension will include moving city offices located at Roberta Lane to this location and to City Hall and the termination of the lease for office Space at Roberta Lane.

5.11
Purchase of Replacement Methane Gas Valves for TMWRF

An agenda item from Treatment Plant Maintenance Superintendent Alan Minor recommending the City Council approve the purchase of replacement methane gas valves for the Truckee Meadows Water Reclamation Facility (TMWRF) from Kaman Industrial of Sparks, Nevada, in the amount of $35,979.21. Issues with the valves of the methane gas system have been determined to require replacement of

approximately 85 valves and associated spools of various sizes. Quotes were requested from area vendors, with Kaman Industrial being the lowest quote. Funds are budgeted and available for this replacement project.

5.12
Professional Inspection Service for the Rehabilitation and Painting of 2 Secondary Clarifiers at TMWRF

An agenda item from Treatment Plant Maintenance Superintendent Alan Minor recommending the City Council approve a Professional Services Agreement with Bay Area Coating Consultants of Denair, California for inspection services for the rehabilitation and painting of two secondary clarifiers at the Truckee Meadows Water Reclamation Facility (TMWRF) in a not to exceed amount of $56,000. Funds have been budged for this service.

5.13
Centrifuge rotating Assembly Rehabilitation for TMWRF

An agenda item from Treatment Plant Maintenance Superintendent Alan Minor recommending the City Council award to Andritz Separation, Inc., the Centrifuge Rotating Assembly Rehabilitation project for the Truckee Meadows Water Reclamation Facility (TMWRF) in the amount of $38,071.49. This is a spare rotating assembly for the three dewatering centrifuges currently in operation at this facility. Four vendors were contacted with a request for quotes for this work, with Andritz Separation being the lowest quote. Funds have been budged for this project.

5.14
Purchase of Equipment Enclosures for Ammonia Analyzers at TMWRF

An agenda item from Treatment Plant Maintenance Superintendent Alan Minor recommending the City Council approve the purchase of equipment enclosures for ammonia analyzers at the Truckee Meadows Water Reclamation Facility (TMWRF) from Bebco Industries in the amount of $39,322.31. The enclosures will be used to house ammonia analyzers at the nitrification towers, thereby protecting the electronics in the analyzers from weather and UV radiation. Funds are budgeted for this expense.

5.15
Reversion to Acreage Map for Youngs, 422 13th Street

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a request from Kevin J. Youngs and Suzette M. Youngs for a reversion to acreage map for property located at 422 13th Street. The conversion is to eliminate interior lot lines conflicting with and existing building. The map has been reviewed and has been found to be acceptable. The appropriate fees have been paid. A performance bond is not required as no public improvements are associated with this map.

6. General Business:

6.1
Purchase of Various Commercial Insurance

Time: 3:55:15 p.m.
An agenda item from Risk Manager Randy Waterman recommending the City Council authorize the Risk Manager to purchase various

Policies to Protect TMWRF

commercial insurance policies to protect the financial interests of the Truckee Meadows Water Reclamation Facility (TMWRF) in fiscal year 2008/2009. This is the annual renewal of various insurance policies the water treatment facility purchases to protect its financial interest relating to accidental losses. These policies include: Property and Contents, Pollution Legal Liability (a three year policy) and General Liability (as covered with a separate deductible under the City's master general liability program). Overall renewal premium reflects a slight decrease over last year.

Mr. Waterman introduced Mr. Gary Roberts, Senior Vice President with Wells Fargo Insurance Services. Mr. Waterman said this year we were fortunate enough to be in a good position from an insurance market stance. The market is very "soft" with regard to the types of insurance we provide for the water treatment plant. The treatment plant recently underwent a huge expansion (commercially insured values are now just under $200 million) and we saw an increase in premiums; however the premium increase was off-set by some rate decreases (about 9%) in some areas. Our Pollution Legal Liability went down 23% from last year. The decrease is contributable to both the soft insurance market and also to changes in the processes at the treatment plant--they changed from chlorine gas to chlorine solution which has a lot less potential for pollution liability. This saves about $60,000 over the course of the three-year policy. The renewal process for the insurance policies went very well and the premium for the next year will be about $255,000.

Mr. Roberts noted that the earthquake coverage has been increased to $50 million and commended Mr. Waterman for doing an excellent job of representing the needs of the City.

Council Member Schmitt asked for confirmation that this was a routine item that the Council does every year to ensure that the City is insured. Mr. Waterman responded that these policies are specific to the water treatment plant. One of the policies is a three-year policy (Pollution Legal Liability) and the rest are annual policies.

Council Member Mayer asked if the switch from chlorine gas to chlorine solution paid for itself in reduced insurance premiums. Mr. Waterman stated he did not believe so; however, the switch will off-set the costs of the switch over time with reduced insurance premiums. He said the new chlorine process has a lot less potential for disaster.

Council Member Mayer asked how much the earthquake insurance cost. Mr. Roberts said it was about $25,000; however, he did not know the exact amount. Mr. Waterman commented that staff felt that

our exposure to earthquakes made the expense of additional coverage well worth the expenditure.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the purchase of insurance policies for 2008/2009 as recommended by the Risk Manager. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.2
Purchase of Various Commercial Insurance Policies to Protect the City of Sparks

Time: 4:03:08 p.m.

An agenda item from Risk Manager Randy Waterman recommending the City Council authorize the Risk Manager to purchase various commercial insurance policies to protect the financial interests of the City in fiscal year 2008/2009. While most layers of exposure are self-insured, the city purchases commercial insurance policies to protect its financial interests against unpredictable, catastrophic losses. These policies include: property and contents (including boiler and machinery); general liability; automobile liability; auto physical damage; employee crime; tenant users liability; and excess workers' compensation. The current insurance rate remains fairly stable.

Mr. Waterman said the market conditions for the City insurance were very similar to those for the water treatment facility. He said one unusual change within the last couple of days has been in the crime policy. Our policy, as recently as five years ago, only had $250,000 limit. It was increased to $1 million and then about two years ago we added coverage for computer theft. In light of the recent story of a Washoe County employee who allegedly embezzled a couple million dollars, we are considering doubling our coverage to a $2 million limit. The cost to increase the coverage is relatively minor--an increase of about $3,000 to the $10,000 for the initial coverage.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the purchase of insurance policies for the City of Sparks for 2008/2009 as recommended by the Risk Manager. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.3
Purchase of ABB Variable Frequency Drives for the Raw Sewage Pumps at TMWRF

Time: 4:05:48 p.m.

An agenda item from Treatment Plant Maintenance Superintendent Alan Minor recommending the City Council award to Intec Solutions of Sparks, Nevada, the Bid (No. 07/08-027) for ABB Variable Frequency Drives for the Raw Sewage Pumps at the Truckee Meadows Water Reclamation Facility (TMWRF) in the amount of $338,100.00. The existing drives are aged, experiencing failures, and parts are difficult to obtain. Two bids were received; however, upon

further review, one bid did not meet the specifications, even though it was lower. Intec Solutions has been determined to be the lowest **responsive** bidder. Funds are budgeted for this expense.

Mr. Minor stated the drives are 15 years old and we are starting to experience failures. A year ago staff started looking at replacing the drives and considering what new technologies were available.

Two bids were received: one from Grove Matson and one from Intec Solutions. Grove Matson was the apparent low bidder; however, upon analysis of their exceptions to bid and other items in their bid package, they were determined to be non responsive to the bid and their bid was disallowed. Grove Matson has agreed that their bid was not responsive to our needs. Their bid bond has been returned.

Council Member Schmitt asked if we have written confirmation from Grove Matson regarding the non-responsive bid. Mr. Marran stated that this action is entirely upon the city: the bid was supplied by Grove Matson and it is our determination as to whether or not they were responsive to the bid specifications. We found them nonresponsive and this issue at that state is whether or not the vendor takes exception to our determination. They did not; they requested their bid bond back. We sent it certified mail. Mr. Schmitt asked if they had a specific amount of time to protest the awarding of the bid. Mr. Minor stated that the bidder has five days after the bid opening to protest a bid award. Mr. Marran stated we have every indication based on written and verbal dialog that they have no further interest in this project. Mr. Schmitt said his concern is that we had a verbal request for pulling the bid bond, but no written request. Mr. Marran emphasized that this is like any other bid; we have a stated set of specifications and they did not meet specifications. Our next step was to declare them nonresponsive, which was done through the action of returning their check.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the purchase of replacement variable frequency drives for TMWRF from Intec Solutions of Sparks, Nevada, as recommended by staff and the Purchasing Manager. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.4
1st Reading of Bill No. 2670, PCN08022, Sonoma Highlands, LLC, Annexation of

Time: 4:10:41 p.m.

City Clerk Linda Patterson read Bill No. 2670 by title, a general ordinance providing for the Annexation of certain lands to the City of Sparks; lands more specifically described as Assessor Parcel Numbers 089-151-18, 089-151-19, 089-151-20, 089-151-22, 089-151-23, 089-

610 Acres Located Northwest of Kiley North Planned Development

151-24, 089-151-25, 089-151-26, 089-151-27, 089-151-28, 089-151-29, 089-151-32, 089-151-33, 083-440-17, 089-460-34, 083-440-80, 089-151-30, 089-151-31, 089-460-27, 089-151-21, 089-460-38, 089-460-35 and 083-440-31, an area approximately 610.0 acres in size generally located northwest of the Kiley North Planned Development; providing for the addition to Table V of the Sparks Municipal Code "Annexations"; and providing other matters properly related thereto.

Mayor Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of June 23, 2008.

6.5

Time: 4:12:29 p.m.

1st Reading of Bill No. 2671, An Ordinance Requiring Certain Applicants to Submit to a Finger-Print Based Background Check

City Clerk Linda Patterson read Bill No. 2671 by title, An ordinance requiring that certain elected officials of the City, applicants for specific positions with the City, and applicants for specific City occupational licenses submit to a fingerprint-based background check by the State of Nevada and the Federal Bureau of Investigation as a condition of application or employment; 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 June 23, 2008.

Council Member Mayer noted that the title of the ordinance says, "certain elected officials" and asked why it was not all elected officials.

Senior Assistant City Attorney Tom Riley responded that the intent is to incorporate those positions within the city that had historically been the subject of FBI background checks. No new positions were added; although a review was done of all positions within the City that, for security reasons, and FBI type background check would be necessary. The bulk of the checks are done on police and fire applicants, but there are other positions within the City where similar security concerns exist and they were added onto the list. The Mayor and City Council Members are not on the list for background checks. Mr. Riley emphasized that there is a legitimate concern for every position on the list and that is why the list was created. This increases security for the city and creates a greater privacy interest for those not in a security risk position. The ordinance, itself, was required by the FBI, as a matter of federal law--something they had been meaning to do for years, but went by the wayside at the state level. It has now come to the forefront.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1
PCN08024, Tentative and Final Approval of an Amendment to the Sparks Galleria Planned Development Handbook

Time: 4:15:43 p.m.

An agenda item from Associate Planner Chere' Jigour recommending the City Council conduct a public hearing and approve PCN08024, a request from Sparks Galleria Investors for tentative and final approval of an amendment to a Planned Development Handbook (Sparks Galleria) to revise the list of permitted uses and minor administrative changes for a site approximately 133 acres in size in the NUD (New Urban District) Sparks Galleria Planned Development zoning district, generally located east of Pyramid Highway, northeast, northwest and south of the intersection of Galleria Parkway and Disc Drive.

Ms. Jigour stated this request is for tentative and final handbook amendment to the Sparks Galleria Handbook. The amendment includes changes to the handbook for both commercial and residential components of the handbook. In general, the changes to the commercial include the addition of the uses of a farmer's market, special events, outdoor sales, and a smog shop. Changes to the residential include the addition of two smaller model homes. Because these revisions do not significantly change the Galleria Development Plan, the Planning Commission and Staff are recommending approval. Ms. Jigour then read the PD findings into the record as follows:

PD1 through PD5 are satisfied by the statement that the planned development allows flexibility in the plan to promote a variety of housing types and commercial uses as part of this planned development.

PD6 through PD9 are satisfied by the statement that the density of the residential to nonresidential remains the same.

PD10 through PD15 are satisfied by the statement that the common open spaces remain the same and continue to be maintained by several entities.

PD16 through PD21 are satisfied by the statement that the handbook amendment is minor and is consistent with the overall development plan in that the amendment does include benefits to the City and residents by providing a more affordable housing type and a variety of outdoor commercial venues that will preserve the plan by requiring city permits.

Mayor Martini opened the public hearing and asked if anyone wished

to speak in favor or in opposition to the proposed handbook amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the tentative and final amendment to the Planned Development Handbook for PCN08024, based on findings PD1 through PD21 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

9. Comments:

9.1 From the Council and City Manager

Time: 4:18:59 p.m.

City Manager Carey announced a vacancy on the Community Services Agency Board of Directors for a two year term. He reviewed how citizens could apply for this volunteer board through the City's Website and noted that application would be accepted through June 20, 2008.

Council Member Mayer requested that, with the price of gasoline going through the roof, that staff look into the City going to a four day work week instead of a five day work week in order to save gas.

10. Adjournment

Time: 4:20:56 p.m.

There being no further business, the meeting was adjourned at 4:20 p.m.

_____

Mayor

_____

City Clerk

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SPECIAL MEETING OF THE SPARKS CITY COUNCIL
June 16, 2008 3:00 p.m.

1. Call to Order

Time: 3:03:02 p.m.

The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:03 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 3:03:10 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno (present via phone for the vote on 7.1 only), Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Marc De La Torre, Tim Thompson, Jeff Streeter, John Dotson, Tom Miller, Steve Driscoll, Victor Villarreal, Adam Mayberry, Shirle Eiting, Teresa Gardner, Chris Syverson, Jeff Cronk, Margaret Powell, Armando Ornelas, Doug Nicholson, Pete Etchart, Wendy Chavez, David Fitzpatrick, Frank Frievalt, Kathy Clewett, Randy Mellinger, and Chris Cobb.

Pledge of Allegiance

Time: 3:03:26 p.m.

The Pledge of Allegiance was led by Council Member Mike Carrigan.

Comments from the Public

Time: 3:03:52 p.m.

Mr. Gary Schmidt noted that he was a candidate for Washoe County Commissioner in District 4 and gave several reasons why he was running for office.

Mr. Don Young, asked for clarification of several issues regarding item 7.1 (an emergency ordinance regarding Tourism Improvement District (TID) No. 1); asking what constitutes an emergency ordinance, what causes it to be placed on the agenda, and what rules does that evade by doing so.

City Manager Shaun Carey responded that the statutes that were put in place for STAR Bonds allow us to process those particular instruments as if an emergency was present. In this case, negotiations were just completed on the subordinate indenture with regard to the construction loan, which will be a source of financing used on the Legends project. The ordinance is being brought forward to update the statement that the City Council previously approved on the indenture. The change involves a one quarter of a percent increase in the interest and it ensures that the documents that have previously been approved represent the final financial arrangements. The legislative intent for this type of emergency

ordinance is to provide a tool to allow government to keep pace with business processes and practices. Council Member Schmitt emphasized that we are following the Nevada Revised Statutes with regard to this ordinance.

Ms. Jeanie Kearney, a reporter for the Sparks Tribune for the past ten years, thanked the Mayor and City Council for their past efforts to ensure open and transparent government, as she leaves her post for new career opportunities.

Ms. Margaret Powell stated she would like to speak regarding items 6.3 and 6.4. Mayor Martini noted he had another request to speak on these items and he would allow public comment on those items, although they were General Business items. Ms. Powell agreed to hold her comments until those item came up for discussion.

Approval of the Agenda

Time: 3:13:19 p.m.

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

Item 7.1 was taken out of order and scheduled to be heard at a time certain of 3:15, to allow Council Member Phillip Salerno to be present at the meeting via telephone.

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

3. Approval of the Minutes

Time: 3:14:04 p.m.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the minutes of the Special Meeting of May 27, 2008. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

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

4.1 Proclamation - Reno Rodeo Days

Time: 3:14:35 p.m.

Mayor Geno Martini read a proclamation naming June 19-28, 2007 as Reno Rodeo Days, in recognition of the 3rd largest and richest rodeo in the United States, offering entertainment and competition for all cowboys and cowgirls. The proclamation was accepted by members of the Reno Rodeo Association.

4.2
Proclamation - R.O.C.K. Jubilee Week

Time: 3:17:52 p.m.
Mayor Geno Martini read a proclamation naming June 22-28, 2008, as R.O.C.K. Jubilee Week in recognition of the *Reach Our Community's Kids* program designed to foster educational development, furnish school supplies, and equip students with essential clothing and hygiene needs for students who attend Kate Smith Elementary School. The proclamation was accepted by Pastor Art Lennon of the Rock Church.

5. Consent Items:

Time: 3:24:59 p.m.
A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Item 5.1 through 5.8. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.1
Purchase of Mobile Data Computers

An agenda item from Police Lieutenant Tom Miller recommending the City Council authorize the purchase of mobile data computers (MDCs) and related hardware from Datalux Corporation in the amount of $239,477.00. This equipment will replace current MDCs which are over five years old. The equipment will be used by police, fire and court personnel. This purchase is exempt from competitive bid based on integration with existing systems.

5.2
Bid Award for 2008 Street Rehabilitation Program

An agenda item from Transportation Manager Jon Ericson recommending the City Council award to Granite Construction Company the bid (No. 07/08-030) for the 2008 Street Rehabilitation Program in the amount of $508,508.00. This project involves asphalt replacement, curb and gutter, sidewalk handicap ramps, sewer and storm drain. Funds have been budgeted for this project.

5.3
Award of the Municipal Service Center Garage Awning Reconstruction Project

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award to GuiDenby, Inc., the informal bid for the Municipal Service Center Garage Awning Reconstruction Project in the amount of $29,075.00, which includes an additional $2,500.00 in a force account. The force account has been added in the event of unforeseen circumstances during construction. The original awning was damaged and subsequently torn down. Larger vehicles, such as fire trucks, must be serviced outside, requiring maintenance personnel to work in unpredictable weather. Funding is available for this project.

5.4
Award of the Maintenance Yard Improvement Project

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award to WES Construction Company, Inc., the bid (No. 07/08-035) for the City of Sparks Maintenance Yard Improvement Project in the amount of $209,667.25. The project involves the reconstruction of a portion of the existing asphalt at the maintenance yard utilizing concrete. The

area is deteriorated and needs replacement. Concrete is being used for durability and will allow for better drainage and improved maintenance operations. Budget appropriations are available for this project.

5.5
Interlocal Cooperative Agreement with RTC for Additional Slurry Seal Under the 2008 Preventative Maintenance Slurry Seal Program

An agenda item from Transportation Manager Jon Ericson recommending the City Council approve an interlocal agreement with the Regional Transportation Commission of Washoe County (RTC) for reimbursement to RTC in an amount not to exceed $300,000 for an additional 2.1 million square feet of slurry under their contract for the 2008 Preventative Maintenance Slurry Seal Program. The RTC Slurry Seal Program provides for the application of maintenance treatments on pavements included in the Regional Transportation Plan. By bidding with RTC on this work, the City was able to include additional street slurry, due to the favorable bids that were received. Funds have been budgeted and are available for this project.

5.6
Bid Award for Flood Mitigation Project, Site 3

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award to MKD Construction, Inc., the bid (No. 07/08-034) for the Sparks Flood Mitigation Project, Site 3, in the amount of $265,100. This is the final major project associated with the Summer 2005 Flash Flood. Funds have been budgeted for this project.

5.7
On-Call Construction Observation and Materials Testing Services for the Rock Park Whitewater Park Phase 1

An agenda item from Civil Engineer Andrew Hummel recommending the City Council award to Wood Rodgers a consultant agreement for On-Call Construction Observation and Materials Testing Services for the Rock Park Whitewater Park, Phase 1, at Rock Park in the amount of $74,120.00. Wood Rodgers is on the on-call consultant list (A-3387) for these services; provided the environmental permitting and design services for this project; and is qualified to perform these services. They will provide on-call materials testing, construction observation, and survey services, as needed. Funds are available for these services.

5.8
Approval of On-Call Project Oversight and Construction Management Services for Phase 1 of the Truckee River Whitewater Park

An agenda item from Civil Engineer Andrew Hummel recommending the City Council award to Fluid Concepts a consultant agreement for Construction Phase Services related to Phase 1 of the Truckee River Whitewater Park at Rock Park for on-call project oversight and construction management services in the amount of $61,230.00. Fluid Concepts has been instrumental in assisting the City with design concepts, oversight, and permitting management for this project. They will provide construction oversight to ensure the finished product functions as planned. Funds are available for these services.

6. General Business:

6.1
Resolution No. 3102, Supporting a Grant Application for Fiscal Year 2008 Preserve America Historic Preservation Fund Grant

Time: 3:31:05 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council approve Resolution No. 3102, a resolution supporting an application for a fiscal year 2008 Preserve America Historic Preservation Fund Grant.

Mr. Villarreal noted that thanks to the efforts of a former planning intern (Scott Carey) we have a self-guided walking tour of historic buildings in the downtown area and we are one of only two Preserve America cities in the State of Nevada. In addition to the recognition that comes along with being a Preserve America community, the main ability is to apply for grant funds for projects that support, preserve, or promote, in some way, our community's cultural heritage. This grant will formalize the walking tour that was established in 2005. With part of the grant we will create a full-color, multi-fold, brochure for the walking tour. We are also looking to create some type of large master plaque that will outline the history of Sparks.

Council Member Smith asked if the dollar-for-dollar match was for $5,000 or $20,000. Mr. Villarreal explained the entire matching funds could have been "in-kind" contributions, but we needed to put in some cash to pay for certain services, so the total match is $5,000 cash and $15,000 in-kind contributions.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Resolution No. 3102. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Discussion and Possible Action to Modify Ordinance No. 2201 Regarding Salary Adjustment for Mayor and City Council

Time: 3:28:30 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council hear a presentation, hold discussion, and take possible action regarding the modification of Ordinance No. 2201--Sparks Municipal Code 2.04.040--Salary Adjustment for Mayor and City Council.

Mr. Driscoll stated that the City Council requested information regarding the pay and cost of living status for the Mayor and Council Members. The staff report contains the current pay scale and a summary table of the adjustments that are due to take place [at the beginning of the new fiscal year]. Mr. Driscoll then provided a history of Ordinance 2201, stating that in 2002 the Charter Committee discussed the idea of changing the methodology and pay for the City Council because the Mayor and Council positions had

become full-time rather than part-time. During that discussion the Charter Committee came up with a formula that would tie the salaries of the Mayor and Council to those of the Washoe County Commission. This request did not survive the legislative process and in December, after the 2003 Legislative session, the City Council enacted a pay ordinance that reflected the language that the Charter Committee had presented to the legislature.

Ordinance 2201 says that once all the current members had gone through their next election, City Council Members would receive 80% of a Commission's salary range and the Mayor would receive 100%; the salaries would then be adjust any time the County adjusted the commission's salaries.

In June, 2007, under a consent agenda item, the County Commission passed a four-year salary adjustment ordinance that gave themselves 4% salary increases for fiscal years 2007/2008 through 2010/2011. Because this was done under a consent item, we did not find out about this ordinance until April of 2007, when Human Resources and Payroll made adjustments to the appropriate salaries for the 2007/2008 fiscal year.

Mr. Driscoll stated he was asked to find out whether the automatic 4% cost of living raise for the County Commissioners would also be an automatic equivalent for the City Council. The answer is yes, if Ordinance 2201 is in force and not modified or changed.

Council Member Schmitt said he believed that the County Commissioners were not given the ability to give themselves a raise until 2005 and they did not act upon that ability until 2007. So, from 2003 to 2007, the City Council did not receive any salary adjustments.

Council Member Smith asked why reconsideration of this ordinance was on the agenda and if this was something that the Council did every year to see if the Council was going to follow the ordinance. Mr. Driscoll stated there was a question regarding the history of the ordinance and whether or not the salary of the Mayor and City Council would be adjusted for the next fiscal year. The answer is that with the documentation currently in place, yes, the Council and the Mayor will receive a 4% salary increase, effective July 1, 2008.

Council Member Carrigan stated he felt this was good because it eliminates arguments about what pay scale we are under. However, since we are holding back COLAs for the rest of the city and taking a look at our financial situation in October, it would only be fair to hold off on the COLAs for the Mayor and City Council and examine

our financial situation in October.

Mayor Martini asked if it would be legal for the Council to forgo their pre-set COLAs until October. City Attorney Chet Adams stated that it was legal and they could do this if they wished.

Council Member Schmitt said that after 90 plus years of debating how the pay structure of the City Council should be done, the a policy was made to automatically set the salaries. Because of this policy, for the past four years the Council has not received COLAs, while every other employee of the City has. Now that the situation is reversed, we are being pressured to change that policy. He asked for confirmation that the budget for next year included a COLA for the Mayor and City Council for next fiscal year. City Manager Carey confirmed that it did.

Council Member Mayer said that, short of repealing the ordinance, he did not believe it would be possible to take the COLA away from the Mayor and City Council. However, if any or all of the Council Members chose to do so, they could voluntarily give up their COLA and leave the ordinance in place.

Attorney Adams stated the Council has an entitlement under Nevada law and they are free to accept the entitlement or to reject or postpone the entitlement on an individual basis. He did not mean to represent that the entire City Council would have to forego any pay raise. He said they are free to accept or reject the entitlement individually or collectively.

City Manager Carey stated that under this agenda item, staff would only accept direction to prepare a change to the ordinance if that is what the Council wanted to do. The new ordinance would then have to go through a first and second reading.

Mayor Martini stated he did think we should re-do the ordinance. He said he didn't mind getting a raise in 2007 because the Council did not get a COLA for a long time and everyone got a COLA in 2007--2008 is another matter. He said we can allow everyone to use their own judgment.

Council Member Schmitt asked what the procedure was for a Council Member to forgo the automatic COLA. City Attorney Adams said he could have a waiver prepared which states that you knowingly and voluntarily give up your entitlement to this particular pay raise in accordance with the Sparks Municipal Code and the Nevada Revised Statues. Once signed, this waiver would be provided to payroll.

Mayor Martini asked if the waiver would mean they give up the increase permanently. Mr. Adams said no, they could specify how much salary they want to forgo… a month of salary, three months of salary, a year of salary, or until such time as the City's financial situation improves.

Council Member Schmitt said he felt this would be the most prudent course of action--not change the policy, but have those who wish to forgo a salary increase sign a waiver.

Mayor Martini summed up the Council's direction to staff, stating the direction was not to redo the ordinance, but let the Council Members individually decide what they want to do.

6.3
Resolution No. 3103, Designating Certain Employees as Executive and Providing Salaries and Benefits for Employees in These Positions

Time: 3:41:26 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3103, a resolution designating certain employees as Executive; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto.

Mr. Driscoll introduced Human Resources Manager Chris Syverson and noted that Agenda Items 6.3, 6.4, 6.5, and 6.6 are resolutions that define the salaries and benefits, as provided by the City, for the four different classes of unrepresented [non-union] classifications of employees. It was recently noted that the current resolutions will expire June 30, 2008 and there are no continuation clauses similar to the ones we have with the bargaining units [union employees]--to provide that if a new resolution is not in place by the expiration date, the old resolution stays in place until such time as a new resolution is approved. Therefore, in order to legally pay the employees covered under these four resolutions after July 1, 2008, new resolutions need to be in place.

The only economic issue: three of the four agreements have car allowances. By policy, the car allowance is tied to the IRS policy and the IRS policy changes from time to time. There is a current change that will take effect July 1, 2008. As we normally do, we have amortized the most current rate with a clause that the rate will be adjusted if this agreement carries over for more than one fiscal year. What is provided in the resolutions for car allowances has been budgeted. The car allowances are reviewed on an annual basis to determine whether they are still warranted; i.e., if the employee is now using a City vehicle.

The rest of the changes in the resolutions, for the most part, are to clean up language, such as the term "annual leave." Half the time it is referred to annual leave and half the time it is referred to as vacation. The language has been cleaned up to use one phrase, "annual leave."

Under sick leave there is a process by which we allow an employee to receive additional sick leave when their earned sick leave has been used and they still have an illness or injury that requires them to be away from work. The resolutions previously stated that before an employee could have any sick leave advanced, they first had to use up all their leave, including annual leave and personal days and earned compensation time. The new resolutions contain a new clause which states that if employment with the City is terminated before the employee has paid back the advanced sick leave, it would be deducted from the employee's final check.

Mr. Driscoll noted that in Item 6.3, on the fourth page of the resolution there is a special note right after the matrix. This note is to point out that this resolution does affect other groups in the city--particularly elected officials. The salaries for the two municipal court judges and the city attorney are calculated based on the salaries of the department heads; therefore, to the extent that any of our city department heads are going through a merit process and this merit increase were to change the calculation, there may be a change to the salary of the two municipal court judges or the city attorney. This process has been in effect for well over 15 years and is based on an ordinance.

Another special note in Item 6.3 is that, as with the judges and the city attorney, the City Council's car allowance is paid based on the rate contained inside this resolution. Therefore, to the extent that the car allowance may change, this resolution contains the mechanism that provides for those changes.

Under 6.4--the Mid-Management Resolution, in Appendix A, four new job titles have been added. The new job titles are due to some contemplated organizational changes (reengineering) that will be coming before the City Council in the next two to three months. These job titles are logical job families that are not in our current job base. New job descriptions have been written for these jobs and staff felt this would be the time and place to get them into the salary schedule for this agreement. This does not provide a new job, a new title, or a new opening, but at some point in time staff will bring to the Council an agenda item that will change the complement for a potential reorganization. If, at that time, the Council approves those

reorganizational changes, then the job titles will already be in place and there will be no need to amend this resolution.

Mr. Driscoll noted that because none of these four groups are [union] bargaining units, the City, by section within the agreements, discussed the potential changes with the affected employees. This was done last week. Among the Management, Professional, and Technical personnel, there were several concerns regarding economic and administrative issues and it became apparent that we need to have a longer, more detailed discussion. Therefore, an e-mail was sent to all employees in the Management, Professional, and Technical group committing to a discussion in the August/September time frame, prior to the Council receiving updated financial information in October.

Mr. Driscoll noted that the Deputy Police Chief is in extensive training outside the area. He was e-mailed a copy of the resolution, but we did not receive a response. The resolution was also reviewed by the Police Chief and he did not find anything conflicting or of concern.

Council Member Carrigan asked for confirmation that these resolutions were all good for one year. Mr. Driscoll replied that these resolutions will be for the fiscal year beginning July 1, 2008 and will run through June 30, 2009. We have put language in it that would allow the resolution to continue, in force, until such time as a change was approved. This will prevent having to approve a resolution each year just because it has a sunset date.

Council Member Schmitt asked if the groups formally voted to accept the resolutions when they met last week. Mr. Driscoll responded that they are not an organized bargaining unit and the resolution simply outlines the salary and benefits that are provided to them--there is no negotiation or voting. However, we are required by the resolution to at least meet to provide the opportunity to meet and explain what is being changed before it is changed.

Council Member Schmitt inquired about the general "mood" of those attending the meeting. Mr. Driscoll stated that, in general, all three groups that they met with understood the economics of the City, but there was also concern regarding their own economic health. The largest attendance was in the Management, Professional, and Technical group and there were several questions--all very pertinent to what was going on. The issues had been brought up previously, so they were not necessarily surprises, but that discussion is what prompted the e-mail committing to another meeting to fully discuss those issues. Most of the issues were

economic in nature and the policy decision from the City Council is that there be no additional economics than what are already in place--the IRS factors were the only change because it is the only one we are obligated to fulfill in these four agreements.

Council Member Schmitt asked for confirmation that the employees would have an opportunity to discuss their concerns prior to October. Mr. Driscoll stated that per the e-mail that was sent out, the goal is to meet the latter part of August or the first part of September so there is plenty of time to hold discussions. He emphasized that while this will not be negotiations, it will allow the group to voice what they would like to see changed.

Council Member Mayer said the resolutions do not have any continuity--one group gets something that other groups do not. He also noted that the City Clerk was taken out of the executive group, but he did not see where the position was placed into another group. Mr. Driscoll stated this position is in the Management, Professional, and Technical group listed alphabetically on page 19 of the resolution. He explained that under a reorganization of the City Manager's Office the City Clerk position was removed from the Executive resolution and put into the Management, Professional, and Technical resolution; however, the original document was not revised, so this is the time to make those administrative strike outs and additions for what was already approved by Council action.

Mr. Mayer said he felt this was not a great way do to business with our employees and that perhaps we needed to unionize these groups.

Mr. Driscoll stated the discussion with the employees covered under these resolutions is a process that has been in place for longer than he has been serving the City in a labor capacity and it is consistent with what has been done in the past. He said perhaps it did not have the same emphasis in the past, as it does this time because in the past there have typically been salary increases and this is the first time in almost a decade and a half that we are in a position where no increases are being given.

Mayor Martini noted that there were requests for public comment; therefore, with the permission of the Council he would open the meeting up for comment on Items 6.3 through 6.6.

Mr. Tim Randolph, a Senior Assistant City Attorney for the City of Sparks, stated he is under the Management, Professional, and Technical resolution. He expressed concern regarding the various levels of benefits provided in each of the resolutions and that we might be giving the perception that government is run like a

business, which includes padding the executive suite with all kinds of frills. He said this was not appropriate and it is not the way Sparks has ever done business. He asked the Council to provide direction to the management staff to meet with the employees regarding these issues.

Mayor Martini asked Mr. Randolph if he was representing the Management, Technical, and Professional employees and if he was on "city time" to be at this meeting. Mr. Randolph said no, he was not representing a group, because as a salaried employee, they have no representation and that he was on "city time" because no matter how many hours he worked, he still received the same pay.

Council Member Schmitt asked Mr. Randolph if he realized he gets special benefits because he works for an elected official. Mr. Randolph said he was unaware of any significant benefits he received because he worked directly for an elected official--his salary and benefits are covered under the Management, Technical, and Professional resolution.

Council Member Carrigan asked if Mr. Randolph was suggesting that the employees under the Management, Technical, and Professional resolution be moved to the Executive resolution. Mr. Randolph stated that was not what he is asking the Council to consider, he is simply asking that they consider whether some of the benefits discussed under the executive resolution, if they are fair and regular benefits, should be given to all employees. If they are not [fair and regular benefits] then they should be removed from the resolutions.

Mayor Martini asked the City Manager to explain what distinguishes an executive position from a management position. City Manager Carey stated that the executives for the City of Sparks are those people who lead department--the Police Chief, the Fire Chief, the Community Development Direct, Public Works Director, and the Parks and Recreation Director--those who have the responsibility for the operations of an entire department. These leaders of entire departments have been grouped into a separate resolution to differentiate them from other employees and having their benefits covered by a separate resolution is a very common practice for local government.

Ms. Margaret Powell, City Planner, speaking for herself, expressed concern regarding the process that was used to inform the employees of the proposed changes in these resolutions. She said it was not a team meeting and she did not feel that the meeting represented the City well--it left a lot of concern as to where the City

will be going in the future. She suggested that when the Council reexamines the City's financial situation in October with regard to COLAs for represented [union] employees, they also consider the concerns of the non-represented employees whose salaries and benefits are covered under these four resolutions.

Mayor Martini then closed the floor to public comment asked if there were any questions. There being no questions, he asked for a motion.

A motion was made by Council Member Smith to approve the Executive Employees Resolution No. 3103, as presented by staff. Council Member Carrigan seconded the motion. Mayor Martini asked for discussion on the motion.

Council Member Schmitt said he would like to open discussion on Ms. Powell's comments about an October 31, 2008 ending date and bringing the resolution back to the Council by November 1, 2008. If we are going to enter into discussions in August and September, we should have some idea where we are financially by that time in the fiscal year.

Council Member Mayer said he was going to vote no on this motion because he felt that the City should be a team and management should not be afraid to meet and confer with groups of employees, whether or not they are represented by a union. He said it really hurts him to hear some of these remarks and he has heard similar remarks from other people who did not come forward today. He said that the whole handling of these issues has been wrong for the morale of the city employees. We are a service organization and our service is hampered when employee moral goes down because management won't take the time to listen to them. He recommended that between now and October he would hope that management would meet with these people and listen to what they have to say. This is not the way a team operates--a team gets ideas and then makes decisions; it does not make decisions and then tell the team. He said he is very disappointed and he is going to vote no to approve on all the resolutions.

City Manager Carey recommended the Council extend the resolutions for the entire year in order to provide stability in our management of the payroll and the benefits for that year time period. They are resolutions, so it only takes action on a subsequent agenda should the Council want to make a change. He assured the Council that staff will embark upon the process of meeting and discussing the various levels of benefits which are afforded to mid-management. He said he believed the time frame suggested by Mr.

Driscoll is one he is willing to ensure is followed and that these issues are brought back to the Council for consideration.

Mr. Carey stated staff has been meeting with the City Council concerning pay and benefits packages and how to best position the City to retain the best employees possible and also meet the Council's financial policies. He asked the Council to consider approving the resolutions for the entire one-year period and allow staff to come back in October with an update on the City's economic situation. He said this would also allow time for staff to discuss the other benefit issues.

Council Member Schmitt stated he has known Ms. Powell since he was on the Planning Commission and feels she has always been very forthright and honest and what she says has credibility. He said she is retiring November 1 and he feels she has nothing to gain by expressing her concerns today. He said it would not be out of line for the City Council to readdress these issues on January 1, 2009. Therefore he would move off his November 1 date and allow the first six months of the [fiscal] year to go by before this is brought back to the Council.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Resolution No. 3103. Council Members Smith, Carrigan, YES. Council Members Mayer, Schmitt, NO. Council Member Salerno, ABSENT. Motion failed.

City Manager Carey cautioned that the failure of the Council to act upon this resolution would place the payment of executives beyond June 30, 2008, in jeopardy. He asked that the Council provide alternative direction so that the City could continue with the payment of salaries.

Council Member Schmitt made a motion to approve Resolution No. 3103 up to December 31, 2008, to allow staff to bring it back by the end of the year.

Council Member Carrigan said he didn't understand the need to limit approval to the end of the year. He said we need some type of mechanism to pay people and we can bring the resolution back anytime.

Council Member Mayer said it was his understanding that if these resolutions are not approved, then things remain status quo and what is already in place for paying employees just continues. Mr. Driscoll clarified that these resolutions sunset June 30, 2008, and there is no extension provision in any of the resolutions. That is the

reason they are coming forward at this time. The minimal changes were made to provide a one year time frame with a new paragraph that would then allow them to stay in effect unless they were changed by the Council after a future termination date. If there is no action taken on these resolutions, they will expire and the City cannot legally pay all the employees after July 1, 2008.

Council Member Mayer asked why staff waited until two weeks before deadline to bring it to the Council. He said he is thoroughly disgusted with how this was handled.

Council Member Carrigan said he had no problem with approving the resolution for a certain time frame, but he did not understand why it is so important to have a January 1 date. He commented that he has served on the City Council since 1999 and this is the first time a problem has risen with these employee groups. He said he had a problem with everyone wanting the same benefits because everyone doesn't perform the same job.

It was clarified that Council Member Schmitt's motion was to approve Resolution No. 3103, with the stipulation that it be brought back by January 1, 2009. Council Member Carrigan seconded this motion.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Resolution No. 3103 with the stipulation that it be brought back by January 1, 2009. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Council Member Salerno, ABSENT. Motion carried.

6.4
Resolution No. 3104, Designating Certain Employees as Management, Professional and Providing Salaries and Benefits for Employees in These Positions

Time: 4:25:28 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3104, a resolution designating certain employees as Management Professional, and Technical; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto.

Discussion for this item was held in conjunction with Agenda Items 6.3, 6.5, and 6.6 and is listed under Item 6.3.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Resolution No. 3104 with the stipulation that it be brought back by January 1, 2009. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Council Member Salerno, ABSENT. Motion carried.

6.5
Resolution No. 3105, Designating Certain Employees as Confidential and Providing Salaries and Benefits for Employees in These Positions

Time: 4:25:58 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3105, a resolution designating certain employees as Confidential; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto.

Discussion for this item was held in conjunction with Agenda Items 6.3, 6.4, and 6.6 and is listed under Item 6.3.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Resolution No. 3105 with the stipulation that it be brought back by January 1, 2009. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Council Member Salerno, ABSENT. Motion carried.

6.6
Resolution No. 3106, Designating Certain Employees as Deputy Police Chief and Providing Salaries and Benefits for Employees in These Positions

Time: 4:26:30 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3106, a resolution designating certain employees as Management Professional, and Technical; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto.
Discussion for this item was held in conjunction with Agenda Items 6.3, 6.4, and 6.5 and is listed under Item 6.3.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Resolution No. 3106 with the stipulation that it be brought back by January 1, 2009. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Council Member Salerno, ABSENT. Motion carried.

6.7
Bid Award for Construction of Rock Park Whitewater Park Project

Time: 4:27:01 p.m.

An agenda item from Civil Engineer Andy Hummel recommending the City Council award to Reno Tahoe Construction (formerly TW Construction) the bid (No. 07/08-028) for construction of the Rock Park Whitewater Park Project in the amount of $866,027.51.

Mr. Hummel noted that this project requires a number of permits and it has been a long process, but we are now in the final stages of obtaining them from the various Federal agencies. We anticipate receiving the final letters by the end of the month. This project has a very short time frame (July 1, 2008, through September 30, 2008).

Funding for this project came from a State appropriation several years ago and therefore will not be affected by the State's current financial situation.

Mayor Martini asked for the status on the permits from the Corps of Engineers. Mr. Hummel stated the final thing they are waiting on is a letter from the Fish and Wildlife Service with their biological opinion. He spoke with them this morning; everything was favorable; and they are preparing the letter this week.

Council Member Carrigan expressed concern about how much lower this bidder was from the next lowest bidder. He said the staff report explained that this company has specific experience building the whitewater park in Reno and he wanted their experience noted for the record.

Mr. Hummel stated because of their experience, there is less concern regarding potential problems. He said that one of the reasons that Reno Tahoe Construction's bid was so much lower than the other bids is because the quantity of rock needed for this project is immediately available to them.

Mayor Martini noted that if this project does not get built this year, the money may no longer be available. Mr. Hummel stated that was a good possibility because we already had to ask for one extension of the funds.

Council Member Smith asked if the river would be diverted during construction of this project. Mr. Hummel stated that the plans call for splitting the river in half. We are also exploring the option of doing a diversion channel on the south side of the airport.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to award the bid for construction of the Rock Park Whitewater Park Project to Reno Tahoe Construction in the amount of $866,027.51. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

Mayor Martini thanked all the staff who have been working for the past three years to bring this project to fruition. City Engineer Pete Etchart noted that while he is highly confident we will receive the necessary letters and permits; however, if we do not receive those letters, as expected, we will have to reimburse the contractor for his bonding insurance and any expenses involved in the dewatering plan.

6.8
Amendment to the Professional Services Agreement for Financial Advisor and Attached Sub-Consultant Agreement

Time: 4:32:53 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve an amendment to the Professional Services Agreement with Fieldman Rolapp and Associates for Financial Advisor Services and approve the attached sub-consultant Agreement with Mr. Tom Boast.

City Manager Shaun Carey stated that this is an amendment to the professional services agreement that we have with our financial advisors, Fieldman Rolapp and Associates. Mr. Boast has been integral to the development of the underwriting with Citigroup. He was let go by that firm in a reduction of force, but he was in an integral position to continue in his role of advising both Citigroup and the City of Sparks on the development of the STAR (Sales Tax Anticipation Revenue) Bonds and the LID (Local Improvement District) bonds.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve the amendment as outlined. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.9
Adjourn to a Closed Door Session

Time: 4:36:16 p.m.*

An agenda item from City Attorney Chet Adams recommending the City Council adjourn to a Closed Door Session to review information from the City's Retained Attorney regarding potential litigation involving real property owned by Victorian Partners, LLC, located at 1212 Victorian Avenue, a matter over which the Sparks City Council has supervision, control, or advisory power over, pursuant to NRS 241.015(B)(2).

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to adjourn to a closed door session. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

*This item was heard out of order.

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

7.1
P.H. and Adoption of Bill No. 2672, An Emergency Ordinance Authorizing an Increase in the Interest Rate for Subordinate

Time: 3:21:11 p.m.*

An agenda item from City Manager Shaun Carey recommending the City Council approve Bill No. 2672, an Emergency Ordinance of the City Council of the City of Sparks, Nevada, describing certain recitals, making certain findings, authorizing an increase in the interest rate to be borne by the City of Sparks, Nevada, Tourism

Sales Tax Anticipation revenue Bonds, Series A

Improvement District No. 1 (Legends at Sparks Marina) subordinate Sales Tax Anticipation Revenue Bonds, Series A, and approving certain matters relating thereto; and providing the effective date hereof.

Mr. Carey noted that this is a clean up item to make sure that the documents which will be considered by investors contain a change which is necessitated by the completion of banking negotiations. You are simply changing, by one quarter percent, the previously approved subordinate indenture for series A of this project. This is a minor housekeeping item and staff is recommending approval, following a public hearing.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this bill.

Mr. Don Young questioned the wisdom of giving the funds of Sparks' citizens to a private developer.

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

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to adopt Bill No. 2672, an emergency ordinance, as presented by staff. Council Members Mayer, Salerno (via phone), Smith, Carrigan, Schmitt, YES. Motion carried.

*This item was heard out of order.

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

9. Comments:

9.1 Time: 4:33:57 p.m.

From the Council and City Manager

Mayor Martini read a commendation to Ms. Jeanine Kearney in recognition of her contributions to the City of Sparks as a beat reporter for the Sparks Tribune newspaper for the past ten years. He wished her every success in her new position at Bishop Manogue Catholic High School.

10. Time: 4:36:31 p.m.

Adjournment

There being no further business, the meeting was adjourned at 4:36 p.m.

_____
Mayor

_____
City Clerk

>>>

REGULAR MEETING OF THE SPARKS CITY COUNCIL
June 23, 2008 2:00 p.m.

1. Call to Order

Time: 2:03:58 p.m.

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:03 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 2:04:05 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Ron Schmitt, Assistant City Manager Randy Mellinger, City Attorney Chet Adams, PRESENT. Council Member Mike Carrigan, City Manager Shaun Carey, ABSENT.

Staff Present: Andy Flock, Shirle Eiting, Tom Minton, Rich Brown, Margaret Powell, Marc De La Torre, David Vill, David Fitzpatrick, Tony Pehle, Tracy Domingues, Stan Sherer, Jon Ericson, Pete Etchart, JoAnn Meacham, Armando Ornelas, Steve Keefer, Chris Cobb, Debi Hunt, Rob Joiner, Kathy Clewett, Tom Riley, Karen Melby, Summer Pellet, and Neil Krutz.

Invocation and Pledge of Allegiance

Time: 2:04:13 p.m.

Pastor Steve Wren, First Christian Church of Sparks, sent his regrets that due to the time change for the Council Meeting, he was unable to give the invocation. The Pledge of Allegiance was led by Council Member Ron Schmitt.

Comments from the Public

Time: 2:04:57 p.m.

Mr. Gary Schmidt noted that he is a candidate for the County Commission in District 4, and commented that elected officials had a duty to listen to the public. He said he believed that public comment should be allowed on each item on the agenda, but barring that, there should be at least two opportunities for public comments--one at the beginning at the meeting and one at the end of the meeting.

Mr. Fred Barrie, 3596 Lago Marsino Court, expressed concern with RTC's plans to make a right turn lane southbound on Pyramid from Queen Way and McCarran Boulevard. This will mean that drivers who live off Emerson will no longer be able to make a left turn onto Emerson--they will have to drive up to Queen Way to access their subdivision. He said he felt that it was not necessary to make the right turn lane that long--it could start at the Church property and this would leave Emerson accessible and still alleviate traffic.

Time: 3:12:11

Mayor Martini noted that he had received an additional request for public comment and because this meeting started earlier than normal, he would allow the request.

Mr. Thomas Jimenez, 707 19th Street, Sparks, spoke about a problem he is having with the Finance Department losing his sewer payment. Staff was directed to work with Mr. Jimenez to resolve the problem.

Approval of the Agenda

Time: 2:09:48 p.m.

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

Mayor Martini noted that there was a typographical error on the agenda: Item 8.2, Bill No. 2570 should read as Bill No. 2670.

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

3. Approval of the Minutes

Time: 2:11:11 p.m.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the minutes of the Special Meeting of June 9, 2008. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

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

4.1 Proclamation - Recreation & Parks Month

Time: 2:11:48 p.m.

Mayor Martini read a proclamation naming July 2008, as Recreation and Parks Month in recognition of the importance of our nation's parks and recreation facilities. The proclamation was accepted by Parks and Recreation Director Stan Sherer.

4.2 Presentation - Nevada League of Cities Youth Award Winners

Time: 2:14:40 p.m.

The Sparks City Council recognized Sparks High School Senior Tracy Rodriguez as the top Nevada League of Cities (NLC) Youth Award recipient. Tracy will receive a $1,000 scholarship from the NLC. Tracy was one of two students in the state to receive this award. Other students recognized include Juan Gomez, first place high school student - $500, Vanessa Anderson, runner up - $100, and Alexis Trundy, runner up - $100.

Mr. David Frazer, Executive Director for the Nevada League of Cities and Municipalities provided a brief history of the program, stating that these awards take into consideration not only academics, but the contributions these individuals make in their families and in their communities.

4.3
Presentation - Exemplary Business Award - Longs Drug Store

Time: 2:24:55 p.m.
The Chairman for the Sparks Advisory Committee for the Disabled, Laura Sheldon-Casson, presented an Exemplary Business Award to Longs Drug Store on Prater Way in recognition of their exceptional physical access and friendly customer service for people with disabilities. Mr. Jeff Carling, the manager of Longs, accepted the award and thanked the committee for their recognition.

5. Consent Items:

Time: 2:29:21 p.m.
Consent Items 5.8 and 5.11 were pulled for discussion and separate vote.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.7, 5.9, 5.10 and 5.12 through 5.24. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering May 22, 2008, through June 4, 2008.

5.2
Acceptance of a 2009 Highway Safety Grant

An agenda item from Fire Chief Andy Flock recommending the City Council accept a grant of Federal funds for extrication equipment and training for the extrication of victims of traffic incidents) through the 2009 Highway Safety Grant. The grant is administered by the Nevada Department of Public Safety, Office of Traffic Safety. This is a three-year grant and requires a 25% personnel labor in-kind match for all three years. The financial impact is $38,703.75 (grant) and $8,556 (in-kind) for the first year; $36,866.25 (grant) and $8,144 (in-kind) for the second year; $36,866.25 (grant) and $8,134 (in-kind) for the third year.

5.3
Partnership Agreement with R&R Partners

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve a partnership agreement between R&R Partners and the City of Sparks. The City will receive approximately $97,500 in facility improvements and cash in

return for marketing opportunities in the City's parks and facilities. The Parks and Recreation Department will benefit from this contract through the purchase of a sound system on Victorian Square, a gym divider at the Alf Sorensen Community Center and a cash donation. The term of the agreement is two years. In return, R&R's client, St. Mary's, will post benefit oriented statements (with their logo) at mutually agreed upon sites at the Sparks Marina, Alf Sorensen Community Center, Shadow Mountain and Victorian Square.

5.4
Bid Award for Equipment Lubrication Products

An agenda item from Purchasing Manager Dan Marran recommending the City Council approve the award of the bid (No. 07/08-016) for provision of equipment lubrication products to multiple vendors on behalf of the City of Sparks and fellow agencies of the Northern Nevada Consortium for Cooperative Purchasing. The financial impact is estimated to be $60,000 for the City of Sparks. Actual charges are paid from budgeted funds of the using department at the time of need. Although the City of Sparks will be awarding this bid on behalf of the other agencies participating in the cooperative, their transactions will occur directly between the vendor(s) and those agencies.

5.5
Professional Services Agreement with Michael Chapman, Attorney at Law for Condemnation Legal Services

An agenda item from Real Property Agent Dave Vill recommending the City Council approve a professional services agreement with Michael Chapman, Attorney at Law, to provide specialized condemnation legal services in an amount not to exceed $55,000.00 in the furtherance of the Victorian Square Development Plan. This contract will allow the City to retain a law firm to provide highly specialized legal condemnation services to the City. Mr. Chapman would only be retained if the Council approved a condemnation action of the property located at 1212 Victorian Avenue.

5.6
Professional Services Agreement with Bowling Mamola Group relating to the Truckee River Flood Control Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a professional services contract with Bowling Mamola Group for consulting services to support the City's efforts relating to the Truckee River Flood Control Project in an amount not to exceed $50,800.00, to meet the project schedules and milestones requires accelerated reviews and timely decision making. April 2009 is the scheduled date for a final Project Partnering Agreement among the participants. Finalizing this agreement will require the completion of several tasks by the City and the other participants. Bowling Mamola Group will assist the City in meeting its Flood Control Project obligations, which have been highly variable and difficult to anticipate.

5.7
Award of Informal Quote for the Alf Sorensen Community Center Temperature Control Upgrade Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Building Control Services, Inc., the informal quote for a construction contract for the Alf Sorensen Community Center Temperature Control Upgrade Project in the amount of $74,700.00. The temperature control system for the heating, ventilation and air condition systems has slowly deteriorated and has become obsolete. This contract will provide for the installation of a new generation control system for better monitoring and operational control of the HVAC systems and is expected to reduce energy usage.

5.8
Award of Informal Quote for the Dillworth Middle School Home Economics Room Remodel

Time: 2:29:21 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Best in the West Construction, LLC, the informal quote for the Dillworth Middle School Home Economics Room Remodel in the amount of $79,692.00. This project is part of the CDBG funding Sparks is providing to fund improvements in low income neighborhood schools. It involves the demolition of all the flooring, cabinets, and plumbing fixtures and installation of all new flooring, cabinets and plumbing fixtures and repainting of the room. Appliances will be replaced as well; however, these are not included in this quote.

Mr. Schmitt asked that this item be recognized as one of several rehabilitation projects Sparks has done for Washoe County Schools located in our Redevelopment Areas. Capital Projects Manager Chris Cobb reviewed the details of the project.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve Consent Item 5.8. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

5.9
Purchase of Stop-Loss Insurance for the City's Self-funded Group Health Benefits Program for 2008-2009

An agenda item from Risk Manager Randy Waterman recommending the City Council authorize the purchase of stop-loss insurance for the City's Self-funded group health benefits program for 2008-2009 for an estimated annual premium of $285,428. The City self-funds it's group health insurance benefits program. In order to protect the program from individual catastrophic medical claims (i.e. those in excess of $200,000), the program purchases stop-loss insurance up to the plan's individual lifetime limits of $2,000,000.

5.10
Approval of Invoice for Undergrounding of

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Invoice No. 1 to Sierra Pacific Power Company to include a portion of the cost to convert

Power Lines in Conjunction with Phase III of the Prater Way Streetscape Project

overhead power poles to underground in conjunction with Phase III of the Prater Way Streetscape Project in the amount of $90,000. Prior to beginning Phase III, the overhead power lines need to be moved underground. This will help beautify Prater Way and allow for better ADA access on the sidewalks.

5.11

Time: 2:33:28 p.m.

Professional Services Contract for Engineering Services for the People's Drain Ditch Improvements Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a professional services contract with Gray and Associates, Inc., for professional engineering services for the Peoples Drain Ditch Improvements Project Constructability, Research and Recommendations per on-call services agreement A-3387, in the amount of $161,900.00. The project is intended to enclose the remaining portion of the Peoples Drain Ditch south of Interstate 80. The downstream portion of the Ditch was enclosed in 2001 by the City through a construction contract. Enclosing the Ditch will reduce maintenance requirements by City staff and possibly reduce the risk of flooding in adjacent areas.

Council Member Schmitt asked staff to provide a brief overview of this project. Public Works Director Wayne Seidel provided a history of the first two phases of this project and noted that this agreement will provide the design for the next two phases of piping the Peoples Ditch that flows into the North Truckee Drain and eventually into the Truckee River. Mr. Schmitt asked if this project would count toward our match with the Corps of Engineers for the Truckee River Flood Project. Mr. Seidel stated this is interior drainage specific to the City of Sparks and our drainage facilities and would not be counted as part of the match for the Corps project.

Mayor Martini asked for clarification on where the People's ditch is located. Mr. Seidel stated it runs parallel to I-80 from McCarran, along the rail road tracks and joins the North Truckee Drain at about the School Bus Yard and starts going south. It is about a mile in length and we have about one third of it piped.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Item 5.11. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

5.12

Purchase and Installation of 14 GE Multilin PMQ II Devices at TMWRF

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a purchase order with George T. Hall Company to purchase and install 14 GE Multilin PMQ II devices at the Truckee Meadows Water Reclamation

Facility (TMWRF) in the amount of $30,120.00. These devices will replace existing metering devices in the main electrical building that are not functioning.

5.13
Purchase of Foxboro Distribution Control Parts Upgrade for TMWRF

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve the purchase of Foxboro Distribution Control parts upgrade in the amount of $101,695.61 for the Truckee Meadows Water Reclamation Facility (TMWRF). This is the second phase of a multi-year project to transition the current control system to state of the art controllers, which will keep the system reliable with a source of repair parts.

5.14
Contract for the Clarifier Rehabilitation & Painting Project at TMWRF

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Farr Construction Corporation of Reno, Nevada, the bid for the Clarifier Rehabilitation and Painting Project at the Truckee Meadows Water Reclamation Facility in the amount of $229,692.00. This work involves cleaning, blasting of the carbon steel structure, inspecting, repairing as necessary and recoating the tank with a more durable modern epoxy coating system for secondary clarifiers 2A and 1A.

5.15
Award of the 07/08 Police Department Carpet Replacement Project, Phase II

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Contract Flooring the base quote and alternates 1 and 2 for the 2007/2008 Police Department Carpet Replacement Project, Phase 2 in the amount of $50,980.00. This is the second phase of replacing carpet in this building and will replace the carpeting on entire second floor; except for the dispatch area, due to the complexity of the raised floor system in that portion of the building. Funds were budgeted and are available for this project.

5.16
Master Professional Services On-Call List for Materials/Testing and Inspection Services

An agenda item from Public Works Director Wayne Seidel recommending the City Council award a Master Professional Services On-Call List Contract for Materials/Testing and Inspection Services through fiscal year 2009/2010, RFP 07/08-024, for the following companies: Black Eagle, James Edwards Engineering, Lumos & Associates, Stantec, Summit Engineering, and Wood Rodgers. The selected firms will be used on an on-call basis for fiscal year 08/09 through 09/10 CIP projects. Funds will be budgeted directly for individual projects, which will be brought to the Council for approval at the time work is required.

5.17
Master Professional Services On-Call List for Surveying Services

An agenda item from Public Works Director Wayne Seidel recommending the City Council award a Master Professional Services On-Call List Contract for Surveying Services through fiscal year 2009/2010, RFP 07/08-022, for the following companies:

Andregg Geomatics, CFA, Gray & Associates, Lumos & Associates, Odyssey Engineering, Stantec, Summit, TRC, and Tri-State Surveying. The selected firms will be used on an on-call basis for fiscal year 08/09 through 09/10 CIP projects. Funds will be budgeted directly for individual projects, which will be brought to the Council for approval at the time work is required.

5.18
Master Professional Services On-Call List for Civil engineering Design Services

An agenda item from Public Works Director Wayne Seidel recommending the City Council award a Master Professional Services On-Call List Contract for Civil Engineering Design Services through fiscal year 2009/2010, RFP 07/08-023, for the following companies: CFA, Nichols Consulting Engineers, Odyssey Engineering, Parsons, PBS&J, Stantec, Summit Engineering, TRC, and Wood Rogers. The selected firms will be used on an on-call basis for fiscal year 08/09 through 09/10 CIP projects. Funds will be budgeted directly for individual projects, which will be brought to the Council for approval at the time work is required.

5.19
Rock Boulevard Concrete Repair Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Reno Concrete Inc., the informal quote for the Rock Boulevard Concrete Repair Project in the amount of $82,750.00. This project will remove and replace sidewalks and commercial driveways on Rock Boulevard between Oddie Boulevard and "I" Street, which are in very poor condition. RTC is currently working on the roadway and has replaced various sections of curbing; however, the sidewalk is not scheduled to be replaced by RTC. The repair work will begin after completion of the RTC project.

5.20
Prospect/Oxford Way Curb, Gutter & Sidewalk Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Peavine Construction, Inc., the bid (No. 07/08-036 for the Prospect/Oxford Way Curb, Gutter & Sidewalk Project in the amount of $812,000.00. This project will remove and replace existing curb, gutter and sidewalk on Oxford Way and Prospect Way. The roadway will be overlaid and drainage improvements are also included. The existing infrastructure has deteriorated and is beyond repair. Existing catch basins will be replaced with the newer standard basin, enabling maintenance crews to perform routine maintenance in a more efficient manner. The City has conducted this same type of neighborhood improvement for the past few years in this general area.

5.21
Reversion to Acreage Map for Durant, 1725

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a Reversion to Acreage Map for Marcel Durant for property located at 1725 Hymer Avenue. The parcels are

Hymer Avenue	being reverted to eliminate interior lot lines conflicting with an existing building. The map has been checked and found to be technically correct and the appropriate fees have been paid.
5.22 Final Subdivision Map for Eagle Peak Subdivision	An agenda item from Deputy Director for Community Development John A. Martini recommending the City Council approve a final subdivision map for Eagle Peak Subdivision. This map will create 40 residential lots on 24.25 acres and will be generally located north of Satellite Drive, East of Sparks Boulevard and West of Vista Boulevard. The current zoning is NUD and the developer will be Discovery Builders, Inc. The final subdivision map and improvement drawings have been checked and the appropriate fees have been paid. A bond has been filed with the City Clerk to guarantee the construction of public improvements.
5.23 Contract for Operation of the Golden Eagle Regional Park Pro Shop	An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council award to DSS Bats the contract for the operation of the Golden Eagle Regional Park Pro Shop. Monthly rental revenue will be $500.00 plus a percentage of gross receipts. Staff designed a pro shop to sell athletic equipment and apparel in building A of the Golden Eagle Regional Sports Complex. DSS Bats was one of two respondents to the City's request for proposals. They have been running a very well established pro shop in our community for over three years and have been successful in operating a pro shop on wheels at softball and baseball events across the country since 1997. This company has appropriate experience and inventory to meet the needs of our operation. The contract will be for a three-year period.
5.24 Disposal of Scanned and/or Microfilmed Documents (City Clerk's Office)	An agenda item from City Clerk Linda Patterson recommending the City Council approve the disposal of paper copies of documents that have been scanned and/or microfilmed or have reached the end of their retention requirements as prescribed by the State of Nevada Local Records Manual retention guidelines and City of Sparks approved retention schedules.

6. General Business:

6.1 Approval of Sponsorships for the 2008 Farmer's Market	Time: 2:36:09 p.m. An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council accept $73,950.00 in cash sponsorships for the 2008 Sparks Hometowne Farmer's Market from a total of 26 sponsors. The Farmer's Market receives community donations each year to assist in the production costs of the event. There were a total of 40 sponsors: 26 cash sponsorships and 14 in-kind sponsorships.

Recreation Superintendent Tracy Domingues noted that one sponsor has backed out since this report was done and she asked the Council to amend the approval amount to $72,450.00.

Ms. Domingues stated we are two weeks into our 16th Annual Farmer's Market season and it is going very well. She stated it would not go so well without the many sponsors and the efforts of our staff. She then reviewed the sponsors as follows:

Major Sponsors ($5,000): Charter Communications (in-kind), Great Basin Brewing Company (in-kind), Greater Nevada Credit Union, John Ascuaga's Nugget, Regional Transportation Commission (in-kind), Reno News & Review (in-kind), St. Mary's (contract pending), State Farm Insurance (4,200), and Swire Coca-Cola ($7,000).

Presenting Sponsors ($2,500): Advanced Window Design, Boys & Girls Club (in-kind), Bug-a-Boo Pest Control, Career College of Northern Nevada, Clearwire, Costco, Cricket Communications, Inc., Gale Building Products, Gold's Gym, H&R Block, Herbalife, Just Task Me, LLC, Liberty Tax Service, Mr. Attic, RE/MAX Realty Affiliates (Cooke/Brett Team), Reverse Aging Infrared Saunas, Sierra Electronics (in-kind value of $3,960), Sierra Summits Skin Products, Silver Club Casino, United Studios of Self Defense, U.S. Army, West Corporation, and G&G Nursery (in-kind).

Supporting Sponsors ($250): Secret Connection.

Media Sponsors (in-kind media ads): Americom Broadcasting /Reno Radio Representatives, Citadel Communications, Entravision, Lotus Radio, KTHX Radio "The X" (Reno Tahoe Radio), Smooth Jazz 92.1 (Wilks Radio), and the Sparks Daily Tribune.

Ms. Domingues stated that due to the economy, staff was challenged this year in getting enough sponsorship in order for the event to pay for itself, but we are getting very close.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to accept the cash sponsorships in the amount of $72,450.00, as outlined. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.2 Time: 2:41:57 p.m.

Legislative Affairs Issues

Government Affairs Manager Rob Joiner reviewed some of the potential State Bill Draft Requests (BDRs) and a couple of Federal issues as follows:

Interim Sessions

- Staff has been monitoring these sessions and is keeping the Council updated

Public Utilities Issues

- Shirle Eiting in the Attorney's Office has been monitoring the items that could affect us, either now or in the next session

We have been working with other agencies and entities to determine what they are looking at with regard to potential BDRs.

Some holdovers from last session

- Residential Construction Tax
  - Affects the amount of dollars that all local governments can collect from construction to go toward parks construction
  - Cap has not been increased in 20 years
  - Change it to allow for maintenance of parks, not just for capital costs.
  - Did not make it in the last session, but is now being considered by several other entities
- Impact Fee for Parks
  - Would provide a new funding mechanism for capital improvements
  - This depends on the residential construction tax
  - Could go forward by leaving cap on RTC tax and creating new fee for capital improvements
- Resolution of Intent Zoning
  - This type of resolution would provide for being able to see a whole project at once
  - Some Cities are looking at this to provide more certainty in planning
  - We have handbooks under which we do this type of conditional zoning
  - Would not affect Sparks unless we want to change the way we currently do business
- Enhanced 911 Funding
  - Some companies do not feel this is a fair playing field
  - Phone companies collect this fee
  - New technologies could spread this service and open up options to remote sections of the State that are not

currently being served

- Sales and Leases of Government Property
  - Issue in last session was dual, if not triple, appraisals as an entity goes to sell or lease property
  - This was a concern with our Redevelopment Area
  - We obtained a friendly amendment to change this
  - We are now looking to clarify further exceptions to sales and leases
- Seatbelt violations
  - Now a secondary offense
  - Looking at making it a primary offense
- Red Light Bill
  - Demonstration project
  - Considering making this enabling legislation--not mandatory, just gives entities the ability to provide this if they want
- Cash Deposit on recyclable containers
  - Green bill
  - Seen in lots of other states
- Adding renewable energy incentives to the Local Improvement District provisions
  - Expanding the incentives that are currently available
- Property Tax Depreciation
  - Requiring a reappraisal and assessment upon the sale of property
  - Getting more attention from local governments
- Incline Village becoming a township
  - Currently a GID
  - Concern is how this would affect the tax mechanisms within the County
  - Want to expand the provisions of a township
    - To include compensation for their boards
    - Include provisions so they can bond for financing
- Water Rights
- Local Government Insurance and Risk Management
  - Pool the resources of several entities in providing for the heart and lung benefit for public safety personnel
  - Uninsured and underinsured costs are mounting and they are looking at better provisions for making sure that motorists are insured
- Transportation funding
  - White paper submitted to the League of Cities on the needs and shortfalls within at least seven communities within Nevada
  - Highway Users Coalition and the RTC of the two

largest counties have provided a resolution that they would like to see local governments adopt
    - We have concerns with the way it was written and are asking for some amendments

Other things that the Nevada League of Cities is looking at:

- Emergency Relief Funding through the State
    - Proposed changes through the League, but agreed to pull them because we thought there was going to be some movement from the State office
    - They were not able to affect the changes we would like to see regarding quick response
    - We get quicker response from FEMA than we do the State
    - Many local governments feel reform is needed
- Bill Draft Requests
    - The League's number of bill draft requests was reduced from 20 to 5

The City Manager and staff recently met with Washoe County and a representative from the township of Truckee, California was also at the meeting. It was interesting to exchange information about our legislative concerns with the representative from Truckee. An issue that came up during discussion was California Proposition 1A, which was passed in 2004 and took effect in 2006. This was a grass-roots effort to tell the state government to stop taking funding from local governments. When this looked like it would go through, the state legislature adopted their own proposition which protected the resources of cities and counties from being transferred to state government. It protects local government funding for public safety, health, libraries, parks and other locally delivered services.

Federal Issues:

- Transportation HUD Appropriations Bill
    - Getting closer to adoption
    - $4 billion
    - A $134 million increase over last year-if it goes through as submitted
    - A major portion of the increase goes to transit
    - Highway trust fund is not funded to the point that it will be protected from going into deficit
- Emergency bill on mortgage reform
    - Has the support of both houses and both parties
    - Being sent to the President, but he is expected to veto it

- With support, it could make it through an override to the veto

State-wide and Local Ballot Initiatives and Advisories

- PISTOL is coming back
  - This is a Proposition 13 style property tax reform bill
  - Language will not change, which is a disappointment
- Nevada State Education Association's two initiatives will be on the ballot
- Two RTC initiatives are expected to be on the ballot
- Citizens for Sensible Growth initiatives will be on the ballot
  - An advisory to send a message to the State that our growth should be limited to sustainability of water supplies and also the issue of contiguous vs. noncontiguous annexation

Concern was expressed that there is no formal system or requirements for collecting signatures for petitions for ballot measures. People are being paid to collect signatures and the information collected is not protected. There is also a lot of incorrect information being given out with regard to the intent and consequences of some ballot measures. Mr. Joiner stated there is concern from the Secretary State's Office and from Legislators regarding possible fraud and misrepresentation of the questions on petitions.

Council Member Mayer expressed concern regarding the mega resorts in Las Vegas proposing new taxes on gaming properties, because while they could pay the fees with no problem, it could be a big hit for the smaller casinos. He said the affect this could have on our economy really needed to be studied carefully and asked that the legislative team monitor this proposal very closely. Mr. Joiner stated that those agreements are being negotiated this week and when they open the special session this Friday there is a very good chance it will open and close on the same day. There will be very little, if any, opportunity for input allowed. He said they will be there in case there is an opportunity to provide facts and figures, if needed. They know our position and what our resources are. He encouraged the Council to talk to their delegates this week, before the session opens.

Mayor Martini provided an opportunity for Mr. Gary Schmidt to comment under this item, at Mr. Schmidt's request. Mr. Schmidt expressed his concern regarding re-setting the tax assessments upon the sale of property.

Council Member Schmitt asked what the deadline was if we wanted to submit a bill draft request. Mr. Joiner stated it has to be pre-filed by September 1, 2008.

6.3
Notification of Appropriation Transfers

Time: 3:14:46 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council accept notification of appropriation transfers between accounts within funds and between funds. The notification required for appropriation adjustments is made routinely throughout the year. However, due to agenda submission deadlines, the routine claims and bills report for this meeting includes transfers made through June 4, 2008. Transfers made since that time will be noted by the Finance Director. After this meeting, no further adjustments, than those on the agenda for today may be processed for the fiscal year ending June 30, under the auspices of the code.

Budget Analyst Debi Hunt noted that this was a housekeeping item providing notification of the last appropriations transfers between functions for the fiscal year.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to accept notification of appropriation transfers between accounts within funds and between funds as outlined. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.4
Purchase of Software to Replace the Current Financial System

Time: 3:16:10 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council authorize the Finance Director to acquire and implement an enterprise Resource Planning (ERP) system from Agresso Americas to replace the City's current financial software system. This project will take place in two phases: Phase 1 consists of core financial modules and Phase 2 consists of HR/Payroll modules. Software licensing costs for all modules is not to exceed $235,646. Implementation, conversion, training and consulting costs for Phase 1 only are not to exceed $337,000. All maintenance fees and Phase 2 implementation, conversion, training and consulting costs have been negotiated, but are outside the scope of this request and will be addressed at a later date. The total impact of this new system is anticipated to be $572,646.

Mr. Minton stated this is first tier software and is a very good program; however, it costs more money than we have budgeted. We currently have budgeted $657,000 for the entire system, so we broke the implementation up into two phases. HR/Payroll will be Phase 2 and all other applications will be under Phase 1. He stated the

software has been substantially discounted--list price was about $442,000. These companies have pretty much saturated the large markets and are looking to move to the smaller markets and are therefore willing to discount their software. He noted that Agresso agreed to defer maintenance expenses on the software for a two-year period for a savings of approximately $101,000.

Council Member Schmitt asked how long our current financial system will be supported. Mr. Minton stated that our current system is no longer supported. It will take approximately six months to implement the new system.

A brief discussion was held regarding the City's previous attempt to purchase a financial software system. Mr. Minton noted that the City successfully settled our claim against that company and recovered approximately $250,000.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.5
Resolution No. 3107, Augmenting 2007/2008 Parking District Fund

Time: 3:21:48 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3107, a resolution to augment the 2007/2008 budget in the Sparks Parking District Fund 1201 of the City of Sparks. The procedures for budget augmentations are outlined in NRS 354.598.005 and NAC 354.410. A variance in beginning fund balance of $3,540 is available for augmentation. This budget augmentation is requested to appropriate the variance in beginning fund balance toward utility costs without creating a statutory budget violation.

Budget Analyst Debi Hunt noted that this augmentation was for higher than anticipated utility costs. She noted that there was a beginning fund balance higher than anticipated, so the money is available, it just wasn't budgeted.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve Resolution No. 3107. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.6
Resolution No. 3108, Augmenting 2007/2008

Time: 3:23:12 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3108, a resolution to

Street Cut Fund

augment the 2007/2008 budget in the Street Cut Fund of the City of Sparks. The procedures for budget augmentations are outlined in NRS 354.598.005 and NAC 354.410. The $80,000 increase is available from street cut permit revenues. This increase in budget authority in the Street Cut Fund will cover incidental costs associated with the increased number of permits issued without causing a statutory budget violation.

Budget Analyst Debi Hunt noted that this augmentation is because there was more street cut activity than expected. She said the revenues are higher, but the costs to repair the streets after the cuts will be incurred and they are not budgeted. This will budget those increased revenues and expenditures.

Council Member Mayer stated that he felt we were not charging enough for street cut permits and asked that we reexamine our street cut ordinance to encourage planning and coordination of projects and fewer street cuts. Capital Projects Manager Chris Cobb noted that staff is currently updating our street cut ordinance which will be based on the Pavement Condition Index. This will dictate what additional fees will be charged to ensure proper repair of the streets when street cuts have to be made.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Resolution No. 3108. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.7

Time: 3:27:25 p.m.

Resolution No. 3109, Approving the Amended and Restated Western Regional Water Commission Joint Powers Agreement

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Resolution No. 3109, a resolution approving the amended and restated Western Regional Water Commission Joint Powers Agreement among the City of Reno, City of Sparks, South Truckee Meadows General Improvement District, Sun Valley General Improvement District, Truckee Meadows Water Authority, and Washoe County. In January, 2008, all the Western Regional Water Commission (WRWC) member agencies' governing boards and the Nevada Attorney General acted to approve a Joint Powers Agreement (JPA) providing for the member agencies to implement the WRWC Act, now codified as Chapter 531, Statutes of Nevada 2007. In February and March of 2008, the Legislative Council Bureau's attorneys reviewed the JPA and raised a number of issues about differences between the language in the statute and language in the JPA. The WRWC has acted to amend the JPA to address these issues and is recommending the adoption of the attached amended agreement.

Pursuant to the initial JPA and state law, the proposed amended and restated agreement must be approved by the governing boards of each of the members and by the Nevada Attorney General.

Mr. Seidel noted that the water purveyor attorneys have been working with the Legislative Council Bureau attorney and they have come up with seven minor amendments to the agreement. He then reviewed the amendments as outlined in the staff report.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Resolution No. 3109, approving the amended and restated Western Regional Water Commission Joint Powers Agreement. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

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

7.1
Adoption of Bill No. 2671, Requiring Certain City Positions to Submit to a Fingerprint-based Background Check

Time: 3:30:19 p.m.

An agenda item from Senior Assistant City Attorney Tom Riley recommending the City Council conduct a public hearing and approve Bill No. 2671, an ordinance requiring that certain elected officials of the City, applicants for specific positions with the City and applicants for specific City occupational licenses submit to a fingerprint-based background check by the State of Nevada and the Federal Bureau of Investigation as a condition of application or employment; and providing other matters properly relating thereto.

Mr. Riley stated the ordinance pertaining to background checks for certain occupational licenses, such as liquor licenses and gaming licenses, are required to be put in a specific ordinance form approved by the FBI (Federal Bureau of Investigation) in order for the City to do those background checks. It is also required for various occupations dealing with minors and home care. The other part of the ordinance deals with procurement of FBI background checks on City employees, including primarily police and fire, but also those employees that will work with minors.

He noted that the FBI requires that we adopt this ordinance no later than August 31, 2008, or the City will lose the ability to procure FBI fingerprint-based background checks.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Bill No. 2671 (Ordinance No. 2401). Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1
PCN08025, a Tentative Map Request to Allow a 183 Unit, Single Family Subdivision on 44.69 acres within the Pioneer Meadows Subdivision

Time: 3:33:43 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and approve PCN08025, a Tentative Map request from BPH I, LCC, DBJ Holdings, LLC, and BB Investment Holdings, LLC to allow for a 183 unit single family subdivision on a site approximately 44.69 acres in size in the NUD (New Urban District) zoning district generally located northwest of the intersection of Rolling Meadows Drive and Wingfield Hills Road within the Pioneer Meadows Planned Development.

Ms. Pellett displayed a map of the proposed subdivision, stating this site is known as Village 6 within Pioneer Meadows. It will be developed similar to the way the other single-family residential villages have been built. She noted that the applicant has moved the park site from Village 5 into Village 6, at the request of staff. It will be a 2.54 acre site. Staff requested this relocation because the Parks and Recreation Director does not like public school and public parks to be adjacent to each other for maintenance purposes. The applicant has proposed a 55 foot right-of-way with sidewalk on both sides of the streets. The average lot size is approximately 7,000 square feet. The Planning Commission has forwarded a recommendation of approval.

Council asked about the proposed school site. Ms. Pellett noted that the applicant (Lennar) has been working with the school district to make that school site work for them. She noted that the school district has stated they anticipate purchasing this site for a school. She said she explained to the school district that the handbook has a time limitation in which they have to purchase the property (2011) and was assured that the school district plans to purchase the property within that time limit.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed tentative map.

Mr. Andrew Durling with Wood Rodgers, representing Lennar Communities, stated they have been working with the school district and that he would be happy to answer any questions.

Mr. Gary Schmidt stated he opposed any increase in intensity or density to property without proper consideration of impact fees and new growth paying for infrastructure.

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

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the Tentative Map associated with PCN08025, adopting findings T1 through T12 and the facts supporting these findings as set forth in the staff report, subject to Conditions of Approval 1 through 19, as listed in the staff report. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

8.2
Adoption of Bill No. 2670, Annexation of 610.0 Acres

Time: 3:43:06 p.m.

An agenda item from Current Planning Manager Karen Melby recommending the City Council conduct a public hearing and approve Bill No. 2670, a general ordinance providing for the Annexation of certain lands to the City of Sparks; lands more specifically described as Assessor Parcel Numbers 089-151-18, 089-151-19, 089-151-20, 089-151-22, 089-151-23, 089-151-24, 089-151-25, 089-151-26, 089-151-27, 089-151-28, 089-151-29, 089-151-32, 089-151-33, 083-440-17, 089-460-34, 083-440-80, 089-151-30, 089-151-31, 089-460-27, 089-151-21, 089-460-38, 089-460-35 and 083-440-31, an area approximately 610.0 acres in size generally located northwest of the Kiley North Planned Development; providing for the addition to Table V of the Sparks Municipal Code "Annexations;" and providing other matters properly related thereto.

Ms. Melby noted that seven property owners are requesting to annex 610.0 total acres, contiguous to the City boundary. The property is also located in the Sparks Sphere of Influence and the Truckee Meadows Service Area boundaries. The Washoe County designation for the property is General Rural and upon annexation, it will be zoned A40. Any development on this property will require further review by the Planning Commission and the City Council. On May 8, 2008, the Planning Commission reviewed this annexation request and recommended approval.

Mayor Martini asked if this was part of the West Pyramid Plan that the Council just reviewed. Ms. Melby stated yes, it is a portion of that plan.

Council Member Smith asked if all the property owners were consenting to the annexation. Ms. Melby stated they have all signed annexation petitions.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed annexation. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Bill No. 2670 (Ordinance No. 2400), the Annexation associated with PCN08022, annexing approximately 610 acres into the City of Sparks, adopting findings A1 through A4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6. General Business (Continued):

6.8
Possible Motion to Adjourn to Closed Door Session

Time: 3:46:26 p.m.

Possible motion to adjourn to a Closed Door Session to review information from the City's Retained Attorney regarding potential litigation and negotiations involving real property owned by Victorian Partners LLC, located at 1212 Victorian Avenue, and to deliberate toward a decision thereon, a matter which the Sparks City Council has supervision, control or advisory power over, pursuant to NRS 241.015(B)(2).

Council Member Mayer stated if anything had changed since the last closed door session regarding this matter. City Attorney Chet Adams stated that there was nothing new to add to the information the Council had already received regarding this issue.

The Council declined to adjourn to a closed session and voted on this issue under Item 6.9.

6.9
Resolution No. 3110, Authorizing Condemnation of 1212 Victorian Avenue

Time: 3:46:35 p.m.

An agenda item from Real Property Agent Dave Vill recommending the City Council approve Resolution of Necessity for Condemnation No. 3110, a resolution approving acquirement by condemnation all the right, title and interest in and to that certain real property owned by Victorian Partners, LLC, located at 1212 Victorian Avenue, Sparks, NV 89431, also described as Lots 3 and 4, Block 5, as shown on the map of Robison's Addition, East Reno, filed in the office of the County Recorder of Washoe County, Nevada, on November 17, 1903.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Resolution of Necessity for Condemnation No. 3110. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

9. Comments:

9.1
From the Council and City Manager

Time: 3:48:07 p.m.

Council Member Mayer commented that while we could not change the ordinances regarding political signs at this time, they are a nuisance and he requested that staff look into an ordinance that would ban political signs within the limits of City of Sparks in the future. He also commented that campaign sign trailers that are towed around and placed on vacant lots do not seem to be properly registered. He asked that staff look into whether they are required to be registered through the Department of Motor Vehicles.

Council Member Mayer also commented that Farmer's Market appears to be going better this year than in the past and he asked staff to report at the next workshop on how the new curfew is working.

10.
Adjournment

Time: 3:52:37 p.m.

There being no further business, the meeting was adjourned to a closed door session at 3:52 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
July 14, 2008 3:00 p.m.

1. Time: 3:01:41 p.m.

Call to Order

The special 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. Time: 3:01:48 p.m.

Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, Acting City Attorney Shirle Eiting, PRESENT. City Attorney Chet Adams, ABSENT.

Staff Present: John Dotson, Marc De La Torre, Andy Flock, Bill Finley, Adam Mayberry, Steve Driscoll, Tim Thompson, John Martini, Stan Sherer, David Vill, Joann Meacham, Gary Dunn, Wayne Seidel, Chris Cobb, Victor Villarreal, Jim Rundle, Neil Krutz, and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:02:01 p.m.

The invocation was given by Pastor Barb West from Sparks First Church of Nazarene and the Pledge of Allegiance was led by Council Member Ron Schmitt.

Comments from the Public

Time: 3:04:07 p.m.

Mr. Gary Schmidt disclosed that he was a candidate for Washoe County Commissioner for District Four and spoke regarding what he felt was the duty of every elected official - to listen to the people. He then disclosed his home phone number - 622-4670. He also complained about trailers being used to display campaign signs not being properly registered with the Department of Motor Vehicles.

Mr. Tom Knoblett said he felt that Sparks was the best place to live in Nevada.

Approval of the Agenda

Time: 3:13:49 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 request was made to hear items 8.1 and 8.2 before items 6.2 and 6.6.

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

3. Approval of the Minutes

Time: 3:15:19 p.m.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the minutes of the Special Meeting of June 16, 2008, the Regular Meeting of June 23, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Presentation on The Legends at Spark Marina Artwork, Hardscape, and Common Areas

Time: 3:15:48 p.m.

Mr. Steve Graham of RED Development said an exciting part of their project is creating the theme of Legends center. Mr. Graham introduced the consultants that lead the designs for their centers and asked the consultants to give a presentation on their plans for the Sparks Legends project. The consultants emphasized that in designing the theme for a project, they make it reflect the community in which it is built, using unique elements of the area.

4.2 Presentation Acknowledging Sparks Senior Center Artists

Time: 3:45:25 p.m.

Administrative Analyst Kathy Clewett provided an overview of the project, stating staff provided architectural drawings of the proposed lighthouse at the Sparks Marina and photographs of the Sparks Marina area to senior citizens at the Senior Center and the seniors came up with lovely pieces of artwork. These works of art were presented to our State representatives in Washington D.C. She noted that one of the pieces of art was sent to our sister city, Longford, Ireland. Recognized. The Council recognized the Sparks Senior Center artists who created commissioned works of art: Janet Bradfield, Al Ferrand, Joan Bedell, Ann Thompson, Lois Pierson, Jo Myers, and Mary Zuver.

4.3 Presentation - Preliminary Legislative Recommendations of the FIRST Task Force

Time: 3:48:30 p.m.

Mr. Michael Sprinkle, Chair of the FIRST (Fairness in Reno Sparks Taxes) Blue Ribbon Task Force, and Mr. Glen Dawson, Vice Chair, presented the council with three preliminary recommendations from the task force with regard to the distribution of taxes. The Council thanked members of the task force for their time and effort on behalf of the two cities.

Council Member Carrigan asked for confirmation that the task force has come to the conclusion that there is a fiscal inequity. Mr. Sprinkle stated that yes, after examining the numbers, they did determine that there was an inequity.

5. Consent Items: Time: 3:57:47 p.m.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Items 5.1 through 5.4. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering June 5, 2008, through June 25, 2008.

5.2 Cabaret License for Holiday Inn & Suites, 55 E. Nugget Avenue

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Krishnakant S. Sangani, for a Cabaret License for TNG Sparks, LLC, doing business as Holiday Inn & Suites, located at 55 E. Nugget Avenue. Mr. Krishnakant S. Sangani is the principal of Holiday Inn Hotels. The license will provide a $1,300.00 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.

5.3 Dining Room Wine & Beer License for Spicy Pickle Los Altos, 222 Los Altos Parkway

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Kevin Ross Steelman, for a Dining Room Wine and Beer License for SOB2, LLC, doing business as Spicy Pickle Los Altos, located at 222 Los Altos Parkway, Suite 100 & 102. Mr. Steelman has been the owner of Spicy Pickle in Reno since January 2007. The license will provide a $500.00 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 Approval of the 08/09 St. Paul's Church Building Use Agreement for Small Wonders Learning Center Site

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve the 2008/2009 St. Paul's Church Building Use Agreement for the continuation of a Small Wonders Learning Center site, effective August 1, 2008 through July 31, 2009. The Parks and Recreation Department would like to continue providing child care services to youth 3 to 6 years of age at the St. Paul's Episcopal Church building. This agreement allows the City to program 2,300 square feet of the building adjacent to the Sparks Library, the Larry D. Johnson Community Center and Ardmore Park. The agreement is for a cost of $1.05 per square foot for a total monthly cost of $2,415.00. This is an increase of $0.12 cents per square foot from the last agreement.

6. General Business:

6.1
Request for Variance for Development within the Regulatory Flood Way - Sims Metal Management

*Time: 4:50:20 p.m. (*This item was heard out of order.)

An agenda item from Deputy Director for Community Development John Martini recommending the City Council approve a request from Sims Metal Management for a variance to Sparks Municipal Code, Title 15 (Sections 15.11.0310 through 15.11.0350, Floodways) for development within the regulatory flood way. The variance is being requested to allow for construction of a truck scale and outdoor processing at two adjacent sites located at 1655 Franklin Way and 1690 Deming Way. The properties are located adjacent to and within the FEMA regulatory floodway and, as such, any development activity requires variance to SMC, Title 15.

Mr. Martini stated the applicant is proposing to process scrap metals on this site. (Scrap metal mainly from Northern Nevada--from the mining companies as they take apart their equipment). They will provide minimum processing on site and then ship the metals to other facilities (in California) for further processing.

He noted that the entire site is located entirely within the regulatory floodway and therefore requires a variance. He emphasized that the applicant is not building any structures and will not do any significant grading. The only addition will be a truck scale to weigh the trucks.

Mr. Martini noted that in order to approve the variance request, the Council must address three fundamental issues, 11 standards, and four findings of fact which are detailed in the staff report. The emergency evacuation plan proposed by the applicant has been reviewed and found to be acceptable.

Council Member Salerno asked if the business was required to provide any special type of fencing. Mr. Martini noted that staff has already processed a special use permit for the site and the variance is a requirement of that permit. The special break-a-way fencing required for the flood zone will also provide screening.

Council Member Mayer asked if this was the same business that also operates on Hymer. Mr. Martini responded that it was not. He explained that Sims Metal Management is very selective in the metal they receive. Anyone can bring metal to this site; however, they want to be located in Sparks because of it's proximity to mining in Northern Nevada. They receive large mining equipment that they disassemble and ship to facilities in California. A discussion ensued regarding the types of metals they receive.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the request for a variance from Sims Metal Management for development within the regulatory flood way. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Update Regarding the Franchise Agreement for the Collection and Hauling of Solid Waste

Time: 4:56:34 p.m.

An agenda item from Purchasing Manager Dan Marran recommending the City Council receive an update regarding the negotiation process, review potential options, and provide possible direction to staff regarding the franchise agreement for the collection and hauling of solid waste.

Mayor Martini noted that he had numerous requests to speak regarding items 6.2 and 6.6. Because the two items were related, he asked that everyone speak under 6.2. Mayor Martini explained that first Mr. Marran would present the item to the City Council and respond to questions from Council. He would then open the floor for public comment.

Mr. Marran stated that City staff has been working on this agreement for approximately two years. He reviewed the history of the negotiations for this franchise agreement and stated that the goal of the negotiations with Waste Management has been to obtain an agreement that goes the farthest to protect the rates paid by the citizens of Sparks. To that end, staff is presenting two options, one of which mirrors the scope of the franchise in place with the City of Reno.

Mr. Marran explained that the collection and hauling of solid waste is one of the many services that cities franchise in order to protect the public health of its citizens. Franchising these services also offers the benefit of on-going rate predictability. Once the franchise rates are set, the year-to-year rates are specifically tied to the consumer price index for the trash hauling business.

Mr. Marran cautioned that this was an information item only and that the Council could not take action on this franchise at this meeting because they must adopt a franchise ordinance before they can adopt a franchise agreement. He noted that the first reading of a franchise ordinance would be held under item 6.6, with the second reading and possible adoption of that ordinance scheduled for July 28. He emphasized that the franchise bill has been drafted in such a manner as to make it a generic change that will be applicable regardless of which franchise option is chosen.

Mr. Marran then reviewed the franchise terms which apply to agreement options as follows:

- Term of agreement is 10 years, with two five-year mutually agreeable extension options
- Contains customer service benchmarks for reporting to the City on an annual basis
- Preserves the one cubic yard allowance (the extra trash outside the trash can)
- Adds the option of a 64 gallon tote at a reduced rate for those who generate less trash.
    - The smaller tote does not allow extra trash at the curb
- Contains new fuel surcharge
- Contains new environmental surcharge
- Actual rate sheets are no longer built into an ordinance, but are an attachment to the franchise agreement
- Recycling program is addressed in the same manner; however, there is language noting the Waste Management is working toward a new recycling program and stating that changes in the recycling program would be allowed
- Allows for discussion during the life of the franchise for the purpose of improving the franchise for any reason, including new methodologies relating to efficiencies or environmental concerns that would be of benefit to the City

Mr. Marran stated the differences between the two franchise options deal with the scope of the franchise and the rates that are being charged. He outlined the differences as follows:

Option A

- A near exclusive franchise for the hauling and disposing of solid waste in the City of Sparks
- Nearly matches the scope of the previous franchise, which originally called for the entire waste stream to go to Waste Management
- The scope of the previous franchise and the one under consideration as Option A are unique in this region as they go beyond the scope of garbage only collection. They are mostly exclusive agreements, however, there are exceptions under option A where customers have the chance to use haulers, other than the franchisee and include:
    - Construction and demolition debris
    - Materials generated from yard services
    - Truly self-hauled refuse
    - Source separated recyclables
    - Commercial source separated materials
- Self-haul provision was altered to reflect the court decisions

because the decisions from the Supreme Court had everything to do with the self-haul language that was in the previous franchise

- Due to the exclusivity of this franchise option, it would require third party operators to cease those operations within the franchise area within 60 days of the agreement
- Rates under Option A are mostly unchanged: residential rates do not go up outside the annual CPI adjustment which is capped annually at 6%
    - 96 gallon residential service
        - $14.23/month
        - In line with Reno
        - Well below Washoe County
    - 64 gallon residential service
        - $11.46/month
        - This service does not exist in Reno at this time
        - Below the Washoe County rate
    - Lower rates available for those on the State's reduced tax roll
- Commercial rates are also generally unchanged
    - Negotiated rate increase for industrial class customers
        - Roll off service for larger containers and compactors
        - This rate increase was recently granted in the City of Reno because it cost more to provide the service than the rate being charged
        - Special provisions for rate increases until rates match up with costs

Option B

- Scope of franchise most similar to the City of Reno
    - Collection of garbage only (smelly food related stuff)
- Allows for open competition in the commercial and industrial markets for hauling materials other than garbage
    - 1600 commercial accounts in Sparks
    - 25% of those would not be permitted to shop their service under option B, because if a business generates garbage they would be under a Waste Management franchise agreement
- Waste Management maintains that the removal of the commercial and industrial trash guarantee results in higher rates for those left under the franchise, including residential, commercial, and industrial garbage
    - Residential rates will go up 38% or $5.41/month
        - Would bring the Sparks rate in line with the rates charged to Washoe County residents
    - Commercial rates will remain unchanged, other than

the new environmental charges
    - Industrial rate increases would take effect immediately
- All rate increases would be immediate upon approval of this option

Mr. Marran stated that these two options have been formally negotiated, keeping in mind the need to have a new agreement in place within the next two weeks. Many other options were considered and discussed, but because of the expiration of the current franchise, they are not practical to implement at this time. He emphasized that we will be without a contract at the end of July, unless a new franchise agreement is adopted and we have to make a decision on what is available now.

Council Member Salerno pointed out that the extension on the current franchise agreement expires on July 21 and the Council cannot approve the new agreement until July 28. Mr. Marran stated that we have assurances from franchisee that they know this is on the calendar for the 28th.

Council Member Carrigan asked if the City was operating more under Option A or Option B during the past year under the franchise extension. Mr. Marran said "definitely under Option A." Mr. Carrigan also asked what kind of protection was there for the consumer under an exclusive franchise if the franchise company does not provide the expected service. Mr. Marran stated it comes down to whether or not performance measures are built into that franchise. He clarified that both options provide for reporting on customer service standards, but there are no specific drop dead conditions. Acting City Attorney Shirle Eiting noted that under Section 11.01 - Default, it describes the rights the City would have to declare that the franchisee is under default. The franchisee would take appropriate steps to effect a cure and if this was not satisfactory, there could be termination. Mr. Carrigan said he wanted it noted for the record that there is a provision so that consumers can bring franchise back if needed.

Council Member Smith asked for clarification of the "environmental" options. Mr. Marran stated that the renegotiation clause for recycling is the franchisee's way of protecting as much of their waste stream as they can and provides for negotiation if things change or new technologies arise. Mr. Marran stated that Waste Management is aware of the discussions in the last 60 days with regard to recycling and how it applies to garbage and trash. There are many ideas on how those things should be processed, but from the perspective of Waste Management, they need to see if these ideas are feasible before they commit to a new program. Mr. Marran stated he felt that in seven or

eight years we have a very real possibility of being the leader in a regional franchise that looks at things beyond price. This possibility has the potential of making Waste Management more interested in trying test programs, so they will not be seen as the "800 pound gorilla" when the franchise comes up for review in ten years.

Council Member Smith asked how Waste Management justified the $5.41/month increase under Option B. Mr. Marran said it was his understanding that while picking up the garbage in Reno is the same as picking it up in Sparks, the service provider has to price each franchise individually. Sparks has a different ratio of residential to commercial business and if the guarantee of the commercial business is taken away then rates for residential have to go up. Mr. Marran said that issue is not whether they are making money on the residential portion of the garbage hauling, but that they won't provide the service at a loss and they won't enter into an agreement with us without the rates as stated. Mr. Smith stated he wanted to make it clear that if the rates go up on residential (under Option B), they are being raised by the company that has the exclusive franchise and it is not the City Council that is raising the rates.

Council Member Schmitt asked if the City had a disaster plan to handle garbage pick up on August 1, should negotiations fail and a franchise agreement is not signed. Mr. Marran stated that he did not know if the City had a disaster plan which would address that issue.

Council Member Schmitt also expressed concern regarding the lack of a tracking system for customer service complaints. He felt that part of the reason for the delay in agreeing to a new franchise agreement was the poor customer service the franchisee has delivered in the past. Mr. Marran said short of setting up a formal internal complaint system, it would be difficult to track complaints made to the City.

Council Member Schmitt asked what the differences were between Reno's franchise agreement and Option B, other than the rates. Mr. Marran responded, "nothing."

Mr. Schmitt also asked about the mandatory rental fee for the garbage containers. Mr. Marran responded that this was not addressed in the negotiations. He said the fee was isolated in previous discussions with Council, it was not a separately itemized fee on the bill to residents and therefore the issue of allowing residents to provide their own containers was not addressed. Mr. Marran stated that trash companies universally try to encourage mandatory service with the provided container. Mr. Schmitt asked if both Reno and Washoe County had a mandatory fee for use of containers. Mr. Marran stated that in

Washoe County they do not have to use the provided container, although this is something that Waste Management is interested in changing, particularly if they go to an expanded, community-wide recycling program.

Council Member Schmitt pointed out that if we choose Option B, there is a secondary loss to the tax payers--a loss of franchise fees for commercial garbage. He stated we also don't collect a franchise fee from other providers of commercial trash pickup. Mr. Marran stated we would try to recover those fees through the business license process, although this would take some time to implement.

Council Member Schmitt commented that it has become the norm for cities to have their own recycling center. He asked if the franchise agreement allowed the city to build our own recycling center. Mr. Marran responded he did not think the proposed franchise agreement would allow us to do this. He asked for time to review the agreement.

Council Member Mayer said he felt that there was a fiscal inequity between the cost of garbage removal in Reno versus the cost in Sparks. Mr. Marran said this is one of the reasons a regional franchise would be ideal.

Council Member Smith asked if the customers received a rebate on their bill for recycling. A representative from Waste Management stated that no, they did not.

Mayor Martini opened the public comment period. The following individuals spoke in opposition to the franchise agreement with Waste Management:

Mr. John Sagebiel (Left before public comment but was in favor of Option B.)
Mr. Bill Bielser
Mr. Tom Knoblett
Mr. David Wieland, Nevada Waste Group, LLC
Ms. Clara Andriola, Associated Builders & Contractors
Mr. Chris Lehne, Ben Franklin Crafts
Mr. Robert Vastano
Mr. Tim Crowley, Castaway Trash Hauling
Mr. Steven Duque, Castaway Trash Hauling
Mr. George Gitschel, Castaway Trash Hauling
Mr. Tom Donovan
Mr. John Cunningham (left the meeting before speaking)
Mr. Mark Meiser
Mr. Allen Simpson

Mr. Matt Rogers
Mr. Gary Schmidt
Mr. Patrick Wilke
Ms. Margaret Cavin (Option B)
Mr. Ron Green, General Manager for Reel Construction
Mr. Gary Tremayne
Mr. Bob Nemitz
Mr. Robert Eikelberger, Eikelberger Awning & Drapery

The following individuals spoke in support of the franchise:

Mr. Frank Cassas, Attorney for Waste Management
Mr. Greg Martinelli, Vice President, Waste Management of Nevada

The public hearing was then closed.

Council Member Schmitt asked why we had received no response from Waste Management regard the UNR Study that concluded that the rate increase only needed to be 6 to 7 percent. Mr. Martinelli responded that the study was based on the loss of 93 commercial customers, but in reality there was the potential of 1,200 customers which would not be mandated to use Waste Management. Mr. Schmitt said his point was that the rate increase for residential customers [under option B] was based on the premise that all 1,200 commercial customers that could use other providers would cease doing business with Waste Management. However, some of those 1,200 customers could chose to stay with Waste Management and there was no provision to adjust the rate increase to residential customers, based on the number of commercial customers that Waste Management was able to retain.

Council Member Carrigan said he believes in competition; however, the problem is that there is a lot of competition for commercial and industrial waste/garbage hauling, but there is no competition for residential. Mr. Marran confirmed that there is no company that can be ready to serve residential at this time. Mr. Carrigan asked where we would look for competitive bidders for the residential garbage. Mr. Marran reminded the Council that in February 2007, staff asked for direction regarding whether or not to bid and, based on known market conditions at that time, Council made the decision not to bid. He said staff met with Allied Waste and in 2007 they had no interest in bidding; however that has since changed.

Mr. Marran emphasized that competition for residential garbage may exist today, but the operational capacity would take time to set up--at least a week. It would involve exchanging some 26,000 garbage cans,

setting up billing, and other operational logistics. He said he is not saying a bid is not the best idea, however, he cautioned that we need to be ready to live with the consequences of that bid process.

Council Member Schmitt said there is some value to a franchise agreement, but in the trash business, he who owns the dump, rules. He said there has to be some fairness and he would like to see Option B come forward.

Council Member Mayer said he felt 10 years was a long time, because recycling technology is growing at a rapid rate. He said we really need to look at the recycling program and he felt a ten year franchise does not give Waste Management any incentive to improve their recycling program. Mr. Marran stated a ten-year agreement actually positions us very well for the future; particularly since Waste Management has been put on notice that we are looking for more than just price in the next phase. Mr. Marran emphasized that we will need to learn a lot more about the garbage and recycling industries before we can put a good proposal out on the street. He said that 10 years is not a long time for a franchise and he anticipates starting the bidding process in seven years because it is going to take that much time to get a consensus on the issues.

Council Member Mayer also expressed concern regarding the monthly fee for the garbage toter that customers are required to use. He said over the years he has paid for his toter five times over.

Council Member Mayer said he would like to see us go for an open bid process and look at recycling as part of that bid.

Council Member Smith said that as it stands right now, Option B is the one he is going to support. He requested that staff ask Waste Management for an extension, whether it was two months or two weeks, so we can work out some of these issues. He also asked that staff negotiate for dropping the monthly charge for the garbage toter once the cost of the toter has been paid for.

Council Member Carrigan stated he did feel that the City had a “gun pointed at our heads” because on one hand we have a monopoly under Option A and on the other hand the residents take a hit [in their wallets] under Option B. He said that he did not like what is being done to the citizens of Sparks and he did not like to have to make this decision. He said he felt the needs of the many (residential) outweighed the needs of the few (commercial) and he is leaning towards Option A, as much as he hates it.

Council Member Salerno asked for clarification on the two extension options and whether there had been discussion of a shorter term on the franchise agreement. Mr. Marran stated that the extensions are by mutual agreement, so both the City and Waste Management have to agree to each extension. He said that no, they had not discussed a shorter term because of Council's direction a year ago. Ten years seemed to be reasonable at that time, based on what we knew at that time. He said a ten-year franchise is relatively short and most are even longer. Mr. Salerno said he understood that the City of Sparks is going to look closer at recycling and the agreement in seven years. Mr. Marran stated that at seven years we would start looking at the needs of the citizens and through joint meetings determining what is important to the community. Hopefully, we will get consensus from the three entities on what direction we should go, but these things do take time. He said that as a purchasing manager he tries to leverage the buying power of the half a million consumers in the County by consolidating services where it makes fiscal sense to do so. It would have been nice to have been able to pull a regional franchise together, but there just wasn't enough time.

Council Member Salerno said the Council has two tough choices and he did not feel they were the best choices for anyone. As a business owner, he knew where the business side of the issue was coming from.

Mayor Martini said he would like to see this service opened up to competition, but not at the expense of the 27,000 residential customers.

Mr. Marran stated that there was no motion required by the Council at this time. Staff will prepare a report that will keep both items on the table as options and bring it back for a decision in two weeks.

At 6:53 p.m. Mayor Martini called for a five minute recess to allow those who wished to leave to clear the room. He called the meeting back to order at 6:59 p.m.

6.3
1st Reading of Bill No. 2581, Updating the Fire Codes

Time: 6:59:43 p.m.

City Clerk Linda Patterson read Bill No. 2581, an ordinance amending Chapter 14 of the Sparks Municipal Code and adopting the 2006 International Fire Code; 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 11, 2008.

6.4
1st Reading of Bill Nos. 2582 through 2584

Time: 7:00:25 p.m.

City Clerk Linda Patterson read the following Bills by title:

A. Bill No. 2582: An ordinance amending Section 20.34 (Setback Lines and Yard Requirements) of the Sparks Municipal Code, consolidating information and adding clarifying language where needed to produce a more thorough section of code entitled Building Additions, Attachments and Projections; and providing other matters properly related thereto; and

B. Bill No. 2583: An ordinance amending Section 20.37 (Height Limits) of the Sparks Municipal Code, consolidating information and adding clarifying language where needed to produce a more thorough section of code entitled Fences and Other Screening Devices; and providing other matters properly related thereto; and

C. Bill No. 2584: An ordinance amending Section 20.43 (Accessory Uses) of the Sparks Municipal Code, consolidating information and adding clarifying language where needed to produce a more thorough section of code entitled Accessory Structures; and providing other matters related thereto.

Mayor Martini announced that the public hearing and second reading of these bills would be conducted at the Regular City Council Meeting of July 28, 2008.

6.5
1st Reading of Bill No. 2585, PCN08037, Rezone of 126.84 acres within the Kiley Ranch North Planned Development

Time: 7:01:51 p.m.

City Clerk Linda Patterson read Bill No. 2585 by title, A general ordinance providing for the rezoning of certain lands owned by Lazy Five Company and Kiley Ranch Communities from A-5 (Agricultural) to NUD (New Urban District) on a site approximately 126.84 acres in size; generally located northwest of the intersection of Highland Ranch Parkway and Pyramid Way, Sparks, Nevada; 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 July 28, 2008.

6.6
1st Reading of Bill No. 2586, Amending Chapter 7 relating to Garbage and Refuse

Time: 7:02:22 p.m.

City Clerk Linda Patterson read Bill No. 2686 by title, An ordinance amending Chapter 7 of the Sparks Municipal Code pertaining to Garbage and Refuse Control and the collection of Solid Waste and other matters properly related thereto.

Control and the Collection of Solid Waste

Mayor Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of July 28, 2008.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1
Resolution No. 3111, PCN08028, Master Plan Amendment Request from Kiley Ranch, LLC

*Time: 3:58:40 p.m. (*This item was heard out of order.)

Clerk's Note: During the meeting, power to the recording unit was lost on several occasions due to sever thunderstorms. The council meeting was recessed after each power failure until the recording unit was operating again; however, small portions of the meeting were not recorded and may result in a loss of information for the minutes.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and approve a resolution associated with PCN08028: Resolution No. 3111, a resolution adopting a change in the Sparks Master Plan Open Space (OS) to Low Medium Residential (LMR) on approximately 30.88 acres; Open Space (OS) to Public Facility (PF) on approximately 182.53 acres; 4 DU/AC (Dwelling Units per Acre) to Mixed Use (MX) on approximately 43.84 acres; 5 DU/AC (Dwelling Units per Acre) to School (S) on approximately 4.28 acres; and 8 DU/AC (Dwelling Units per Acre) to High Residential (HR) on approximately 15.25 acres on a site approximately 276.78 acres in size generally located south of the Pioneer Meadows Planned Development, east of the Kiley Ranch North Planned Development, west of the Wingfield Springs Planned Development, and north of the intersection of Vista Boulevard and Vista Del Rancho Parkway, Sparks, Nevada.

Ms. Pellett displayed a map of the site and noted that the property is adjacent to the Kiley Ranch North Planned Development. She stated the applicant is requesting to change various Master Plan land use designations on approximately 276.78 acres and pointed out specific areas on the map. Ms. Pellett stated that the applicant is proposing to relocate the school site away from Kiley Ranch Parkway, with high density residential along Vista Boulevard.

Council Member Mayer requested more information regarding the proposed nature preserve. Mr. Andy Durling of Wood Rodgers, representing Kiley Ranch Communities, noted that the 182 acre public facility is being planned as a wildlife wetland reserve. At this point, he is not sure how this will be created and/or operated, but the applicant is setting the groundwork for an interpretative center and trails, etc.

Council asked when the application expected to complete the Planned Development Handbook and whether the handbook would come before the City Council for approval. They also asked what type of construction was currently being conducted at this time. Ms. Pellett stated that the tentative handbook would come before the council for approval when the applicant has more definitive plans for a specific phase, they will come forward with a final handbook. Mr. Durling stated that currently they are making improvements to the Pyramid Highway and some of the internal roads for the project.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed annexation. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Resolution No. 3111, the resolution associated with PCN08024, certifying the Planning Commission's adoption of Master Plan Resolution No. 179, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.2
Resolution No. 3112, PCN08006, Certification of the City of Sparks Master Plan for the West Pyramid Area

*Time: 4:17:33 p.m. (*This item was heard out of order.)
An agenda item from Senior Planner Jim Rundle recommending the City Council conduct a public hearing and approve a resolution associated with PCN08006: Resolution No. 3112, a resolution adopting a change in the Sparks Master Plan for the West Pyramid Area within the City of Sparks Sphere of Influence (a portion of which is within the Cooperative Planning Area) including the potential designation of the land uses Open Space, General Commercial, Business Park, Public Facility, Mixed Use, 1 dwelling unit per acre, 2 dwelling units per acre, 3 dwelling units per acre, 4 dwelling units per acre, 6 dwelling units per acre, 10 dwelling units per acre, 12 dwelling units per acre, and 18 dwelling units per acre along with goals and policies for an area generally located west of the Pyramid Lake Highway, east of Sun Valley, south of Eagle Canyon Drive, and north of Wedekind Road.

Mr. Rundle noted that this resolution is a proposal by the City of Sparks to master plan the west Pyramid area. He introduced Chelsea Morris, representing the City's consultant JDA and stated there were a number of meetings leading up to this plan, as well as a number of neighborhood meetings. He said they also worked closely with Washoe County staff on this plan.

Mr. Rundle emphasized that this is not an annexation proposal or a development proposal, but will govern development in the event it occurs on this land. In that case, the Council would have to review an annexation request, a zoning amendment request, and a development handbook before development could occur. He emphasized that if a development request was made, the applicant would have to address concerns regarding water rights, sewers, roadways, traffic, etc. At this time we don't know exactly where roads will be built.

Mr. Rundle then discussed how some of the concerns expressed at the neighborhood meetings have been address, as follows:

- A buffer between any new development and the existing County development of 3 dwelling units per acre.
    - The plan proposes an equivalent City density adjacent to the County development with a 200 foot "regional trail" buffer between the two developments
- The trail system also will run through drainage areas
- The plan includes a business park designation which would be a good use for the former gravel pit and ultimate provide for a jobs/housing balance

Council Member Schmitt expressed concern that including low density land use designations in this plan would increase the fiscal equities between Sparks and the County. He asked when was the last time the City approved a density of one unit per acre. Mr. Rundle stated that he believed the Council approved this type of density in the Upper Highlands at Cimarron East approximately five or six years ago.

Council Member Schmitt stated there is a report that says if a development is less than six units per acre, it costs the residents of the community - it is not a tax generator and it does not pay for itself. Therefore, policies that provide for less density do not generate revenue to provide services. Mr. Rundle said he did not believe we had a policy for providing low density, but we do have land use depictions on other maps that reflect 1, 2, and 3 dwelling units per acre. At the neighborhood meetings, the property owners in those vicinities asked for the lowest density possible. He said the areas that are designated 1 dwelling unit per acre may never come into the City, but they are within our sphere of influence and we do have to master plan them at an appropriate density, taking into account what the citizens ask for at the meetings and also considering topography, drainage, and the likelihood of the property being developed at a higher density.

Council Member Mayer expressed concern the fragile nature of this area because of possible hidden mine shafts and erosion of the soil due to development. Mr. Rundle said there are goals and policies in the plan concerning drainage and landscaping which would address these concerns. Mr. Rundle emphasized that approval of this plan does not entitle anyone to do any type of development on this land. This is simply a first step and sets in place the parameters that the Council believes are appropriate for consideration of development.

Council Member Salerno noted that there were letters of opposition, but the letters did not contain information on what they were opposing. He asked Mr. Rundle what the concerns were. Mr. Rundle said a lot of concerns were regarding traffic on the Pyramid Highway.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed plan.

Mrs. Bea Vanderberg spoke in opposition to the plan, stating that the changes in land use made by this plan do not follow the regional plan and would destroy the rural lifestyle they now enjoy.

Mr. Tom Knoblett said the Sun Valley area is very congested.

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

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to adopt Resolution No. 3112, certifying the Planning Commission's approval of a Master Plan, associated with PCN08006, to the City Council master planning the West Pyramid Area, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 From the Council and City Manager

Time: 4:18:59 p.m.

Council Member Mayer congratulated former Sparks City Council Member Jim Shaw on his appointment by Governor Jim Gibbons to the Nevada State Ethics Commission.

Council Member Schmitt asked staff to provide a report on the Wake Board competition that took place this past weekend at the Sparks Marina.

City Manager Carey announced a vacancy on the Community Services Agency Board of Directors for a two year term. Applications would be accepted through July 25, 2008.

10. Adjournment	Time: 7:05:00 p.m. There being no further business, the meeting was adjourned at 7:05 p.m.

_____
Mayor

_____
City Clerk

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SPECIAL MEETING OF THE SPARKS CITY COUNCIL
July 21, 2008 3:00 p.m.

1. Call to Order

Time: 3:00:02 p.m.

The special 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: 3:00:09 p.m.

Mayor Geno Martini, Acting City Clerk Helen Elliott, Council Members Phillip Salerno, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, ABSENT.

Staff Present: John Dotson, Marc DeLa Torre, Victor Villarreal, Tom Minton, Adam Mayberry, Shawn Gooch, Andy Flock, Gary Dunn, Rhonda Knox, Wayne Seidel, Jeff Cronk, Joann Meacham, Steve Driscoll, and David Fitzpatrick.

Pledge of Allegiance

Time: 3:00:30 p.m.

The Pledge of Allegiance was led by City Attorney Chet Adams.

Comments from the Public

Time: 3:00:55 p.m.

Mr. Earl Ammerman, 1234 Saint Albert's Drive, Reno, suggested using recycling as a way to raise funds for City programs.

Approval of the Agenda

Time: 3:04:28 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 Salerno, to approve the agenda as posted. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

3. Approval of the Minutes

Time: 3:04:59 p.m.

None.

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

4.1 Proclamation - National Hug Your

Time: 3:04:59 p.m.

Mayor Martini read a proclamation naming July 21, 2008 as National Hug Your Kids Day in an effort to encourage all working parents to

Kids Day

put family first. The proclamation was accepted by Michelle Nichols.

5. Consent Items:

Time: 3:10:53 p.m.

A motion was made by Council Member Schmitt, seconded by Council Member Salerno, to approve Consent Items 5.1 through 5.4. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

5.1
Cabaret License for Sparky's Sports Bar & Grill, 1450 E. Prater Way, #117

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Matthew Wayne Flandermeyer, for a Cabaret License for Golden Gaming, Inc., doing business at Sparky's Prater 1, LLC, doing business as Sparky's Sports Bar and Grill, located at 1450 E. Prater Way #117. Mr. Flandermeyer is the CEO of Golden Gaming, a slot route vendor with several active gaming licenses in Reno and Sparks. The license will provide a $1,300.00 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.

5.2
Gaming License for Dotty's #41, 5342 Sparks Blvd., #102

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Pamela Aylward, for a Gaming License for Nevada Restaurant Services, Inc., doing business as Dotty's #41, located at 5342 Sparks Boulevard #102. Ms. Aylward is the General Manager of Dotty's Casinos, with locations throughout Northern Nevada. The license will provide a $1,800.00 annual fee for fifteen multi-denominational, upright slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3
On Premises Alcoholic Beverage License for Dotty's #41, 5342 Sparks Blvd., #102

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Pamela Aylward, for an On Premises Alcoholic Beverage License for Nevada Restaurant Services, Inc., doing business as Dotty's #41, located at 5342 Sparks Boulevard #102. Ms. Aylward is the General Manager of Dotty's Casinos, with locations throughout Northern Nevada. 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.

5.4
Bid Award of the 2008/2009 Permanent Patch Program

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council Award of the 2008/2009 Permanent Patch Program Bid (No. 08/09-001) to Q&D Construction in the amount of $298,875.00. This is a yearly contract that involves the permanent patching of City-owned streets that have been cut by permit holders. The program is self-funded and all costs associated with it are paid for by the permit holders.

6. General Business:

6.1
Appointments and/or Reappointments to Boards and Commissions

Time: 3:11:27 p.m.

An agenda item from City Manager Shaun Carey recommending the City Council confirm the Mayor's appointments and/or reappointments to the following boards and commissions:

Civil Service Commission
Reappoint Penny Harrison and Michael Rainey

Regional Planning Commission
Reappoint Kendall Mattina

Advisory Committee for the Disabled
Reappoint Carole Faeth, Ray Faeth, and Jackie Stinehart
Appoint Maryann Wittbecker

Park and Recreation Commission
Reappoint Jennifer Crowe, David Sexton, and Dennis Vohland

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to confirm the Mayor's appointments and/or reappointments as outlined. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

6.2
Approval of the FFY08 Emergency Management Performance Grant Funds

Time: 3:12:15 p.m.

An agenda item from Emergency Management Administrator Gary Dunn recommending the City Council approve and accept the Federal Fiscal Year 2008 (FFY08) Emergency Management Performance Grant (EMPG) funds in the amount of $75,434.12 for continuance of the City's on-going emergency management efforts. This grant requires 50% matching funds in the amount of $74,434.12 from salaries and expenditures already budgeted.

Mr. Dunn stated that for the past three years this grant was 100%; however, this year the grant match went up from $48,241 to $75,434.12.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to accept the Federal Fiscal Year 2008 Emergency Management Performance Grant, as outlined. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

6.3
Possible Direction to Staff Regarding Outdoor Sales and Display

Time: 3:13:44 p.m.

An agenda item from City Planner Margaret Powell recommending the City Council provide direction to staff to modify a portion of the Sparks Municipal Code, 20.53, Outdoor Sales and Display, to include the requirement for a temporary use permit. The city has specific criteria and requirements for the conduct of outdoor sales and Christmas tree lots. For several years staff has used the temporary use permit process to review for compliance with the criteria. This amendment places into code the additional requirement of a temporary use permit for these activities.

Code Enforcement Officer Rhonda Knox stated that staff is asking for direction to modify Section 20.53 of the Sparks Municipal Code to include the requirement for a temporary use permit. She said staff has required a temporary use permit for outdoor sales for a number of years. Staff believes that the temporary use permit process is the most efficient way to monitor these types of uses. Staff is requesting direction to proceed with an amendment to include the permit requirement. This would not only serve to clarify, but would also make the code more accurately reflect current practice.

Mayor Martini stated we are requiring temporary use permits, but it [the requirement] isn't in the code. Ms. Knox confirmed Mayor Martini's statement.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to direct staff to proceed with development of a code amendment. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

6.4
Resolution No. 3113, Waiver and Consent to Issue Series 2008 Tax Increment Bonds by the Redevelopment Agency

Time: 3:15:43 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3113, a resolution authorizing the execution of the waiver and consent to in connection with the issuance of the "Redevelopment Agency of the City of Sparks, Nevada, Tax Increment Bonds (Redevelopment Area No. 2) Series 2008" by the Redevelopment Agency of the City of Sparks, Nevada.

Mr. Minton introduced Kendra Follett of Swenseid and Stern, the City's Bond Counsel, and stated that this resolution is to waive portions of section 604 of the DDFA to eliminate some of the specific provisions that we had negotiated with RED. For instance, it had called for two separate issues of TIF Bonds and denominations of 100 thousand. The issue being brought before the Redevelopment Agency today will yield $9.25 million, net; par amount $12.7 million. Staff is

asking that those specific provisions be waived by the City to allow us to do the issue at one time. Ms. Follett noted that RED has already waived the terms.

Council Member Carrigan asked what would happen if the Council did not agree to waive the provisions. Mr. Minton stated staff would have to rework the proposed bond issue. Mr. Carrigan stated that this was just a technicality to get the entire tax increment that was already approved by the City Council and the Redevelopment Agency. Mr. Minton confirmed Mr. Carrigan's statement.

Mayor Martini asked if it was less expensive to issue all the bonds at one time. Mr. Minton stated it does lower the issuance cost, but there is a little bit more capital interest. He said this issue went better than expected, due to all the construction at the site. It received a triple B rating from Standard and Poors. Overall he said administratively, it is much easier to do just one issuance of bonds instead of two.

Council Member Carrigan commented that it is clear where he stands on the tax increment part of the RED Financing; however, this is just a technicality that needs to be done in order to do one issuance of bonds instead of two. He said the rest of the Council/Agency has already voted for these bonds and because two other members are absent today he will support the resolution, so the bond issuance is not held up.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Resolution No. 3113. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

6.5
Professional Services Agreement with HDR Engineering for Phase 2 of the North Truckee Drain Realignment Project

Time: 3:19:12 p.m.

An agenda item from Civil Engineer Shawn Gooch recommending the City Council approve a professional services agreement with HDR Engineering, Inc., in the amount of $4,554,900.00 for professional engineering services for Phase 2 of the North Truckee Drain Realignment Project, design and permitting (RFP 03/04-052).

Mr. Gooch, Flood Control Manager for the City of Sparks stated that the realignment of the North Truckee Drain is a key element of the community's flood project that is being worked on jointly with Reno, Washoe County and Corps of Engineers. This is a very important project for our community and staff has been working toward this project to provide flood protection for our community, in advance of the larger, federally funded, regional flood project. This realignment is something that the City can do now, with money we have recently

identified through our sewer user fees. The time frame for design and bid of this project is estimated to be about 18 months.

Public Works Director Wayne Seidel stated the construction estimate for this project is about $60 to $100 million. He said this is a very complicated project, with permits and rights-of-way being needed from NDOT (Nevada Department of Transportation), as well as the UP (Union Pacific) Rail Road tracks and other utility corridors that run along I-80. There are three fiber lines and a high pressure gas line, so there are a lot of utility relocations and a lot of right-of-way acquisition to be done.

Council Member Carrigan asked for confirmation that this $4 million was just for consulting, design, and permit acquisition, and the actual construction costs are estimated to be $60 to $100 million; an estimate which is higher than the original estimate of $60 to $80 million. He asked if the new sewer fee rates would cover the higher cost estimates. Utility Manager Joann Meacham responded that the financing plan calls for issuing bonds in phases, up to $100 million, over a period of about nine years, so there are sufficient funds available, should the project cost as much as $100 million. She said she felt confident we would be able to get underway with construction in 2010.

Council Member Carrigan expressed concern that we would get the project half finished and then run out of funds. Ms. Meacham assured the Council that we have a plan for $100 million worth of project.

Mr. Seidel stated that we would also need to do an agreement with the Corps for the project. Mr. Seidel stated that as the engineering lead on this project staff believes we will get Sparks prices and bring the project in under $100 million.

Council Member Schmitt asked if the $4 million plus, will be applied toward our portion of the match required to receive federal funding. Mr. Seidel stated that from staff's perspective it will be counted as part of our federal match. Mr. Schmitt asked if we had this in writing. Mr. Seidel stated this project has been identified as an early action item with the Corps and there is a Section 104 permit that identifies it as one of their approved projects.

Mr. Schmitt asked if the cost of the design is part of the match. Mr. Gooch explained that an actual agreement with the Corps of Engineers doesn't exit right now, but the Section 104 permit has been applied for and when our application is approved, that authorization tells us that the Corps will consider this as part of the local cost share.
Council Member Schmitt expressed concern that we did not have a

guarantee that this project qualified for our local match and said he felt that was a problem.

Ms. Meacham emphasized that because the North Truckee Drain is a City of Sparks storm water conveyance system and it drains the entire watershed of the City of Sparks and Spanish Springs, this realignment is a project that Sparks needs to do anyway, with or without the Corps, with or without the flood project. Ms. Meacham stated that while we do not have a "guarantee", the Corps of Engineers has a written set of criteria for crediting projects and we know we meet that criteria. She then asked J.L. Dean, our consultant, to explain about the Corps agreements and how that process works.

Council Member Schmitt said his concern was that if, for some reason, the $100 million we have already approved doesn't get qualified [by the Corps as our matching funds], where are we going to get additional money for the matching federal funds. Ms. Meacham said if we do not have approval of our Section 104 application with the Corps, we will not break ground. She said there are several points at which staff will stop and reanalyze the project to make sure we do not jeopardize that federal match.

Mr. J.L. Dean stated the City of Sparks has acted very prudently in setting aside $100 million for this project, which covers more than what this project is anticipated to cost to actually build. Under normal circumstances, he would also want a guarantee in writing, before starting a project; however, the Corps represents the federal government and they never give absolute approval for anything until after the final shovel is turned. Even if the local entities sign an agreement with the Corps that says certain elements are included as part of the project, the agreement is always open to interpretation and change. The final accounting of the project takes place after the project is completed. When we get an approval letter on the 104, it is really more of an acknowledgement and not a final guarantee that this project will be included in the local match for our contribution to the flood project. During the final accounting period, there may be small portions that may not be included, but Mr. Dean said he could say with a degree of assuredness, that a majority of the project will be included as part of this community's contribution to the Corps' general Truckee Meadows Flood Project.

Council Member Salerno said he has talked to the business along the Kleppie Lane corridor which have been flooded out year after year and they are very excited about this project. He said it was good to see Sparks take the lead on this regional project and it is a good start.

Mayor Martini said we will have to do this project whether or not it counts toward our matching funds for the regional flood project. He said the Council had the courage to increase sewer rates to pay for flood improvements and it was time to get to work.

Council Member Carrigan said back when the Council voted to raise the sewer rates to pay for the flood project, he did not support raising the rates until we were sure this would be part of the local match for federal funding on the regional flood project. His vote was in the minority for waiting; however, he would support this motion to approve, because the rate increase has already been put into place.

A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve a professional services agreement with HDR Engineering, Inc., for Phase 2 of the North Truckee Drain Realignment Project. Council Members Salerno, Carrigan, YES. Council Member Schmitt, NO. Council Members Mayer, Smith, ABSENT. Motion failed.

Mayor Martini expressed disappointment that the motion failed.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1
Approval of the City of Sparks' Seven Year Program of Annexation (2008-2015)

Time: 3:38:39 p.m.

An agenda item from Senior Planner Victor Villarreal recommending the City Council conduct a public hearing and approve the City of Sparks Seven Year Program of Annexation 2008-2015, detailing specific properties meeting certain criteria which may be considered for annexation over the seven year program period. The approval of this update is required by Nevada Revised Statutes if the City wishes to consider pursuing the annexation of pockets of County lands which are completely surrounded by the City, or if it wishes to work with property owners to annex properties which are not immediately adjacent to the current city limits.

Mr. Villarreal emphasized that this is not a plan to annex any of the parcels included in the program. It is a requirement of State law should the City decide in the next seven year period to: 1) initiate the annexation of lands that are completely surrounded by the City; and 2) work with interested land owners who own properties that are not immediately adjacent to the City limits.

Mr. Villarreal stated there have been instances in the past where the City has pursued annexation of properties that are surrounded by the

City. There are also property owners who own lands that are not immediately adjacent to the city limits but are interested in becoming a part of Sparks--this plan would allow the City to entertain those types of annexations.

Council Member Carrigan asked which land owners Mr. Villarreal was referring to (those not immediately adjacent to the city limits). Mr. Villarreal referred to the map on display stating we have received a lot of interest from those property owners out near the Tracy/Patrick and Mustang interchanges, in the canyon area.

Mr. Villarreal noted there was a third type of annexation which was not required to be of this program--those that are adjacent to the city limits, where the property owner wants to be annexed.

Mr. Villarreal stated that this item was heard at the June 19, 2008 Planning Commission meeting as was forwarded with a unanimous recommendation of approval. Just before this meeting he was asked if this item needed to be passed by a super-majority [of the Council]. He stated it does not. It has to be in conformance with the Region Plan and the Regional Planning Commission will need to certify this item, but it is not part of our Master Plan.

Council Member Carrigan said he wanted to emphasize that just because the owner of property which is not adjacent to the City wants to annex, it does not mean the City has to do the annexation. First we need to make sure that the infrastructure is available to support the annexation. Mr. Carrigan asked what we would be doing with all the pockets of property surrounded by the city limits. Mr. Villarreal stated that including them in this program will allow Council to direct staff to pursue those annexations, if they desire.

Mayor Martini opened the public hearing and asked if anyone wanted to speak regarding the annexation plan. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve the City of Sparks Seven Year Program of Annexation 2008-2015. Council Members Salerno, Carrigan, Schmitt, YES. Council Members Mayer, Smith, ABSENT. Motion carried.

9. Comments:

9.1 Time: 3:44:15 p.m.

From the Council and Council Member Salerno asked which Council Member could ask for

City Manager — reconsideration of Agenda Item 6.5 when there is a full council present. Mayor Martini noted it would have to be someone on the prevailing side, which in this case would be Council Member Schmitt. Council Member Salerno asked if one of the Council Members not present today could request that the item be reconsidered. City Attorney Chet Adams stated that no, they could not.

10. Adjournment — Time: 3:44:51 p.m. There being no further business, the meeting was adjourned at 3:44 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
July 28, 2008 3:00 p.m.

1. Time: 3:00:00 p.m.

Call to Order

The special 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. Time: 3:00:03 p.m.

Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Steve Driscoll, John Dotson, Rob Joiner, Wendy Chavez, Jeff Cronk, Marc De La Torre, Ron Maxwell, David Fitzpatrick, Kathy Clewett, Joe Rodriguez, Rick Bareuther, Rich Brown, Frank Frievalt, Chris Syverson, Andy Hummel, Joann Meacham, Stacy Hemmerling, Randy Mellinger, Summer Pellett, Victor Villarreal, Pete Etchart, and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:00:19 p.m.

The invocation was given by Pastor Ron Arnold of Our Savior Lutheran Church and the Pledge of Allegiance was led by Council Member John Mayer.

Comments from the Public

Time: 3:02:10 p.m.

Mr. Earl Ammerman, 1234 St. Albert, Reno, spoke on adding advertisements to the RTC buses to help with their budget and increasing the pay of bus drivers as they are part of the green economy. He also spoke regarding recycling of plastic bags.

Approval of the Agenda

Time: 3:05:44 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 request was made to hear item 6.5 after 6.3 and item 8.1 after item 7.1.

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

3. Time: 3:06:30 p.m.

Approval of the Minutes

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the minutes of the Regular

Meeting of July 14, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Presentation – Exemplary Business Award to Applebee's

Time: 3:07:05 p.m.

The Chairman for the Sparks Advisory Committee for the Disabled, Laura Sheldon-Casson, presented an Exemplary Business Award to Applebee's, at Prater and McCarran in Sparks, in recognition of their exceptional physical access and friendly customer service for people with disabilities. Mr. Edgar Solano, the manager of Applebee's Restaurant, accepted the award and thanked the committee for their recognition.

4.2 Presentation – Director of Bands at Reed High School Concerning a Possible Future Trip to Longford Ireland

Time: 3:11:04 p.m.

Government Affairs Manager Rob Joiner introduced Ms. Laura Hansen, Reid High School Booster President and Mr. Dwyane Hollenbach, Reid High School Band Director. They are planning a learning experience for an "All Star Band," made up of students from Reed High School, as well as Sparks High School and Spanish Springs High School, to attend the Music Festival in Longford, Ireland, in September of 2009. They are planning to send a total of 75 Students and 25 chaperones on this trip at an estimated cost of $2,500 per person. The Mayor and City Council viewed a video invitation from the Mayor of Longford, Ireland.

5. Consent Items:

Time: 3:19:40 p.m.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.9. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering June 26, 2008, through July 9, 2008.

5.2 Refund of Business Excess License Fees to High Desert Foot & Ankle Clinic

An agenda item from Finance Director Tom Minton recommending the City Council approve a refund of excess licensing fees to High Desert Foot & Ankle Clinic in the amount of $80.00. Dr. Katheryne W. Glantz is requesting a refund for overpayment on her business license for the clinic, stating she made an error in the calculation and reporting of her income.

5.3 Refund of Business

An agenda item from Finance Director Tom Minton recommending the City Council approve a refund of a business license penalty to

License Penalty Fees to Terribles #811

Berry Hinckley, dba Terribles #811, in the amount of $1,026.92. The letter from Carol A. Hunt, paralegal with the firm of Jones Vargas, states the renewal was overlooked "during the holidays" and is requesting a refund of the penalty fees. This location has not had any prior delinquencies.

5.4
Refund of Business License Penalty Fees to Dollar Tree Stores

An agenda item from Finance Director Tom Minton recommending the City Council approve a refund of a business license penalty to Dollar Tree Stores, in the amount of $1,178.68. The letter from Rosalie Jenkins, license coordinator for Dollar Tree Stores, states a check was processed for the license fee, but it was never received by the City. This location has been operating since 1993 and has never been late in renewing their business license.

5.5
Refund of Business License Fees Overpayment to Ryder Homes of Nevada

An agenda item from Finance Director Tom Minton recommending the City Council approve a refund of an overpayment of business license fees to Ryder Homes of Nevada, in the amount of $23,026.67. The letter from John A. Schroeder, Vice President of Ryder Homes, states that for the last few years they were unaware they could deduct payments made to licensed contractors that hold a Sparks business license from their total gross receipts. He is requesting a refund of the overpayment for the past three years.

5.6
Proposal for Land Acquisition and Related Services for the Spanish Springs Interceptor Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a proposal for Land Acquisition and Related Services with Property Specialists for the Spanish Springs Interceptor Project, Phases III and IV in the amount of $115,000. The City will require permanent and temporary (construction) easements for Phases III and IV of the Spanish Springs Sewer Interceptor Project. Property Specialists has provided a scope of services for performing documentation, appraisals, and negotiation assistance for portions of the project. They have provided similar service to the City and other local agencies and are well qualified to perform this work.

5.7
Change Order No. 8 for the Golden Eagle Regional Park Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Change Order No. 8 to Q&D Construction for the Golden Eagle Regional Park Project in the amount of $28,470.00 for installation of a dust palliative, split rail fencing, and a lockable gate across the maintenance road. The application of the dust palliative will meet the requirements of the direction of Washoe County Air Quality the City received on June 12, 2008. Construction of the split rail fence and maintenance gate will provide a barrier to prevent access to the area being palletized; the 26 acres in the front portion of the park. Funds are available in the CIP from savings.

5.8
Approval of the City's Portion of the Annual Regional Ortho-Photography and 2-Foot Contour Project

An agenda item from Information Technology Manager Rick Bareuther recommending the City Council approve the City of Sparks' portion of the annual Regional Ortho-Photography and 2-Foot Contour and Building Footprint Project in the amount of $42,798.00. This project was approved through an interlocal agreement between the Cities of Sparks and Reno, Washoe County and Sierra Pacific Power Company in July 1998. The Regional Basemap Committee has awarded the 2008 Ortho-Photography contract to Mapcon Mapping, Inc., in the amount of $419,825.00, with Sparks' portion being $42,798.00. Funds are budgeted and available for this projet.

5.9
Agreement with LimnoTech, Inc., for Services to Proceed with Implementation of a Third Party TMDL

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve an agreement with LimnoTech, Inc., for services to proceed with implementation of a third party TMDL (Total Maximum Daily Load) project in the amount of $340,000.00, with Sparks' share being $44,699.40. The TMDL process has been underway and relates to the Truckee Meadows Water Reclamation Facility (TMWRF) discharge permit in relationship and management of the watershed by the responsible parties. This scope of services is a continuation of the work provided by LimnoTech, Inc., since 1998 to procure a revision to the Truckee River TMDL.

6. General Business:

6.1
Presentation, discussion and possible direction or approval of Federal, State, Nevada League of Cities and/or Local Legislative Affairs issues

Time: 3:20:23 p.m.

Government Affairs Manager Rob Joiner requested the City Council provide direction regarding the use of the City's single Bill Draft Request for the 2009 Nevada State Legislative session. He noted that the Charter Committee has met and their bill draft will be requested through one of our legislators.

Mr. Joiner reviewed several issues from other areas of State and Local Government as follows:

- Senators Nolan and Schneider are requesting support on their seatbelt traffic stop bill
- Red light camera bill - has been part of demonstration project and is expected to be carried by the City of North Las Vegas
- Enhanced 911 reverse emergency response system - to expand the technology and revenue sources
- Residential Construction Tax bill - caped on the value of $1,000 per house - is being requested to be carried by Nevada League of Cities
- Depreciation on Property Tax being recaptured at point of sale - may be unconstitutional because of the Fair and Equal Taxation provision in the current Nevada Constitution.
- Consolidated tax provisions - City of Reno has agreed to carry forward two of the three recommendations from the FIRST

Committee

- The municipal tax structure of the unincorporated areas be revisited and all citizens be able to vote on this issue, not just the unincorporated citizens
- They are also requesting the consolidated tax formula be revisited under one of three scenarios
  - A one time base adjustment
  - An adjustment of the redistribution formula to reflect the regional revenue and regional expense alternatives
  - Remove the sales tax component from the c-tax revenues and return sales tax to its source of origin

Staff is recommending that the Council consider the following issues for our one bill draft request:

- Enabling legislation for local governments (local authority) for solicitation through our electorate (local citizens) to raise a revenue - that state allow us to enact that upon its passage. One legislator has opined that we should not bring this forth piece-meal, but that our request be accompanied by a study from the local cities/county point of view and a total package for a comprehensive approach.
- Keeping a portion of the room tax that is collected locally and using that for our own convention center or other "Fair and Recreation Board" type use. City of Henderson has done this since 1982 - they keep 2% of the room tax and compliment that with some general fund revenues.
- A BDR to protect local government from the of taking revenue by the state; either through reductions from property tax or other proceedes or by passing legislative mandates without appropriate funding mechanisms
- The municipal services issues that the City of Reno is carrying on one of their three BDRs
- Adding to NRS 278B - impact fees on new development for sewer, water, etc., to include an "art in public places" component to the fee

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to support a bill draft request providing enabling legislation for Sparks to create a discrete convention and visitors' authority. Council Members Smith, Carrigan, Schmitt, YES. Council Members Mayer, Salerno, NO. Motion carried.

Mr. Joiner also reported on the issue with the Public Utilities Commission (PUC) regarding sewer laterals, stating this issue will

now have to go back to the legislature. A rule was passed at the last legislative session which directed the PUC to work on the issues with the involved entities, but this has not worked out. It will be a huge detriment to us if we are required to locate every sewer lateral in the City on short notice. We are hoping to bring this issue forward through the League of Cities.

We have had discussions with Senator Nolan of the Interim Transportation Subcommittee and presented our white paper to them. The Committee is wrapping up their working session on August 5, 2008, and we have been requested to provide information to them. Our current legislative platform does support them in finding alternative funding sources for the state and regional road system which do not negatively impact us.

Council Member Mayer asked that staff find a legislator to work with us on a BDR that would allow us to put an issue to a vote of the citizens of Sparks.

Council Member Carrigan said he would like our one bill draft to address an issue that dealt strictly with a Sparks issue.

6.2
Resolution No. 3114 Regarding the Intent to Issue General Obligation Sewer Bonds

Time: 3:46:40 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3114, a resolution concerning the financing of a sewer project; directing the Clerk to notify the Washoe County Debt Management Commission of the City's Proposal to borrow money and issue General Obligation Sewer Bonds to evidence such borrowing; providing certain details in connection therewith; and providing the effective date hereof.

Accounting Manager Jeff Cronk said this resolution would finance sewer utility projects through the issuance of general obligation sewer bonds in a not to exceed amount of $23,550,000. He said the next meeting of the Debt Management Commission is the 15th of August. If approved, staff would bring to the Council a resolution of intent to sell the bonds. Then a notice of intent and notice of public hearing will commence a 90 day petition period. After that staff will bring a bond ordinance forward for approval sometime in September.

He noted that three projects would be financed by these bonds:

- Phases III and IV of the Spanish Springs Interceptor Project
- Stanford Way Storm Drain Improvements

Council Member Carrigan asked for clarification that "General Obligation" meant that the bonds will be paid from the Sewer Fund

and not the General Fund. Mr. Cronk confirmed that the bonds would be repaid from the Sewer Enterprise Fund.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Resolution No. 3114. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
1st Reading of Bill No. 2587, PCN07029, Rezone from R1-40 to R3 on 8.19 Acres

Time: 3:50:25 p.m.
City Clerk Linda Patterson read Bill No. 2587 by title, A general ordinance rezoning real property owned by Ruth (Hurd) Sproles from R1-40 (Single Family Residential) to R3 (Multi Family Residential) on a site approximately 8.19 acres in size; generally located south of North McCarran Boulevard between El Rancho Drive and Sullivan Lane, Sparks, Nevada; 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 11, 2008.

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

7.1
P.H. and Adoption of Bill Nos. 2582 through 2584, Amendments to the SMC Adding Clarifying Language to Produce a More Thorough Section of Code

Time: 3:56:48 p.m.
An agenda item from Senior Planner Victor Villarreal recommending the City Council conduct a public hearing and approve the following bills associated with CA-08-07:

A. Bill No. 2582: An ordinance amending Section 20.34 (Setback Lines and Yard Requirements) of the Sparks Municipal Code, consolidating information and adding clarifying language where needed to produce a more thorough section of code entitled Building Additions, Attachments and Projections; and providing other matters properly related thereto; and
B. Bill No. 2583: An ordinance amending Section 20.37 (Height Limits) of the Sparks Municipal Code, consolidating information and adding clarifying language where needed to produce a more thorough section of code entitled Fences and Other Screening Devices; and providing other matters properly related thereto; and
C. Bill No. 2584: An ordinance amending Section 20.43 (Accessory Uses) of the Sparks Municipal Code, consolidating information and adding clarifying language where needed to produce a more thorough section of code entitled Accessory Structures; and providing other matters related thereto.

Mr. Villarreal noted that these proposed ordinances modify sections of the Sparks Municipal Code pertaining to the permitting and construction of accessory structures and related items. He noted that

this item was the result of a citizen complaint regarding the height of an accessory structure in a neighbor's back yard. Staff was directed to look into modifying the code to prevent this situation in the future. Upon looking at the code, staff realized that there was no height restriction on accessory structures and as the sections of code are currently written, they are not as well organized as they could be. Therefore, staff is proposing these modifications to the code:

- Information is consolidated by physical element
  - Building additions
  - Fences
  - Accessory structures
- Titles of the code were changed to be more complete and more descriptive
  - 20.34 now reads Building Additions, Attachments, and Projections
  - 20.37 now reads Fences and Other Screening Devices
  - 20.43 now reads Accessory Structures
- Added information to sections
  - Added height limits in 20.34
  - Added new height limits for industrial zones in 20.37
  - Added fencing requirements for public facility zones
  - Added height limits for accessory structures

Council asked if this ordinance would affect existing structures. The response was that if a structure was built before this ordinance takes affect, it would be considered "grandfathered" in would not be in violation of this new ordinance.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding these proposed code amendments. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Bill No. 2582, (Ordinance No. 2402). Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Bill No. 2583 (Ordinance No. 2403). Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Bill No. 2584 (Ordinance No. 2404). Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7.2
P.H. and Adoption of Bill No. 2586, Amending Chapter 7 relating to Garbage and Refuse Control and the Collection of Solid Waste

Time: 4:06:42 p.m.

An agenda item from Senior Assistant City Attorney Shirle Eiting recommending the City Council conduct a public hearing and approve Bill No. 2586, An ordinance amending Chapter 7 of the Sparks Municipal Code pertaining to Garbage and Refuse Control and the collection of Solid Waste and other matters properly related thereto.

Assistant City Manager Steve Driscoll noted that 7.2 and 6.4 were companion items. The first item is the ordinance, which will establish the legal guidelines necessary for the collection of garbage and refuse control and the collection of solid waste, regardless of the action the Council takes on the second companion item.

Mr. Driscoll highlighted three changes in the proposed ordinance:

- Provides a 60 day window for other businesses to cease doing business if the franchise gives exclusive rights to just one provider
- Eliminates the rate structure in the code itself. The rates will now be defined as an attachment to the franchise agreement and will be updated annually as required.
- Makes updates in the language that modernize the code and better suit the proposed franchise agreement.

Council Member Mayer expressed concern regarding the last minute submittal of a letter from the Health Department. Mr. Bob Sack, Director of Environmental Health for the Washoe County Health District, apologized for the lateness of the submission.

Council Member Schmitt requested that the five recommendations in the Health Department letter be read into the record. Mayor Martini suggested that this could be done under public comment.

It was noted that Purchasing Manager Dan Marran was not present at this meeting because he was representing the City at a conference.

Further discussion of, and the vote on, this proposed ordinance and the related franchise agreement are listed under item 6.4 below.

Time: 5:54:33 p.m.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve Bill No. 2586 (Ordinance No. 2406), amending Chapter 7 of the Sparks Municipal Code pertaining to Garbage and Refuse Control and the collection of Solid Waste. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. General Business Continued:

6.4
Franchise Agreement for the Removal of Solid Waste and Recyclable Materials

Time: 4:17:13 p.m.

An agenda item from Purchasing Manager Dan Marran recommending the City Council approve a franchise agreement for the removal of solid waste and recyclable materials between the City of Sparks and Reno Disposal Company, doing business as Sparks Sanitation and Waste Management of Nevada, Inc., doing business as RSW Recycling.

Assistant City Manager Steve Driscoll said the proposed franchise agreement is essentially the same agreement that was presented and discussed at a previous council meeting on July 14, 2008.

Council Member Carrigan noted a letter from Waste Management that suggested withdrawing "Option B" from consideration and asked if this option was now "off the table." Mr. Driscoll responded that staff is still presenting both options. Mr. Driscoll reviewed the history of the proposed franchise and noted that the main differences between the two options for the franchise agreements as follows:

Option A:

- Residential rates stay relatively flat
  - Increased by CPI
- Industrial rates were modified and increased
  - Increased by CPI

Option B:

- Only exclusive for residential accounts
  - Residential rate would increase 38%
- Industrial accounts would be open to competition

In response to a question from Mayor Martini, Mr. Driscoll stated that rendering would fall under the current exemption for recycling and under the new agreement (either option) it would continue to be considered a recycling commodity.

Council Member Carrigan expressed concern regarding the validity of Waste Management's claim that they would lose money if they did not receive an exclusive franchise for both residential and industrial users.

Mr. Greg Martinelli, representing Waste Management, responded to questions from Council Members as follows:

- Option B is still "on the table"
- They felt that they did have an exclusive franchise for industrial waste and have honored the terms and rates of the

current franchise agreement during the extension time; however, they have continued to see commercial business erode

- If the City chooses Option B, then they expect to lose additional non-garbage customers because the franchise does not provide control over the trash customers
- Option B creates competition and under that option they will have to switch the commercial business to one of their non-franchise businesses to compete for those customers
- In 1991, the Council voted to raise the commercial and industrial rates 14.8% to help pay for the curbside recycling program mandated by the State Legislature
    - That increase has been subsidizing the curbside recycling program for the residential, whose rate was only increased $1.25
    - If the Council changes the basis of the franchise, someone has to make up for the subsidy to the residential consumer

Council Member Schmitt said he had a hard time with the amount of the proposed residential increase. It did not appear to be reasonable, based on his interpretation of the letter from Waste Management.

Council Member Smith said he also felt that the residential rate increase proposed by Waste Management if they do not receive an exclusive franchise on the commercial and industrial garbage was excessive and he did not feel it was justified.

A brief discussion was held regarding how the City might collect a franchise fee from other haulers if Waste Management was not given an exclusive franchise for commercial and industrial hauling.

Mr. Martinelli then gave a presentation that outlined how they have responded to the requests of the City during negotiations:

- Improved customer service
    - They have contracted with J.D. Power to look into the issues
- A smaller, 64 yard container service at a lower cost
- Maintained the additional 1 yard of trash allowed with the 96 gallon trash container
- Curbside recycling has remained the same
- Have added a definition for single stream recycling to provide a way to move to this type of recycling program
- Sustainability
    - Stockpiling material to be used at the co-gen plant at the state prison

  - Entered into an agreement for testing at the Lockwood Land Fill to determine the feasibility of a wind farm
  - Contracting to transport spent vegetables to a composting facility at the state prison
  - Installing a methane gas collection system at Lockwood
  - Currently processing 89% of the recyclables collected
  - Recently implemented a single-stream recycling program at Incline Village
  - Continually examine new technologies for viability
- Recap of options
  - Option A
    - All solid waste
    - Excludes C & D
    - No change to residential rates
    - Five year phase in for roll-off rates
  - Option B
    - Garbage only
    - Same contract as Reno and Washoe County have
    - Trash and C & D would become open competition
    - Residential rates would increase by 38%
    - Roll-off rates would increase immediately
- Competition
  - No one has come forward that wants to compete on both residential and curbside recycling
- Summary
  - Franchise agreement includes
    - Residential service
    - Recycling
    - Commercial and industrial
    - Pays franchise fees to the city
  - All three components must be balanced because one affects the other
  - Fairly common that commercial rates support residential rates
  - Not unique to Sparks
  - A change in the economic model that has been used for many years will create a ripple effect [and cause rates to go up]
    - Residential generates 41% of revenue, but creates 63% of the expenses
    - Commercial generates 49% of revenue, but only 27% of expenses

- Commercial component
  - Trash generates 30% of the revenue, 17% creates of the expenses
  - Garbage generates 19% of the revenue, but creates 10% of the revenue

Council Member Salerno asked if they had considered a shorter time frame for the franchise. Mr. Martinelli stated they were negotiating based on a 10 year time frame and the first they heard of a shorter period of time was in the letter from the Health Department, which was introduced today.

Mr. Salerno asked about the performance standards in the proposed franchise. Mr. Martinelli said the franchise agreement spells out what they are required to do, but he did not believe there were any specific standards. They have been asked to provide some type of mechanism to gauge their performance and they are required to electronically keep all communications with customers. To this end they have contracted with a national firm to monitor their performance.

Council Member Schmitt asked Waste Management to submit all 40 questions they will be asking in the J.D. Powers survey. He commented that the last page of Waste Management's letter said that City staff is recommending option A, but he could not find a staff recommendation in the staff report.

Assistant City Manager Steve Driscoll responded that based on the official policy of the Council, Option A is the only option that they have authorized staff to negotiate. Option B is a result of conversations from the Council Members during previous discussions, but there was never been any official direction regarding Option B. Based on the Council's official policy, staff has no choice but to recommend Option A.

Council Member Schmitt stated that Option A was based on the previous franchise agreement; prior to the Supreme Court decision on the lawsuit that was filed regarding commercial trash and garbage hauling.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed franchise. He noted that the Council would hear comments for Item 6.4 as well as Item 7.2 under this comment period.

Mr. Ryan Koewler, Reno Rendering Company, 1705 N. Wells Avenue, Reno, said that although Waste Management has expressed

no interest in the materials that they render, they are asking for a specific exclusion in the franchise for the type of material they render so that they can continue to recycle animals and animal by-products.

Mr. Tom Donovan expressed concern that there does not seem to be any way to enforce this type of franchise and how it should operate. He said an exclusive franchise would provide no incentive for Waste Management to improve their customer service.

Mr. Tom Dinsmore, 2050 Brierly, Sparks, said he switched to Castaway because of the poor customer service provided by Waste Management.

Mr. Tim Crowley, Castaway Trash Hauling, stated that they felt that premise for Option A and the proposed ordinance is flawed and he felt that it was important to provide competition: competition keeps prices low, service standards high, and facilitates innovation in recycling. He clarified that Castaway is willing to pay a franchise fee on its business (on a go forward basis). He also expressed concern regarding how an exclusive franchise would affect their ability to recycle construction and demolition waste.

Council Member Carrigan stated he wanted to protect the residents from a 38% increase and he had a hard time making a decision in favor of competition when it would cause a hardship for Sparks' residents. Mr. Crowley responded they were aware that Option A punished the commercial customer and Option B punishes the residents; however, they are willing to pay a franchise fee. He said they did not feel that the 38% was an accurate number from Waste Management.

Mr. Donald Drake, 2106 Rockdale Drive, said he is a long time resident and while he certainly could afford an increase in garbage rates, there may be some who can't afford the rate increase. His concern was that an unintended consequence of a large rate increase was that there would be more illegal dumping of garbage and trash in remote areas.

Mr. Earl Ammerman, 1234 Saint Alberts, Reno, suggested a solution to the proposed franchise agreement would be to continue the current agreement for 12 to 18 months and open up a competitive bidding process. He also said that Waste Management's recycling program needs a lot of improvement.

Mr. Bob Sack, Division Director of the Washoe County Health District, reviewed the recommendations as outlined in their letter.

Mayor Martini asked if these were the same recommendations they gave to the County when they were negotiating their franchise agreement. The response was that they had discussions with both Reno and Washoe County staff regarding these recommendations.

Mr. Justin Ivory, 7481 General Thatcher Drive, Sparks, said he is for open competition.

Mr. Gary Schmitt suggested that a way to test the need for a 38% increase in residential rates would be to open competition in the residential market as well as the commercial and industrial markets. He also suggested eliminating the mandatory pick up and allowing residents to dump their own garbage and trash.

Mr. Michael Springer, 9628 Prototype Court, representing Castaway, explained that the District Court ruled that the franchise agreement signed in 1997 was not exclusive, by its own language (including the 1991 amendment). Therefore, since the franchise was never exclusive, what stands today is what has stood for 40 years - competition in trash hauling in the commercial arena in the City of Sparks; just like in Reno and Washoe County. Consequently, the difference in rates makes no sense.

Mr. Thomas F. Cargill, 65 Bennington Court, Reno, the Attorney representing Castaway, said it was unreasonable to assume that Waste Management would lose all their commercial accounts and an exclusive residential franchise would give them a "windfall."

There being no comment, the public hearing was closed.

Council Member Carrigan asked what would happen if the Council chose Option B, but did not agree to a 38% increase in residential rates. City Attorney Chet Adams responded that if Waste Management did not sign the agreement, then we would not have a contract for waste hauling. Mr. Carrigan then asked if we did not have an agreement, who would pick up the garbage until we had an agreement. Mr. Adams stated that Waste Management would be free to walk away and the City Council would be responsible for finding a method of picking up the waste.

Council Member Carrigan asked if the Council wanted to continue working the way we have for the last few years and just extend the current franchise with Waste Management in order to obtain bids from other service providers. Mr. Adams stated Waste Management would have to approve any extension. He clarified that this type of proposal would simply be an offer made to Waste Management and they could

accept the offer or not.

Council Member Smith asked if he could make a motion to accept either Option A or B and then make changes to those options in his motion. Mr. Adams responded that he could make any motion with as many changes to the proposed options as he wanted; however, any changes that differ from those terms and conditions under consideration would then be up to Waste Management to either accept or reject.

Council Member Carrigan noted that Waste Management is currently picking up garbage on an extended agreement, but it was his understanding that they were not willing to keep continuing to pick up garbage until the franchise was worked out. Mr. Frank Cassis, the Attorney for Waste Management, said they did agree to provide status quo services during these negotiations; however it was with a written extension agreement. The contract expired last week and he gave a verbal assurance to the City Attorney's office that they would continue to provide service until the 28th. He said he did not know what would happen tomorrow if there was no new franchise agreement.

Council Member Schmitt said that on July 14th, a representative of Waste Management said they would not abandon the City.

Mayor Martini asked if the Council needed to approve Item 7.2 before Item 6.4. Mr. Driscoll stated his understanding was that Item 7.2 was an ordinance containing language developed by the City Attorney's Office for the purposes of granting a franchise at a later date. He said the ordinance provided the proper language we needed to have in place, regardless of the Options for the franchise. Therefore, approving Item 7.2 today, based on the public hearing process, would be preferred. Mr. Driscoll stated that Item 6.4 was a discussion regarding the details of the proposed franchise agreement

City Attorney Adams explained that the ordinance under Item 7.2 recognizes the City's statutory power to enter into an exclusive franchise; however, there are certain exceptions to that exclusive franchise that the City Council is free to allow.

Council Member Mayer asked about the questions that were brought up regarding the wording in the ordinance with regard to recycling. Mr. Driscoll stated there was one question regarding rendering and it was determined that rendering had always been considered under the recycling exemption and would continue to be exempt. The second question was regarding the curbside recycling and whether it was

going to continue to be exclusive to Waste Management. City Attorney Adams stated that, as he understood the recycling component in the proposed franchise agreement, the owner of the recycling material has the option of either using that material; taking it down to the recycling center himself; or leaving it out in a recycling bin - at which time it would become the property of the franchisee. The only exceptions being rendering and junk cars, which are dealt with under other provisions of the municipal code.

Mr. Tim Crowley of Castaway stated that their concern was that regardless of which option the Council chose, they were still in the construction and demolition business and their customers want them to recycle a good portion of that waste. He asked if the language in the ordinance would take away those recyclable materials away from them and give them to Waste Management. City Attorney Adams said that Section 6.03.C.3. of the franchise agreement states, "Source separated Recyclable Materials generated by commercial customers that are placed in containers, collected through a private arrangement with the generator and the generator is compensated at market rates for the recyclables collected." He said it sound to him like they could recycle the construction and demolition waste.

Council Member Schmitt asked if there were any provisions in the proposed franchise agreement that allowed for the recycling recommendations made by the Health Department. Mr. Driscoll said there have been conversations about single-stream recycling and other options that could come up during the 10-year period of the franchise and there is specific language in the agreement to allow for the parties to discuss recycling.

Mr. Driscoll noted that because Reno and Washoe County already have franchise agreements with Waste Management. As a City we are committed to being "Green" and sustainability. We have had discussions with Waste Management regarding potential options; however, it was felt that it would be best to settle the franchise question first and then have all three entities work with Waste Management to plan the next steps in the recycling program. We don't want to create a program that would be antiquated very quickly, but we also don't want to wait for the next major technological changes. All four parties want to put together a better recycling program that will increase the volume that gets recycled and works toward sustainability.

Council Member Schmitt asked if approving the ordinance under Item 7.2 stops us from opening the franchise up to competition through the bid process. Mr. Adams stated that the proposed ordinance primarily

drafted to address those concerns raised by the Nevada Supreme Court and it does not necessarily affect the exclusivity of the franchise.

Council Member Schmitt asked if the Council could put a time limit on approval of the ordinance if a franchise agreement is not reached, say, in 90 days. Mr. Adams stated that a contract is anything you want it to be; however, the current franchise has ceased to exist, but that does not mean that our citizens are going to be left without garbage pickup in Sparks. It simply means we have no control over the price that our citizens will be charged for that pickup.

City Manager Carey stated that with regard to the points raised by the Health Department:

- It was a material consideration between Waste Management and the City to go to a 10 year term.
- Ten years provides for an opportunity for the termination of our franchise to coincide with Reno and Washoe County
- A shorter length for the franchise was not mutually agreeable
- The other Health Department issues have not been vetted by staff

To clarify Council Member Mayer's concern - once recyclable materials are placed in the container provided by the franchisee, they are the property of the franchisee.

Mr. Carey emphasized that Under Option A, staff has provided a way for the City to provide the lowest overall cost to all rate payers. It does not provide for the competition desired by specific segments of the market.

Mr. Carey said he felt the ordinance would provide the Council to make improvements to a future franchise with Waste Management to the degree and agreement is mutually acceptable. He said he believed that we have exhausted all good faith efforts between two willing parties to look for alternatives. However, if Council wants to give alternative direction, staff will work diligently to bring both parties to an agreement.

Mr. Carey stated it is clear that Waste Management would not abandon the City of Sparks, but there would be changes in our relationship if we do not move forward tonight. Continued service would be subject to agreement between the City and Waste Management in order to protect the health, safety, and welfare of our community.

Council Member Carrigan stated that because the proposed ordinance was drafted by the City Attorney's Office to incorporate the issues brought about by the Supreme Court ruling and because the 10-year time frame is in the franchise agreement and not the ordinance, he was willing to make a motion to approve Bill No. 2586.

Time: 5:54:33 p.m.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve Bill No. 2586 (Ordinance No. 2406), amending Chapter 7 of the Sparks Municipal Code pertaining to Garbage and Refuse Control and the collection of Solid Waste. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

Council Member Smith stated he did not believe that Waste Management would lose all their commercial accounts [if they were not given an exclusive franchise] and that this was a lose/lose situation for the City of Sparks and the residents of Sparks. He then made a motion to approve Option B with the following changes: 1) offer a one-time residential rate increase of 8.5% (about $1.20 per month); 2) that it be a 10-year franchise period with two mutually agreed upon five year extensions; and 3) after seven years of service being provided to a residence, that the garbage can rental fall off from the bill, because they have paid for the can. Council Member Carrigan seconded the motion for discussion.

Council Member Carrigan asked for clarification of Mr. Smith's motion with regard to the one-time increase and the rental fee of the trash container. Mr. Smith responded that it would be a one-time up-front increase and subsequent increases would be according to the CPI. Also, after paying $1.25 per month for seven years, the trash container is definitely paid for.

Council Member Mayer asked if the 8.5% increase also applied to the rates for the smaller trash containers. Mr. Smith stated that the increase was intended to replace the 38% across-the-board increase that Waste Management wants, so it would apply to either container.

Council Member Salerno asked if this motion passed and Waste Management did not accept the amendments, where did the City stand. Attorney Adams responded we would have to go back to the negotiating table.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Option B with the following changes: 1) offer a one-time residential rate increase of 8.5% (about $1.20 per

month); 2) that it be a 10-year franchise period with two mutually agreed upon five year extensions; and 3) after seven years of service being provided to a residence, that the garbage can rental be removed from the bill. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1
P.H. and Adoption of Bill No. 2585, PCN08037, Rezone of 126.84 acres within the Kiley Ranch North Planned Development

*Time: 3:52:15 p.m. (This item was heard out of order.)
An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and approve Bill No. 2585, A general ordinance providing for the rezoning of certain lands owned by Lazy Five Company and Kiley Ranch Communities from A-5 (Agricultural) to NUD (New Urban District) on a site approximately 126.84 acres in size; generally located northwest of the intersection of Highland Ranch Parkway and Pyramid Way, Sparks, Nevada; and providing other matters properly relating thereto.

Ms. Pellett displayed a map of the proposed rezoning and noted that the NUD zoning designation was anticipated at the time the property was included in the Kiley Ranch North tentative handbook and the Planning Commission is recommending approval of the rezoning.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed rezoning. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Bill No. 2585 (Ordinance No. 2405), a rezoning associated with PCN08037, to rezone approximately 126.84 acres from A-5 (Agricultural) to NUD (New Urban District) based on findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. General Business Continued:

6.5
PCN08020, Final planned development handbook request from Kiley ranch Communities, LLC

*Time: 3:54:28 p.m. (This item was heard out of order.)
An agenda item from Associate Planner Summer Pellett recommending the City Council approve PCN08020, a final planned development handbook request from Kiley ranch Communities, LLC, to allow for the development of a 22.1 acre site (Phase 4) within the NUD (New Urban District) zoning district generally located northwest of the intersection of Pyramid Way and Highland Ranch Parkway and within the 808.4 acre Kiley Ranch North Planned Development,

Sparks, Nevada.

Ms. Pellett displayed a map of the site and noted that the applicant has a tentative handbook in place and is now requesting final approval of the handbook for Phase 4 of the development. She noted that for this phase, staff requested the applicant make the handbook project specific. The applicant has provided a conceptual site plan, they have provided a conceptual landscape plan, and some conceptual architectural elevations. At this point the applicant is planning to develop this site as medium density apartments. They have modified some standards regarding signage, landscape, parking, and fencing standards. In order to develop this site, the applicant will be required to go through the site plan review approval process, which is an administrative review. Both staff and the Planning Commission are recommending approval of this final handbook.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve the Phase 4 Final Planned Development Handbook request associated with PCN08020 as the final draft is in substantial compliance with the City Council's action on the tentative approval of the Kiley Ranch North Planned Development Handbook and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 From the Council and City Manager	Time: 6:01:16 p.m. None.
10. Adjournment	Time: 6:01:28 p.m. There being no further business, the meeting was adjourned at 6:01 p.m.

_____
Mayor

_____
City Clerk

>>>

SPECIAL MEETING OF THE SPARKS CITY COUNCIL
August 11, 2008 3:00 p.m.

1. Call to Order

Time: 3:02:07 p.m.

The Special Meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:02 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 3:02:07 p.m.

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Members Salerno, ABSENT.

Staff Present: Steve Driscoll, Adam Mayberry, Chris Syverson, David Vill, Trish Kuehl, Bill Finley, Marc De La Torre, Bob King, Steve Keefer, Rob Joiner, Janelle Thomas, George Graham, Tom Minton, Chere Jigour, Shawna Liles, Tracy Domingues, Armando Ornelas, Margaret Powell, Randy Mellinger, Karen Melby, John Martini, Jim Rundle, Heather Manzo, Neil Krutz, Shirle Eiting and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:02:41 p.m.

The invocation was given by Imam Abdel Barghouthi of the Islamic Center of Northern Nevada and the Pledge of Allegiance was led by Council Member John Mayer.

Comments from the Public

Time: 3:07:45 p.m.

Mr. Gary Schmidt spoke on the special events in downtown Sparks and various issues.

Approval of the Agenda

Time: 3:07:50 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 Smith, seconded by Council Member Schmitt, to approve the agenda as outlined by staff. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

3. Approval of the Minutes

Time: 3:08:20 p.m.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt to approve the minutes of the Special Meeting of July 21, 2008. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

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

Mayor Martini asked two Boys Scouts in attendance to the podium to state the reason they were attending the Council Meeting. Matthew Rainey and Noel Rainey were attending for a requirement for a Citizens Community America Badge.

4.1
Commendation to Attorney General Catherine Cortez Masto

Time: 3:08:37 p.m.

City Attorney Chet Adams read a commendation to Attorney General Catherine Cortez Masto for her efforts in obtaining funding for the City of Sparks' Victim Advocate Program during the current economic crisis facing the City and the Nation.

The commendation was accepted by Kareen Prentice, Ombudsman for the Attorney General's Office.

4.2
Presentation by the Sparks Charter Committee

Time: 3:11:47 p.m.

Kendall Mattina, representing the Sparks Charter Committee, made a presentation regarding their actions to amend the Sparks City Charter, Section 1.080 Appointive positions, Section 1.130 Certain activities prohibited, Section 3.101 Mayor: Duties; Mayor Pro Tempore, and Section 0.080, Prohibited acts.

5. Consent Items:

Time: 3:15:20 p.m.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Items 5.1 through 5.7. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

5.1
Report of Claims and Bills

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering July 10, 2008, through July 23, 2008.

5.2
Outdoor Dining & Encroachment Permit for Blind Onion Pizza, 824 Victorian Avenue

An agenda item from Property Agent David Vill recommending the City Council approve an application from Mr. Michael Rapisura for an Outdoor Dining and Encroachment Permit for the Blind Onion Pizza and Pub, located at 824 Victorian Avenue. The permit authorizes the business to utilize 249 square feet of city sidewalk adjacent to the front door of the building, less the area of the city planter. The permit will provide $966.12 in annual revenue to the City and allow the business to participate in Special Events on Victorian Square.

5.3
Interlocal Cooperative Agreement with RTC for Reimbursement on the Nichols Boulevard and Boxington Way Rehabilitation Projects

An agenda item from Civil Engineer Andy Hummel recommending the City Council approve an interlocal cooperative agreement for reimbursement with the Regional Transportation Commission (RTC) in the amount of $326,708 to install and replace storm drain facilities as part of the Nichols Boulevard and Boxington Way rehabilitation projects. RTC is currently preparing to rehabilitate these streets beginning in August of 2008. The city owns utility infrastructure within the two project areas and as part of the RTC rehabilitation project, these areas were analyzed to determine if there were any portions that needed replacement or upsizing. It was determined that sewer facilities in both areas were sufficient condition; however, the areas were determined to need storm drainage improvements. The storm drain improvements will be incorporated into the RTC project and the city will reimburse RTC accordingly.

5.4
Extension of Contract for Medical/Dental Claims Administration

An agenda item from Risk Manager Randy Waterman recommending the City Council approve the extension and addendum of the contract for medical/dental claims administration, Flexible Spending Account Administration, and COBRA administration and related fee increase with CDS Group Health. CDS is the City of Sparks' third party administrator for self-funded medical and dental claims, Flexible Spending Account Administration, and COBRA. They have provided these services to the city for over 10 years in a very professional manner and at a competitive price. CDS is increasing their fees by 7% for the 08/09 year and another 3.28% for the following year.

5.5
Rotating Assembly Rehabilitation for TMWRF

An agenda item from Treatment Plant Maintenance Superintendent Alan Minor recommending the City Council approve a purchase order for Centrifuge Rotating Assembly Rehabilitation for the Truckee Meadows Water Reclamation Facility (TMWRF) in the amount of $38,071.49 to Andritz Separation, Inc., of San Leandro, CA. This is a spare rotating assembly for the three dewatering centrifuges currently in operation. This vendor agreed to honor the price quote for the previous rotating assembly rehabilitation to perform the same work on centrifuge #3. Funds have been budgeted for this work.

5.6
Modification to Agreement for Sale of Treated Effluent with Martin Marietta Materials, Inc.

An agenda item from Civil Engineer Janelle Thomas recommending the City Council approve a modification to the Agreement for the Sale of Treated Effluent with Martin Marietta Materials, Inc., authorizing effluent delivery between the hours of 6:00 a.m. and 12:00 a.m. Martin Marietta would like to change the hours of operation listed under Section 1.A.3.a, currently specified as 4:00 a.m. to 8:00 a.m. The revised hours of operation would coincide with Martin Marietta's Plan of Operation, which would allow them to optimize their operating times.

5.7
Purchase of One 2009 Brush Truck

An agenda item from Maintenance Superintendant Ron Korman recommending the City Council approve the purchase of one 2009 III International with master body type III brush truck from Master Body Sales and Service (preferred vendor) in the amount of $292,411. This vehicle will replace a 1989 Ford brush truck that does not meet the current needs of the Fire Department.

6. General Business:

6.1
Acceptance of a Grant from the S*T*O*P Program

Time: 3:16:34 p.m.

An agenda item from City Attorney Chester Adams recommending the City Council accept a grant from the Nevada Attorney General's Office S*T*O*P (**S**ervices · **T**raining · **O**fficers · **P**rosecution) Grant Program in the amount of $12,000 to the Sparks City Attorney's Office to preserve the Victim Advocate Program for victims of domestic violence in the City of Sparks. These funds will meet the deficit that the Attorney's Office has been required to cut from its 2008-2009 fiscal budget and will allow the Attorney's Office to maintain its current service levels to the victims of domestic violence in the City of Sparks.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to accept a grant from the Nevada Attorney General's Office S*T*O*P Grant Program in the amount of $12,000. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

6.2
Acceptance of an Enforcing Underage Drinking Laws Grant

Time: 3:17:15 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accepts a donation from the State of Nevada - Enforcing Underage Drinking Laws grant in the amount of $10,000. The Sparks Police Department has participated in a combined statewide effort to reduce incidences of minors possessing and consuming alcoholic beverages for the last seven years. This grant will assist in alcohol sale compliance checks, as well as other law enforcement operations to reduce underage drinking.

A motion was made by Council Member Carrrigan, seconded by Council Member Smith, to accept a donation from the State of Nevada - Enforcing Underage Drinking Laws grant in the amount of $10,000. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.
Motion carried.

6.3
Approval of Funding for EDAWN for FY 2008-2009

Time: 3:21:57p.m.

An agenda item from City Manager Shaun Carey recommending the City Council approve funding for Fiscal Year 2008/09 to the Economic Development Authority of Western Nevada (EDAWN). EDAWN is a non-profit organization for the purpose of attracting a diversity of businesses to the area, as well as maintaining and expanding the current business base, to help create and maintain job opportunities for local residents. EDAWN makes an annual request for funding and has received $35,000 each year from the City of Sparks since 2000/01.

City Manager Carey stated that this funding has been in our budget for several years and it is the same amount as last year and that our participation in the EDAWN does profit our community.

Ms. Donna Crooks, Business Development Manager for EDAWN, made the presentation on behalf of Chuck Alvey. Ms. Crooks stated that Mr. Alvey asked her to give a quick update on EDAWN's business activity and company activity over the past fiscal year that has occurred in the City of Sparks.

A motion was made by Council Member Mayer, seconded by Council Member Carrigan, to approve the funding request in the amount of $35,000. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

6.4
Resolution No. 3116, Establishing a Capital Projects Fund, "Local Improvement District No. 3 (Legends)"; and, Resolution No. 3117, Establishing a Special Revenue Fund called, "Tourism Improvement District No. 1 (Legends)"

Time: 3:24:12 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council adopt Resolution No. 3116 to establish a Capital Projects Fund called "Local Improvement District No. 3 (Legends);" and Resolution No. 3117, to establish a Special Revenue Fund called "Tourism Improvement District No. 1 (Legends)."

Finance Director Tom Minton stated that this was a bookkeeping issue and was simply to establish Capital Project Fund and Special Revenue Fund to account for the two bond issues that the city has done in connection with the Legends.

Council Member Schmitt asked what funds was the city going to use to handle this money right now. Mr. Minton stated the city could use the General Fund for virtually any purpose. He said his department wrote a proposed set of journal entries, audited by the auditors, Kafoury Armstrong, and desire to move forward with the fund creation.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to adopt Resolution Nos. 3116 and 3117. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

6.5
Resolution No. 3118, Authorizing the Transfer and Allocation of 2008 State Volume Cap Share

Time: 3:26:14 p.m.

An agenda item from Housing Specialist George Graham recommending the City Council adopt Resolution No. 3118, a resolution transferring 2008 State Volume Cap to the Nevada Housing Division (NHD) and Nevada Rural Housing Authority (NRHA) for use in its single family mortgage loan program.

George Graham, Housing Specialist for the City, presented the annual Volume Cap allocation for the first time home buyer's program.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to adopt Resolution No. 3118, to give authorization to the Nevada Department of Business and Industry to transfer and allocate the City's 2008 State Volume Cap. The State volume cap should be allocated proportionally (50% each) to the Nevada Housing Division (NHD) and Nevada Rural Housing Authority (NRHA) for the purpose of implementing their first time homebuyer programs in the Sparks community. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

6.6
Resolution No. 3119, Pertaining to the Issuance of Bonds

Time: 3:26:31p.m.

An agenda item from Finance Director Tom Minton authorizing the Finance Director to arrange for the issuance and sale of revenue bonds to be repaid from a currently authorized 2.5% transient lodging tax for enhancing tourism at Victorian Square. Sale of the bonds is subject to various provisions of city and state law and requires future City Council approval (by ordinance) of the terms and details of the bonds and their sale.

Finance Director Tom Minton and Jennifer Stern, Bond Counsel of Swenseid & Stern were present to provide information for this item. Mr. Minton stated this is a resolution of intent to issue room tax bonds in a not to exceed amount of $9,000,000.00 to finance capital improvements in Victorian Square.

Mr. Schmitt stated that the city is using the room tax allocation that the legislation passed for this item. He wanted to know if there is anything in the legislation that ties this money directly to the length of time of the Redevelopment District and Mr. Minton said no, and that it does not have anything to do with the Redevelopment Agency and

that simply the room taxes are pledged to pay for the bonds over thirty years. Mr. Schmitt asked if the Redevelopment Agency No.1 – the District, is drawn for these bonds to be used and Mr. Minton said no, but that it was for the entire City of Sparks.

Mr. Carey stated that the Legislation provided for the formation of the Tourism and Facilities Committee which does meet and does take allocation of these funds. Funds are from the State Legislature for the part towards the City of Sparks and not towards the Redevelopment Agency. The choice that has been in place for this particular bond issue is to recommend Victorian Square for the use of these funds.

Assistant City Manager Randy Mellinger stated that it was for Victorian Square and that the statute is explicitly for Victorian Square but it is not the same for all Redevelopment area. Mayor Martini asked if it was just for purchase of property and for no other uses and Ms. Stern concurred. Ms. Stern said the statute itself provides for the imposition of room tax and there is a Tourism Steering Committee that meets and has met and the Mayor was involved in this meeting on July 28th, and projects were presented to the Tourism Steering Committee and they approved those projects. One of the projects was the refunding of notes that are currently outstanding that pledged the room tax to those notes and that Ms. Stern said was a small portion on it. The remainder, she believes, is for purchase of property in the Victorian Square area and that was what the Tourism Steering Committee was presented and that was what they approved. Ms. Sterns said the Tourism Steering Committee had already approved the projects and once the bonds are issued, on the date of issue, it was reasonable to expect to spend those proceeds within three years if we were going to issue them on a tax exempt basis.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Resolution No. 3119, a resolution pertaining to the issuance of bonds by the City of Sparks, Nevada; authorizing the Finance Director to arrange for the sale of the bonds. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno. Motion carried.

6.7
PCN08038, Tentative Map for a 121 Unit Single Family Residential Subdivision Within the Pioneer Meadows Planned Development

Time: 3:34:31p.m.

An agenda item from Associate Planner Heather Manzo recommending the City Council approve PCN08038, a tentative map request from BPH I, LLC, to allow for a 121 unit single family residential subdivision (Village 7B) on a site approximately 19.63 acres in size in the NUD (New Urban District) zoning district, generally located southwest of the intersection of Rolling Meadows Drive and Wingfield Hills Road and within the Pioneer Meadows

Planned Development.

Ms. Manzo presented an overview of the Tentative Map request that is proposed to be located north of Vista Boulevard and along Wingfield Hills Road and Rolling Meadows. She stated that staff in the Planning Commission has recommended approval of the request.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve the tentative map associated with PCN08038, 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 22, as listed in the staff report. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

6.8
1st Reading of Bill No. 2588, PCN08036, Rezoning from C2 to C2/TOD on 0.34 Acres at 1538 "C" Street

Time: 3:36:53 p.m.
City Clerk Linda Patterson read Bill No. 2588 by title, a general ordinance providing for the rezoning of certain lands owned by McCaffery Family Limited Partnership from C2 (General Commercial) to C2/TOD (General Commercial/Transit Oriented Development) on a site approximately 0.34 acres in size; located at 1538 "C" Street, 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 25, 2008.

6.9
Performance Review of City Manager and Extension of Employment Agreement through July 31st, 2010

Time: 3:37:32 p.m.
An agenda item from Human Resources Manager Chris Syverson requesting the City Council conduct a performance review of City Manager Shaun Carey to consider the character, alleged misconduct, professional competence, or mental health of the City Manager and/or consideration and possible approval of a merit increase and/or extension of the City Manager's Employment Agreement through July 31, 2010.

Human Resources Manager Chris Syverson stated that she surveyed the City Council members and the Mayor and received input from four Council Members and the Mayor which were presented before the Council Members.

Mayor Martini wanted on record that one of the comments that were made in Mr. Carey's evaluation about the negotiation of the TMWA deal was incorrect. He said to place the blame on Mr. Carey on the TMWA deal was wrong as initially, the Mayor was approached by

City of Reno Mayor Bob Cashell to talk about it and Mayor Martini spoke to Mr. Carey to set up some meetings so that they could discuss this. He wanted it on record that he would take full blame for it and to not place the blame on Mr. Carey.

Mr. Carey stated that it was his privilege to serve the Council in the capacity of City Manager in the last year. He said that he really appreciated the opportunity to be a part of the City of Sparks team. Mr. Carey stated that the City has accomplished a lot in the last year and some of things that he was proud of included the completion of the Golden Eagle Regional Park, the financing and getting the construction started at the Legends project of the Sparks Marina, accomplishing the completion of all the street improvements on West Victorian Avenue and with a landmark move, a strategic plan was adopted. Mr. Carey stated that it has been and continues to be a very difficult budgeting and financing season here at the City of Sparks and a lot of tough decisions have been made and he has been a part of that, along with the Council to try and set up a financial course that maintains our stability here at the City.

Mr. Carey thanked the Council for pointing out his performance for the last year and he acknowledged that it is always helpful to get feedback as it also gives him an opportunity to focus on improvement. Mr. Carey stated his number one priority would be to improve communications with the Council, including making certain that the Council receive more information and in a more frequent capacity to receive those information.

Mr. Carey also noted the city needed to move forward as a high priority on the assembly of property in completion of improvements in Victorian Square. Mr. Carey said the city will face a challenging financial future in the year ahead and he will be working very diligently with the Council and members of the staff to confront the downturn in Nevada's economy as a whole and here in the City of Sparks and it will require tough decisions to be made that have kept us successful so far.

Mr. Carey told the Council that he will continue to focus on their strategic plans and the Council's priorities. He asked to be granted an extension of his employment contract by one year and said he looked forward to serving the Council in the next two years. Mayor Martini pointed out that Mr. Carey is not looking for a merit increase or a COLA.

Council Member Schmitt thanked Mr. Carey for his year and stated that he will give his public commitment to work together with Mr. Carey and to ensure the communication level increases between them.

Mr. Gary Schmidt made a public comment that he would not hold Mr. Carey responsible for any discussions off the record in regards to the leasing of TMWA.

A motion was made by Council Member Smith to extend the Employment Agreement through July 31, 2010. There was no second. Motion died for lack of a second.

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

Time: 3:47:55 p.m.

7.1
P.H. and Adoption of Bill No. 2581, Adopting the 2006 International Fire Code

An agenda item from Fire Marshal Bob King recommending the City Council conduct a public hearing and approve Bill No. 2581, an ordinance amending Chapter 14 of the Sparks Municipal Code and adopting the 2006 International Fire Code; and providing other matters properly related thereto.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Bill No. 2581 as written and submitted, amending Title 14 of the Sparks Municipal Code. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, Absent. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1
Resolution No. 3115, PCN08029, Master Plan Amendment Request from U.S.D.A. Bureau of Land Management/Washoe County Public Works

Time: 3:49:14 p.m.

An agenda item from Associate Planner Heather Manzo recommending the City Council conduct a public hearing and approve a resolution associated with PCN08029; Resolution No. 3115, a resolution adopting a change of Master Plan Land Use Designation from Open Space/Rural Reserve (OS/Rural Reserve) to Public Facility (PF) on two parcels totaling approximately 17.29 acres of land generally located northeast of the intersection of Disc Drive and Pyramid Highway and west of the Sparks Galleria Planned Development, Sparks, Nevada.

Ms. Manzo stated that while Washoe County has a plan for a court

house complex, approval of the Master Plan Amendment is not specific and would allow for all uses within the Public Facility category to be developed at this site. Ms. Manzo added that Public Facility land use is allowed for such uses as parks, public schools, hospitals, public buildings, churches, golf courses, bike paths, trails and accessories, as well, as private recreation clubs and facilities, private schools, public and private residential facilities, which are allowed through discretionary review. Ms. Manzo stated this item was first heard by the Planning Commission on June 5th, 2008 and concerns were raised at that time by the Planning Commission regarding traffic and access and how future improvements to the Pyramid Highway might affect this site and also, the availability of public transportation at this location. This Planning Commission's vote resulted in a technical denial.

At the following Planning Commission meeting held on June 19th, the Planning Commissioner requested a reconsideration of the item and requested the applicant to provide additional information that addressed their concerns. On July 3rd, the Planning Commission reheard the item and voted to approve the request with the additional information.

Council Member Carrigan asked what the concerns were and Ms. Manzo stated much of the concerns were related to traffic and access. Neil Krutz, Community Development Director, stated the concerns were related to a specific use and also to the potential of using a portion of that property for the future Pyramid freeway. In looking at some of the information provided to the applicants by the RTC, staff noted that there is adequate land in there to leave for use of parcel and construct a freeway and that allowed staff to satisfy the potential freeway concern. The second concern was that a specific project was being looked at rather than a land use.

Stan Sherer, Parks and Recreation Director, stated that if BLM determines that the use of that property is in the best interest of the public, they can grant a lease under the same act. He noted that the Master Plan that the lead agency which is Washoe County submitted included the development of the District Court. They were specific about what they wanted that improvement to be. However, the city could change elements of the Master Plan pending their approval and the County could do the same with their uses.

Dan St. John, Public Works Director, for Washoe County, gave a brief overview on the item. He stated that they have analyzed numerous locations throughout the City for Sparks and believe this is the best location both financially and where it is located in terms of where the

future of the City of Sparks is going and access of purposes. Council Member Schmitt stated that documentation should come forward to show that the study has been done and that the site is good for a government facility to be there.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed Master Plan Amendment.

Gary Schmidt gave his opinion on the County government and his views on this item.

Sparks Justice of the Peace Kevin Higgins spoke in favor of the Master Plan Amendment for the building of the Sparks Justice Court.

Dan St. John, Public Works Director for Washoe County, spoke on the major points of the presentation that he had prepared.

Sparks Justice of the Peace Susan Deriso spoke in favor of the Master Plan Amendment for the Sparks Justice Court.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Resolution No. 3115, the resolution associated with PCN08029, certifying the Planning Commission's adoption of Master Plan Resolution No. 178, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, No. Council Member Salerno, Absent. Motion carried.

8.2
P.H. and Adoption of Bill No. 2587, PCN07029, Rezone from R1-40 to R3 on 8.19 Acres

Time: 4:36:53 p.m.

An agenda item from Associate Planner Chere' Jigour recommending the City Council conduct a public hearing and deny Bill No. 2587, a general ordinance rezoning real property owned by Ruth (Hurd) Sproles from R1-40 (Single Family Residential) to R3 (Multi Family Residential) on a site approximately 8.19 acres in size; generally located south of North McCarran Boulevard between El Rancho Drive and Sullivan Lane, Sparks, Nevada; and providing other matters properly relating thereto.

Associate Planner Chere' Jigour presented an illustration on this item and noted that the Planning Commission and staff are recommending denial. This is based on the finding that proposed zoning is inconsistent with the surrounding land uses and this is due to transportation and traffic issues.

John Martini, Deputy Director for Community Development stated that at the Planning Commission meeting, staff brought an analysis report for an access off of Pyramid. He said the applicant had already discussed it with NDOT as well as with the City of Sparks. NDOT had some concerns with being able to properly put an access in there. It would be right in and right out for a thousand trips per day which brought concerns to the Planning Commission that some of those trips would in fact, need to take U-turns at the intersection, and they could increase the pocket length to accommodate this and that some traffic would come down through the neighborhood driveways and the streets off of Wedekind to get back into the local arterial network. That was the concern of the Planning Commission. Additionally, Mr. Martini stated, when staff looked at the property and for the future widening of plans on McCarran, there were some concerns regarding the proper deceleration into the driveway and acceleration out of the project. Mr. Martini said those lengths could not meet the standards for NDOT. More analysis was needed and as of today it had not been done.

Chad Wilkinson, CFA, who is the applicant, and who also represents the property owner respectfully requested approval of the zone change and not follow the recommendation of the Planning Commission. He stated that they understood that staff had an obligation to carry forward the Planning Commission's recommendation, but it was important to point out that staff originally recommended the approval of this rezone based on the fact the request met the findings contained in Title 20 of the Sparks Municipal Code. Mr. Wilkinson noted that these findings can be found on page 11 of the staff report. He stated that the Regional Planning Commission also recognized the densities proposed were consistent with the Master Plan Regional Plan and unanimously found that the densities were in conformance with the Regional Plan on July 9th. Mr. Wilkinson also noted that NDOT was willing to work with them on the access.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed plan.

Mr. Gary Schmidt spoke in opposition of the zoning change.

The 1st motion was made by Council Member Smith to approve Bill No. 2587, PCN07029, a rezoning request. Seconded by Council Member Schmitt. Council Members Smith, Schmitt, YES. Council Members Mayer, Carrigan, No. Council Member Salerno, NO. Motion Failed.

The 2nd motion was made by Carrigan to remand the item back to the Planning Commission with direction to get letter of agreement for advanced study from NDOT for access onto McCarran Blvd. Council Member Schmitt seconded the motion. Councilman Carrigan rescinded his motion and Councilman Schmitt rescinded his second. Motion denied.

The 3rd motion was made by Council Member Smith to approve Bill No. 2587, the rezone request associated with PCN07029, based on the Findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. It was seconded by Council Member Schmitt. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, No. Council Member Salerno, Absent. Motion Carried.

6. General Business Continued:

6.11
Possible Motion to Conduct Labor Relations Proceedings

Time: 4:18:59 p.m.

Possible motion to adjourn to a closed session to conduct labor relations proceedings per NRS 288.220.

Item was withdrawn.

Time: 5:17:01 p.m.

9. Comments:

9.1
From the Council and City Manager

Council Member Mayer thanked Parks and Recreation Director Stan Sherer and his staff for getting the patent to build Wedekind Park. Council Member Mayer said his friend and he were on a committee in 1988 when Charlie Hancock put a lien against the Bureau of Land Management to prevent the property from becoming a condo project. Council Member Mayer suggested that at the end of 4th Street, a neighborhood tot park be built and be named after Charlie Hancock for his efforts in this area.

Council Member Mayer said it was a tragedy on the death of the monkeys over at the laboratory in Sparks and he would like to see if a report could be obtained as to what occurred.

Council Member Mayer commented on the change of the traffic patterns for the Hot August Nights cruise this year. He stated he received several calls this year on this. He asked if that was a city decision. Stan Sherer, Parks and Recreation Director, stated that

decision was made by the board at Hot August Nights.

Council Member Smith said he also received several complaints about the Hot August Nights routes.

Council Member Mayer commented that they are moving the Sparks Centennial Channel on Charter Cable from the basic cable line up which might make it unavailable for constituents who have only basic cable. He asked that a letter be sent to Charter Cable or a discussion be held to suggest that they continue to maintain SNCAT on the basic cable line up.

Mayor Martini asked City Attorney Adams about the legal opinion the Council took on North Truckee Drain Effluent about three weeks ago. He asked if they could revisit this item and bring it back to Council. City Attorney Adams said there was a denial, no action was taken according to the rules and therefore it could be brought back to Council. Mayor Martini requested the City Manager place this item as he sees fit on an upcoming agenda.

10. Adjournment — Time: 5:22:28 p.m.

There being no further business, the meeting was adjourned at 5:22 p.m.

_____
Mayor

_____
City Clerk

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SPECIAL MEETING OF THE SPARKS CITY COUNCIL
August 18, 2008 3:00 p.m.

1. Time: 2:59:07 p.m.

Call to Order

The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:59 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Time: 2:59:16 p.m.

Roll Call

Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Marc De La Torre, Victor Villarreal, John Dotson, Andy Flock, Neil Krutz, Tracy Wheeler, Steve Driscoll, Adam Mayberry, George Graham, Mindy Snyder, Margaret Powell, David Fitzpatrick, Chere Jigour, Tracy Domingues, Tim Thompson, Karen Melby, Jim Rundle, Wayne Seidel, Shawn Gooch.

Pledge of Allegiance

Time: 2:59:28 p.m.

The Pledge of Allegiance was led by Boy Scouts from Troop 24, who were in the audience.

Comments from the Public

Time: 3:00:07 p.m.

Boy Scout Hunter Lava stated he felt that we should keep our City clean by picking up litter and doing public service.

Boy Scout Brandon Lava said he felt we should do more about getting rid of graffiti in the parks.

Mr. Gary Schmidt stated he was proposing a redevelopment project for the old Lincoln Highway in Wadsworth and provided background on the proposed project.

Approval of the Agenda

Time: 3:10:33 p.m.

Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists. Item 5.7 was pulled for separate discussion and vote. It was noted that 5.7 would be heard after item 6.1, because we need to accept the money before we can spend it.

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

3. Approval of the Minutes

Time: 3:11:28 p.m.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the minutes of the Regular Meeting of July 28, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

Time: 3:07:43 p.m.

Mayor Martini read a commendation to City Planner Margaret Powell in recognition of her twenty-one plus years of service to the City of Sparks and he joined the Council in wishing her a long and happy retirement.

5. Consent Items:

Time: 3:12:03 p.m.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.6, 5.8, and 5.9. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Alcoholic Beverage Package License for Saag Market, 1447 Prater Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Paldharam Singh Chahal, for an Alcoholic Beverage Package License for Chahal 2 Corporation, doing business as Saag Market, located at 1447 Prater Way. Mr. Chahal has been the Manager/Owner of the Saag Market since March, 2006. 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.

5.2 On Premises Alcoholic Beverage License for Outback Steakhouse, 1805 E. Lincoln Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Joseph John Kadow, for an On Premises Alcoholic Beverage License for Outback/Nevada-II, Limited Partnership, doing business as Outback Steakhouse, located at 1805 E. Lincoln Way. Mr. Kadow has been an executive at OSI Restaurant Partners, LLC, the parent company, since April, 2005. 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.

5.3 Alcoholic Beverage Package License for Fast Mart, 1214 Victorian Avenue

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Ashu Anum Manocha, for an Alcoholic Beverage Package License for Fast Mart, located at 1214 Victorian Avenue. Ms. Manocha's husband is the owner of the convenience store. 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
Cabaret License for Las Trojes Mexican Restaurant, 5272 Sparks Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Juan Vasquez, for a Cabaret License for Las Trojes Mexican Restaurant located at 5272 Sparks Boulevard. Mr. Vasquez is the owner of the business. The license will provide a $1,300.00 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.

5.5
Slot Route Vendor Gaming License for Nevada Restaurant Services, 1226 Icehouse Avenue

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Richard Craig Estey, for a Slot route Vendor Gaming License for Nevada Restaurant Services, Inc., located at 1226 Icehouse Avenue. Mr. Estey currently holds several gaming and liquor licenses in Sparks. The license will not provide an annual fee because operators of a slot machine route who do not hold the gaming license for a location are not subject to an annual fee. Approval is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.6
Approval of Complement Changes in the City Manager's Office and Public Works

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve complement changes in the City Manager's Office and Public Works Department. In the July 1, 2008 Mid-Management contract, two titles were changed to reflect the position duties. The first title change is from Public Information Officer to Community Relations Manager. The second title is from City Engineer to Deputy Public Works Director/City Engineer. Both of the title changes will not result in an increase in pay or a change in pay range. At this time Human Resources is requesting to change the title in the complement.

5.7
Consultant Services Agreement with Fluid Concepts

*Time: 3:16:25 p.m. (*This item was heard out of order)

An agenda item from Flood Control Manager Shawn Gooch recommending the City Council approve a Consultant Services Agreement with Fluid Concepts for design and permitting of the Pioneer Diversion reconstruction in the amount of $250,000. The Pioneer Diversion has been modified recently such that it poses an increased threat of flooding to adjacent areas including the Sparks Industrial Area and the airport. The reconstructed dam will provide the needed flood protection as well as adequate irrigation flows, fish passage, boater/swimmer safety and long-term sustainability. Funds for this agreement will be available through a grant from the Truckee River Fund. It was noted that this was a companion item to 6.1.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve Consent Items 5.7. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.8
Change Order No. 1 for the Spanish Springs Interceptor, Phase 2 Project (C-1036)

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Change Order No. 1 for the Spanish Springs Interceptor, Phase 2 (C-1036), with Peavine Construction in the amount of $70,094.16. As part of the project, several additions to the original scope of work have been requested of the Contractor, necessitating this change order. These scope changes include additional landscaping along Sparks Boulevard, replacement of existing asphalt areas with concrete, overtime due to impacts in key intersections, and others. Funds are available for this change order.

5.9
Change Order No. 1 for the 2008 Street Rehabilitation Program Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Change Order No. 1 for the 2008 Street Rehabilitation Program Project (C-1077), with Granite Construction in the amount of $90,745. It has been determined that certain storm drain facilities within the area of the project require replacement. This change order will allow for replacement and upgrading of these facilities. Funds are available for this change order.

6. General Business:

6.1
Acceptance of a Grant from the Truckee River Fund in the Amount of $250,000 for the Reconstruction of the Pioneer Diversion Irrigation Structure

Time: 3:12:41 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council accept a grant from the Truckee River Fund in the amount of $250.000 for reconstruction of the Pioneer Diversion irrigation structure on the Truckee River, near the Greg Street Bridge. The City applied to the Truckee River Fund for a grant to begin design and permitting of modifications to the Pioneer Dam Irrigation Diversion. The City received notification that the grant was approved. This grant is contingent upon an authorized agent of the City signing a Grant Acceptance letter prior to deposit of the funds.

Flood Control Manager Shawn Gooch noted that his grant is from the Truckee River Fund, which is ultimately funded by the Truckee Meadows Water Authority. He said this is one of the oldest diversion structures on the river and there have been some problems with the operation of the dam over the years. These funds will ultimately provide a structure for the river that will pass flood flows, be a safe structure for fishing and swimming, and, in addition, provide steady capacity in the river channel.

Council asked where the diversion was located and who originally built the diversion structure. Mr. Gooch said it is located between the Glendale water treatment facility and the Grand Sierra Resort, just upstream from the Greg Street Bridge. Mr. Gooch said the structure has been in place since the 1850's, so it is assumed it was put in place by those who used the ditch for irrigation.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to accept the grant from the Truckee River Fund in the amount of $250.000 for reconstruction of the Pioneer Diversion irrigation structure on the Truckee River, near the Greg Street Bridge, as outlined by staff. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Resolution No. 3120, Authorizing the Transfer of City of Sparks Supplemental Bonding Authority for 2008

Time: 3:17:23 p.m.

An agenda item from Housing Specialist George Graham, recommending the City Council adopt Resolution No. 3120, a resolution transferring 2008 Supplemental State Volume Cap to the Nevada Housing Division (NHD) and Nevada Rural Housing Authority (NRHA) to use for its single-family mortgage loan program. On Thursday, July 31, 2008, the City received notice of the availability of a special supplemental bond authority of $1,665,033.09. Nevada Revised Statutes requires that all jurisdictions take official action allocating bonding authority prior to August 30, 2008. Otherwise, unallocated funds will revert back to the State's balance. The supplemental bonding authority is in addition to the annual amount previously presented to the Council. Keeping in line with recent allocations of PAB, staff recommends a proportional allocation (50%) to NHD and NRHA.

Mr. Graham noted that at the last meeting the Council voted to allocate the annual bond authority. This is a supplemental bond authority and to avoid confusion, staff separated the two actions. He stated that staff is recommending that the authority be split equally between NHD and NRHA, the same allocation as the annual bond authority. He stated that the funds will help with first time home buyer programs.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to adopt Resolution 3120 to give authorization to the Nevada Department of Business and Industry to transfer and allocate the City's special supplemental bond authority for 2008, proportionally, to the NHD and NRHA for the purpose of implementing their respective first time homebuyer programs in the Sparks community. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

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

9. Comments:

9.1 Time: 3:19:09 p.m.

From the Council and City Manager

Council Member Mayer commented that Assistant City Manager Steve Driscoll gave an excellent presentation at the Joint Meeting regarding the Shared Services Program among the City of Sparks, City of Reno, and Washoe County. He asked if any thought has been given to looking into privatizing some of those services. Mr. Driscoll responded that we have privatized services where it would provide cost savings, such as performing oil changes for our vehicle fleet. Those services have been contracted out to Jiffy-Lube and staff will continue to examine opportunities for cost savings by privatizing City services where possible.

Council Member Salerno asked Council Member Schmitt to furnish him with his research indicating that there had been problems between the RSCVA and the City of Sparks for the past 20 years. He said the RSCVA is very concerned about this comment and they wish to address the concerns regarding their relationship with the City of Sparks.

Council Member Schmitt commented that one of the items on the joint meeting agenda this morning was an agreement between all the local entities that each entity would openly discuss their plans for the upcoming legislative session. He said the Sparks City Council has an agreement also; stating that once there is a vote by the Council on an issue, all the Council Members would support the measure and not work against the measure. Mr. Schmitt asked that this agreement be brought back before the Council.

Mayor Martini commented that we are now "in the Truckee River," after more than three years of planning and preparation for the White Water Park at Rock Park. He personally thanked Mary Connolly in Senator Reed's Office for her assistance in getting over the last hurdle with the Corp of Engineers.

10. Time: 3:27:06 p.m.

Adjournment

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

_____

Mayor

_____

City Clerk

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MINUTES OF THE REGULAR CITY COUNCIL MEETING
3:00 P.M., Monday, August 25, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 2:59:10 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 2:59:16 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Steve Driscoll, Adam Mayberry, Marc De La Torre, Steve Asher, Gary Potter, Tom Miller, Steve Keefer, Brian Allen, Judy Jennings, Susie Dayton, Teresa Wiley, Jeff Streeter, John Dotson, John Martini, Kathy Clewett, Frank Frievalt, Heather Manzo, Wayne Seidel, Armando Ornelas, Tom Minton, Randy Waterman, Randy Mellinger, Karen Caterino, David Fitzpatrick, Chad Hawkins, David Vill, Tracy Wheeler, Pete Krall, Tom Crouse, Alex Mendoza, Stan Sherer, Rob Joiner, Shirle Eiting, Tim Thompson.

Special Guests: Reno Mayor Bob Cashell, Reno City Council Member Sharon Zadra, Pam Matteoni from Senator Ensign's Office and Mary Conelly from Senator Reid's Office.

Invocation Speaker (Time: 2:59:29 p.m.)
The scheduled speaker, Bishop S. Clay Jorgenson from the Church of Jesus Christ of Latter Day Saints, was not present to give an invocation.

Pledge of Allegiance (Time: 2:59:43 p.m.)
The Pledge of Allegiance was led by Council Member John Mayer

***Comments from the Public** (Time: 3:00:35 p.m.)
Mr. Fred Barrie, 3396 Lagomarsino Court, spoke regarding the proposed right turn lane from southbound Pyramid Highway onto McCarran Boulevard, stating the project will interfere with the ability of the residents to exit from the Village Green subdivision. He asked the Regional Transportation Commission (RTC) representative on the Sparks City Council to ask RTC to review the project again, in light of the major changes to the original plan that have occurred. Council Member Schmitt noted that RTC has scheduled a meeting with the Village Green residents for October 20, 2008, with the Sparks City Council, to hear their concerns.

Reno Mayor Bob Cashell addressed rumors that the City of Reno has undermined the City of Sparks with regard to development--specifically the Cabella's project and the baseball stadium. He assured the Sparks Council that he has always had open communication with the Mayor of Sparks and has supported all Sparks' efforts to attract development to the Marina area. He maintained that they did not negotiate for the baseball project until the developers made the decision that Reno would be a better location for them.

Approval of the Agenda (Time: 3:09:07 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 Smith, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Recommendation to Approve Minutes (Time: 3:09:36 p.m.)
Regular Meeting of August 11, 2008

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the minutes of the Regular Meeting of August 11, 2008. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Commendation to Police Chief John Dotson (Time: 3:10:07 p.m.)

Mayor Martini read a commendation for Police Chief John Dotson in recognition of his 15+ years of service to the City of Sparks. The Council and various dignitaries presented Chief Dotson with commendations and certificates honoring his distinguished career in law enforcement and wishing him a happy and well-deserved retirement.

4.2 Commendation to Randy Waterman (Time: 3:17:16 p.m.)

Mayor Martini read a commendation for Risk Manager Randy Waterman in recognition of his 8+ years of service to the City of Sparks and wished him a happy and well-deserved retirement.

4.3 Presentation: Sparks Advisory Committee for the Disabled Exemplary Award: Saigon 88 (Time: 3:20:22 p.m.)

The Co-Chair for the Sparks Advisory Committee for the Disabled, Jeanette Ramirez, presented an Exemplary Business Award to Saigon 88, a Vietnamese restaurant in Sparks, in recognition of their exceptional physical access and friendly customer service for people with disabilities. Mr. Henry Win, the Chef and co-owner of Saigon 88, accepted the award and thanked the committee for their recognition.

5. Consent Items: (Time: 3:23:06 p.m.)
Council Member Schmitt requested that item 5.3 be pulled for discussion and separate vote.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Items 5.1, 5.2, 5.4, and 5.5. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period July 24, 2008, through August 6, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering July 24, 2008, through August 6, 2008.

5.2 Consideration and possible approval of an Alcoholic Beverage Package license for Tirthcharan Partnership dba Plaza C Store, located at 1135 Rock Blvd., Sparks, NV

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Tirath Kaur, for an Alcoholic Beverage Package License for Tirthcharan Partnership, doing business as Plaza C Store, located at 1135 Rock Boulevard. Ms. Tirath has been the manager of the store since December, 2007. 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 Consideration and possible approval of an application for an On Premises Alcoholic Beverage license for Orcutt Boys Enterprises, Limited Partnership dbat Scolari's Food and Drug Company #1, located at 950 Holman Way, Sparks NV (Time: 3:23:06 p.m.)

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Joey Eldon Scolari, for an On Premises Alcoholic Beverage License for Orcutt Boys Enterprises, Limited Partnership, doing business as Scolari's Food and Drug Company #1, located at 950 Holman Way. Mr. Scolari currently has gaming licenses in Sparks and alcoholic beverages will be complimentary to customers in the gaming portion of the store. The gaming area has a separate outside entrance, with no inside entrance to the store. 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.

Council Member Schmitt stated he asked that this item be pulled as a courtesy to one of the other Council Members because this is the company he works for and therefore wishes to abstain from voting on this item.

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

5.4 Consideration and possible approval of Change Order #1 for Sparks Flood Mitigation Project, Site 3, CIP #8106, Bid No. 07/08-034, PWP No. WA-2008-313, to MKD Construction, Inc., in the amount of $65,400

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Change Order No. 1 to MKD Construction for the Sparks Flood Mitigation Project, Site 3, in the amount of $65,400. This change order will include the construction of a Maintenance/Fire Access Road along the new channel to include 350 lineal feet of retaining wall. Funds are available for this additional work.

5.5 Consideration and possible approval of the purchase of plant mix and concrete asphalt products through the State of Nevada Joinder Bid No. 7444RA and the 2008 Bituminous Plant Mix Joinder Contract with Washoe County from Granite Construction Company in the amount of $200,000 during FY08/09

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve the purchase of plant mix and concrete asphalt products through the State of Nevada Joinder Bid No. 7444RA and the 2008 Bituminous Plant Mix Joinder Contract with Washoe County from Granite Construction Company in the amount of $200,000 during fiscal year 2008/2009. These products will support the City's 2008/2009 corrective maintenance program in the Public Works Street Division. Funds are available for this purchase.

6. <u>General Business</u>:

6.1 Presentation, discussion and possible direction or approval of Federal, State, Nevada League of Cities and Local Legislative Affairs issues (Time: 3:24:46 p.m.)

Government Affairs Manager Rob Joiner noted that the legislative team has been giving the Council updates as discussion occurs on issues of concern to the City of Sparks, as noted in the staff report. He discussed a late breaking item, stating that at the recent Nevada League of Cities Conference in Fallon there was a presentation by the Federal Relations Director for the National League, Carolyn Coleman. They have been working on immigration reform, but this is a federal issue and the federal government is not allowing this to pass this issue down to the states. She also reported that the recently passed housing bill may not be as helpful as it first appeared. They are also working to modernize the FHA, Fanny May, and Freddie Mac and make sure those programs are sound. Issues also discussed at the National League conference were:

- The energy block grant
  - there is concern regarding how it is going to be authorized and whether it will pass out of the Senate
- Collective bargaining
  - We have heard that is coming from the federal government to those states that don't already have it in place
- Excise fees for cell phones and other charges that are limited at this time.

We met with members of our federal delegation during recess. They were given a tour of some of our projects sites.

In response to questions from Council, Mr. Joiner noted the League came up with five bill drafts at the convention:

1. Sewer laterals - Shirle Eiting in the City Attorney's Office has been working on this. This was the top of everyone's list because of the extreme costs it would cause for local entities.
2. Separation of benefits for retirees and active employees. This is going to be a very costly item.
3. Local fiscal authority - Allowing local governments the provisions of funding upon voter approval of their own citizens.
4. Transportation - this issue was fourth; however, the transportation subcommittee is not pushing work items onto bill drafts; instead they are looking at funding for new mandates--i.e., if we want to give up a function that we are taking care of at the local government level and pass it on to the state; we would not be able to do that unless we provided the funding source for it. Conversely, if the state were to give us an "unfunded

mandate," they would not be able to do so unless they gave us the commensurate funding source, or a way to raise our own funding.

5. Proposed by the City Clerk's Association - a clean up of the election statutes
    a. How names are placed on the ballot
    b. The storage of data
6. Two Alternates:
    a. Enhanced 911
        i. For new technologies for those that have this system
        ii. Provide the same excise fees that are charged to other technologies
    b. To "beef up" the disaster relief fund and streamline the process for declared emergencies by FEMA and the State
        i. This will enable local governments to recover additional funding that is provided by statute, but is very difficult to apply for

Mr. Joiner stated there is an innovations program at the League conference, where each city brings something new from their community--kind of a show and tell.

- City of Las Vegas presented their recycling and green energy program for employees
    - Very wide-spread and saving them a lot of money
- Boulder City presented their Tourism Authority they put into place in 2004
    - They are marketing themselves as a "Statecation"--where people can go on vacation within the state.
        - Added zip lines down the mountains
        - World class mountain biking
        - Other recreation opportunities
- Gardnerville presented their "Main Street" program and what it is doing for the local economy
- Sparks presented our new Golden Eagle Regional Park
    - We won an award and the Executive Director of the Nevada League of Cities will present the award to the Council at a future council meeting

Mr. Joiner then addressed the bill draft requests from NACO, stating they have their five issues which were listed in the newspaper. The [Washoe] County Commission will meet tomorrow to adopt their bill drafts.

6.2 Discussion and possible action on title and language for 2009 Nevada Legislature Bill Draft Request for City of Sparks (Time: 3:36:18 p.m.)

Government Affairs Manager Rob Joiner noted that at the July 28, 2008, City Council meeting staff was directed to develop language for a BDR enabling Sparks to create a discrete convention and visitors authority, with details to be worked out before pre-filing. Staff was also asked to work with the RSCVA (Reno-Sparks Convention and Visitors Authority) to determine how current or future revenues might be utilized toward that direction. He said that after the motion, staff was also directed to work on alternates for asking our local legislators to carry alternate bills.

Mr. Joiner referred to a memo to the Council in which he used the City of Henderson as an example of how they set up a discrete convention and visitor's authority. He outlined how they

established their fund--initially a capital improvement fund to build a convention center. They then expanded into other recreation and fair type activities, in cooperation with the Las Vegas Convention and Visitors Authority (LVCVA). He said there was also unique legislation (that was passed in the mid-1980's) that provided any incorporated government in Clark County to retain 2% of their overall room tax, in addition to grants, cooperative agreements, and interlocal agreements with the LVCVA.

Mr. Joiner stated that after meeting with the RSCVA, staff is proposing three options for the Council to consider. He then reviewed the options as listed in the staff report.

Council Member Schmitt said his interpretation of the difference between Option 1 and Option 2 is Option 1 is saying that right now all room taxes come immediately to the City of Sparks, and Option 2 says all room taxes on new facilities that are built after October 2009 comes to the City of Sparks.

Mr. Joiner cautioned that we cannot take revenues that are obligated. Mr. Schmitt said maybe we should define (in the discussions today) exactly what direction the options would take. It was noted that both options contained the word "future," but one has a specific date. Also that one states revenues generated within the City of Sparks and the other says generated from transient occupancy rates within the City of Sparks. Mr. Joiner noted that this was basically the same thing. He also clarified that the Council could choose all or just a portion of the first option.

Council Member Carrigan said when he provided direction to Council regarding the bill draft at the last meeting, it was not his intention to take any of the room tax that is now going to the RSCVA away, and this is what option 1 would do. He emphasized that it was not his intention to break away from the RSCVA and asked why the date of October 1, 2009, was in the option. Mr. Joiner stated that it is simply one of the options that NRS provides: the bill, if passed, can be either effective upon passage; effective July 1; effective October 1; or effective January 1. Mr. Carrigan stated when he suggested a bill draft request, his intent was to have the money from new hotel rooms stay in the City of Sparks.

Council Member Salerno asked City Attorney Chet Adams, for the record, to clarify the document that Council Member Schmitt asked for at the last meeting regarding a resolution the City Council had made regarding BDR and individual Council Members lobbying against Sparks' BDR if it was passed by the other council members. Mr. Adams stated it was his belief that the resolution Mr. Schmitt referred to dealt with preventing City Council members from going down to the Nevada Legislature and testifying against legislation that has been presented by the City on behalf of the City. He said that because nothing has yet been presented to the legislature regarding this issue, all council members are free to voice their opinion concerning any BDR that is being proposed by the City Council and being supported by the City Council.

Assistant City Manager Randy Mellinger stated that obviously our last bill draft discussion got the attention of the RSCVA. They have now met with most of the Council regarding the discussion of this bill draft. The commitments that have been made on the part of the RSCVA, in draft form, are attached to this staff report and show that Sparks can be put into the forefront and Sparks can be marketed, now that we have the Legends Project and the Golden Eagle Park.

These are truly destination draws, as opposed to what we have had in the past. He said that now that these draws are in place, the timing of this discussion is certainly appropriate. He said the question now is: if we did not want to do this BDR, what commitment could we get from the RSCVA to promote our destination attractions. He then invited Ms. Ellie Oppenheimer of the RSCVA to discuss a draft of a proposed interlocal agreement, as included in the staff report.

Ms. Oppenheimer stated that this is an era of regional cooperation in government and this is equally true in destination marketing. She stated we can accomplish far more by working together and she pledged the RSCVA's support in continued and expanded efforts to communicate with Sparks regarding the regional marketing efforts of the RSCVA. Ms. Oppenheimer asked the Council to retarget our single bill draft request to another key need for Sparks.

Council Member Smith said he is looking forward to working with the RSCVA in the future and he emphasized that the Council was not talking about taking any of the current funding away from the RSCVA.

Council Member Schmitt said he appreciated all the open communication with the RSCVA in the past few weeks and he felt this was needed on a much more frequent basis.

Council Member Mayer commented that he felt we did get more "bang for our buck" by working with the RSCVA and that Sparks would not be able to accomplish nearly as much if we separated from the RSCVA.

Mayor Martini asked if the "Henderson Model" cut money out from the LVCVA for the City of Henderson to use for advertising or for capital improvements. Mr. Joiner responded that it was for both. Mayor Martini said he would like to see an interlocal agreement that would cut some money out of new revenue for a facility like the arena we are considering for the Legends at Sparks Marina project. He said this is more important to him than additional advertising--getting a capital improvement that we can use down the road.

Ms. Oppenheimer noted that Washoe County is very different from Clark County, which is expecting to add approximately 40,000 new hotel rooms in the next four years. She emphasized that growth in this region is much more modest and we need to look at what the realistic revenue opportunities are (in terms of growth) and also recognize the level of pledged debt service and debt ratios that exist today.

Mayor Martini said he is not talking about what has already been pledged for debt service, but carving out some money from future revenues. Ms. Oppenheimer stated that it is important to understand that the debt service as it is currently structured for existing facilities, increases over time. She said that examining how the debt service increases over time relative to revenue forecasts would be essential before they could make any commitment regarding funds for an arena in Sparks; however, this is something that they are willing to talk about.

Council Member Salerno stated that he is the board member representing the City of Sparks at the RSCVA and what he is hearing today is different from his understanding of what was said at

the first meeting regarding Sparks' bill draft. He said that because of the current economy, gaming revenues are really off and he does not anticipate that there will be any extra money for Sparks in the future. He said he would not support this bill draft.

Council Member Carrigan stated he agreed that it is better that we work with the RSCVA and he emphasized that it was never his intention to pull out or separate from the RSCVA. However, in the future he would like to see Sparks get revenue from future new growth for advertising, marketing, and facilities in Sparks, in addition to fair and recreation board activities.

Council Member Schmitt said of the three options outlined by staff, he proposed that the Council select number 2, with some minor language changes to include Mr. Carrigan's suggestion to specify advertising, marketing, and facilities as part of the fair and recreation board activities. He also said that the language, "that are built after October 1, 2009," can be interpreted different ways and he suggested it be changed to: "that are opened after October 1, 2009," because sometimes it takes several years to build a project. He said actually, he would like to see the effective date be the date that the bill is signed.

Mayor Martini clarified that he did not support putting this BDR through the legislature because he did not feel they would support it. He stated he would prefer to work on a Memorandum of Understanding with the RSCVA, so that if it is feasible in the future, they will help out with our arena.

Mayor Martini noted that there was a request for public comment on this item and he asked the Council to suspend the rules and allow public comment, because this was not a public hearing item. The Council agreed to allow comment.

City of Reno Council Member Sharon Zadra commented that not only is she a council person, but she has more than 30 years of experience in marketing in this region. She stated that regional marketing is critical and that we can all gain from the synergy of advertising as a region. Ms. Zadra said there is some concern that this synergistic approach could lead to consolidation and she emphasized that she understands that Sparks does not want consolidation. However, this region desperately needs facilities and she suggested that we could work together in the future on some type of tax incentive for facilities.

City Manager Carey discussed the reason this item was on the agenda today, stating that at the meeting in July, the Council gave staff direction to prepare a bill draft request relative to the RSCVA and Sparks receiving its share of funding. In the motion the Council said details would be worked out as we went along. He said that Mr. Joiner's staff report is aimed at ensuring that the bill draft that we do ultimately send to the Legislature, prior to September 1, 2008, has a title which contains the Council's basic intent. He stated that the actual language of the bill draft will be further analyzed at a later date, but in order to meet the deadline, the Council needed to provide direction to staff regarding the title, should they decide to go forward with a bill draft request.

Council Member Schmitt asked that his earlier suggestion, with corrections to option 2, be considered as a motion. Council Member Carrigan seconded the motion. Mayor Martini asked

if everyone understood the motion. Council Member Carrigan asked if Mr. Joiner understood what the Council was asking. Mr. Joiner stated he understood that the Council wanted to limit the activities that would be allowed. Mr. Carrigan stated no, it was not his intent to limit the activities, but he wanted those activities specifically included. Mr. Joiner stated 244A is all inclusive.

Council Member Carrigan said he wanted to make sure everyone understands that this motion is not to break off from the RSCVA, but to use future room tax revenue from new hotels built in the future. Council Member Smith clarified that the intent is not to reduce any of the funding that Sparks currently provides to the RSCVA.

Mayor Martini stated he did not support this avenue of action. He supports working on an MOU. He said he did not think our legislators will support our bill draft request either.

Council Member Mayer stated he did not feel that this bill draft request would go anywhere and it gives the wrong message to the legislature. He said option 3, for an interlocal agreement with the RSCVA was the better alternative.

Council Member Schmitt said that if this issue can be worked out with a memorandum of understanding, then we have six to seven months to do it, because the bill draft will not be introduced to the legislators until February 5, 2009. However, we are required, by law to submit our bill draft request to the end of the week.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to direct staff to prepare a BDR amending NRS to provide that future room tax revenues generated from transient occupancy rooms within the City of Sparks that are opened after the signing of the bill be retained by the city for the uses allowed by NRS 244A for fair and recreation board activities and capital facilities. Council Members Smith, Carrigan, Schmitt, YES. Council Members Mayer, Salerno, NO. Motion carried.

6.3 Consideration and possible approval of Resolution No. 3121; a resolution of intent to issue General Obligation Sewer Bonds, and authorizing the publication of notices relating thereto (Time: 4:25:37 p.m.)

An agenda item from Finance Director Tom Minton recommending the City Council approval of Resolution No. 3121; a resolution of intent, proposing the issuance of, and authorizing the publication of notices relation to General Obligation (limited tax) Sewer Bonds (additionally secured by pledged revenues) in the maximum principal amount of $23,550,000 for the purpose of financing sewer projects for the City; providing the manner, form and contents of the notice thereof; authorizing the City Finance Director or his designee to arrange for the sale of the bonds; providing other matters properly related thereto; and providing the effective date hereof.

Mr. Minton introduced Jennifer Stern of Swenseid and Stern, bond counsel for the City in this matter. He noted that the resolution is for bonds in the amount of $23,550,000 and will provide funding for the Spanish Springs Interceptor Phases 3 and 4 and the Stanford Way storm drain improvements. These projects are on the list for State revolving fund financing and were included in their funding request for fiscal year 2009.

Ms. Stern explained that this is just the next step in the proceedings and calls for a public hearing and starts a 90 day petition period whereby registered voters can petition against using general obligation bonds. If everything goes forward, as expected, we expect to submit a bond ordinance for a portion of the authorized $23,550,000. These bonds will be sold to the State revolving fund at an interest rate that is approximately 66% below the current market rate.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve Resolution No. 3121. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4 Discussion and possible action on funding for a portion of the Resource Center component of the Community Assistance Center and/or veterans services office proposed by Washoe County (Time: 4:28:26 p.m.)

An agenda item from Grant Administrator Tracy Wheeler recommending the City Council consider taking action on funding for a portion of the resource center component of the Community Assistance Center and/or Veterans services office proposed by Washoe County.

Ms. Wheeler noted this request is two-fold. One portion is a request for funding for the Resource Center at the Community Assistance Center and the other is to provide direction to staff to bring back a resolution to contribute to an area Veterans Services Office.

She said there have been a number of discussions in the region relating to the Community Assistance Center, located on Record Street in Reno. It houses the Men's Drop-in Center, the Women's Drop-in Center, the Family Transitional Shelter, the Triage Center, and eventually the Community Resource Center. The Resource Center will provide the ability for individuals experiencing homelessness to have case management and access to mail service, voice mail service, telephone services and other items needed for obtaining employment and/or housing.

Ms. Wheeler offered a correction to her staff report, stating that she indicated that the men's drop-in center had a 70 bed capacity, when it actually has a 150 bed capacity and it is currently open and operating at full-capacity. She stated that the women's drop-in center is expected to open in October at half capacity (35 beds).

She said the expectation of costs for nine months of service, to start-up and run the resource center, without staffing, is approximately $41,250. Staffing will be provided on an in-kind basis by the City of Reno and other participating entities.

The Veterans Services Office is a new service that is expected to be provided to enable veterans to access mainstream resources for income, such as VA benefits and other resources they may or may not be currently accessing. Ms. Wheeler stated it was her understanding that the City of Reno has contributed some funding during their last budget process, with the caveat that the services will be provided at the Community Assistance Center. Staff has provided that caveat in this request as well, should the Council provide direction to bring back a resolution to contribute to an area Veterans Services Office. She said that Washoe County will be taking action on this funding request in October.

Council Member Carrigan asked for clarification of the community voice mail costs. Ms. Wheeler stated that the expectation is the resource center will provide services for up to 300 people because the center will also be open and available to anyone who is experiencing homelessness, not just those staying at the center. Mr. Carrigan expressed concern about monitoring the use of the phone and the possible abuse of the phone. Ms. Wheeler stated the intent is to have someone on staff that will monitor the use of the phones, but she did not know how the monitoring would be accomplished.

Council Member Carrigan also expressed concern regarding the need for the veterans' services when there are already services available to them. Mr. Grady Tarbutton, the Director at Washoe County Senior Services, noted that the U.S. Veteran's Administration only determines eligibility for benefits; it does not assist them in applying for those benefits. The Veterans Center will act as advocates for the veterans and assist them in applying for benefits and assist them will appeals, if needed. He stated that they are proposing three positions: two will be certified veterans services officers and will receive training from the U.S. Veterans Services and the third position will be an office assistant.

Council Member Smith asked if these services would be for homeless veterans or for any veteran. Mr. Tarbutton responded that it was for any veteran.

Council Member Mayer asked where the money would come from. City Manager Carey stated that although discussions on this issue have taken place for the past several months, we were unable to include this in the budget and staff is recommending that we use contingency funds from the general fund. He said that in the future staff will look to designate CDBG funding for this purpose; however, this is a stop-gap measure to allow the Center to open in October.

Council Member Mayer expressed concern regarding the costs of some of the items in the proposed budget. Ms. Wheeler assured the Council that although some of the costs seem high, there has been due diligence with respect to cost savings and they anticipate doing more due diligence to reduce costs even further. Mr. Mayer offered some suggestions for ways the center could reduce costs or get supplies at reduced costs and then moved to approve.

Council Member Schmitt seconded the motion for discussion and noted that due to the current economic downturn, it was anticipated that the contingency fund would be used to make up for lost revenues in the 2007/2008 fiscal year. He asked if there would be a sufficient amount in the contingency fund to make this contribution. City Manager Carey noted that we are looking to carry a contingency of $645,000.00; less this amount. He said staff is recommending using contingency funds because this expenditure is not contained in any line item in the approved budget.

Council Member Schmitt asked if all the other pieces for opening the center in October are in place. Ms. Wheeler stated that at the September 15, 2008, council meeting, the Council will be asked to consider an interlocal agreement which will outline all the resources that are being contributed by each party. She stated that the expectation is that on October 1, 2008, the doors

will open on all the facilities that are not currently operating at the Community Assistance Center.

Council Member Schmitt stated we need to help this project move forward and this funding will provide additional time to figure out what is going to happen with future funding. He also expressed doubt regarding the Veterans Service Office, stating that he felt that the costs were very high for this type of operation. Mr. Tarbutton emphasized that the benefit of this type of program to a community has been show to be significant in other states. Mr. Schmitt stated that he understood the program was beneficial, but he felt that there were private organizations that could perform the same services at a much lower cost.

Council Member Carrigan asked if Mr. Mayer's motion was to approve both portions of the funding request--to approve the $41,250.00 for the Resource Center and to bring back a resolution to contribute $12,500.00 to the Veterans Service Office. Council Member Mayer stated yes, that was the intent of his motion to approve.

Council Member Carrigan discussed the unemployment rate in the City of Sparks and asked if anyone who was unemployed and looking for work could go down to the center and use the voice mail program. Ms. Wheeler stated that yes, they could. Mr. Carrigan commented that as a veteran, he felt that this service was being pushed down to the City government when it was really the Federal government's responsibility. He said he would support the motion to bring this item back with a resolution; however, he asked that staff provide a line-item budget for the program, because he felt that the estimated $250,000 budget for three people to run this program for a year was excessive.

Mayor Martini asked if the Sparks City Council approved a resolution to stamp out homelessness in 10 years. Ms. Wheeler confirmed that in 2007, the Council approved a plan to address and, hopefully, end homelessness in our community. Part of that plan was preventative services, which is what the resource center falls under. She clarified that while this will be an on-going service, the term of the interlocal agreement will be through June 30, 2009. We will have the capacity to renew that interlocal agreement, should all parties agree, but at the culmination of the initial term of the agreement, it is anticipated that there will be a non-profit in place to run these services. Ms. Wheeler offered to conduct a workshop for the Council to look at other funding resources in future years, rather than using general fund dollars.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve a contribution of $41,250.00 in Fiscal Year 2008-2009 to the Resource Center and to direct staff to bring back to council a resolution to contribute $12,500.00 to the Veterans Service Office. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5 Consideration and possible approval of a Cooperative Agreement between the City of Sparks and the State of Nevada/Nevada Department of Transportation for the acceptance of ownership and maintenance responsibilities for certain portions of State right-of-way (Time: 4:56:55 p.m.)

An agenda item from Pubic Works Director Wayne Seidel recommending the City Council approve a Cooperative Agreement between the City of Sparks and the State of Nevada/Nevada

Department of Transportation (NDOT) for the acceptance of ownership and maintenance responsibilities for certain portions of State right-of-way. The City and NDOT have been in negotiations for four years to have NDOT transfer ownership of urban road and highway right-of-way to the City. The transfer of the identified roads will give control of the operation and maintenance to the City without having to secure permits or negotiate maintenance agreements with NDOT. Ownership will also give the City control of access to the roads, together with the right to maintain, develop, or redevelop the roads.

Mr. Seidel stated that NDOT has agreed to transfer ownership and maintenance responsibilities to portions of seven urban streets and highways as outlined in the staff report. He noted that there is a total of 3.76 miles of roadway that is being proposed for transfer to the City. NDOT is providing three years of maintenance money ($836,151.00) for the roadways. He said upon approval by the City Council, the agreement will go before the State Transportation Board at their September quarterly meeting. NDOT will do research and documentation for the transfer over the next 18 months in order to get to the point where the relinquishments can be recorded.

Mr. Seidel noted that there is a potential for water rights acquisition under these sections of road, as they come into our inventory. He stated that these sections are urban arterial roads and they fit into RTC's qualifications. All of them, with the exception of the small section of Nugget Avenue, would be regional roads.

Council Member Mayor asked why Glendale Avenue was not part of the transfer. Mr. Seidel stated that at this point Glendale Avenue is not in the mix; however, there will be further negotiations and Glendale Avenue may be considered for transfer at a future date. Council Member Mayer then made a motion to approve the agreement, which was seconded by Council Member Salerno.

Council Member Schmitt expressed concern regarding the current conditions of these sections of roadway and whether the maintenance money provided by NDOT will actually cover the cost of maintenance in the long-term. Mr. Seidel stated that staff has reviewed the sections with NDOT and in general, they are in fairly good shape. He stated that once the roadways are transferred to the regional inventory, we will set up a pavement condition index and maintenance schedule. He said we anticipate we will need to perform slurry seals on the roadway sections in the next three to five years, as normal wear and tear, as we do on any regional road, but he did not foresee any major reconstruction needed in the next ten to 20 years, with the exception of Oddie Boulevard. He noted that we are already doing feasibility studies on Oddie Boulevard to convert it to an urban standard with streetscape, etc., as a redevelopment project.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the Cooperative Agreement for the acceptance of ownership and maintenance responsibilities for certain portions of State right-of-way. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6 Consideration and possible approval of Resolution No. 3122, adopting the Truckee River Operating Agreement and Authorizing the Mayor to Sign the

Truckee River Operating Agreement as a Signatory Party (Time: 5:04:50 p.m.)

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve Resolution No. 3122, a resolution adopting the Truckee River Operating Agreement (TROA) and authorizing the Mayor to sign the Truckee River Operating Agreement as a signatory party.

Council Member Carrigan asked whether Sparks had already approved the TROA. Mr. Seidel stated this was a resolution of support for signing the agreement and authorizing Mayor Martini to sign the agreement at the signatory celebration scheduled for September. He said all the stakeholders are doing resolutions of support to show regional unity in support of the agreement.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve Resolution No. 3122. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7 First Reading and possible discussion of Bill No. 2589 related to PCN08041; an ordinance request from Truckee Meadows Water Authority and Jean Furbeck to change the existing zoning on approximately 2,004 square feet from PF (Public Facility) to R1-15 (Single Family Residential) and to change the existing zoning on approximately 2,004 square feet from R1-15 (Single Family Residential) to PF (Public Facility) on a site approximately 3.84 acres in size, located at 131 and 475 East I Street, Sparks, NV (Time: 5:07:10 p.m.)

City Clerk Linda Patterson read Bill No. 2589 by title, A general ordinance rezoning real property owned by Truckee Meadows Water Authority and Jean Furbeck to change the existing zoning on approximately 2,004 square feet from PF (Public Facility) to R1-15 (Single Family Residential) and to change the existing zoning on approximately 2,004 square feet from R1-15 (Single Family Residential) to PF (Public Facility) on a site approximately 3.84 acres in size located at 131 and 475 East I Street, 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 September 8, 2008.

6.8 First Reading and possible discussion of Bill No. 2590, an Ordinance amending Chapter 10 of the Sparks Municipal Code to Update the Snow Route Definitions, Snow Route Priorities and route Designations; and providing other matters properly related thereto (Time: 5:08:54 p.m.)

City Clerk Linda Patterson read Bill No. 2590 by title, an ordinance amending Chapter 10 of the Sparks Municipal Code pertaining to amendment of the snow routes; 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 September 8, 2008.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1 Public Hearing, 2nd Reading, consideration and possible action on Bill No. 2588, related to PCN08036; an ordinance request from McCaffery Family Limited Partnership to change the existing zoning from C2 (General Commercial) to C2/TOD (General Commercial/Transit Oriented Development) on a site approximately 0.34 acres in size located at 1538 C Street, Sparks, NV (Time: 5:08:19 p.m.)

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and approve Bill No. 2588, A general ordinance providing for the rezoning of certain lands owned by McCaffery Family Limited Partnership from C2 (General Commercial) to C2/TOD (General Commercial/Transit Oriented Development) on a site approximately 0.34 acres in size; located at 1538 "C" Street, Sparks, NV; and providing other matters properly relating thereto.

Ms. Pellett discussed the background of this application as outlined in the staff report and noted that this property owner will be coming forward with a special use permit application for this property. They plan to demolish the existing structure (the Morton funeral home) and the City has requested they have the TOD zoning associated with the property in order to stay in compliance with the adopted interim TOD standards.

Mr. Ken Krater, representing the applicant, thanked staff for working with them on this application and offered to answer any questions the Council may have.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this proposed rezoning. There being no comment, the public hearing was closed.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Bill No. 2588 (Ordinance No. 2409), a rezoning request associated with PCN08036, to rezone approximately 0.34 acres from C2 (General Commercial) to C2/TOD (General Commercial/Transit Oriented Development) based on findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.2 Public Hearing, consideration and possible approval on PCN08039; a request from Lennar Homes to amend a condition of approval for a Tentative Map associated with PCN03080 and for Tentative and Final Approval of an amendment to the D'Andrea Planned Development Handbook to amend language in the Fire section in Chapter 2, and to revise development standards in Chapter 3 as related to rear yard setbacks for identified residential land uses on a site approximately 861 acres in size within the PD (Planned Development) zoning district generally located southeast of the intersection of Vista Boulevard and North D'Andrea Parkway and within the D'Andrea Planned Development, Sparks, NV (Time: 5:12:01 p.m.)

An agenda item from Associate Planner Heather Manzo recommending the City Council conduct a public hearing and approve PCN08039; a request from Lennar Homes to amend a condition of approval for a Tentative Map associated with PCN03080 and for Tentative and Final Approval of an amendment to the D'Andrea Planned Development Handbook to amend language in the Fire section in Chapter 2, and to revise development standards in Chapter 3 as related to rear yard setbacks for identified residential land uses on a site approximately 861 acres in size within the PD (Planned Development) zoning district generally located southeast of the intersection of Vista Boulevard and North D'Andrea Parkway and within the D'Andrea Planned Development, Sparks, NV.

Ms. Manzo displayed a map of the area and stated the development standards handbook proposes changes to pages related to the fire section in chapter 2, as well as rear yard setbacks in four single-family designations. In chapter 2, specific language has been proposed to identify specific villages with steeper slopes where fire department response depends on smaller vehicles that are able to move with a tighter turn radius than the standard equipment. The handbook will require the fire apparatus to be ordered and purchased by the developer prior to the issuance of any building permit within eleven villages of Phase III and identifies the village names. In chapter 3, a change is proposed for single-family lots for second story decks, only as proposed. This would allow property owners whose lots are adjacent to common area, golf course, or right-of-way to have a reduced setback for construction of a second story deck only. The standard setback for the actual house structure would remain the same. Ms. Manzo stated that in association with the chapter 2 changes, the tentative map condition of approval changed is proposed to make the language more general and refer to the adopted handbook for language to meet fire condition.

Mr. Chris Baker, Summit Engineering, stated they agreed with staff's recommendation for approval and he was available for any questions.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding these proposed handbook and tentative map amendments. There being no comment, the public hearing was closed.

Council Member Smith asked if this related to new construction for homes on slopes. Ms. Manzo confirmed that the fire section is specific to phase III, which is in the hillier part of D'Andrea, which is undeveloped at this point--the fire apparatus would be required prior to development in the hillside area. The reduced rear yard setbacks for second story development is for new and existing development.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve PCN08039, Tentative and Final Approval of an amendment to the D'Andrea Planned Development Handbook to amend language in the Fire section in Chapter 2, and to revise development standards in Chapter 3 as related to rear yard setbacks for identified residential land uses, adopting findings PD1 through PD21 and the facts supporting those findings as set forth in the staff report, **and**, to approve the amendment of a condition of approval for a Tentative Map associated with PCN03080, 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 23, as

listed in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 5:16:09 p.m.)

Council Member Mayer commented on the high risk of people being hit in the crosswalk at Pyramid and Holman and requested the City to look into flashing lights, similar to those on Prater at Probasco. He also reminded drivers to watch for children, now that school is back in school.

10. *Adjournment (Time: 5:18:30 p.m.)

There being no further business, the meeting was adjourned at 5:18 p.m.

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MINUTES OF THE REGULAR CITY COUNCIL MEETING
3:00 P.M., Monday, September 8, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:00 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:00:38 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Adam Mayberry, Gary Potter, Tracy Domingues, Doug Nicholson, Stan Sherer, Andy Flock, Marc De La Torre, Steve Keefer, Jim Rundle, Chris Syverson, Trish Kuehl, Janelle Thomas, Neil Krutz, Steve Driscoll.

Invocation Speaker (Time: 3:00:48 p.m.)
The invocation was given by Bishop Roger Mooney from the Church of Jesus Christ of Latter Day Saints.

Pledge of Allegiance (Time: 3:02:16 p.m.)
The Pledge of Allegiance was led by Council Member Ron Schmitt.

***Comments from the Public** (Time: 3:02:42 p.m.)
Gary Schmidt remarked on website error in posting date for this meeting.

Don Young also commented on the incorrect date posted on the web site for this meeting.

Approval of the Agenda (Time: 3:07:34 p.m.)
Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

After a brief discussion, a motion was made by Ron Schmitt to take a five minute recess to allow the City Attorney time to determine if this meeting should proceed. The motion was seconded by John Mayer and passed unanimously.

The Council meeting was reconvened at 3:11:45 p.m., City Attorney Chet Adams noted that the NRS does call the website posting "supplemental" and states that it is not a substitute for other postings, which were done in accordance with Open Meeting Law. However, the NRS also states that if there are technical difficulties on the website posting, the meeting is still officially posted. Since there were not technical difficulties, but simply a typographical error, it was determined that to err on the side of caution would be prudent.

Attorney Adams recommended that this meeting be adjourned and that all the items be reposted and re-noticed appropriately.

A motion was made by Council Member Ron Schmitt, seconded by Council Member Ron Smith to adjourn the meeting at 3:13.36 pm. Council Members Mayor, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Recommendation to Approve Minutes
Special Meeting of August 18, 2008

4. Announcements, Presentations, Recognition Items and Items of Special Interest:
4.1 Commendation to Northern Nevada DUI Task Force

5. Consent Items:
5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period August 7, 2008, through August 20, 2008

5.2 Consideration and possible approval of extension of special sewer rates for the Northern Nevada Adult Mental Health Services Campus

5.3 Consideration and possible approval of an Independent Contractors agreement with Real Estate Research Consultants, Inc., (RERC) to provide sales and sales tax estimates related to the Series B bonds and other services for the Legends at Sparks Marina project

5.4 Consideration and possible approval of a Consultant Services Agreement with Hunter Creek Engineering for additional civil engineering and landscape design work associated with Victorian Square Phase 2A and the ultimate build-out of Victorian Square in the amount of $52,000

5.5 Consideration and possible approval of the 21st Century Community Learning Centers Grant as entered into and secured through the collaborative efforts with Alice Maxwell, Robert Mitchell, Lincoln Park, Agnes Risley and Kate Smith Elementary Schools

6. General Business:
6.1 Consideration and Acceptance of a $5,000 donation by the Northern Nevada DUI Task Force to the Sparks City Attorney's Office to defray witness fees and subpoena service costs for DUI prosecutions

6.2 Consideration and possible acceptance of donation from the State of Nevada, Office of Traffic Safety Joining Forces Grant in the amount of $65,000

6.3 Consideration and possible approval of the 2008 Fall Street Rehabilitation Program, Bid No. 08/09-004, PWP #WA 2008-414 to Peavine Construction, in the amount of $315,835.50

6.4 Review and possible approval of an additional $9,750.00 cash sponsorships from 8 new sponsors for the 2008 Sparks Hometowne Farmer's Market for a

season total of 33 sponsors

6.5 Consideration and possible approval of Resolution No. 3123, approving the inter-governmental agreement for the Washoe County HOME Consortium (WCHC), authorizing the Mayor to sign the agreement

6.6 First Reading and possible discussion of Bill No. 2591, PCN08022; Rezoning request to change the existing zoning from A-40 (Agricultural) to NUD (New Urban District) from Sonoma Highlands, LLC & Bluewater Interests, INC. on a site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive

6.7 First Reading and possible discussion of Bill No. 2592, CA-4-08, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include the requirement for a temporary use permit; and other matters properly related thereto

6.8 First Reading and possible discussion of Bill No. 2593; introducing an ordinance designated as the "2008 Revenue Bond Ordinance;" authorizing and directing the issuance of City of Sparks, Nevada, Victorian Square Revenue Bonds, Series 2008 in the maximum principal amount of $9,000,000 secured by pledged revenues; providing the form, terms, and conditions of the bonds, the security therefore, the sale thereof; and providing other details in connection therewith

7. <u>Public Hearings and Action Items Unrelated to Planning and Zoning</u>:

7.1 Public Hearing, 2nd Reading and Possible Approval of Bill No. 2590, an Ordinance Amending Chapter 10 of the Sparks Municipal Code to Update the Snow Route Definitions, Snow Route Priorities and Route Designations; and providing other matters properly related thereto

8. <u>Planning and Zoning Public Hearings and Action Items</u>:

8.1 Public Hearing, 2nd Reading and possible approval of Bill No. 2589, related to PCN08041; an ordinance request from Truckee Meadows Water Authority and Jean Furbeck to change the existing zoning on approximately 2,004 square feet from PF (Public Facility) to R1-15 (Single Family Residential) and to change the existing zoning on approximately 2,004 square feet from R1-15 (Single Family Residential) to PF (Public Facility) on a site approximately 3.84 acres in size, located at 131 and 475 East I Street, Sparks, NV

9. <u>Comments</u>:

9.1 *From the Council and City Manager

10. *Adjournment

Due to concerns regarding the proper posting of this agenda on the Web site, no action was taken

on this agenda and City staff was instructed to repost and re-notice all items for the next meeting. (See the meeting of September 15, 2008, for action taken on these items.)

A motion was made by Council Member Ron Schmitt, seconded by Council Member Ron Smith to adjourn the meeting at 3:13.36 pm. Council Members Mayor, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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MINUTES OF THE SPECIAL CITY COUNCIL MEETING
3:00 P.M., Monday, September 15, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:04 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: 3:00:09 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Phillip Salerno, ABSENT.

Staff Present: Marc De La Torre, Andy Flock, Heidi Shaw, Trish Kuehl, Janelle Thomas, Tracy Domingues, Brian Bessette, Steve Asher, Doug Nicholson, Adam Mayberry, David Vill, Tom Minton, Jeff Cronk, Ross Soderstrom, Steve Driscoll, Chris Syverson, Steve Keefer, Bob King, Brent Quilici, JoAnn Meacham, Kathleen Bloom, Armando Ornelas, Tracy Wheeler, Shawna Liles, Debi Hunt.

Pledge of Allegiance (Time: 3:00:26 p.m.)
The Pledge of Allegiance was led by Council Member Ron Schmitt.

***Comments from the Public** (Time: 3:00:55 p.m.)
Mr. Don Young spoke regarding concerns with the agenda, stating that he felt item 5.11 was being acted upon under the pre-2003 NRS. He said it appears it is not consistent with the NRS 278.360.1(a)(2) and that the City may have approved tentative map extensions in the past five years that were not in conformance with the law. He asked that on item 5.13, the Council pay special attention to article 3.2 and the asterisk on page 6 of the letter from Real Estate Research Consultants (RERC), dated August 26, 2008.

Approval of the Agenda (Time: 3:03:00 p.m.)
Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

City Attorney Adams recommended that when there was a monetary value attached to an agenda item, that as a matter of policy, in the future the amount be listed on the agenda item's description, although this was not specifically required by the open meeting law.

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

3. <u>Recommendation to Approve Minutes of:</u> (Time: 3:05:19 p.m.)
Special Meeting of August 18, 2008, and Regular Meeting of August 25, 2008
A motion was made by Council Member Mayer, seconded by Council Member Smith, to

approve the minutes of the Special Meeting of August 18, 2008, and Regular Meeting of August 25, 2008. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

4. <u>Announcements, Presentations, Recognition Items and Items of Special Interest</u>: (Time: 3:05:55 p.m.)
Mayor Martini introduced Adam, a boy scout attending the meeting as a requirement for a community and citizenship merit badge.

4.1 Commendation to Northern Nevada DUI Task Force (Time: 3:06:02 p.m.)
Mayor Martini read a commendation to the Northern Nevada DUI Task Force in recognition of their generosity and contribution of $5000 to assist the Sparks Police Department in combating DUI's on city streets. The commendation was accepted by Mr. Doug Nichols of the DUI Task Force.

4.2 Presentation regarding the Truckee River Flood Funding Study
(Time: 3:09:19 p.m.)
Ms. Naomi Duerr, Director of the Truckee River Flood Project, gave a presentation regarding the funding for the Truckee River Flood Project as outlined below:

<u>Cost and Revenue Sources</u>

Total Project Cost	$800 Million
Corps of Engineers - 50%	$400 M
Local - 50%	$400 M
1/8 cent Sales Tax	$ 100 M

Need ~ $300 M

<u>Surveyed Public on Ways to Address Shortfall Support</u>:
Flood Control District - 55%
Special Assessment District - 53%

Local Study Team

Sparks:	Tom Minton – Finance
	JoAnn Meacham – Technical
Reno:	Andy Green – Finance
	Greg Dennis – Technical
Washoe:	John Sherman – Finance
	Kimble Corbridge – Technical
Flood:	Naomi Duerr
	Paul Urban

Project Coordinator: Lisa Gianoli

<u>Benefits Engineering Study</u>
Hired consultant - FCS Group and CH2MHill
8 month study to analyze:
- Areas which r*unoff* – create more flooding
- Areas which *benefit* from project - either ***directly*** or ***indirectly***
- Reasonable rates, tolls and charges to raise needed revenue

Scope of Work
Task 1 – Overall Economic Benefits of the Flood Project
Task 2 – Funding Area Boundaries
Task 3 – Criteria for Establishing Rates
Task 4 – Possible Division of Revenue Responsibilities
Task 5 – Methods to meet Revenue Requirements
Task 6 – Economic Sensitivity Analysis

Current FPCC Schedule

Feb 2008	Data & Overview
August	Draft Report
Sept-Oct	Staff Review Report
Nov-Dec	Develop Survey
Jan-Feb	2009 Conduct Survey
Mar-April	Public Workshops
May 2009	Implement Fees

Council Member Schmitt asked who did the citizen survey and if they did a geographic analysis of those who responded to the survey. Ms. Duerr responded that the survey was done by InfoSearch in May of 2006 and they did do a geographic analysis of the respondents. She noted

that all the data from the survey was shared with the Flood Project Coordinating Committee and she would be happy to share it with the Council.

Council Member Schmitt stated that the City of Sparks has already implemented a funding mechanism to pay for our portion of the flood project and thought our motions in taxes were very specific and those monies could not be transferred to another fund or be used in lieu of another fund and he expressed concern that Sparks' residents would be "taxed twice" for the same thing. Ms. Duerr provided an explanation of how the Sparks funds that are already being collected would be used and credited toward the overall project. Ms. Duerr stated the utility fee to her knowledge is put specifically for the Truckee River Project and specifically for the North Truckee Drain.

Utility Manager Joanne Meacham stated the task list of the study includes a task to develop revenue responsibility by jurisdiction. Next month they should know Sparks' share of the total project. Sparks' share will be netted against the rate component that we built in during our 2007/2008 fee setting process. That rate component, by direction of City Council, will only be spent on the North Truckee Drain Realignment. If revenue is left over after the North Truckee realignment is completed, the remaining funds could be allocated to other flood projects. Ms. Meacham emphasized there is no way to track where items are bought or to track whether they were bought by residents or tourists. Residents pay a majority of the 100 million in 1/8 sales tax, which is what we are studying.

5. <u>Consent Items</u>: (Time: 3:25:34 p.m.)
A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.14. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

City Manager Shaun Carey clarified the missing amount for item 5.13, the contract with Real Estate Research Consultants Inc. to perform sales tax studies related to the Sparks Marina Project is $105,000.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period August 7, 2008, through August 20, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering August 7, 2008, through August 20, 2008.

5.2 Consideration and possible approval of extension of special sewer rates for the Northern Nevada Adult Mental Health Services Campus

An agenda item from Utility Manager JoAnn Meacham recommending the City Council approve an extension of special sewer rates for the Northern Nevada Adult Mental Health Services (NNAMHS) Campus. NNAMHS has requested special sewer rates, wherein sewer billing will be based on average domestic water flow during the winter months. The special sewer rate will be retroactive to January 1, 2008, and will expire on December 31, 2012. If approved, the City will refund NNAMHS the difference between user fees already paid this calendar year and the user fees resulting in the special rates, estimated to be $6,000. Approval of the special rates will

also result in reduced revenues in each fiscal year through 2012.

5.3 Consideration and possible approval of the 21st Century Community Learning Centers Grant as entered into and secured through the collaborative efforts with Alice Maxwell, Robert Mitchell, Lincoln Park, Agnes Risley and Kate Smith Elementary Schools

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve a 21st Century Community Learning Centers Grant as entered into and secured through the collaborative efforts with Alice Maxwell, Robert Mitchell, Lincoln Park, Agnes Risley and Kate Smith Elementary Schools. The Parks and Recreation Department provides enrichment activities, program ideas, and resources for planning programs specific to site needs. Programming occurs from school release to 6:00 p.m. on all school days. The grant reimburses the City for the part-time salaries dedicated at these sites per the agreement. This contract is the second year of a five year grant that is reviewed on an annual basis. The current schedule of service is from August 25, 2008 through June 3, 2009.

5.4 Consideration and possible approval of an application for an Alcoholic Beverage Wholesaler license for Crown Beverages, Inc., located at 1650 Linda Way, Sparks, NV, submitted by Mr. Paul Michael Bond

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Paul Michael Bond, for an Alcoholic Beverage Wholesaler License for Crown Beverages, Inc., located at 1650 Linda Way. Mr. Bond is the president/General Manager of the business, which will warehouse, distribute, and deliver alcohol to businesses in the area. The license will provide a $1,000.00 annual fee and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.5 Consideration and possible approval of an application for a Gaming license for The Holder Group Vending Company, LLC., dbat Citi Mart, located at 91 E. Prater Way, Sparks, NV, submitted by Mr. William Edward Rohan

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. William Edward Rohan, for a Gaming License for The Holder Group Vending Company, LLC., doing business at City Mart, located at 91 E. Prater Way. Mr. Rohan also has a Slot Route Vending license with Sparks. This license will provide a $480.00 annual fee for 1 penny and 3 multi-denominational upright slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.6 Consideration and possible approval of an application for an Alcoholic Beverage Package license for Simran Sidhu Corporation., dba JB Liquor & Wine, located at 538 Greenbrae Drive, Sparks, NV, submitted by Mr. Joginder Singh Randhawa

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Joginder Singh Randhawa, for an Alcoholic Beverage Package License for Simran Sidhu Corporation, doing business as JB Liquor & Wine, located at 538 Greenbrae Drive. Mr. Randhawa was the Owner of Gold Midget Market from 1997 to 2004. 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 Consideration and possible approval of an application for an Alcoholic Beverage Package license for Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market, located at 590 N. McCarran Boulevard, Sparks, NV, submitted by Ms. Mary Louise Kasper

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Mary Louise Kasper, for an Alcoholic Beverage Package License for Fresh & Easy Neighborhood Market, Inc., doing business as Fresh & Easy Neighborhood Market, located at 590 N. McCarran Boulevard. 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 Consideration and possible approval of an application for a Dining Room Wine & Beer license for Round Table Development Company, dba Round Table Pizza, located at 9704 Pyramid Lake Highway, Sparks, NV, submitted by Mr. Gregg Louis Fleury

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Gregg Louis Fleury, for a Dining Room Wine and Beer License for Round Table Development Company, doing business as Round Table Pizza, located at 9704 Pyramid Lake Highway. Mr. Fleury is the Director of Operations for the company. The license will provide a $500.00 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.

5.9 Consideration and possible approval of an application for a Dining Room Wine & Beer license for Round Table Development Company, dba Round Table Pizza, located at 1201 Baring Boulevard, Sparks, NV, submitted by Mr. Gregg Louis Fleury

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Gregg Louis Fleury, for a Dining Room Wine and Beer License for Round Table Development Company, doing business as Round Table Pizza, located at 1201 Baring Boulevard. Mr. Fleury is the Director of Operations for the company. The license will provide a $500.00 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 Consideration and possible approval of a Consultant Services Agreement with Hunter Creek Engineering for additional civil engineering and landscape design work associated with Victorian Square Phase 2A and the ultimate build-out of Victorian Square in the amount of $52,000

An agenda item from Deputy Public Works Director Pete Etchart recommending the City Council approve consultant services agreement with Hunter Creek Engineering for additional civil engineering and landscape design work associated with Victorian Square Phase 2A and the ultimate build-out of Victorian Square in the amount of $52,000. The City approved a consultant services agreement with Hunter Creek for Phases I and II on December 19, 2005. This contract will supplement that original contract and provide additional design services for Phase 2A. It will also provide a planning level evaluation of infrastructure improvement requirements for the ultimate build-out of Victorian Square. Appropriations set aside for Victorian Square

Improvements/Land Acquisitions will be used to fund these additional design services.

5.11 Consideration and possible approval of a one year time extension for presenting a successive Final Map (D'Andrea Ranch, Phase 3)

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a one-year time extension for presenting a successive Final Map for D'Andrea Ranch, Phase 3. A tentative map for this planned development was originally approved by the City Council on December 13, 2004. The tentative map has phased into several final maps; the last phase being recorded on December 6, 2007. The expiration date for the next phase to be recorded is December 6, 2008. Due to changes in the economy and the housing market, Lennar Reno is requesting a one year extension for presenting a successive final map for the D'Andrea Ranch Phase 3 Planned Development Project. The one year time extension is allowed per NRS 278.360.

5.12 Consideration and possible approval of an Interlocal Cooperative Agreement with the Regional Transportation Commission of Washoe County for the reimbursement to the Regional Transportation Commission (RTC) in the amount not to exceed $40,000 to remove and replace sidewalk on the Nichols Boulevard Project

An agenda item from Transportation Manager Jon Ericson recommending the City council approve an interlocal cooperative agreement with the Regional Transportation Commission of Washoe County (RTC) for the reimbursement to the RTC in the amount not to exceed $40,000 to remove and replace sidewalk on the Nichols Boulevard Project. RTC is undertaking a roadway project which includes the reconstruction of Nichols Boulevard from McCarran Boulevard to Howard Drive. The City of Sparks has requested the removal and replacement of damaged sidewalk within the limits of the RTC project. These improvements will remove the potential tripping hazards that have been identified. Funds from the Road Ahead Program will be used for this agreement.

5.13 Consideration and possible approval of an Independent Contractors agreement with Real Estate Research Consultants, Inc., (RERC) to provide sales and sales tax estimates related to the Series B bonds and other services for the Legends at Sparks Marina project

An agenda item from Redevelopment Manager Armando Ornelas recommending the City Council approve an independent contractors agreement with Real Estate Research Consultants, Inc., (RERC) to provide sales and sales tax estimates related to the Series B bonds and other services for the Legends at Sparks Marina project, in an amount not to exceed $105,000. Under the proposed agreement, RERC would provide updated sales and sales tax estimates for the Legends at Sparks Marina project based on additional space being leased. These estimates will be used as the basis for issuing Series B bonds for the project in the future.

5.14 Consideration and possible approval of a Professional Services Contract to Licata Hansen Associates Architecture in the amount of $38,550 for the Alf Sorensen Community Center Re-Roof Project (CIP No. 9048)

An agenda item from Capital Projects Manager Ross Soderstrom recommending the City Council approve a professional services contract to Licata Hansen Associates Architecture

(LHA) in the amount of $38,550 for the Alf Sorensen Community Center Reroof Project. The community center was constructed in 1981 and several remodels of various components of the building, along with wind and ice damage over the years, has caused the roof to leak. The aluminum standing seam roof has reached its useful life. LHA was selected to perform an assessment and design work for a new roof, based upon prior experience with City facilities. Funds were budgeted and are available for this work.

6. <u>General Business</u>: (Time 3:26:58)

6.1 Consideration and Acceptance of a $5,000 donation by the Northern Nevada DUI Task Force to the Sparks City Attorney's Office to defray witness fees and subpoena service costs for DUI prosecutions (Time: 3:27:00 p.m.)

A motion was made by Council Member Mayer, seconded by Council Member Smith, to accept a $5,000 donation by the Northern Nevada DUI Task Force. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.2 Consideration and possible acceptance of donation from the State of Nevada, Office of Traffic Safety Joining Forces Grant in the amount of $65,000

(Time: 3:27:33 p.m.)

An agenda item from Acting Police Chief Steve Keefer recommending the City Council accept a donation from the State of Nevada, Office of Traffic Safety, Joining Forces Grant in the amount of $65,000. This grant will pay for officer overtime to enforce specific traffic laws in key areas associated with highway safety. The enforcement areas are DUI, seatbelts, child restraints, and pedestrian right-of-way.

Police Lieutenant Steve Asher stated this grant allows us to do refill or backfill of overtime to bring officers in to work specifically on highway safety projects. Council Member John Mayer stated that work on Prater and Pyramid has had a positive effect on traffic and that this program has educated people to slow down and be aware of pedestrians in the crosswalks. He also asked that Lieutenant Asher let the motor guys know they are doing a great job with the program.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to accept the State of Nevada, Office of Traffic Safety Joining Forces Grant in the amount of $65,000. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.3 Consideration and possible approval of Sanofi Pasteur donation of $500.00 to the Sparks Fire Department (Time: 3:30:09 p.m.)

An agenda item from Fire Chief Andy Flock recommending the City Council accept a $500 donation from the Sanofi Pasteur Group to the Sparks Fire Department. Chief Flock stated that Sanofi Pasteur at one time had a business on Vista where they manufactured vaccines to protect against approximately 20 infectious diseases. The Sanofi Pasteur Group is making this unrestricted donation as an effort to support public safety in our community, this being the third year they have made a donation to the city. The Fire Department will use the donation for general purposes, yet to be defined.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to accept a $500.00 donation from the Sanofi Pastuer Group. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.4 Review and possible approval of an additional $9,750.00 cash sponsorship from 8 new sponsors for the 2008 Sparks Hometowne Farmer's Market for a season total of 33 sponsors (Time: 3:31:58 p.m.)

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve an additional $9,750 in cash sponsorships from eight new sponsors for the 2009 Sparks Hometowne Farmer's Market. The farmer's market receives community donations each year to assist with the productions costs of the events.

Recreation Superintendent Tracy Domingues stated there were 33 total cash sponsors and 15 in-kind sponsors for the market this year. She then noted the eight new sponsors as follows: Presenting Sponsors ($2,500) - 24 Hour Fitness, Lennar Homes, and United First Financial; Supporting Sponsors ($250) - Bonafide/Outlaw Bail Bonds, C.D. Management, PCM Expo, Humana, Naked Minerals, and Puppy and Human Apparel. Our total sponsorship this year was approximately $71,000. She then stated their goal every season its to recover costs and thanks to our sponsors, the 2008 Farmer's Market recovered all costs this year, this being the fourth time in the events history that it has recovered costs.

Mayor Martini asked how we get sponsors. Ms. Domingues answered that it was a combination of people wanting to sponsor and staff soliciting.

Council Member Mayer commented that RTC has been a traditional sponsor of the Farmer's Market. Ms. Domingues stated it's really a win/win situation; our ridership has been increasing every year, which in turn helps address the parking issues. She stated working with RTC has been wonderful.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to accept the sponsors as outlined by staff. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.5 Consideration and possible approval of the 2008 Fall Street Rehabilitation Program, Bid No. 08/09-004, PWP #WA 2008-414 to Peavine Construction, in the amount of $315,835.50 (Time: 3:36:00 p.m.)

An agenda item from Public Works Director Wayne Seidel recommending the City Council award to Peavine Construction the bid (No. 08/09-004) for the 2008 Fall Street Rehabilitation Program in the amount of $315,835.50. This project involves asphalt replacement, handicap ramps, and striping as part of the Road Ahead Program. The streets have been selected through the City's Pavement Management System (PMS) and will benefit the streets most in need under this system.

Mr. Seidel stated they are anticipating doing over 100,000 square foot of rehab and reviewed the streets that were selected for this year's project, Breaker Way from Greenbrae Drive to I Street (including Breaker Court) and Goldy Way from Baring Boulevard to Howard Drive and noted

that the bids were very competitive receiving seven bids with the engineers estimate as the highest bid out of the seven bids received.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve the 2008 Fall Street Rehabilitation. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.6 Consideration and possible approval of the Water Rights Purchase and Sale Agreement as presented by staff for 99.28 acre-feet of water rights in the amount of $1,787,040.00, plus one half the closing costs, which is approximated at $1,000 (Time: 3:38:44 p.m.)

Civil Engineer Janelle Thomas stated that this Water Rights Purchase and Sale agreement for 99.28 acre-feet of water rights was in support of the 6,700 acre feet of water rights to be provided by Reno, Sparks, and Washoe County as part of the Truckee River Operating Agreement (TROA) with the Pyramid Tribe. The water rights are being purchased from Ryder D'Andrea, LLC, Ryder Homes of Nevada, Inc., and RHNV Investment Limited Partnership at a cost of $1,787,040.00, plus one half of the closing costs, which are estimated at $1,000. She stated that the funds for this purchase are included in the current water usage rates.

Council Member Mayer asked if any water rights come with the roadways we are receiving from the State. Mr. Seidel said that in the agreement any water rights attached to the roadways would also be transferred to Sparks.

In response to a question from Councilman Mayer, Mr. Seidel stated the primary numbers are between six and eight acre feet and we will do research to determine exact numbers. TMWA currently has numbers and we can assist NDOT in obtaining those numbers.

Council Member Schmitt requested information regarding the origination of the water rights from D'Andrea. Staff advised that they believe these are in excess of what was needed for development and that they are currently banked with the state engineer.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the water rights purchase as outlined. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried. (Ended 3:46:31)

6.7 Consideration and possible approval of Resolution No. 3123, approving the inter-governmental agreement for the Washoe County HOME Consortium (WCHC), authorizing the Mayor to sign the agreement (Time: 3:46:36 p.m.)

An agenda item from City Planner Armando Ornelas recommending the City Council approve Resolution No. 3123, a resolution renewing the inter-governmental agreement of the Washoe County HOME Consortium (WCHC) for the Department of Housing and Urban Development HOME Investment partnership program, authorizing the Mayor to sign said agreement.

Mr. Ornelas explained that the agreement is essentially the same agreement that the City Council unanimously approved in May 2008. On page ten in the agreement the word "not" was added in paragraph A, so WCHC asked that all three of the jurisdictions renew the agreement again. The

participating jurisdictions must renew the inter-governmental agreement every three years, outlining their intent to continue participation in the Washoe County Home Consortium.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve Resolution No. 3123. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.8 Discussion and possible approval of the Interlocal Agreement for Services Related to the Operation of the Homeless Community Assistance Center between the City of Sparks, the City of Reno, and Washoe County

(Time: 3:47:52 p.m.)

An agenda item from Grants Administrator Tracy Wheeler recommending the City Council approve an interlocal agreement for services related to the operation of the Homeless Community Assistance Center between the City of Sparks, the City of Reno, and Washoe County. This agreement will allow the homeless center to operate, at some level, on or after October 1, 2008, and includes the $41,250 contribution from the City of Sparks, which was approved on August 25, 2008.

Ms. Wheeler explained this agreement outlines the roles, responsibilities, and funding levels for the operation of the center. On July 22, 2008, the three jurisdictions determined they would create an interlocal agreement to go into effect October 1, 2008, through June 30, 2009, with the ability to renew on an annual basis.

Council Member Mayer asked if the funds would be coming out of our contingency fund and if it that was for this year only. Ms. Wheeler stated that the funding outlined in the agreement is for the City of Sparks to contribute $41,250, which was approved a few weeks ago. At that time it was determined to use funds from the contingency fund.

Council Member Mayer then asked does this agreement constitute an emergency or is this going to be a regularly budgeted item? Staff advised that the council would have to approve an extension of the agreement. This item will be presented in the future as a budget request in our normal process. There is nothing in the agreement that binds the City to provide a specific amount of money as an on-going expense.

Council Member Mayer thanked everyone who worked on this project and recognized that this has truly been an operation of the whole community. Ms. Wheeler stated that this agreement was created in just three weeks and thanked Wendy Chavez, Doug Thornley, the City Attorney's office, Armando Ornelas, Margaret Powell and the City of Reno, and Washoe County, who all worked to make this happen.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the interlocal agreement for services related to the operation of the Homeless Community Assistance Center. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.9 Consideration and possible approval of transfer from the Stabilization Fund to General Fund* (Time: 3:53:03 p.m.) *This item was heard out of order.

Council Member Carrigan asked that 6.10 be acted on before agenda item 6.9. Mr. Carey stated that would be fine.

After agenda item 6.10 (time 4:03:57)

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve the transfer as outlined by staff. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.10 Consideration and possible approval of FY2008-2009 budget amendments as recommended by the City Manager* (Time: 3:53:47 p.m.) *This item was heard out of order.

City Manager Shaun Carey recommended that the City Council approve Fiscal Year 2008/2009 budget amendments as recommended by the City Manager, due to declining revenues caused by a downturn in the economy. This recommendation is needed to preserve the General Fund ending fund balance at a level that will provide slightly less than one month's expenses.

Finance Director, Tom Minton stated that the 2009 budget as presented had an ending fund balance of $3.014 million. Based on historical spending, we anticipated an under-spend of $2.676 million, which provided a projected 8%+ ending fund balance. Unfortunately the revenue picture is worse than anticipated. 2008 revenues were under the estimates by $1.577 million, which was off set by under spending in the departments of about $1.4 million. If we do nothing based on the budget as presented, we project an ending fund balance of some $2.1 million for 3% of proposed expenditures. The budget amendments requested will increase the ending fund balance by about $3.1 million dollars and provide about 7.7% of expenditures.

Council Member Carrigan asked how much we have in the contingency fund. Mr. Minton stated the current balance is $6.5 million, basically 2% of expenditures. Council Member Carrigan asked, if these amendments to the contingency fund are approved, will the contingency fund be spent down to approximately 50%? Mr. Minton answered yes. In fiscal year 2008 business licenses and franchise fees were lower than anticipated by about $800,000 and it looks as though we were also too optimistic on our 2009 budget. We have yet to see any 2009 numbers on the consolidated taxes, which we will receive at the end of this month, making it very difficult to start a projection for fiscal year 2009. We are asking for budget cuts of $1.83 million and an augmentation of the other $1.3 million dollars from the stabilization and contingency funds.

City Manager Shaun Carey stated there is also the recommendation before you today (Option A) to provide discretionary authority to the City Manager to reduce the fund balance during the course of not less than 5% of expenditures. This provides a good safety valve given the uncertainty in revenues we have experienced so far this year. This item will come back before the City Council at an appropriate time, for additional course correction as necessary. We are diligently working on our budgeting and revenue forecasts and will continue monthly updates on our financial position. The three measures to use reserves are appropriate and prudent at this

time.

Council Member Schmitt expressed his concern about using almost half of our contingency, because in doing so we are banking that nothing worse will happen to our economy. We are giving up almost all of our emergency and stabilization funds and taking away our safety net.

Mayor Martini stated that as a City Council the last few years have been easy because the economy was great but it is now time to make some tough decisions. We still haven't had General Fund lay-offs and, hopefully we won't have to.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Option A: To reduce the department budgets by $1.83 million transfer ($625,000 from the stabilization fund to the general fund and $657,000 from the contingency fund) and reduce the fund balance to $5.208 million or 7.7% of expenses and provide city manager discretionary authority to reduce fund balances to 5% of expenditures. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.11 Consideration and possible approval of a contract with Destination Development, Inc., for a Strategic Branding, Development, and Marketing Plan for the City of Sparks (Time: 4:04:25 p.m.)

Community Relations Manager Adam Mayberry explained that this is a contract with Destination Development, Inc. for a strategic branding, development and marketing plan for the City of Sparks. Earlier this summer we heard about the assessment process.

Mayor Martini asked if revenue from the transit occupancy taxes will fund this contract. Mr. Mayberry stated the Tourism and Marketing Committee administers the funds from the hotel transient occupancy taxes. This does not come out of the general fund budget. Council Member Schmitt and Council Member Smith both serve on the Tourism Committee and that committee unanimously approved this contract. Because of the scope of the contract Council Member Schmitt felt it was appropriate to present it to Council for approval.

Council Member Carrigan asked who the third member on the committee was and if it was a 3-0 vote. Mr. Mayberry answered that the third member of the committee is Steven Ascuaga. And yes, it was unanimous 3-0 vote.

Council Member Mayer asked where the money will come from to implement the recommendations once they are made. Mr. Mayberry answered the contract is strictly for the study. Obviously some items can be done internally. There would be money that would need to be funded and this would be the next step. The money could come from the Tourism and Marketing Committee, if it relates to tourism.

Council Member Mayer, stated that eventually some funds would have to come from the general fund and therefore, he felt this should be put on hold until our general fund is in a better position.

Council Member Schmitt stated that the Tourism Committee embarked on this journey about a year ago and placed reserves in the budget to allow the $100,000 left over from 07/08 budget for

implementation. The Committee did not dedicate expenses, so there will be at least 100,000 available for this process.

Council Member Smith stated this is a six month process for the rollout of this program and it will actually take five years to implement.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve a contract with Destination Development, Inc., for a strategic branding, development, and marketing plan for the City of Sparks in a not-to-exceed amount of $114,000. Council Members Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Council Member Salerno, ABSENT. Motion carried.

7. Public Hearings and Action Items Unrelated to Planning and Zoning: (Time: 4:05:29 p.m.)

None.

8. Planning and Zoning Public Hearings and Action Items: (Time: 4:05:29 p.m.)

None.

9. Comments: (Time: 4:05:29 p.m.)

9.1 *From the Council and City Manager (TIME 4:12:23)

Council Member Carrigan said there is a need to improve the liquor license permits process, because it takes way too long. He commented that in the eight years he has been on the Council, he remembers going against whatever the police department recommended only once or twice.
Mr. Carey stated that he will see what can be done to improve the process--perhaps staff can initiate a minor modification to the ordinances to empower or designate the Police Chief to approve those in the future. Mayor Martini asked if there will be an appeal process in the event a Council Member or the public wanted to appeal the approval. Mr. Carey stated that this can be done.

10. *Adjournment (Time: 4:14:50 p.m.)

There being no further business, the meeting was adjourned at 4:14 p.m.

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Mayor

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City Clerk

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MINUTES OF THE REGULAR CITY COUNCIL MEETING
3:00 P.M., Monday, September 22, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:28 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:00:35 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Ron Schmitt, Assistant City Manager Randy Mellinger, City Attorney Chet Adams, PRESENT. Council Member Carrigan, City Manager Shaun Carey, ABSENT.

Staff Present: Steve Driscoll, Stan Sherer, Steve Keefer, Gary Potter, Bob King, Teresa Gardner, JoAnn Meacham, Andy Flock, Andy Echeita, Brent Quilici, Pete Etchart, Adam Mayberry, Chris Syverson, Janelle Thomas, Tracy Wheeler, Neil Krutz, Mike Biselli, David Vill.

Invocation Speaker: (Time: 3:00:52 p.m.)
The invocation was given by Pastor Barb West of the Sparks First Church of Nazarene.

Pledge of Allegiance (Time: 3:02:08 p.m.)
Pastor West also led the Pledge of Allegiance at the request of Mayor Martini.

***Comments from the Public** (Time: 3:02:40 p.m.)
Mr. Jon Bell 428 Beau Court, Sparks, (Washoe County), spoke against PCN08022, a rezoning of 694.85 to NUD, citing concerns regarding traffic impact on Pyramid Highway, flooding and drainage problems in the area, and lack of public services.

Ms. Bea Vandenberg, spoke in opposition to PCN08022, stating it was "fast tracked" and does not fit into the surrounding land use.

Ms. Linda Davis, 7595 Marie Way, Sparks (Washoe County), spoke in opposition to PCN08022, a proposed ordinance to rezone 694.85 acres west of the Pyramid Highway. She expressed concern regarding the current lack of water and how the development of an additional 2,500 homes would affect her well.

Ms. Nancy Danner, 7790 Delores Drive, Sparks (Washoe County), spoke in opposition to PCN08022, commenting that she felt that the Planning Commission did not address any of their concerns and that they felt ignored because they were still Washoe County residents, but under the Sphere of Influence for Sparks, when it came to land planning.

Mr. Gary Schmidt spoke in opposition to the item 6.5, a first reading of the ordinance for a rezoning.

Mr. John Bradbery, 134 Andaline Court, Sparks (Washoe County) also spoke against Item 6.5.

Approval of the Agenda (Time: 3:20:20 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 request was made to hear item 7.3 after approval of the consent items.

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

3. Recommendation to Approve Minutes of:
Regular Meeting of September 8, 2008 (Time: 3:21:07 p.m.)
A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the minutes of the Regular Meeting of September 8, 2008. Council Members Mayer, Smith, Schmitt, YES. Council Member Salerno, ABSTAIN. Council Member Carrigan, ABSENT. Motion carried.

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

4.1 Proclamation – Official day of recognition for firefighters who have died in the line of duty (Time: 3:21:57 p.m.)
Mayor Martini read a proclamation naming October 5, 2008, as National Fallen Firefighters Memorial Service Day and asked that flags be flown at half-staff in recognition of the service and dedication of our fire and emergency services personnel. The proclamation was accepted by Fire Chief Andy Flock on behalf of the Sparks Fire Department.

4.2 Proclamation – Fire Prevention Week (Time: 3:23:08 p.m.)
Council Member Smith read a proclamation naming the week of October 5-11, 2008, as Fire Prevention Week and urged all residents to heed the important safety messages of Fire Prevention Week. The proclamation was accepted by Fire Marshall Bob King on behalf of the Sparks Fire Department. Fire Marshall King gave a brief presentation on the importance of fire prevention and announced that the annual Fire Department Pancake Breakfast would be held on Saturday, October 3, 2008.

4.3 Proclamation – Family Day – A Day to Eat Dinner with Your Children (Time: 3:34:37 p.m.)
Mayor Martini read a proclamation naming September 22, 2008, as Family Day - A day to eat dinner with your children, and urged all citizens to recognize and participate in its observance by turning off the television and telephones and enjoying dinner as a family. The proclamation was accepted by Ms. Jody Ruggiero, Founder and President of "Tune In To Kids" and Project Manager Debbie Wiltgen.

4.4 Commendation to Credit Union Manager Renee Lavallee (Time: 3:40:50 p.m.)
Mayor Martini read a proclamation recognizing Credit Union Manager Renee Lavallee for her 3-1/2 years of service to the Sparks City Employees Federal Credit Union and wished her continued success in the years ahead. Ms. Lavallee accepted the commendation and thanked the Council, credit union staff, and volunteer members for their support.

4.5 Commendation – Northern Nevada DUI Task Force (Time: 3:43:57 p.m.)
It was noted that this commendation was presented at the September 15, 2008 Council Meeting and Mayor Martini read the following proclamation in its place:

Proclamation – National Hispanic Heritage Month (This item was not on the agenda.)
Mayor Martini read a proclamation naming September, 2008, as National Hispanic Heritage Month in recognition of the cultural diversity of our nation and the many contributions of Hispanic Americans to our community.

4.6 Presentation of Administrative Services Department Annual Report for FY2007-2008 (Time: 3:45:19 p.m.)
Assistant City Manager Steve Driscoll provided the City Council with an overview of the accomplishments of the Administrative Services Department. Mr. Driscoll noted the goal of the department is to provide internal services to the City and they have struggled to maintain service levels with the departure of numerous employees.

Council Member Mayer asked about the WiFi program. Mr. Driscoll stated that this program was presented to the Council; however, no funds were designated in this year's budget for bringing this program forward. He noted that they will ask for funding in the upcoming budget discussions for next fiscal year.

Mr. Driscoll said the Administrative Services Annual Report is available to the public.

5. Consent Items: (Time: 4:03:23 p.m.)
A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.6. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

The new owners of The Jib were given an opportunity to provide information about themselves and their new business at the Sparks Marina.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period August 21, 2008, through September 3, 2008
An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of an application for a Cabaret license for Mac-I-Ellie, LLC, dba, The Jib, located at 325 Harbor Cove Drive, Sparks, NV, submitted by Ms. Eleanor Ruth McVay
An agenda item from Police Chief John Dotson recommending the City Council approve an application for a Cabaret License. The company consists of a coffee and wine deli. The license will provide a $1,300.00 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.

5.3 Consideration and possible approval of Consultant Services Agreement with

Nichols Consulting Engineers, Chtd., for design and permitting of effluent truck fill stations in the amount of $43,650

An agenda item from Civil Engineer Janelle Thomas recommending the City Council approve a consultant services agreement. The Don Mello Park effluent truck fill station has been taken out of service due to the development of the Legends and Sparks Marina. The city needs to replace this truck fill station with one in the area for construction uses. Funds for this project are budgeted in the 08/09 CIP.

5.4 Consideration and possible approval of Impact Fee Agreement #15 (RRW Stonebrook, LLC) to allow for participation in Service Area Number 1 Impact Fee Program

An Agenda Item from Deputy Director of Community Development John Martini recommending the City Council approve Impact Fee Agreement No. 15. This is a master agreement setting up the details of RRW Stonebrook's participation in the program. RRW Stonebrook is the manager and owner of a portion of the Stonebrook Planned Development. They intend to acquire the impact fee credits issued to Reynan and Bardis. However, in order to transfer the existing impact fee credits, this agreement must be approved by the City Council. There is no general fund fiscal impact to this action, but Impact Fee Credits will be issued to RRW Stonebrook, LLC., when appropriate.

5.5 Consideration and possible approval of recommendation to refund sewer connection fees to Dennis Banks Construction Company for permit #A0604197, in the amount of $32,010.30

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a request for a refund of sewer connection fees. The proposed car wash at 175 E. Greg Street has been placed on an indefinite hold by the owners (Berry-Hinckley Industries) due to the depressed economy. The owners have requested a refund of any eligible amounts and are withdrawing this permit until the project becomes financially viable.

5.6 Consideration and possible approval of an application for an On Premises Alcoholic Beverage license for Apple Nevada, LLC, dba Applebee's Neighborhood Grill & Bar located at 693 No. McCarran Blvd., Sparks, NV, submitted by Mr. Michael Wayne Hebert

An agenda item from Police Chief John Dotson recommending the City Council approve an application for a Liquor license. Mr. Hebert currently holds an on premises liquor license with the City. 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.

6. <u>General Business</u>:

6.1 Presentation, Consideration and possible approval of Resolution No. 3124, supporting the "Sierra Green" Residential Construction Program (Time: 4:08:31 p.m.)

Deputy Director of Public Works Pete Etchart stated a draft of the Sustainability Action Plan was recently completed and one of the sections in the plan is private sector development. One of the identified short-term initiatives [in the plan] involves sustainability in residential development.

Mr. Etchart stated that the Sustainability Committee has reviewed the Sierra Green Homes Program and applauds the Builders Association and their partners on their efforts to build more sustainable homes in Northern Nevada. He then introduced Mike Dillon, Executive director of the Builders Association of Northern Nevada, and Kevin Dick, University of Nevada Business and Environmental Program.

Mr. Dillon gave a presentation on the voluntary residential "green" building program called Sierra Green; outlined as follows:

Northern Nevada Green Residential Building Program

Collaborative Effort of:

- Builders Association of Northern Nevada (BANN)
- Builders Association of Western Nevada (BAWN)
- UNR Business Environmental Program

BANN Energy and Conservation Working Committee

- Tony Abreu - Pearce Construction
- Androo Allen - Reynen and Bardis
- Sheena Beaver - BAWN
- Kevin Dick - UNR - BEP
- Mike Dillon - BANN
- John Handzo - UNR - BEP
- Paul Taylor - Sierra Green Homes, LLC
- Mike Vanderhoef - Bailey and Dutton Homes

National Picture

- NAHB Green Building Guidelines
  - Developed 2004-2006
- NAHB National Green Building Standard Development for ANSI accreditation
  - Revised 2007-2008
  - Consensus Committee with Public Comment Input
  - NAHB and the International Code Council (ICC) will jointly publish completed ANSI standard.

Regional Approach

- Track the development and format of NAHB ANSI Standard for conformity of regional program
- Recognize unique regional climate to incorporate and weight items appropriately
  - Water conservation
  - Energy efficient heating and cooling

Regional Approach

- Recognize and give credit for green building techniques that we are already utilizing.
- Straightforward and easy to understand process.
- Voluntary program that encourages builder participation and advancement through a tiered system.

Sierra Green Provides:

- A common understanding of what is meant by Green Residential Construction
- A standard for comparison and recognition
- A framework for providing high performance homes that:

- Improve health and comfort of their occupants
- Conserve our natural resources

Standards Chapters

1. Scope and Administration
2. Definitions
3. Compliance Methods
4. Site Design and Development
5. Lot Design, Preparation, and Development
6. Resource Efficiency
7. Energy Efficiency
8. Water Efficiency
9. Indoor Environmental Quality
10. Operation Maintenance and Building Owner Education

Subdivision Rating

- Green Subdivisions Levels - one, two, three, or four stars
- Green Building (Homes) Levels
  - Bronze
  - Silver
  - Gold
  - Emerald

Verification

- Documentation and Records required for points are identified in the standards
- Third Party Verification using a HERS Rater required
- Intention is to avoid extra work and make process straightforward
- Ensure credibility of the Program

Sierra Green Administration

- BANN and BAWN will administer the program for their territories
- Independent verification fee charged by HERS rater

Sierra Green Training

- Training on program requirements and expectations to be provided to:
  - Builders
  - Contractors
  - HERS Raters
  - Jurisdictions
- Sierra Green Rater Training
- Sierra Green Builder Certification Program

Sierra Green Marketing

- BANN and BAWN will assist with marketing the Sierra Green Building Program to the community
- Sierra Green will provide the builder and the buyer tangible verifiable, and comparable recognition that a home is high performing
- Environmental benefits of Sierra Green Homes will be tracked and promoted

Sierra Green Standard Info

- BANN– Mike Dillon
  - Phone: 329-4611
  - Email: miked@thebuilders.com

- Web Site: www.thebuilders.com
- BAWN– Sheena Beaver
  - Phone: 315-5757
  - Email: sbeaver@bawn.org
  - Web Site: www.bawn.org

Council Member Mayer stated he felt this was a step in the right direction for our future.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve Resolution No. 3124. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.2 Presentation, discussion and possible direction or approval of Federal, State, Nevada League of Cities and Local Legislative Affairs issues. Rocky Finseth of Carrara Nevada will also be in attendance (Time: 4:23:05 p.m.)

Government Affairs Manager Rob Joiner and our contracted representative (lobbyist) for state legislative affairs Rocky Finseth provided an overview of current legislative issues.

- Monitoring interim legislative committees
  - Committees have concluded activities and have come out with list of recommendations for action in the 2009 legislative session.
  - Recommendations have gone to the Legislative Counsel Bureau
  - In process of being developed into bill draft requests (BDRs)
  - Detailed information is not available
- Transportation
  - Interim sub-committee had their final working session and did not forward any proposed legislation (except one minor bill)
  - None of the blue ribbon committee suggestions for highway funding went forward
    - However, the Chair and Co-chair have said they will be dropping some bills through the committee in the regular session, starting in February
  - Our platform supports efforts to fund local, regional, and state road systems in creative new ways that are not onerous to local government
  - We have sent letters in support of funding of the Highway Trust Fund. An $8 billion temporary measure as signed by the president on September 15, 2008.
- Bill Draft Titles and Numbers have been provided
  - The City's single bill draft request is number 505
  - Our charter change is BDR 462 (under the authorization of Senator Washington for our Charter Committee)
  - Other issues are listed under the bill drafts for the League of Cities and Association of Counties
  - Some issues of note:
    - PUC and their rule making which would require us to pay for "on notification, excavation, and demolition of sub-surface installations" - a fancy way of saying the sewer lateral debacle we have discussed. This is being supported as legislation by the League of Cities.

- The League also has two local authority bills, an unfunded mandate bill, and an empowering bill
  - Upon voter approval, when citizens want to add a fee for local government

- Upcoming events:
  - Lord Mayor James Keel from our sister city of Longford, Ireland will arrive in town on Wednesday.
  - Sheels opening this weekend - there is a pre-tour with State and local officials
  - Opening of the Centennial Plaza Bus Station will take place in October
  - Our Federal lobbyist (Anya Graves) will be in town October for the bus station opening and will address the Council on Federal issues
- Federal legislative representatives are looking at incentives that are being offered in relation to Nevada's revenue structure due to the budgetary problems we are experiencing.
  - Will be holding town meetings in both the North and South to get citizen input
  - A bill draft request has been introduced that looks at STAR Bonds and other incentive programs
  - Some see STAR Bonds as a detriment--we see it as a benefit
  - Request from Council to have one of the town meetings here in Sparks

6.3 First Reading and possible discussion of Bill No. 2589 related to PCN08041; an ordinance request from Truckee Meadows Water Authority and Jean Furbeck to change the existing zoning on approximately 2,004 square feet from PF (Public Facility) to R1-15 (Single Family Residential) and to change the existing zoning on approximately 2,004 square feet from R1-15 (Single Family Residential) to PF (Public Facility) on a site approximately 3.84 acres in size located at 131 and 475 East I Street , Sparks, NV and providing other matters relating thereto (Time: 4:37:20 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of October 13, 2008.

6.4 First Reading and Possible Discussion of Bill No. 2590, an Ordinance Amending Chapter 10 of the Sparks Municipal Code to Update the Snow Route Definitions, Snow Route Priorities and Route Designations; and providing other matters properly related thereto (Time: 4:38:04 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of October 13, 2008.

6.5 First Reading and possible discussion of Bill No. 2591, PCN08022; Rezoning request to change the existing zoning from A-40 (Agricultural) to NUD (New Urban District) from Sonoma Highlands, LLC & Bluewater Interests, Inc. on a site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive (Time: 4:38:25 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini

announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of October 13, 2008.

6.6 First Reading and possible discussion of Bill No. 2592, CA-4-08, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include the requirement for a temporary use permit; and other matters properly related thereto (Time: 4:38:58 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of October 13, 2008.

6.7 First Reading and possible discussion of Bill No. 2593; introducing an ordinance designated as the "2008 Revenue Bond Ordinance"; authorizing and directing the issuance of City of Sparks, Nevada, Victorian Square Revenue Bonds, Series 2008 in the maximum principal amount of $9,000,000 secured by pledged revenues; providing the form, terms, and conditions of the bonds, the security therefore, the sale thereof; and providing other details in connection therewith (Time: 4:39:24 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of October 13, 2008.

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

7.1 Public Hearing as required by NRS 350.020(3) to allow public comment regarding the issuance of general obligation sewer bonds in an amount not to exceed $23,550,000 (Time: 4:40:01 p.m.)

Finance Director Tom Minton noted that on August 25, 2008, the Council approved a resolution of intent, proposing the issuance of, and authorizing the publication of notices relating to, general obligation sewer bonds. Per NRS 350.020(3), a public hearing is required prior to issuing general obligation debt secured by pledged revenues. He stated these sewer bonds are for two large projects--one is a drainage project.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed sewer bonds. There being no comment, the public hearing was closed.

7.2 Public Hearing and possible approval of the prioritization of the City of Sparks self-directed funding allocation of the Washoe County HOME Consortium (WCHC) to support the development of the Wright Street Senior Apartment project (Time: 4:41:15 p.m.)

City Planner Armando Ornelas stated this item provides the Council with the opportunity to designate a self-direction priority for the City of Sparks' share of the Washoe County Home Consortium (WCHC) funds that will be allocated later this year. Staff is recommending that the Council designate the Wright Street Senior Apartment project as the City's self-direction priority. The City partially funded this project last year and we are hoping that by directing the City's funds for this year to this project, the developer can leverage enough money from the

balance of the Consortium's allocation to fully fund the project after this year.
Council Member Mayer asked why the proposed development is being called the Wright Way Project when it is really on 5th Street. Ms. Ann Harrington explained that the reason it is called Wright Way is because the name 5th Street was already taken in State's Record. She stated they always have one of the streets in the name in the beginning, but the name will eventually be changed by their marketing people.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this prioritization. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to designate the Wright Street Senior Apartment project as the City's priority for Sparks' "Self-directed" WCHC funds. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

7.3 Public Hearing and possible approval of the Consolidated Plan Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) for Program Year 2007 for the City of Sparks (Time: 4:05:23 p.m.) (This item was heard out of order)

Grants Administrator Tracy Wheeler stated this is the year-end report that is submitted to HUD and outlines the activities we undertook with Community Development Block Grant (CDBG) funds and our HOME Consortium participation. She stated that the entitlement process with HUD includes a five-year plan that indicates what we hope to do over the next five years. Each year (in the Spring) we provide an annual plan which indicates on a smaller scale what we plan to do over the course of that year in relation to the five-year plan. Finally, 90 days after the end of the grant year, we report what was actually accomplished and it also discusses processes to improve our performance goals.

Ms. Wheeler stated that our CDBG dollars contributed to the Human Services Consortium assisted almost 5,000 clients: 4,000 were assisted with access to resources such as Medicaid and social security benefits; over 700 students were provided access to mentoring; and Sparks assisted 15 homeowners with loans and/or emergency grants. She stated we also provided funding for the development of plans to do additional rehabilitation work along the north side of Prater Way; started a rehabilitation project at Dilworth Middle School; and contributed additional funding for Phase II of the Community Assistance Center.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding this Consolidated Plan Annual Performance and Evaluation Report. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve submittal of the CAPER for FY 2007 for the City of Sparks to HUD. Council Members Mayer, Salerno, Smith, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

8. <u>Planning and Zoning Public Hearings and Action Items</u>:
None

9. Comments:

9.1 *From the Council and City Manager (Time: 4:45:48 p.m.)

None.

10. *Adjournment (Time: 4:45:57 p.m.)

There being no further business, the meeting was adjourned at 4:45 p.m.

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Mayor

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City Clerk

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MINUTES OF THE REGULAR CITY COUNCIL MEETING
3:00 P.M., Monday, October 13, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:10 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:00:13 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Ron Schmitt, ABSENT.

Invocation Speaker: (Time: 3:00:30 p.m.)
Pastor Barb West of the First Church of the Nazarene gave the invocation.

Pledge of Allegiance (Time: 3:01:32 p.m.)
The Pledge of Allegiance was led by Council Member John Mayer.

***Comments from the Public** (Time: 3:02:02 p.m.)
Rebecca Gaska, public advocate for the American Civil Liberties Union (ACLU) spoke in support of the proposed ordinance revising the free speech rules for the City of Sparks (Item 6.6).

Don Young spoke regarding the Tony Armstrong Memorial Lighthouse and the possibility of co-locating wireless services in the light house to provide funding for building the lighthouse.

Gary Schmidt said he has filed a complaint against Washoe County and the City of Sparks with the Secretary of State regarding the posting of illegal campaign signs. He spoke regarding the lack of action on the part of various City departments in regard to his complaints.

Approval of the Agenda (Time: 3:09:05 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 Smith, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

3. <u>Recommendation to Approve Minutes of</u>: (Time: 3:09:40 p.m.)
Special Meeting of September 15, 2008, and Regular Meeting of September 22, 2008.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the minutes of the Special Meeting of September 15, 2008, and Regular Meeting of September 22, 2008. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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

4.1 Commendation – Sparks Fire Department members who committed personal time to collect donations for the Muscular Dystrophy Association (Time: 3:10:15 p.m.)

Mayor Martini read a commendation to members of the Sparks Fire Department who committed personal time to collect donations for the Muscular Dystrophy Association. The proclamation was accepted by Fire Apparatus Operator Scott Means and other members of the Sparks Fire Department.

4.2 Presentation – David Fraser, Nevada League of Cities, 2008 City Innovation Award for the Golden Eagle Sports Complex (Time: 3:14:08 p.m.)

Mr. David Fraser from the Nevada League of Cities presented a 2008 City Innovation Award to the Council for their work at the Golden Eagle Sports Complex. Mr. Fraser discussed the purpose of the award and noted that the City of Sparks won in the large cities category.

4.3 Presentation by the Director of Bands at Edward C. Reed High School concerning a possible future trip to Longford Ireland (Time: 3:17:45 p.m.)

No one was available to make this presentation.

5. Consent Items: (Time: 3:18:15 p.m.)

Agenda Item 5.9, was pulled for discussion and separate vote. Council Member Smith disclosed that item 5.9 was for Scolari's Warehouse Market, but that this particular item did not affect him (he is employed at another Scolari's Warehouse Market location); therefore, he would be voting on this item.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Consent Items 5.1 through 5.8 and 5.10 through 5.12. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period September 4, 2008, through September 24, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of an application for an On Premises Alcoholic Beverage license for Reza, LLC, dba Road House Saloon located at 1923 Prater Way, Sparks, NV, submitted by Mr. Gholam Reza Shahsavari

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an On Premises Alcoholic Beverage License. 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.

5.3 Consideration and possible approval of an application for a Dining Room Wine & Beer license for Round Table Development Company dba Round Table Pizza located at 4751 Galleria Pkwy, #101, Sparks, NV submitted by Mr. Gregg Louis Fleury

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for a Dining Room Wine and Beer License. The license will provide a $500.00 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 Consideration and possible approval of an application for an Alcoholic Beverage Package license for David Frear, Sr. dba Dad's Quick Mart, located at 5212 Sparks Blvd. Suite A, Sparks, NV, submitted by Mr. David Neal Frear, Sr.

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an Alcoholic Beverage Package License. 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 Consideration and possible approval of an application for an Alcoholic Beverage Package license for Jaswal, Inc. dba Paul's Market, located at 1550 Vance Way, Sparks, NV, submitted by Mr. Rachpal Singh

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an Alcoholic Beverage Package License. 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 Consideration and possible approval of an application for an Alcoholic Beverage Package license for TA Operating, LLC dba Petro Stopping Centers, located at 1950 E. Greg St., Sparks, NV, submitted by Mr. Larry Wayne Dockray

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an Alcoholic Beverage Package License. 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 Consideration and possible approval of an application for an Alcoholic Beverage Package license for Raley's #110, located at 2389 Wingfield Hills Dr., Sparks, NV, submitted by Mr. William J. Coyne

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an Alcoholic Beverage Package License. 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 Consideration and possible approval of an Alcoholic Beverage Package license for Raley's Aisle 1 #160, located at 2433 Wingfield Hills Dr., Sparks, NV, submitted by Mr. William J. Coyne

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an Alcoholic Beverage Package License. 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.

5.9 Consideration and possible approval for a Gaming license for Sierra Development Company dba Club Cal Neva Satellite Sports Book dbat Scolari's Warehouse Market, located at 950 Holman Way, Sparks, NV, submitted by Mr. Jeffery Lawrence, Siri (Time: 3:19:26 p.m.)

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for a Gaming License. The company will operate a satellite race/sports book in the gaming area at Scolari's. The license will provide a $1,200.00 annual fee and is contingent upon inspections and approvals from various agencies as stated in the staff report.

Council Member Salerno disclosed that his printing company does business with the Club Cal Neva and he is personal friends with Mr. Jeffery Lawrence Siri. He said that although this is just a gaming license, he would be abstaining from the vote on this item.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Consent Item 5.9. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Salerno, ABSTAIN. Council Member Schmitt, ABSENT. Motion carried.

5.10 Consideration and possible approval of a reengineering plan and complement change for the Finance Department

An agenda item from Assistant City Manager Steve Driscoll and Finance Director Tom Minton recommending the Council approve a complement change as a result of a reengineering in the Finance Department.

5.11 Consideration and possible approval of the Dewatering Polymer bid, Bid #08/09-002, to Polydyne, Inc., to supply dewatering and secondary polymer to the Truckee Meadows Water Reclamation Facility. The initial contract is for six (6) months with the possibility of extending the contract nine (9) additional times thereafter for a total of five (5) years for the annual amount of $893,383

An agenda item from Treatment Plan Operations Superintendent Starlin Jones recommending the Council approve a contract to provide dewatering polymer for the water treatment facility. The City's portion is approximately 30% of the total cost of the contract.

5.12 Consideration and possible approval of the destruction/disposal of original building plans and associated documents that have been microfilmed

An agenda item from Deputy Director of Community Development John Martini recommending the Council approve the disposal of original building plans that have been microfilmed.

6. <u>General Business</u>:

6.1 Consideration and possible acceptance of donation from Sanofi Pasteur, Inc., in the amount of $1,000, to Sparks Police Department (Time: 3:20:28 p.m.)

Police Commander Brian Allen stated that Sanofi is donating $1,000 in undesignated funds to the Police Department. The Department will be applying this donation toward additional shot guns and breaching equipment to assist officers in first response critical situations.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to accept the $1,000 donation from Sanofi Pasteur, Inc. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.2 Consideration and possible acceptance of a donation from 92.9 "The Bandit" in the amount of $1,012.50 to Sparks Police Department (Time: 3:21:50 p.m.)

Police Commander Brian Allen introduced Chuck Reeves, Honor Flannigan, Amy Madenley, and Vivian Mathis from the Bandit. He noted that an equal donation was also given to the Sparks Fire Department for the support fund for victims of burns.

Mr. Reeves stated that this is the third year the station has held a fund raiser in recognition of the 9/11 Terrorist Attacks. They are making this 11 hour broadcast from the Sparks Police Department an annual event in recognition of those events. It was noted that The Flag Store, Tahoe Creamery, and Qdoba also participated in the fund raising event.

A motion was made by Council Member Smith, seconded by Council Member Mayer, to accept a $1,012.50 donation from radio station 92.9 "The Bandit." Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.3 Discussion and possible approval of a Grant Application to the State of Nevada's Violence Against Women Grant Program to provide funding for the Sparks Police Department Victim Advocate and related program (Time: 3:25:03 p.m.)

Police Commander Brian Allen introduced the Sparks Police Department Victim Advocate Jennifer Hart. He reviewed the services the Department was able to provide with the grant from last year and discussed their goals for the grant they have been given for the next two years.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the submission of a grant application to the State of Nevada's Violence Against Women Grant Program to provide funding for the Sparks Police Department Victim Advocate and related programs. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.4 Consideration and possible adoption of Resolution No. 3125, directing the County Treasurer to give notice of the sale of properties subject to the lien of a delinquent assessment; ratifying all actions previously taken; and providing other matters properly relating thereto (Time: 3:30:37 p.m.)

Finance Director Tom Minton noted that two properties are delinquent on their Marina Special Assessment District fees, and are therefore subject to sale by the County Treasurer. Mr. Minton stated this is a procedural step in collecting the delinquent assessments and requires the Council's approval in order to proceed with the next step.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Resolution No. 3125. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.5 Discussion and possible approval of PCN06107; A Final Planned Development Handbook request from DB Zwirn and Company amending the development standards for Copper Canyon and adding approximately 82 acres to the existing 1238.6 acre Copper Canyon Handbook. The project is generally located northeast of the intersection of Vista Boulevard and Interstate 80, south and east of the D'Andrea Planned Development and west of the eastern City limits, Sparks, NV (Time: 3:31:44 p.m.)

Associate Planner Heather Manzo noted that the Council approved the tentative handbook on December 17, 2007 and that this final handbook for Copper Canyon was found to be in conformance with the Truckee Meadows Regional Plan by the Regional Planning commission on May 14, 2008. She said the final handbook submittal includes minor clerical changes which do not affect the intent of the handbook and that no other changes to the approved tentative handbook are proposed.

Council Member Carrigan asked if the handbook still included the caveat that the business park must be built first. Ms. Manzo confirmed that the phasing plan remains the same. She said the only changes the applicant made to the handbook was to include an additional 82 acres in the plan and make some minor amendments to the design standards, both of which the Council has tentatively approved.

Council Member Mayer asked if there was a time limit on the handbook. Ms. Manzo stated that a handbook was essentially the zoning code for that area. Therefore, once the handbook is adopted and recorded, it is the guiding code and it doesn't expire. She said once the applicant takes out a permit to do work, that permit would have an expiration date.

Council Member Mayer asked if there any permits on the horizon. Mr. Ron Cobb, representing the applicant, stated that currently there are no plans to resurrect any permits. There were some improvement permits and they are working with a developer to determine what permits were applied for. He said that any permits that were in place have expired.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve PCN06107 as the final draft is in substantial compliance with the City Council's action on the Tentative Approval of the Copper Canyon Development Handbook and the facts supporting those findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.6 First Reading of Bill No. 2594, amending the Sparks Municipal Code by revising provisions pertaining to the exercise of First Amendment Rights in city parks, Victorian Square and other public areas to conform to recent court decisions; revising provisions pertaining to expressive parades and expressive Special Events to conform to court decisions; and other matters properly relating thereto (Time: 3:35:36 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of October 27, 2008.

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

7.1 Public Hearing, 2nd Reading and Possible approval of Bill No. 2590, an Ordinance Amending Chapter 10 of the Sparks Municipal Code to Update the Snow Route Definitions, Snow Route Priorities and Route Designations; and providing other matters properly related thereto (Time: 3:36:17 p.m.)

Public Works Director Wayne Seidel stated this ordinance will reduce the snow route priority ranking from three service levels to two, and will reference the designated roadways on the City of Sparks Snow Route Map instead of listing each roadway in the municipal code. The amendment also supports the current cooperative agreements between Reno, Washoe County and NDOT regarding future regional snow removal operations. Mr. Seidel noted that on October 27, 2008, staff will provide a presentation to the Council on the snow removal plan and how we are working with other local agencies through interlocal agreements.

Council Member Carrigan noted that no map was included in the staff report to show the new priorities for snow removal. Mr. Seidel stated the map was part of the actual snow removal plan which staff will be presenting to the Council. He noted that ultimately the snow map will be posted on the City's Web site.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Bill No. 2590 (Ordinance No. 2411) as written and submitted, amending Chapter 10 of the Sparks Municipal Code to update the Snow Route Definitions, Snow route Priorities and Route designations. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

7.2 Public Hearing, 2nd Reading and possible approval of Bill No. 2593; introducing an ordinance designated as the "2008 Revenue Bond Ordinance"; authorizing and directing the issuance of City of Sparks, Nevada, Victorian Square Revenue Bonds, Series 2008 in the maximum principal amount of $9,000,000 secured by pledged revenues; providing the form, terms, and conditions of the bonds, the security therefor, the sale thereof; and providing other details in connection therewith (Time: 4:40:01 p.m.)

Finance Director Tom Minton noted that this bill will authorize and direct the issuance of up to $9 million of revenue bonds, using the 2.25% room tax in Sparks as pledged revenues. Mr. Minton noted that when doing the projections for these bonds, staff raised the anticipated interest rates and lowered the coverages. He stated to date, room taxes are about 20% lower than the prior year. He said that staff has lowered the expected revenues for the bond issue and have assumed a true interest cost of bout 7.5% under current market conditions.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance. There being no comment, the public hearing was closed.

Council Member Carrigan stated he has already spoken to Mr. Minton and Mr. Ornelas and he

felt that the timing was not right for issuing these bonds. He said we have lowered the yield, interest rates are up and he felt the smart thing to do would be to wait until after the November elections, until the economy stabilizes a bit. Therefore, he would be voting no on this ordinance.

Mayor Martini asked Mr. Minton what the outlook was for these bonds and whether it would be beneficial to wait until after the election to issue the bonds. Mr. Minton stated that we can wait and the ordinance leaves it up to his discretion to sell the bonds. He said we currently do not have an official preliminary statement "on the streets" yet and right now there are a lot of wild gyrations in the market. He said who knows when it [the bond market] will calm down, but staff will certainly try to time the issuing of the bonds to minimize any adverse conditions.

Mayor Martini said that if the Council authorized the bonds by approving this ordinance, that did not mean they would be sold/issued right away. Mr. Minton confirmed that yes, staff would wait until the market gets better to issue any bonds. Mayor Martini said the point of approving the bonds at this time is to encumber the money so that we don't lose the opportunity "down the road."

Council Member Mayer said he felt the Council should approve the ordinance and encumber the funds in case the Legislature wants to change the rules and take the funds away from Sparks. Mr. Minton stated there are two risks: 1) the money is not encumbered until the actual sale of the bonds and the bond purchase agreement is signed, and; 2) if an unfavorable bill draft request comes out in the interim, then we would almost certainly have to halt the sale. He said in this case, the bonds would not be marketable. Council Member Mayor asked for confirmation that just a bill draft request would affect the bonds, even if it did not eventually pass the Legislature. Mr. Minton stated that was correct: the underwriter would withdraw and refuse to try to market the bonds.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Bill No. 2593 (Ordinance No. 2413). Council Members Mayer, Salerno, Smith, YES. Council Member Carrigan, NO. Council Member Schmitt, ABSENT. Motion carried.

8. <u>Planning and Zoning Public Hearings and Action Items</u>:

8.1 Public Hearing, 2nd Reading and possible approval of Bill No. 2589 related to PCN08041; an ordinance request from Truckee Meadows Water Authority and Jean Furbeck to change the existing zoning on approximately 2,004 square feet from PF (Public Facility) to R1-15 (Single Family Residential) and to change the existing zoning on approximately 2,004 square feet from R1-15 (Single Family Residential) to PF (Public Facility) on a site approximately 3.84 acres in size located at 131 and 475 East I Street, Sparks, NV and providing other matters properly relating thereto (Time: 3:46:01 p.m.)

Associate Planner Heather Manzo displayed a map of the property and noted that the reason for this request is to accommodate the existing single family home, which built a fence and landscaped property outside their property line and this is basically a land swap between the two property owners. She said it did not increase the size of either property. In response to questions from Council, Ms. Manzo stated that the Truckee Meadows Water Authority is planning to build

a ground water treatment facility at this location and both property owners are in support of the zone change. She clarified that it would take a master plan amendment to rezone the existing single family property for apartments.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance.

Melissa Stanford asked for clarification of the purpose of this rezoning request and what the "land swap" means. Ms. Manzo indicated the map being displayed and stated that right now the existing single family property line runs a little bit further than where the existing fence is to the east and the property line to the south is actually further north than where the fence is located. The proposal is to extend the single family residential on the south side to include the existing fence line and to give the Water Authority the strip on the east side. This rezoning request is simply a clean up, so that the property owners do not have to move the existing fences.

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

A motion was made by Council Member Smith, seconded by Council Member Mayer, to approve Bill No. 2589 (Ordinance No. 2410), a rezoning request associated with PCN08041 to change the existing zoning on approximately 2,004 square feet from PF (Public Facility) to R1-15 (Single Family Residential) and to change the existing zoning on approximately 2,004 square feet from R1-15 (Single Family Residential) to PF (Public Facility) on a site approximately 3.84 acres in size located at 131 and 475 East I Street. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

8.2 Public Hearing, 2nd Reading and possible action of Bill No. 2592, CA-4-08, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include the requirement for a temporary use permit; and other matters properly related thereto (Time: 3:53:14 p.m.)

Senior Planner Jim Rundle noted that the City has specific criteria and requirements for the conduct of outdoor sales and has used the temporary use permit process to review for compliance with the criteria. This bill will put the requirement for a temporary use permit for outdoor sales and Christmas tree lots into the Sparks Municipal Code. He said this is something we already do and this bill would make the ordinance part of Sparks' code.

Council Member Mayer expressed concern regarding temporary street sales in empty lots. Mr. Rundle clarified that these types of operations currently require temporary use permits and the applicants are also required to have a Sparks business license. A discussion ensued regarding the enforcement of the criteria and requirements under various scenarios.

Council Member Smith asked that the Council be given notice regarding who has received a temporary use permit.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance.

Gary Schmitt commented regarding the inconsistency of code enforcement in enforcing the codes.

Nancy Danner expressed concern regarding the cost of a business license and a special use permit for these very small business operators. Mr. Rundle stated that the special use permit would cost $100.00 per location, but he did not know what a business license would cost.

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

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Bill No. 2592 (Ordinance No. 2412), a code amendment to Chapter 20.53, codifying the requirement for a temporary use permit for outdoor sales. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

8.3 Public Hearing, review and possible certification by Resolution No. 3126 of an amendment to the Sparks Master Plan (PCN08046) by replacing the existing House and Population Element with a new Housing Plan that provides an updated housing needs assessment, updates housing goals and policies in a manner consistent with NRS278.150, 278.160 and 278.235, provides for regional coordination and other matters properly relating thereto (Time: 4:05:29 p.m.)

Senior Planner Karen Melby stated that this resolution will remove the current Housing Plan from the Master Plan and replace it with an updated document including goals and policies to: remove or lessen regulatory barriers; preserve existing housing stock; provide developer incentives; identify funding sources; promote special needs housing, energy efficiency and homeownership; and coordinate regional housing initiates. Ms. Melby reviewed the history of the development of this new housing element and stated that this was a joint effort between the three local jurisdictions to coordinate housing throughout the region.

Ms. Melby noted that on August 21, 2008, the Sparks Planning Commission adopted this element of the Sparks Master Plan. This plan establishes goals and policies addressing affordable housing; housing for people with special needs; home ownerships and regional housing incentives.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve Resolution No. 3126, certifying the Planning Commission's adoption of the Sparks Housing Plan associated with PCN08046. Council Members Mayer, Smith, Carrigan, YES. Council Members Salerno, Schmitt, ABSENT. Motion carried.

8.4 A. Public Hearing, 2nd Reading and possible action on Bill No. 2591, PCN08022; Rezoning request to change the existing zoning from A-40 (Agricultural) to NUD (New Urban District) from Sonoma Highlands, LLC, & Bluewater Interests, Inc. for a site approximately 694.85 acres

in size generally located west of Pyramid Highway and south of Eagle Canyon Drive (Time: 4:40:01 p.m.)

Council Member Mayor asked if this item required a majority vote, because there were only three council members present. Community Development Director Neil Krutz stated that it would require a majority vote of the entire council and with only three members present, all three would have to vote yes in order to approve both items A and B. Council Member Mayer requested that this item be postponed, to allow an opportunity for all five Council Members to be present.

It was noted that the public hearing needed to be held prior to voting to postpone this item until all five council members could be present.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance.

John Bell, 428 Bean Court, noted that final approval of the Sonoma Highlands handbook was scheduled for a Planning Commission meeting on Thursday and asked how a delay would influence that meeting. Community Development Director Neil Krutz stated that any Planning Commission items that require Council action first will have to be postponed. Mr. Bell discussed three main issues with regard to the proposed project: serious drainage issues; the proposed density that is inconsistent with the existing homes; the economic viability of the project (no current demand for housing).

Bea Vandenberg, expressed concern that the handbook was already on the Planning Commission agenda when it hasn't even been approved by the council.

Debbie Arnaud, Starhill Way, expressed concern regarding the loss of the "ruralness" of the area, as well as the affect of the new development on their well water, the drainage for storm water, and the compatibility of the proposed project with the existing neighborhood. She also expressed confusion regarding why Sparks has jurisdiction over this area when the land is located in the County, not the City.

Linda Davis, 7595 Marie Way, expressed concern about how this development will impact their well water.

Nancy Danner, 7990 Delores Drive, expressed concern that they were being directed to talk with City staff to get their questions answered and that they weren't being answered in this public forum. She said that the law requires that the facilities infrastructure be approved before rezoning and she asked if this has already been approved. Mr. Krutz stated that in looking at the adequacy of the infrastructure, at this stage they have to look at it on the Master Plan level to see if we can provide the infrastructure to support development in the future. In the case of roads, this will be part of the regional road impact fee network, so we are legally able to find that we can have the infrastructure there. We also look at our sewage treatment facilities and storm drain facilities in conjunction with the preliminary work that has been done to date and we are able to conclude that the concurrency of the infrastructure is properly addressed as part of the entitlements (zone change and handbook). Ms. Danner also expressed concern that new

development would affect their ability to get water from their wells and asked if the City was going to guarantee that they would have adequate water.

Council Member Carrigan noted that this area was part of the Sparks Sphere of Influence, which was done as a cooperative planning effort with the County under the Master Plan settlement. He said there were several public hearings on the Area Plan and, while the plan doesn't address everything, it did address adjacent density, so a high density project would not be next to estate density.

Mayor Martini noted that by law the City only had to notice those within 750 feet of the rezoned area; however, staff went above and beyond that and noticed over 2, 500 residents of the area.

Nancy Danner, 7790 Delores Drive, stated she did not receive notification of this rezone and urged the Council to consider how this request is affecting the residents who chose this area because they wanted to live a rural life-style. She protested that Sparks' officials were making decisions over her property and life-style, but she could not vote for them. Ms. Danner stated she received a post card from Washoe County notifying her that she is now within the Sparks Sphere of Influence. Council asked staff to explain how this happened, because they thought it was not within the sphere. Mr. Krutz explained that the City has exercised its extra-teritorial jurisdiction over planning and entitlement related issues for this area, so we are making planning decisions on the land.

Mr. Don Young said he is opposed to this rezoning because he felt it was both premature and excessive and went well beyond what would be considered proper planning.

Gary Schmidt said this was not cooperative planning, but collusion planning.

Nick Vossler, 415 Eagle View Court, stated he lived about four blocks from Jessie Hall School and the project is right behind the school. He said he found out about this at a soccer game and he felt that everyone on the west side of Pyramid should be notified because it impacts all of them.

Vernie and Dennis McCrohan, 309 Shelby Drive, said they have attended several meetings regarding this issue and they were told they were within the Sparks Sphere of Influence by County Planners and Sparks Planners are saying they are not and the citizens are confused. He said he was also concerned with the water quality and the affect more development would have on this problem. He said they do not need more approved and half-completed projects in Spanish Springs.

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

Council Member Mayer made a motion to delay taking action on Sonoma highlands until a full council is present. He also asked that a copy of the yellow post card that was sent to residents by the County be provided to the Council.

Council Member Carrigan asked the Planning staff to clarify, for the record, the Sphere of Influence question--whether the county residents are or are not in our sphere of influence. Associate Planner Jim Rundle explained that if the county residents received a card from the County, then they are in the City of Sparks Sphere of Influence. He said that when they came into the sphere and we chose to exercise our extra-territorial jurisdiction, the County was required to notify those residents that for planning entitlements, the City has jurisdiction.

Mr. Rundle further explained that in 2002 and 2006, our sphere of influence was expanded on the west side of the Pyramid Lake Highway. Just after 2006. The City assigned a City of Sparks Master Plan land use designation. Once this was done, the City had planning jurisdiction on that land. The County, knowing that and working with us, sent the letter to the property owners that the City has planning jurisdiction. So, if someone wanted to build a shed on their parcel, they would go to the County to start the building process. The County would then call the City and then ask them to review the application for setbacks, permitted uses, etc. Then, if they moved forward and constructed the shed, a Washoe County Building Inspector would inspect the construction. Mr. Rundle emphasized that Washoe County still provided all the services for this area (police and fire, etc.) and that Sparks only has planning jurisdiction.

Mayor Martini asked how this was different from cooperative planning. Mr. Rundle said a portion of the West Pyramid Plan is within the cooperative planning area. Sonoma is outside this cooperative planning boundary; however, we met all of the criteria, regardless, for cooperative planning. What this meant was matching densities, lighting standards, working with Washoe County staff and planning commission and taking this to the Spanish Springs Advisory Board for input and acknowledgement that the master plan was moving forward.

Mr. Rundle explained that the Master Plan is different from the zoning portion. At the Master Plan level we worked with County staff on the appropriate land use designations and those are the goals of cooperative planning--when another entity is so close to the area, they have a legitimate input on what goes on in the area. Cooperative planning is when the two jurisdictions work together on a land use master plan decision or a zoning decision.

Council Member Carrigan asked if this is what we did for this zoning request. Mr. Rundle said there were joint staff meetings; it was taken to the Spanish Springs Citizens Advisory Committee (CAB) and the Warm Springs CAB and the Sun Valley CAB were invited to the meeting. After that a meeting was held at Sparks City Hall where all the residents inside the planning area were notified and another meeting where everyone outside, within 750 feet were notified. There was a joint planning commission meeting; a Sparks Planning Commission meeting, a Sparks City Council Meeting and a Regional Planning Commission meeting--all of these meetings were public hearings.

Council Member Carrigan asked how long have we been doing this? Mr. Rundle stated the first meeting was with the Spanish Springs CAB in January of 2008. As for this area being put into our Sphere of Influence, this would have started in 2002 and 2005.

Council Member Mayer asked if we could annex all the property in our sphere of influence into the City of Sparks. Mr. Rundle stated that any property owner in our Sphere of Influence can

request to be annexed into the City. However, there are criteria--is the parcel requesting annexation in our annexation program. If it is not, we cannot annex it unless it is contiguous with an existing annexed parcel. If the parcel requesting annexation is not contiguous to the City and the parcel was not included in the annexation program, we cannot force annexation. If they want to be annexed, they have to be contiguous.

Council Member Carrigan stated that someone write a letter to the editor and misquoted him and it had to do with annexation. He emphasized that he stands by his statement that we will not annex anyone in our Sphere of Influence that does not want to become a Sparks citizen.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to continue consideration of Bill No. 2593 and consideration of the Sonoma Highlands Handbook to the City Council Meeting scheduled for October 20, 2008. Council Members Mayer, Salerno, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

B. Public Hearing, consideration and possible tentative approval for Sonoma Highlands Handbook for Sonoma Highlands, LLC, & Bluewater Interests, Inc. on a site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive

The discussion and vote for this item are listed under Item 8.4(A).

9. Comments:

9.1 *From the Council and City Manager (Time: 4:46:24 p.m.)

None.

10. *Adjournment (Time: 4:46:52 p.m.)

There being no further business, the meeting was adjourned at 4:46 p.m.

_____
Mayor

_____
City Clerk

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MINUTES OF THE SPECIAL CITY COUNCIL MEETING
3:00 P.M., Monday, October 20, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:05 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:00:10 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Councilmember Schmitt apologized for not being able to attend last Monday's City Council meeting due to recuperating from back surgery.

Pledge of Allegiance (Time: 3:00:56 p.m.)
The Pledge of Allegiance was led by Council Member Mike Carrigan.

***Comments from the Public** (Time: 3:01:25 p.m.)
Sandra Barrie, 3396 Largomarsino of Sparks, Nevada, spoke regarding a resolution that was passed by the Sparks Citizens Advisory Committee on October 4, 2008. Mrs. Barrie stated Chairperson Judy Moss, of this committee, asked her to provide each of the Council Members with copies of Ms. Moss' letter and the resolution. Mrs. Barrie read the resolution. Mrs. Barrie's husband, Fred Barrie, continued reading the remainder of the resolution. Mr. Barrie presented to the Council 1,051 signatures from "people who will be inconvenienced by losing our left turn lane into Village Green."

Gary Schmitt gave an update on bringing an antique tractor to Victorian Square.

Don Young spoke on the lack of handicap access at the Marina Park from Lincoln Way and Harbour Cove Drive. He noted that it could be a source of revenue for the City if police would start enforcing the 20 mile per hour speed limit at Howard Drive and Lincoln Way.

Councilman John Mayer noted that at the south end of the Marina Park, there is a handicap ramp for fishing and a handicap ramp to get to the water by the dog park. He stated the restrooms at the south end of Marina Park are also handicap accessible.

Approval of the Agenda (Time: 3:13:45 p.m.)
Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

Agenda item 6.5 was pulled. A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the agenda as amended. **Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried**

3. Recommendation to Approve Minutes of: (Time: 3:14:21 p.m.)
None

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

4.1 Presentation – The Future of Transportation in the Truckee Meadows
(Time: 3:14:21 p.m.)

Derek Morse, Deputy Executive Director of the Regional Transportation Commission, made the presentation. Mr. Morse reviewed the challenges to the quality of life in terms of the transportation system in the Truckee Meadows, where currently there are about 8.5 million miles being driven a day collectively. The Regional Transportation Commission is projecting that over the next thirty years, trips will increase by about 160%. Mr. Morse stated about $14 million will be needed and there is a projected shortfall of $5 billion, 60% of which will be caused by inflation. He indicated that with the current revenues, more transit services are simply not feasible.

Mr. Morse provided information on two ballot questions, RTC-2 for Public Transportation and RTC 5 for Street and Highways for the upcoming November election.

In closing, Mr. Morse reminded the Council of the grand opening of the new Regional Transit Center in Sparks and extended invitation to everyone to attend the grand opening. He also stated this project was paid for by Federal funds.

5. Consent Items: Time: 3:32:45 p.m.)

5.1 Consideration and possible approval of addendum for third party administrative contract with CDS Group Health for Administrative Services

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve Consent Item 5.1. **Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.**

6. General Business:

6.1 Consideration and possible acceptance of donation from the Nevada State Emergency Response Commission (S.E.R.C.) for the 2009 State Emergency Response Commission, *United We Stand* Grant in the amount of $3,458.00
(Time: 3:33:21 p.m.)

City Manager Shaun Carey spoke on behalf of the Sparks Police Department and stated the grant, in the amount of $3458.00, will be used for personal protective equipment for Homeland Security issues.

A motion was made by Council Member Carrigan, seconded by Council Member Mayer to accept donation from the Nevada State Emergency Response Commission (S.E.R.C.) for the 2009 State Emergency Response Commission, United We Stand Grant in the amount of $3,458.00. **Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.**

6.2 Presentation, discussion and possible direction or approval of Federal, State, Nevada League of Cities and Local Legislative Affairs issues with Anja Graves of CHG and Associates providing the update on Federal legislative activities (Time: 3:34:25 p.m.)

Rob Joiner, Government Affairs Manager, introduced Anja Graves of CHG and Associates and noted Ms. Graves had prepared statements in a report for the Council.

Mr. Joiner noted that staff had previously asked Council about requests that were received from Nevada State Senators Mike Schneider and Dennis Nolan to support their efforts to move a piece of legislation forward. They are requesting some concurrence from local governments as they prepare for 2009 session. This relates to the mandatory on seat belt law that would make it a primary offense for what is now a secondary offense. Mr. Joiner stated that the Council had asked that he check with the Acting Police Chief Steve Keefer who is in support of this legislation. Mr. Joiner asked for direction from the Council on this matter.

Council Member Smith noted this is presently a minor offense, with a fine attached and asked what the fine would be if it was raised as a primary offense.

Council Member Carrigan commented he felt there was a difference between a government support and a government intrusion.

Mayor Martini asked what the Council's pleasure was and if there was an interest for him to send a letter to the state senators regarding this item. There was no response from the Council.

Mr. Joiner reported that staff met with Council Member Ron Schmitt and Assemblywoman Debbie Smith to discuss BDR 54, a bill with co-sponsorship by Assemblywoman Kilpatrick which reviews the Star Bonds legislation. He stated that this is very important to the City of Sparks. Ms. Smith has committed to some working sessions before the legislative session begins in February. Staff will be asked to prepare additional information including highlights of the pros and cons of Star Bonds. Council Member Carrigan expressed concerns about business use of government subsidy such as Star Bonds for the Legends at Sparks Marina.

Mr. Joiner noted meetings have also been held with Senators Raggio and Townsend regarding issues leading up to the 2009 Legislative session. Mr. Joiner indicated these were very productive meetings which included Mayor Martini and Council Member in attendance.

The Director of the Nevada League of Cities recently sent out a newsletter with information about their annual meeting, which occurred about two months ago in Fallon.

Ms. Anja Graves presented the Federal updates to the Council, including predictions from Professional Quarterly about who Cabinet Members might be for the various presidential candidates.

Ms. Graves noted that on September 30th, 2008, the President signed into law a continuing resolution that keeps the government funded until March 6, 2009. This leaves all the final 2009 decision making to a new President and a new Congress. The spending bill would keep most agencies funded at the fiscal 2008 levels. The resolution did include a full year's funding for military construction, Department of Defense, Government Affairs, and Homeland Security.

The legislation also included planning for disaster relief, loans for the auto industry and ends the moratorium on offshore drilling.

Ms. Graves stated that while the House did not include any project appropriations, the Senate draft bill did and some approved projects will benefit the region, including the Pyramid Highway corridor which received half a million dollars; the Reno and Sparks transportation centers for a half a million dollars; and five million dollars for flood control. Ms. Graves noted these are just draft numbers and subject to change when they revisit this legislation in February 2009.

Ms. Graves stated that she has begun working on fiscal year 2010 and asked for input from Council. The new Congress will be sworn in January 2009, and as they complete 2009 work, they will get started on 2010. She asked to be kept posted as the city comes up with projects. She noted that depending on who wins the Presidential election, the process for obtaining funding may change. She stated that if Senator Obama wins, her guess is that Congress will continue to include earmarks in appropriations bills, however, if Senator McCain wins, there is a good chance that he would veto any spending with specific project earmarks. This might mean that the City of Sparks would have to pursue additional funding directly from federal agencies. If this happens, Ms. Graves said the city should consider doubling its efforts for obtaining grants directly from federal agencies.

Ms. Graves discussed a bill that was passed and signed by President Bush which included increased FDIC insurance, some new rules on extra coverage for mental health and the alternate renowned tax patch which would suspend additional taxes for a number of middle class Americans. This bill does contain the deduction of state and local general sales tax to the end of 2009. In summary, Ms. Graves stated that most of the large decisions are going to be left to the new Congress and the new President.

Ms. Graves noted that Congress did pass a bill that transferred $8 billion from the General Fund to the Highway Trust Fund which was to ensure the State Department of Transportation continues to receive their monthly formula funding. She raised concerns that the $8 billion patch won't actually last until the end of the reauthorization period, which is September 30, 2009. Ms. Graves added that the city should focus on their priorities for surface transportation and possibly climate change so that they may include projects or policies that would affect the city.

Council Member Mayer asked if there is talk about funding for infrastructure for bridges in light of the collapsed bridge in Minnesota. He asked Ms. Graves if the city would be wise to do a survey of the city's infrastructure and if we should prepare for this type of disaster occur to in the City of Sparks. Ms. Graves said she thought this would be a good idea but also that the Nevada Department of Transportation (NDOT) and Regional Transportation Commission (RTC) probably already have that information and the other requirements for economic stimulus projects. They would be ready to go in 90 to 120 days, so while surveying the deficits and infrastructures is a good idea, that may not result in the type of projects that Congress will fund as they really want to be able to invest money quickly and have that money go out into the community under contract to begin construction within months of a bill.

6.3 Discussion and possible action on Sparks Legislative Platform and Policies October 2008 through September 2009 (Time: 3:55:35 p.m.)

Rob Joiner, Government Affairs Manager, stated he presented this item to Council several weeks ago and at that time, Council directed him to meet with them individually to review the amendments which were offered for this year. Mr. Joiner noted that he is now providing the final draft to Council for consideration.

Council Member Carrigan asked if the video surveillance item should be taken out of the platform and Mr. Joiner agreed. Council Member Carrigan also asked about the City's sister city, Garibaldi, which is also in the platform stating he considers this more of a social pairing than a legislative one. Mr. Joiner stated this item was put in to help to help formalize the process. He said that Council Member Schmitt has requested analysis of the cost benefit of public funds spent on these activities. Therefore, this was put in as a place holder to remind staff that this needs review. Council Member Carrigan reiterated he felt it was more of a social thing than anything else.

Council Member Mayer spoke about the visitors project and feels it is important to put "regional" in the wording. He feels we should look at a regional approach because he thinks that by relocating the railroad yard out of downtown Sparks, there are many places that would like it for growth in their areas.

A motion was made by Council Member Mayer, seconded by Council Member Salerno to approve the Legislative Platform as outlined by staff with those amendments that had been discussed. **Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.**

6.4 Consideration and possible approval of Resolution No. 3127, a resolution authorizing certain individuals to make financial commitments to purchase, sell and approve collateral for investment securities on behalf of the City (Time: 4:03:02 p.m.)

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3127, a resolution authorizing certain individuals to make financial commitments to purchase, sell and approve collateral for investment securities on behalf of the City.

Budget Analyst Debi Hunt presented the agenda item. Also present for this item was Budget Analyst Wayne Webber. Ms. Hunt stated that it is a requirement of the bank to specifically identify those individuals that Council authorize to do investments of city money. Ms. Hunt indicated Budget Analyst Wayne Webber will be acting as a back up on the investment policies and investment procedures.

A motion was made by Council Member Smith , seconded by Council Member Mayer, to approve Resolution No. 3127. **Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. ABSENT. Motion carried.**

6.5 First Reading of Bill No. 2595, amending the Sparks Municipal Code by delegating to the Chief of Police the power to issue, deny and revoke alcoholic beverage licenses; providing for an appeal of a decision of the Chief of Police to the City Council; clarifying requirements for such licensing; and providing other matters properly relating thereto (Time: 3:13:45 p.m.)

This item was pulled from the agenda.

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

None

8. Planning and Zoning Public Hearings and Action Items:

Continued from October 13, 2008, Regular City Council Meeting:

8.1 A. Public Hearing, 2nd Reading and possible action on Bill No. 2591, PCN08022; Rezoning request to change the existing zoning from A-40 (Agricultural) to NUD (New Urban District) from Sonoma Highlands, LLC, & Bluewater Interests, Inc. for a site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive (Time: 4:04:33 p.m.)

An agenda item from Associate Planner Chere' Jigour, for a rezoning request to change the existing zoning from A-40 (Agricultural) to NUD (New Urban District) from Sonoma Highlands, LLC, & Bluewater Interests, Inc.

Council Member Salerno recused himself from voting on this agenda item as he stated he has ongoing personal business transactions and he has been advised to abstain from voting. Council Member John Mayer stated that he was advised based on his interests on both sides that he should abstain from voting as well.

Associate Planner Chere' Jigour presented the item as a rezone request and a consideration for tentative approval of the Sonoma Highlands Planned Development. The rezone request and the Sonoma Highlands tentative plan are supported by the fact that the development plan is in conformance with the West Pyramid Area Plan and the planned development findings. Ms. Jigour said the plan design includes 2,510 residential units, including the mixed use core and also, 26 per cent of the site is designed as open space. She noted that the plan provides for a variety of housing types and includes open space areas that are located adjacent to existing and proposed developments for remote community compatibility. Ms. Jigour stated this planned community is designed to establish a quality development through design standards that regulate land use architecture, landscaping, open space site and street design. Because of this, the Planning Commission and staff are recommending approval. This is based on the fact that the tentative plan is in conformance with the Master Plan and the Planned Development Findings. Ms. Jigour noted the Planned Development Findings that support this plan are as follows:

PD Findings 1 through 5 is satisfied by the statement that the Planned Development includes a variety of housing types and a mixed use component that allows for higher densities and includes standards that regulate the plan to move forward without delay.

PD Findings 6 through 9 is satisfied by the statement that the plan is in the public interest for use

because the plan is to cut cluster residential developments and create open space community areas. The ratio of residential is 61 to mixed use which is 2 per cent.

PD Findings 10 through 15 is satisfied by the statement that the common open space comprises of approximately 26 per cent of the site and will be maintained by several entities. The plan does provide for adequate public services.

PD Findings 16 through 20 is satisfied by the statement that the project proposal is consistent with the City of Sparks Master Plan and surrounding existing land uses and any substantial changes will require a handbook amendment.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance.

Randy Walter, representing Sonoma Highlands LLC, emphasized that the Sonoma Highlands Master Plan complies with the West Pyramid Area Plan. He stated there were a number of items that are component that are unique to this particular project that they think will bring dynamic energy to the community. The West Pyramid Area Plan was reviewed and approved in July by the Sparks City Council and the Regional Planning Commission in August 2008. Mr. Walter described the location of the development and restated the West Pyramid Area plan specifies the specific density for the entire area. For this particular portion being discussed, the total density is 2583 units which is allowed by the West Pyramid Area Plan. Sonoma Highlands calls for 2510 units and therefore, it is in conformance with West Pyramid Area Plan. In terms of transportation, the West Pyramid Area Plan calls for regional transportation components with extensions to Calle de la Plata, West Pyramid, valley arterial and also connection of Lazy Five Parkway.

Mr. Walter said the Sonoma Highlands Master Plan completes that component of the West Pyramid Area Plan by connecting Calle de la Plata to the West Sun Valley arterial and also the connection of Lazy Five Parkway down to Pyramid Highway. Therefore, from the regional transportation standpoint, the plans are in conformance with West Pyramid Area Plan.

Mr. Walter stated the West Pyramid Area Plan calls for regional trails along the easterly component of the project which connects into trails to the north as well as to the south and two regional trails would end existing drainage ways on the project. According to Mr. Walter, the Sonoma Highlands project calls for regional trail components as well as a series of other local trails within the project itself that would enhance area.

Mr. Walter stated there are some unique components with regards to lane use within the West Pyramid Area Plan that apply to this project. He stated there is a 200 foot buffer along the easterly edge of the project required by the West Pyramid Area Plan as well as densities of 3 dwelling unit per acre along the easterly edge.

The Sonoma Highlands Plan calls for a series of public facilities, including two neighborhood parks, an elementary school site, a potential fire station site, some mixed use community facilities as well as the expansion of space of the Jesse Hall Elementary School.

The West Pyramid Area plan calls for a proximity to retail. Policy 1 specifies that the land use plan has some commercial designations which work to complement the community. The Sonoma Highlands Project includes a Mixed Use "Town Center" that will contain a variety of retail, office and recreational facilities to provide the community in that location. Mr. Walter also stated it is a large component of public open space and parking to support those facilities.

The West Pyramid Plan also calls for storm drainage facilities under the West Pyramid Plan Area Policy 20 and requires designing appropriate drainage and flood control measures. The Sonoma Highlands project takes some existing drainage, intercepts it along the easterly side, provides for control of that to a culmination of detention, retention and sedimentation facilities, and discharges it around the elementary school in the storm drainage facility. This in itself protects the properties to the east. These facilities will improve these conditions by intercepting water and will allow it to go to the east.

Mr. Walter noted under concurrency, new developments shall include public services and facilities that meet the requirements for service. The Sonoma Highlands project has two different options at this point through offsite facilities and it will be provided to serve the property. The first option deals with gravity system for sanitary sewer that connects the south eastern components of Sonoma Highlands through a gravity sewer line that connects to the Sparks northwest interceptor. In addition, it will provide for reclaimed water back to the facility often through the same corridor. This will bring additional water into this area that is not currently there or reclaimed for additional purposes. It also includes a series of other facilities of water, gas and electric that will come up by Parkway and the water connections for this project is to connect to the TMWA facilities and the TMWA tank is on Highland Ranch at the park south end of Lazy Five Parkway. This will bring wholesale water, TMWA water, Truckee River water to this project for service. There is no additional water service planned for this anticipated service project. Option two will be the same, the only difference is the sewer line will go through the residential neighborhood and go through Lazy Five through a pump station and force main and again over to the northwest.

Mr. Walters also stated that some of the additional elements in the plan include a series of entry concepts that are part of the handbook. This would be on the major locations at the Lazy Five extension coming into the project from the south. Additional elements include minor entries and major village entries within the project itself. Low impact development is a key component of the plan. The intent is to take as much of the storm water runoff that occurs within the project and also existing runoff as within these drainage wells, provide a series of sedimentation basins that will actually take the sediment out of the water, slow the water down, improve the water quality as well as decrease the flood event if one takes place.

In conclusion, Mr. Walter stated the Sonoma Highlands Master Plan implements the West Pyramid Area Plan from the standpoint of density, transportation, trails, land use, public facilities, in proximity to retail, storm drainage and utilities.

Council Member Schmitt asked Mr. Walter for confirmation that the West Pyramid Area Plan, which Council approved in July and the Regional Planning Commission approved in August, has nothing in it that is in conflict with the Sonoma Highlands project. Mr. Walter stated that there is not.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Bill No. 2591 (Ordinance No. 2414), the rezone associated with PCN08022, based on findings Z1 through Z3 and the facts supporting those findings as set forth in the staff report. **Council Members Smith, Carrigan, Schmitt YES. Council Members Mayer, Salerno, Abstain. Motion carried.**

8.1 B. Public Hearing, consideration and possible tentative approval for Sonoma Highlands Handbook for Sonoma Highlands, LLC, & Bluewater Interests, Inc. on a site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive (Time: 4:40:01 p.m.)

This agenda item was presented by Associate Planner Chere' Jigour. Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance.

Ms. Bea Vandenberg, spoke in opposition to PCN08022 and presented 363 signatures of her neighbors and homeowners who are also opposed to this development and zoning. She wanted it noted that that the signatures were collected by going door-to-door and speaking to individual homeowners and they were not collected standing in front of Wal-mart or Costco. They all agree that their concerns primarily relate to traffic load on Pyramid, recharge of private wells, storm water flooding, over crowded schools, the impact on county residence by City of Sparks' actions and responsible growth related to current unfinished projects. Ms. Vandenberg wanted it noted that there were only 306 notices sent out to property owners related to the annexation of this land in the City of Sparks.

Council Member Schmitt asked if staff could pull up the records of the Washoe County Citizens Advisory Board for that area as well as both the Regional Governing Planning Commission on their votes on the West Pyramid Area Plan.

Mr. John Bradbury, 134 Andaline Court, Sparks, spoke in opposition to PCN08022, and requested the project be halted or delayed.

Mr. Jon Bell, 428 Beau Court, Sparks, spoke against PCN08022, stating the project is not in compliance, that the density is inconsistent with the existing neighborhoods, increase of traffic will result, it will not be a benefit to the existing neighborhood, and there is no present need for more housing.

Mr. David Binger, 980 Lepori Way, Sparks, spoke in opposition to PCN08022, commenting on the traffic that will be generated by 2500 new homes in Spanish Springs.

Ms. Anthea Humphreys, Sparks, spoke against PCN08022, expressing several concerns including the poor soil and drainage.

Mr. Gary Schmidt spoke in opposition to PCN08022, commenting that the current housing market and financial crisis should be a consideration for not approving this project.

Mr. Don Young spoke against PCN08022, requesting the Council put short timelines on the development stating the developers now realize that this will not be dealt in the foreseeable future.

Ms. Linda Davis, 7595 Marie Way, Sparks, spoke in opposition to PCN08022, adding she was not given notice of this project until the spring of 2008.

Ms. Nancy Danner, 7790 Dolores Drive, Sparks, spoke against PCN08022.

Mr. Eric Lambdin, 7775 Starhill Way, Sparks, spoke in opposition to PCN08022, commenting that the project fails to protect the natural resources of water in the area, fails to protect the natural resources of wild life, will destroy the beautiful trees and aesthetic quality that is enjoyed from the valley floor.

Ms. Debbie Arnaud, Sparks, spoke against PCN08022, stating that she will point out several N.R.S. statutes which seem to support their concerns and she believes deserve further attention by Council before a vote is held. She indicated this will show there has been a violation of their rights of procedural and substantive due process under the laws of the State, the United States Government, as well as the violation of their equal rights. She asked the Council to also review Section 2.1.1 of the Regional Water Management Plan of 2005.

Mr. Nick Vossler, Sparks, spoke in opposition to PCN08022, and was in total agreement with everyone who spoke in opposition to the development.

Mayor Martini read a letter signed by some of the students of Jesse Hall Elementary School who were opposed to the development. Public Hearing was closed and Mayor Martini brought the item back for Council for action and questions.

Council Member Carrigan responded to Mr. Bell's question as to why he has not disclosed that he had a conflict of interest with this development. Council Member Carrigan stated the law says he needs to only disclose if he has a conflict of interest, clarifying that conflict of interest is having a business relationship and/or a direct monetary financial gain. Council Member Carrigan disclosed he does not have business relationship with the applicant and he does not stand to gain anything financially. Council Member Carrigan also stated he has not spoken to anyone that is employed by the applicant nor has he spoken to the applicant at all about this project.

Council Member Schmitt asked staff if they had any information on the records and/or votes of the Washoe County Citizens Advisory Board and the Regional Planning Commission regarding the West Pyramid Plan Area. Senior Planner Jim Rundle stated the votes were unanimous with a total of 9 members voting yes from the Washoe County Regional Planning Commission at their meeting of August 13th 2008. Council Member Schmitt commented the board is made up of three members from the City of Sparks, three members from City of Reno and three members from Washoe County, all of whom are directly appointed by the Washoe County Commissioners. Mayor Martini called for a one minute recess at 5:01:18 p.m. due to a disruption from a person in the audience. The meeting resumed at 5:01.53 p.m.

Council Member Schmitt noted that he listened to the comments from everyone in the audience and that he had written down 15 items that he was going to ask staff about.

Senior Planner Rundle stated staff took the West Pyramid Area Master Plan to the May 20th, 2008, Washoe County Planning Commission meeting for their comments on the area plan. The

vote was also unanimous for this project. Mr. Rundle stated that no density transfers or any density bonuses were done in this area but that it was all developed in conformity with the West Pyramid Area Plan.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the tentative Sonoma Highlands Handbook, PCN08022, based on findings PD1 through PD20 and the facts supporting these findings as set forth in the staff report. This tentative approval includes that the applicant shall file an application for the final approval of the Planned Development Handbook within one year from the date of approval of the Tentative Planned Development Handbook. Due to the nature of the Tentative Planned Development, a bond at this point in time, as stated in NRS 278A.490, is not necessary. **Council Members Smith, Carrigan, Schmitt, YES. Council Members Mayer, Salerno, Abstain. Motion carried.**

9. Comments:

9.1 *From the Council and City Manager (Time: 5:26:18 p.m.)
City Manager Shaun Carey announced vacancies for seven new members in the Human Services Advisory Board to assist in the upcoming grant approvals. The Human Services Advisory Board is responsible for reviewing and evaluating grant applications from non profit human services agencies in Washoe County. Applications will be accepted through Friday, October 24, 2008.

10. *Adjournment (Time: 5:27:49 p.m.)
There being no further business, the meeting was adjourned at 5:27:49.

_____
Mayor

_____
City Clerk

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MINUTES OF THE REGULAR CITY COUNCIL MEETING
3:00 P.M., Monday, October 27, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:00 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:00:29 p.m.)
Mayor Geno Martini, Council Members John Mayer, Ron Smith, Mike Carrigan and Ron Schmitt, City Clerk Linda Patterson, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Phillip Salerno, ABSENT

Staff Present: David Fitzpatrick, Mike Biselli, Brian Bessette, John Martini, Chris Syverson, Tracy Domingues, Tracy Wheeler, Shirle Eiting, Starlin Jones, Tom Minton, Andy Hummel, Stan Sherer, Steve Keefer, Adam Mayberry, Marc De La Torre, Gary Hutchinson, Brandi Reidburn, Steve Driscoll, Sally Mols, Tom Riley, Neil Krutz, Tony Turley, Janelle Thomas and Randy Mellinger

Invocation Speaker: (Time: 3:00:42 p.m.)
Clergy was not present to perform the invocation.

Pledge of Allegiance (Time: 3:00:55 p.m.)
Council Member Mayer led the Pledge of Allegiance at the request of Mayor Martini.

***Comments from the Public** (Time: 3:01:23 p.m.)
A candidate for Washoe County Commission District 4, Gary Schmitt, congratulated and thanked Council Member Mayer for his many years of service to the community. He thanked the citizens for their encouragement, support, advice and wisdom during his course of campaigning.

Mayor Martini announced that Council Member Phil Salerno's absence was due to a small accident he had on his ATV.

Approval of the Agenda (Time: 3:04:39 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 request was made to pull agenda items 5.4 and 5.6 from the agenda.

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

3. Recommendation to Approve Minutes of:
3.1 Special Meeting of October 13, 2008 (Time: 3:05:25 p.m.)
A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve the minutes of the Special Meeting of October 13, 2008. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

3.2 Joint Meetings of May 12, 2008, and August 18, 2008, of the Washoe County Commission, Reno City Council, Sparks City Council and Washoe County School District (Time: 3:06:09 p.m.)

A motion was made by Council Member Mayer, seconded by Council Member Smith, to approve the minutes of Joint Meetings of May 12, 2008, and August 18, 2008, for the Washoe County Commission, Reno City Council, Sparks City Council and Washoe County School District. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

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

4.1 Commendation for Council Member John Mayer (Time: 3:06:45 p.m.)

Mayor Martini announced that all our Congressional Representatives were present today.

Mary Conley of Senator Harry Reid's Office presented Council Member Mayer with a Certificate of Commendation, in commemoration of 17 years of service and in appreciation of his dedication and contributions to the community

Pam Matteoni of Senator John Ensign's Office, presented Council Member Mayer with a certificate, to recognize and honor the invaluable impact he has made on the thousands of lives he has touched throughout the years.

Andrew Lingenfelter of Congressman Dean Heller's Office, presented Council Member Mayer with a Certificate of Special Congressional Recognition, in honor of his retirement and his extensive service to the community.

Tina Burke of Governor Jim Gibbon's Office, presented Council Member Mayer with a Proclamation by the Governor, proclaiming October 27, 2008, as a day in honor of Councilman John Mayer for being an exceptionally dedicated public servant, devoting time to many boards and commissions, and consistently performing numerous duties without compromise.

Mayor Martini announced there was also a video to watch called the John Mayer Tribute Video. The video featured various City departments thanking Council Member Mayer for his 17 years of service, dedication, competency, compassion and toughness. Mayor Martini then read a Proclamation proclaiming October 27, 2008, John Mayer Day, in honor and recognition of his many accomplishments and thanked John for his years of service to the community and the countless hours he has devoted to making Sparks a great city.

Council Member Mayer thanked the citizens of Sparks for the opportunity to serve them and stated it has been a joy. He stated he is proud to see so many accomplishments happen to this wonderful city. Council Member Mayer also gave compliments to the City of Sparks employees stating they work as a team, produce as a team and there are no slackers, they take pride in their work.

4.2 Presentation - Sparks Advisory Committee for the Disabled Exemplary Business Award: Save Mart Supermarkets #558 (Time: 3:25:33 p.m.)

Sparks Advisory Committee for the Disabled Committee Chairman, Laura Sheldon-Casson acknowledged Save Mart Supermarkets #558 with the Exemplary Business Award for having exceptional physical access as well as customer friendly staff that are always eager to assist

individuals with disabilities. Ms. Sheldon-Casson stated Save Mart has remodeled the store and wrapped the pipes underneath the sinks to be in compliance with the ADA standards. John Burgess was not present to accept the award. Marc De La Torre accepted the award on the behalf of Save Mart Supermarkets.

4.3 Presentation on Snow and Ice Control Plan by the Public Works Department

(Time: 3:29:31 p.m.)Maintenance Manager, Mike Biselli presented the City of Sparks 2008-2009 Snow and Ice Control Plan.

City of Sparks 2008-2009 Snow and Ice Control Plan

Purpose:

To provide safe and accessible travel on priority streets during snow and ice events.

Background:

- City of Sparks Roadway Network consists of 665 lane miles, divided into 8 snow routs
- Priority given to arterial and collector streets, school zones and bus routes
- Residential streets generally are not sanded and/or plowed during an average snow event
- Maintenance Manager and Superintendents monitor weather daily October thru March

Snow Routes:

- 2007- 6 designated snow routes
- 2008- 8 designated snow routes
- 380 priority 1 Lane Miles
- 86 priority 2 Lane Miles

Snow Route Maps:

Available at Public Works Department or www.cityofsparks.us

Storm Events:

- Average snow event- 3 to 6 inches of snow
- Major snow event- 6 to 10 inches of snow
- Emergency Snow event-10 inches of snow with a forecast for continued snow and/or freezing temperatures.

Level of Service:

- Average snow events: Priority 1 and Priority 2 roadways sanded and/or plowed within 6 hours
- Major/Emergency Snow Event: Priority 1 and Priority 2 roadways will be cleared and sanded within 12 to 14 hours
- During major and emergency events: residential streets are cleared as resources become available

Snow and Ice Control Crew:

- 1 Crew Supervisor, 9 Snow Plow Operators, 1 Mechanic

Available Staff:

- 1 Maintenance Manager, 4 Superintendents, 4 Crew Leaders, 3 Mechanics, 32 Snow Plow Operators, 8 Heavy Equipment Operators
- 240 Snow Plow Operators Regionally

Equipment:

- City of Sparks- 9 dump trucks with plows and sanders
- Regionally- 98 trucks with plows and sanders

Material Sites:

- Main Site- Gandolfo Arena
- 2nd Material Site- 215 South 21st Street
- 3rd Material Site- Golden Eagle Maintenance Yard
- -Alternate Site 1- Washoe County Lazy 5 Regional Park
  -Alternate Site 2- NDOT Galletti Way
- 18 Material Sites Regionally

Contractors:

- Contractors used during major or emergency events
- Plan contains Emergency Contractor Contact List.
- Predetermined pricing for Contractor Equipment and Equipment Operators.

Air Quality:

- Street sweepers remove all applied sand/salt materials as weather and road conditions permit
- Schedule street sweeping to meet the 4 day air quality regulations
- 4 permanent and 7 temporary street sweeper operators
- 6 street sweepers

Inter-local Agreement for Emergency Snow Removal

Sparks and Reno City Managers, and the Washoe County Manager declare snow emergencies.

- Public Works Managers and Supervisors from participating agencies developed, and update 52 regional emergency snow routes.

Annual Training:

Regional Snow Workshops were held in 2006 and 2007 to train employees from participating agencies

2008:

- Participating agencies hosted the Truckee Meadows Regional Winter Information Expo
- Developed the Truckee Meadows Winter Preparedness Guide

Mayor Martini and Council Members Smith, Schmitt and Carrigan thanked Maintenance Manager Mike Biselli for the report and for being proactive in the Public Works department to get things done. They also gave compliments to the public works crew, stating they have full

confidence in their department this year and appreciate everything that they do.

Council Member Schmitt commented last year was tough due to all the snow and Public Works jumped out immediately with contractors. The City of Reno and Washoe County were calling us trying to get equipment to help them because we were done. Mr. Biselli stated we do have great success when we team up with contractors and it is a total team effort.

Council Member Carrigan stated that last year a citizen was upset about snow in front of her house after the road was plowed. In some parts of the country they do remove snow. Maybe the PIO can make a statement letting people know we plow the street but don't remove the snow.

5. Consent Items: (Time: 3:42:44 p.m.)
Agenda items 5.4 and 5.6 were pulled from the agenda during the approval of the agenda. Council Member Carrigan stated he would like to pull agenda item 5.3 for a separate vote.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve consent items 5.1, 5.2, 5.5 and 5.7. Council Members Mayer, Smith, Carrigan, Schmitt YES. Council Member Salerno, ABSENT. Motion carried.

Council Member Carrigan, thanked Maintenance Manager Mike Biselli for the innovative thinking to save money and asked Mr. Biselli to state the cost savings of agenda item 5.3.

Mr. Biselli stated with this contract the savings will be about $70,000 and improved service level. Additionally, with the outsourcing of traffic sign maintenance there will be another $75,000 dollars in savings again minimal to no service level reduction. This is a win win for the employees and for the city and most importantly a win for tax payer.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt to approve Consent Items 5.3. Council Members Mayer, Smith, Carrigan and Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period September 25, 2008, through October 8, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of an Interlocal Cooperative Agreement (ICA) with the Regional Transportation Commission of Washoe County (RTC) for the FY 2009/10 RTC program of projects associated with the Regional Road Impact Fee (RRIF) Program, the Fuel Tax Street and Highway Program, and the Sales Tax Street and Highway Program

An agenda item from Public Works Director Wayne Seidel. The City of Sparks Pavement Quality Team works very closely with the RTC to prioritize roadway projects in the City of Sparks, coordinate projects with our CIP, and submit potential projects to the RTC. The Regional Preventative Maintenance Program is used in the selection process for regional road maintenance to rank potential roadway reconstruction. This Interlocal Cooperative agreement also includes the sales tax program for FY 2209/10. The Sales Tax Program will again include the region-wide Preventative Maintenance Program including pavement patching and slurry seal of industrial and

regional roadways within the City of Sparks. The total region-wide Sales Tax Program is estimated to be approximately $4.4 million dollars for FY 2009/10.

5.3 Consideration and possible approval of the 2008/2009 janitorial contract, Bid #08/09-006 to Qual-Econ U.S.A., Inc. for janitorial services to City Hall, Police Facility, Municipal Court Building and Maintenance Yard Office in the amount of $98,314.56

An agenda item from Public Works Director recommending the City Council award the janitorial bid to Qual-Econ in the amount of $98.314.56. The bid received from Qual-Econ was not the lowest bid; however, the lowest bid was determined to be non-responsive because it was not all inclusive, as requested. Staff checked the references and found the responses impeccable.

5.4 Consideration and possible approval of the Capital Improvement project to re-plaster the main and tot pools at the Alf Sorensen Community Center in December 2008, in the amount of $55,653.00

** Pulled from the Agenda

5.5 Consideration and possible approval of a Reversion to Acreage Map for property located at 625 5th Street for Wright Street Partners

An agenda item from City Surveyor, Andy Fuller recommending the City Council approve the Reversion to Acreage Map for Wright Street Partners. This conversion is to eliminate interior lot lines conflicting with a proposed building. With the reversion, the parcels will be in compliance with the 2006 International Building Code, which requires a building not to cross a property line. The total area reverted will be 29,614 square feet or 0.68 acres. The final reversion to acreage map has been checked and found to be technically correct, conforming to local ordinances and state law.

5.6 Consideration and possible approval of the purchase of Kodak Archiver and related training, installation and shipping in the amount of $32,500 (used) or $49,750 (new)

**Pulled from the agenda.

5.7 Consideration and possible approval of the Methanol bid, Bid #08/09-007, to Brenntag Pacific, Inc. The initial contract is for one year with the possibility of extending the contract four additional times thereafter, for the annual amount of $2,648,100 to supply methanol to the Truckee Meadows Water Reclamation Facility

An agenda item from Public Works Director, Wayne Seidel recommending the City Council award the methanol bid to Brenntag Pacific, Inc. at a price of $2.027 per gallon. Methanol is used as a carbon source in the denitrifying fluidized bed reactors in the water treatment process. The denitrifying organisms use the methanol as a food source and during the process convert nitrate to nitrogen gas. Our NPDEs permit discharge standard is 2.0mg/l of total nitrate, the use of methanol is required to meet this very stringent standard.

6. General Business:

6.1 Consideration and possible approval to accept this Co-Generation Grant from U.S. Department of Energy in the amount of $984,000 for the design of an improved co-generation facility and the construction of a gas conditioning

system at the TMWRF and the commitment of $1,106,200 in matching capital funds from the City of Sparks (Time: 3:46:55 p.m.)

Public Works Director Wayne Seidel and Senior Administrative Analyst, Gary Hutchinson recommended the City Council acceptance the Co-Generation Grant Mr. Siedel stated we anticipate investing 2 million dollars in this project and the grand will fund the first phase, which includes the design of the new co-generation system along with the construction of the gas cooling system. The facility currently flares significant quantities of bio-gas that could be used to fuel an additional co-generator, reducing plant electrical expenses. This project will reduce annual electric expenses and limit future increases in operation and maintenance costs.

Mr. Seidel stated we are anticipating an additional 5 to 6 million in grants to build the next two phases. We are anticipating begin design and gas scrubbing in the next 15 months and then look for additional federal funding to build phase two and three of the co-generation plant for the waste water plant.

Council Member Carrigan asked what is amount of co-generation expected and how much do we need to produce to take care of our electrical needs at the facility. Mr. Hutchinson answered that co-generation is expected to produce about 1.6 megawatts or 1600 kilowatts with average demand of the facility being roughly 2.8 to 3 megawatts. If we operated both co-generating units full time it, they would produce approximately half our needs, but the current concept is to operate one unit full-time and have one as a standby unit to avoid the extra charges for peak demand times from NV Energy.

Mayor Martini asked if, once the project is complete, will we be able to offset what is needed in electricity. Mr. Hutchinson answered with the project complete it will replace the existing 700 kilowatt unit and add an additional redundant unit that will carry about 30 to 35% of the plant load on a full time basis. For the remaining 65% we will have to be creative and find something with a better fuel to electricity conversion rate. There are a number of options but the engines look better at the moment because we do need a balance where we get both heat and electricity.

City Manager Carey thanked the Nevada Congressional delegation: Senator Reid, Senator Ensign, and Congressman Heller for their support of this grant. He also recognized Starlin Jones and Gary Hutchinson for taking on this energy challenge and dedicating countless hours in finding ways to operate the facility efficiently.

Council Member Carrigan also stated we need to explain to the community that we are using green energy by taking the gases and making electricity.

A motion was made by Council Member Smith, seconded by Council Member Carrigan to accept the Co-Generation Grant from the U.S. Department of Energy in the amount of $984,000 for the design of an improved co-generation facility and the construction of a gas conditioning system at the TMWRF and the commitment of $1,106,200 in matching capital funds from the City of Sparks. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried

6.2 Consideration and possible adoption of Resolution No. 3128 concerning a proposed tax increment area in the area of the City commonly known as the Copper Canyon Planned Development and approving the form of a deposit

agreement (Time: 3:52:20 p.m.)

An agenda item from Finance Director, Tom Minton recommending the City Council approve Resolution No. 3128. He noted that Mrs. Scott Shaver of Swenseid and Stern was also present to answer questions. Mr. Minton said he is requesting that the City consider forming a tax increment area to capture property taxes assessed in the area for the purpose of securing debt to provide for certain public improvements within the area and issue bonds to provide for construction, acquisition, or furnishing of certain public improvements. This is a resolution approving a deposit reimbursement agreement with DBZ Global Limited, to determine the feasibility of establishing a tax increment district at Copper Canyon. Should this agreement be approved, staff will come back in November and ask the Council to have the engineer order an undertaking and have the engineer do the necessary work to establish a tax increment area. The Developer, DBZ Global Advisors, LLC, has agreed to provide the required deposit as outlined in the deposit and reimbursement agreement.

Council Member Carrigan asked for clarification that this is just a viability study. Mr. Minton responded that is correct. Council Member Carrigan then asked what percentage of tax increment financing can come from this tax increment area and where are we now. Mr. Minton answered the total is 15%. We are currently around 6 or 7%.

Council Member Schmitt asked which year's tax rolls is the basis for this percentage. Mr. Minton answered it is based on the 2009 tax rolls.

A motion was made by Council Member Smith, seconded by Council Member Schmitt to adopt Resolution No. 3128, concerning a proposed tax increment area in the area of the City commonly known was the Copper Canyon Planned Development and approving the form of a deposit agreement. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried

6.3 Consideration and possible approval to amend the Agreement for Sale of Treated Effluent with Kiley Golf, LLC, modifying effluent delivery from daytime hours (4:00 AM to 8:00 PM) to nighttime hours (8:00 PM to 4:00 AM) (Time: 3:55:27 p.m.)

An agenda item from Civil Engineer, Janelle Thomas recommending that the City Council approve an amendment of the Agreement for Sale of Treated Effluent with Kiley Golf, LLC modifying effluent delivery from daytime hours (4:00 a.m. to 8:00 p.m.) to nighttime hours (8:00 p.m. to 4:00 a.m.).

On July 12, 2004, the agreement for sale of treated effluent was put into place for the property which is now used for Kiley Golf Course. At that time there were two tiers of meter fees, one for day time use and one for night time use. The daytime use meter fee was higher than the night time use and is still currently under that agreement. The requested hours of effluent delivery is within the approved guidelines of the discharge permit issued by Nevada Department of Environmental Protection to Kiley Golf, LLC. Approval of this change will prove economically favorable to Kiley Golf, LLC as it will reduce their monthly meter fees. In addition, the revised hours of effluent delivery will also be consistent with the City's thrust to limit irrigation during the day where public contact may occur.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve the amendment of the agreement of the Agreement for Sale of Treated Effluent with Kiley Golf LLC modifying effluent delivery from daytime hours (4:00 a.m. to 8:00 p.m.) to nighttime hours (8:00 p.m. to 4:00 a.m.) Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried

6.4 Consideration and possible approval of a contract for construction of the Rock Park Whitewater Park Phase 2 Project with Petersen Construction in the amount of $448,448 (Time: 3:57:20 p.m.)

Public Works Civil Engineer, Andy Hummel stated that staff is recommending the City Council award the contract for construction of the Rock Park Whitewater Park Project to Peterson Construction, Inc. Construction of the in-river portion of the City of Sparks Rock Park Whitewater Project was recently completed and staff is proceeding with Phase 2 of the project. Phase 2 consists of roughly an acre of paving for a new parking lot, two acres of new sod lawn areas, irrigation system, landscaping, and riparian planting, with construction proposed to occur beginning November 15th of this year with completion in early spring 2009, subject to weather. A total of 9 bids were received with Peterson Construction as the low bidder. Construction of this park will enable the City of Sparks to finalize the rehabilitation and improvements of Rock Park.

Council Member Mayer asked if the trees along Rock Boulevard would be thinned out and if it was included in the bid. Mr. Hummel stated yes, the dead trees will be coming out and the area will be cleaned up.

A motion was made by Council Member Mayer, seconded by Council Member Smith to approve the contract for construction of the Rock Park Whitewater Park Project with Peterson Construction, Inc., in the amount of $448,448. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.5 Consideration and possible Council direction in regards to empowering Park Rangers with limited citation authority for misdemeanor park rule violations.(Time: 4:00:10 p.m.)

Parks and Recreation Director Stan Sherer recommended that the City Council give staff direction to proceed with the issuance of citation authority for park rangers, continue researching the issue, or provide direction not pursue the empowerment of citation authority. He said that with increased demands on our police officers and the growth in our park and facility system, it is the intent to provide a safe and enjoyable experience within our parks without adding to demands on our public safety personnel. In an effort to more effectively enforce park rules within the park system, trails and recreation activities, it is proposed that the existing park rangers be granted authority to issue citations to those that violate rules, with citation authority being limited to park rules, trash, alcohol related issues, park usage issues, etc.

Council Member Carrigan asked how many park rangers we currently employ and where are they located. Mr. Sherer answered there are about 14 to 20 part-time park rangers, primarily located at the Marina and Golden Eagle Regional Park.

Council Member Carrigan asked for police department input regarding park rangers issuing citations. Acting City Police Chief, Steve Keefer, stated he did not have enough information on

the subject, but noted that they respond to calls, however, they are probably not as responsive as if a park ranger was designated to be at a park.

Mr. Sherer stated that currently if a situation gets confrontational, they do get on the radio and call the Police Department. However, the concern is the police department's ability to respond is limited due to staffing issues. Park rangers with citation authority will have an impact, providing a little bit more persuasion for not breaking the rules.

Council Member Carrigan stated he is concerned that we don't want to put anyone at risk. Mayor Martini asked if the park ranger's are carrying weapons and if the employees know what they are getting into. Mr. Sherer stated they do not carry weapons, but most park rangers are retired police officers.

Council Member Schmitt the issue is what we want our parks to look like in the next five years. We don't want to take our police officers' time to deal with park rules, and if we provide the right training, this may be the answer. We need to send a message to the community that it is up to them to take care of the parks and help solve the long term problems.

Council Member Mayer stated that he is in favor of this because people are just abusing our park system and the threat of a citation may be what it takes to make the abuse stop. Park rangers could give a citation. The threat of having a citation will curtail the damage to the parks and that's why we worked to get this bill passed 40 years ago at the Legislature. Other cities--Reno, Vegas--everyone has done it. It's time for the City of Sparks to do it. We foot the bill through our taxes for the parks and we can't enjoy them because of the people that are there messing the parks up.

City Attorney Adams how many officers have been assaulted in the last couple of years. Acting Police Chief Keefer stated that about two years ago the number was 10 assaults on an officer; last year in 2007 it was 12 and through August 2008, there have been 15 assaults against our officers. Mr. Adams made the point that these officers were armed, well trained, not retired and they were injured. This could be an issue to citation powers for rangers who do not have the same training and abilities as police officers.

Council Member Carrigan stated that staff has heard council's concerns. He recommended the issue be studies and brought back for review of the Council, after there is hard data to review.

6.6 First reading and possible discussion of PCN08016, Bill No. 2596, Rezoning request by the City of Sparks for approximately 640 acres to change all existing IC (Industrial Commercial) zoned parcels to I (Industrial); parcels with a Transitional overlay (T) will retain the overlay zoning. These lands are generally located south of Interstate 80 and north of the Truckee River, including lands located south of Prater Way which are east of Sparks Boulevard (Time: 4:14:32 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of November 10, 2008.

6.7 First reading and possible discussion of PCN08016, Bill No. 2597, a Code Amendment request by the City of Sparks for property currently zoned I (Industrial) and/or IC (Industrial/Commercial) to amend certain sections of the Sparks Zoning Code (Title 20) including removal of the IC (Industrial Commercial) zoning designation and revisions to the I (Industrial) zoning designation, by adding locational criteria for selected uses, adding uses, modifying parking and landscaping requirements, adding definitions and other matters relating thereto. These lands are generally located south of Interstate 80 and north of the Truckee River, including lands located south of Prater Way which are east of Sparks Boulevard (Time: 4:15:14 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of November 10, 2008.

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

7.1 Second Reading, Public Hearing and Possible Approval of Bill No. 2594 amending the Sparks Municipal Code by revising provisions pertaining to the exercise of First Amendment Rights in City parks, Victorian Square and other public areas to conform to recent court decisions; revising provisions pertaining to expressive parades and expressive special events to conform to court decisions; and other matters properly relating thereto (Time: 4:15:44 p.m.)

Assistant City Attorney Tom Riley noted that this ordinance is the culmination of a lot of work in an effort to get our city ordinances up to a sound legal position in dealing with merchant concepts, political advertising, and general public assemblies, demonstrations, rallies, and parades. He said our current ordinances are unconstitutional and contain no mention of public, rallies, parades, or demonstrations. The 9th Circuit Court Appeals has come out with some very definitive decisions and provided broad guidelines guaranteeing the public the right to exercise their first amendment privileges. It also gives the government the necessary control over issues that effect public safety, health and welfare.

Mr. Riley stated that he has worked with Lee Rowland, the Northern Nevada Coordinator for the American Civil Liberties Union, on this ordinance update and he thanked her for reviewing and providing input on the proposed amendment.

Council Member Carrigan asked for confirmation that we cannot charge for some permits and for clarification on what qualifies as a parade or special event. Mr. Riley responded that there are two categories of special events: those that include farmers markets, hot august nights, and the Christmas parade. These have a generic description. If there is a similar type event, it will fit in this category. These guidelines are contained in one chapter of the municipal code.

A separate chapter has been created for expressive parades, such as political rallies, anti war demonstrations, and other expressive events. This category of events has an entirely different set of rules. We cannot charge an application fee for expressive events or unduly delay an event due to application deadlines. Some smaller events we cannot regulate at all, with an exception for traffic control or pedestrian access. A permit can be required for larger events of 150 or more participants. For larger events we still can't charge a fee and we must still act quickly on the application. However, because large events have an impact on police, traffic services, and parks

clean up services, we can require them to post a bond to cover those costs.

Council Member Carrigan asked if money could be made at an expressive special event and if so, how is it possible to tell the difference between an "expressive" event and a regular commercial event. Mr. Riley responded that sometimes it is difficult to differentiate and we have to examine the applications. The law states that a political organization can have a political rally and at the rally they can seek donations, so there is a small difference.

Council Member Schmitt asked for clarification that if you want to hold an event and you "play by the rules" you get to pay fees and wait 90 days or more for the permits to be approved. However, if that same special event is re-named as an expressive special event then you don't have to pay anything to the city and you don't have to do wait for a permit. Mr. Riley responded that all the particulars for events are defined, however, staff has to look at the substance of an event, not the form.

Council Member Mayer asked whether we had to provide police protection, etc., for expressive special events. Mr. Riley responded that no, we don't; however, there are certain restrictions, which are outlined in the ordinance. A discussion ensued regarding past special events and how the new law would affect them, should they be held again in Sparks. Mr. Riley emphasized that the whole format of this ordinance and the underlining plan is to ensure that people who exercise their first amendment rights in the public forum, mainly parks, streets, and side walks, to do so without a lot of government control.

There was also a discussion regarding who would pay for the cost of police, traffic control, and parks department clean up for these "expressive events" if the organizers do not have to pay permit fees. Mr. Riley said if someone is holding and event, they must post a cash bond or purchase a bond in advance of the event, or their permit will not be approved. When the event is over, if the required services are not paid for by the sponsor, the money will come from the bond that was posted.

Council Member Schmitt stated we currently have free speech signs posted in our parks designating free speech zones. He asked if the signs would be taken down, due to the new guidelines. Mr. Riley responded that no, they are not coming down and that the signs would be used if there is a regular special event and someone (who is not part of the regular special event) wants to exercise their first amendment rights. They can use the free speech area or purchase space for a commercial booth. He said the designated free speech areas must remain available for those who want to speak during a regular special event, but don't want to rent a booth.

Mayor Martini opened the public hearing and asked if anyone wished to speak.

Mr. Lee Roland, Attorney with American Civil Liberties Union of Nevada and the Northern Coordinator, commented that this ordinance is what results when the ACLU and the government interact. He thanked City Attorney Adams and Mr. Riley for reaching out to them and garnering their opinion on the proposed ordinance.

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

Mayor Martini asked what precipitated this proposed ordinance and whether the City has had

problems in the past regarding free speech. Mr. Riley responded that the changes to our ordinances started several years ago when the City was sued by a street artist for denial of his first amendment rights. The City did not have any ordinances in place and we ended up paying out a lot of money. The law suit prompted staff looked at everything in our ordinances regarding the first amendment. In order to cover all contingencies, it was decided to that the City should go ahead and take a broad sweep of the areas of concern and put rules in place in the event that unexpected circumstances occur.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt to approve Bill No. 2594 (Ordinance No. 2415). Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6. General Business Continued (Time: 4:44:48 p.m.)

6.8 Resolution No. 3129, a resolution adopting "Regulations for Free Speech and Expressive Activities in City Parks and Victorian Square" (Time: 4:44:48 p.m.)

Senior Assistant City Attorney Tom Riley noted that this resolution would provide regulations and guidelines for those wishing to hold expressive special events in one or more of our city sparks or public venues.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, that the City Council adopt the Regulations for "Free Speech" and "Expressive Activities" in City Parks and Victorian Square, to become effective on November 1, 2008. Council Members Mayer, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

None

9. <u>Comments</u>: (Time: 4:46:47 p.m.)

9.1 *From the Council and City Manager

City Attorney Adams commented he had received an email concerning a Candidate for the Washoe County Commission expressing concerns about the City of Sparks population figures and certification of those figures by the Governor, alleging that the city is using the wrong laws regarding planning and zoning issues. He stated the City of Sparks is not in violation of any Nevada law. The certification that the Governor does every year concerning the population figures is for taxation purposes only and has nothing to do with nor does it have any impact act on the way the City of Sparks interprets and enforces the planning and zoning laws.

10. *Adjournment (Time: 4:48:28 p.m.)

There being no further business, the meeting was adjourned at 4:48 p.m.

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Mayor

_____

City Clerk

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SPECIAL CITY COUNCIL MEETING AGENDA
3:00 P.M., Monday, November 10, 2008
City Council Chambers
Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:01:07 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:01:14 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members John Mayer, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Invocation Speaker: (Time: 3:01:27 p.m.)
Mayor Martini took this item out of order from the Regular Meeting and asked Pastor Roger Canary of the Church of Jesus Christ Spirit Filled to give the invocation at this time.

3. *Comments from the Public (Time: 3:02:40 p.m.)
Barbara Young congratulated Ms. Ratti on her election as City Council, Ward 1.

Don Young also congratulated Ms. Ratti on winning the election.

Rand Tanner thanked Council Member Mayer for his many years of service and congratulated all the newly elected and re-elected officials.

Cherie Jamason, from the Food Bank of Northern Nevada, also congratulated the winners of the election.

4. <u>Announcements, Presentations, Recognition Items and Items of Special Interest</u>:
None.

5. Canvass of 2008 General Election Results (Time: 3:09:02 p.m.)
An agenda item from City Clerk Linda Patterson recommending the City Council review the canvass of the results of the 2008 General Election for the City of Sparks of Tuesday, November 4, 2008, and declare the results.

Ms. Patterson stated that the City of Sparks contracted with the Washoe County Registrar of Voters to conduct the 2008 general election, which was held on Tuesday, November 4, 2008.

She noted that Ron Smith, Ward III and Ron Schmitt, Ward V, ran unopposed and in accordance with the Sparks City Charter, they are declared elected. Barbara McCarthy, Municipal Court Judge, Dept. 1 also ran unopposed and in accordance with the Sparks City Charter, is declared elected.

Minutes for the Special City Council Meeting of November 10, 2008

On November 4, 2008, Washoe County held a general election to fill the Council Seat for Ward I and the office of City Attorney. The polls opened at 7:00 a.m. and closed at 7:00 p.m. with the first polling place returns being submitted at 7:12 p.m. and the final polling place submitting their results at 1:09 a.m. on November 5, 2008.

Early voting was conducted in various locations throughout the cities of Reno and Sparks and at the Registrar of Voters office from October 18, 2008, through October 31, 2008. There were 45,655 registered voters in the City of Sparks for this general election. At the polling place voter turn out was 11,595; absentee voter turn out was 3,871; early voting turn out was 20,441 for a total turn out of 35,907, or 78.65% of voters casting their ballots.

She asked that the Council to declare the results official and direct the City Clerk to present certificates of election to the appropriate winners.

Motion by Council Member Mayer, seconded by Council Member Salerno, to declare the winners of the November 4, 2008 General Election as well as the unopposed candidates to be Julia Ratti, Ron Smith and Ron Schmitt as Council Members for Wards I, III and V, respectively; Barbara S. McCarthy for Municipal Court Judge, Department 1 and Chester H. Adams for City Attorney. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion Carried.

6. Oath of Office to Newly Elected and/or Re-elected Officials (Time: 3:16:35 p.m.)
Municipal Court Judge Jim Spoo administered the oath of office to the newly elected and re-elected officials.

7. *Comments from the Council and City Manager (Time: 3:17:02 p.m.)
Council Member Mayer invited newly elected Council Member Julia Ratti to the dais to take his place as Council Member for Ward I.

8. *Adjournment (Time: 3:17:04 p.m.)
There being no further business, the meeting was adjourned at 3:17 p.m.

_____
Mayor

_____
City Clerk

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MINUTES OF THE REGULAR CITY COUNCIL MEETING
Monday, November 10, 2008
Immediately following Special Meeting
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:23:28 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:23 p.m.

2. *Roll Call (Time: 3:23:32 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Invocation Speaker: (Time: 3:23:46 p.m.)
Mayor Martini took this item out of order from the Regular Meeting and asked Pastor Roger Canary of the Church of Jesus Christ Spirit Filled to give the invocation at the Special Meeting.

Pledge of Allegiance (Time: 3:23:46 p.m.)
The Pledge of Allegiance was led by Council Member Julia Ratti.

***Comments from the Public** (Time: 3:24:17 p.m.)
Mr. Don Young complained regarding the lack of a staff report for item 4, stating it was not marked by an asterisk, so it had the potential for action and there was no information for the public to review. Mr. Young commented that while this was an excellent educational opportunity for the band members, he felt that any request from Reed High School for public funding for their planned trip to Ireland would be an inappropriate use of taxpayer money.

Approval of the Agenda (Time: 3:27:55 p.m.)
Consideration of taking items out of sequence, deleting items and adding items which require action, upon a finding that an emergency exists.

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

3. Recommendation to Approve Minutes of: (Time: 3:28:39 p.m.)
3.1 Special Meeting of October 20, 2008
A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve the minutes of the Special Meeting of October 20, 2008. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Ratti, ABSTAIN. Motion carried.

4. Announcements, Presentations, Recognition Items and Items of Special Interest:
4.1 Presentation by the Director of Bands at Edward C. Reed High School concerning a possible future trip to Longford Ireland (Time: 3:29:27 p.m.)
It was noted that this item would not be presented, due to illness.

5. Consent Items: (Time: 3:29:31 p.m.)
A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.8. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers for the period October 8, 2008, through October 22, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of an application for a Dining Room Wine & Beer License for Ali'i Enterprises, Inc., dba L&L Hawaiian Barbecue, located at 295 Los Altos Parkway, #101, Sparks, NV, submitted by Mr. Douglas Jason Lee

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for a Dining Room Wine and Beer License for L&L Hawaiian Barbeque. The license will provide a $500.00 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 Consideration and possible approval of an application for an On Premises Beer License for Castillo's Bakery & Restaurant, located at 1125 Rock Boulevard, Sparks, NV, submitted by Mr. Jose Luis Castillo

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for an On Premises Alcoholic Beverage License for Castillo's Bakery and Restaurant. The license will provide a $400.00 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 Consideration and possible approval of an application for a Dining Room Wine & Beer license for Denny's, Inc., dba Denny's Restaurant #1386, located at 1205 East Nugget Avenue, Sparks, NV, submitted by Mr. Timothy Edward Flemming

An agenda item from Acting Police Chief Steve Keefer recommending the City Council approve an application for a Dining Room Wine and Beer License for Denny's Restaurant #1386. The license will provide a $500.00 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 Consideration and possible approval of Consultant Services Agreement with Optimatics, for a cost comparison between single and dual plumbed water distribution system in a typical residential subdivision in the amount of $28,000

An agenda item from Civil Engineer Janelle Thomas recommending the Council approve a Consultant Services Agreement with Optimatics, in the amount of $28,000.00, to provide a cost comparison between single and dual plumbed water distribution system in a typical residential

subdivision. This analysis will help determine if expanding the use of reclaimed water to residential subdivisions is a viable and cost effective option and help refine the issues associated with such advanced uses of reclaimed water. Optimatics has shown through review of their previous experience and qualifications that they are the best choice as a consultant for this project.

5.6 Consideration and possible approval of an agreement for engineering and surveying services in support of the Rock Park Whitewater Park Phase 2 Project with Wood Rodgers in the amount of $56,500

An agenda item from Civil Engineer Andrew Hummel recommending the Council approve an agreement in the amount of $56,500.00, with Wood Rodgers for engineering and surveying services in support of the Rock Park Whitewater Park, Phase 2 Project. These services will be needed to support construction of Phase 2 of the whitewater park project. Wood Rodgers has provided these services for Phase I of the project, and is capable of providing the services for Phase II. Wood Rodgers is on the City of Sparks on-call engineering and surveying lists.

5.7 Consideration and possible approval of the Change Order #1 for the Prospect / Oxford Way Curb, Gutter and Sidewalk Project, Bid Number 07/08-036, PWP WA-2008-334, CIP Numbers 7103, 8085, and 8087 to Peavine Construction Inc., in the amount of $82,375

An agenda item from Capital Projects Manager Chris Cobb recommending the Council approve Change Order No. 1 to Peavine Construction for the Prospect/Oxford Way Curb, Gutter, and Sidewalk Project, in the amount of $82,375.00. The original work area has been completed and an additional area that is scheduled to be paved has been identified that also requires replacement of infrastructure. The additional roadway identified is Breaker Way from Greenbrae to "I" Street, including Breaker Court.

5.8 Consideration and possible approval of the Capital Improvement project to re-plaster the main and tot pools at the Alf Sorensen Community Center in December 2008, in the amount of $54,003

An agenda item from Parks and Recreation Director Stan Sherer recommending the Council award the quote for a Capital Improvement Project (CIP) to re-plaster the main and tot pools, and installation of a second drain, per new federal code, at Alf Sorenson Community Center to K&A Pools in the amount of $54,003.00. The pools have not been re-plastered since their construction in 1982 and currently have extremely rough surfaces which are desperately in need of re-plastering. By law, this re-plaster and retrofit project must be completed by December 19, 2008. Funds are available for construction of this project.

6. <u>General Business</u>:

6.1 Election of Mayor Pro Tempore (Time: 3:30:13 p.m.)

An agenda item from City Manager Shaun Carey recommending that the City Council elect a member as Mayor Pro tempore to replace retiring Council Member John Mayer.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to elect Council Member Ron Schmitt as Mayor Pro tempore. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2 Consideration and possible approval for the Fire Department to accept a grant from the Local Emergency Planning Committee (LEPC) of Nevada State Emergency Response Commission (SERC) of $6,689 in state funds for the purchase of seven 60-minute Self-Contained Breathing Apparatus (Time: 3:31:06 p.m.)

Fire Chief Andy Flock stated the Fire Department will purchase seven 60-minute SCBA units with this grant. These units are critical to the Department's ability to provide emergency services.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to authorize the Fire Department to accept the grant. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3 Consideration and possible approval of the Hulda Way Improvements Phase II, Bid Number 08/09-009, PWP Wa-2009-45, to Q&D Construction, in the amount of $192,182.30 (Time: 3:32:09 p.m.)

Transportation Manager Jon Erickson noted that this project involves the reconstruction of approximately 700 feet, or the entire northbound lane along Hulda Way in concrete--matching the southbound lane and completing the entire roadway in concrete. This area was constructed in concrete due to the large amount of truck traffic associated with the Alamo Truck Stop and the surrounding industrial use. Q&D was the low bidder and the bid came in below the engineer's estimate by approximately $20,565.00. He stated that the contractor has 25 working days to complete the project. He noted that this project is being paid from our gas tax allocation money.

Council Member Schmitt commented that there was less than $10 in difference between the top two bids, so we are getting good value for our money, as well as providing employment for citizens in our area.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to award the bid to Q&D Construction in the amount of $192,182.30. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4 Discussion and Possible Approval of the Neighborhood Stabilization Program application to the State of Nevada's Housing Division via the Washoe County HOME Consortium (Time: 3:35:32 p.m.)

Grants Administrator Tracy Wheeler stated this application will be submitted, via the Washoe County HOME Consortium, to the State of Nevada Housing Division to access funding provided to the State of Nevada under the neighborhood stabilization program, which is a component of the Housing and Economic Recovery Act that was passed by the Federal government this summer.

The state has allocated just shy of $5 million to our area. The three jurisdictions have elected to utilize the dollars for two programs: for acquisition of properties to be rehabilitated and resold; and/or acquisition of properties to be rehabilitated and used as rental properties. In addition to the homeownership component, there is the ability to offer some financing mechanisms, such as soft seconds, and also some rehabilitation dollars for those homeowners. This program is

designed to assist homeowners at or below 120% of area median income; however, there is a requirement that 25% of the dollars are utilized to assist households at or below 50% of area median income. This is why we have elected to utilize the rental property activity. The Reno Housing Authority is willing to administer the rental property component, if the State approves our application. We will be contracting for the administration of the purchase program; so staff from Sparks will not be administering these programs. However, our residents and our citizens will benefit from the programs.

Council Member Carrigan asked for clarification on the purchase of homes, because it was his understanding that these funds were not for purchasing homes. Ms. Wheeler stated that the funds were for purchasing foreclosed homes, rehabilitating them, and then selling them. When the homes are sold, the money goes back into the pool to purchase and rehabilitate additional homes. Mr. Carrigan stated that this is not a foreclosure bail out program, but a program to take foreclosed homes off the market and give someone who could not normally afford the up-front funds to purchase a home, the ability to get into a house. Ms. Wheeler confirmed that this was the purpose of the program.

Council Member Smith expressed concern that if we purchased homes and put a homeowner into a house, and then the housing market goes down again, we would loose money. Ms. Wheeler stated we would not loose money. She stated that we have identified less than 200 qualifying homes in our urban core (the area we are targeting). We will purchase and rehabilitate a home, and then re-sell the property to a homeowner, who will hopefully occupy the home for a long time. One of the options we are able to provide to the new homeowners are upgrades (such as new windows, energy efficient appliances) to lower the costs of living in the home and to provide a "soft second" financing vehicle to low the cost of the first mortgage.

Council Member Ratti asked if we were far enough along in the grant process to know which set of low-income housing rental rules would apply to the families living in the rental properties. Ms. Wheeler stated it would be the same guidelines that accompany the Community Development Block Grant (CDBG) program. She stated that the Housing Authority follows a lower income level, but the guidelines we have been provided is to maintain the same ones in the CDBG program.

Council Member Schmitt expressed concern regarding how the program will work and the potential for abuse of the program. Ms. Wheeler stated that there are a number of guidelines in place and the consortium will have to provide quarterly reports to the State to ensure that the program is administered correctly.

Mayor Martini expressed concern that the funding allocated to the consortium for Sparks would benefit citizens of Sparks.

A motion was made by Council Member Scmitt, seconded by Council Member Smith, to approve the Washoe County Home Consortium's Neighborhood Stabilization Program application to the State of Nevada's Housing Division. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

8. Planning and Zoning Public Hearings and Action Items:

8.1 A. Public Hearing, consideration and possible action on PCN08016, Resolution No. 3130, a Resolution for a Master Plan Amendment from the City of Sparks to change the land use designation for all sites with a land use designation of Commercial/Industrial to Industrial, remove the Commercial/Industrial land use designation from the Sparks Master Plan; areas with dual master plan land use designations will retain the additional land use designation, amend the existing Industrial land use designation description and locational criteria, and remove the Conductor Heights neighborhood plan (Time: 3:53:41 p.m.)

Senior Planner Jim Rundle noted he would be discussing items 8.1.A and 8.1.B, together and making one presentation for both items. He stated that staff has been working on this master plan amendment/rezoning for quite some time. This request has already been approved by the Sparks Planning Commission as well as the Truckee Meadows Regional Planning Commission. It involved stakeholder meetings, neighborhood meetings and comments from, Industrial Development Services User Group, the Enterprise Committee and local planning firms.

Council Member Carrigan asked why we are doing a master plan amendment to go from commercial/industrial zoning to industrial. Mr. Rundle stated it is to make development easier.

Mr. Chris Duerkson, a land use attorney and planner with the consultant on this project, Clarion and Associates, gave a brief outline of steps involved in this land use change. The first goal was to support the infill and redevelopment of the area and focus on removing unnecessary obstacles to development in the zoning code. For example, a lot of new development uses required a special use permit process. The proposed code amendment turns a lot of the uses that required a special use permit into "by right" uses, subject to the conditions that were normally added to the special use permits. The city has the same protections and conditions, but the applicant does not have to go through a lengthy process.

Mr. Duerkson stated it was also hard to expand in the industrial district because many of the uses were nonconforming uses. This is a death-toll in older industrial areas because those uses were conforming at one time and then the rules were changed. The proposed amendments will change the nonconforming use regulations to allow expansion within certain parameters, without creating new nonconforming uses. Flexibility has also been added to the regulations to encourage new development (i.e. parking requirements). The amendments are standard ways other communities have found to make it easier to do infill development.

The second goal is to protect some of the existing uses in the industrial area. To that end, new commercial and non-industrial uses will need to be on arterials where they have good access. The goal is to keep them out of the core industrial areas where the big trucks and heavy equipment operates. This will accommodate new commercial development that will not interfere with existing industrial development.

Mayor Martini said this will encourage new development because the costs of development will be lower, although we will still have development standards.

Council Member Smith asked for reassurance that the new zoning codes will not restrict existing business from expanding, such as Wild Island. Mr. Rundle displayed a map and stated that the Wild Island property is in the commercial sales section will allow a recreation use as a permitted use. This is an example of staff working with the business owners to make the codes appropriate.

Council Member Carrigan expressed concern that existing bars and restaurants would not be harmed by the new codes. Mr. Duerkson stated that if they are not in a location where the City would like to see them (arterials), they are still defined as conforming and they can expand.

Mayor Martini noted that the Council received a letter from Mr. Lepori that had questions regarding the proposed code rezoning and code amendments. Mr. Rundle stated Mr. Lepori's letter requested that "chain link" be added included in the standards as an appropriate fencing material. Mr. Rundle stated he agrees with Mr. Lepori's reasoning on this issue.

Mr. Rundle said the next request that Mr. Lepori made was that we remove the requirement for a gas station or auto service type station to be on an arterial and at an intersection. Mr. Rundle said he felt that this was an appropriate standard because the goal is to keep commercial business out of the heart of the industrial areas. It was noted that existing auto service type stations will fall under the grandfather clause as a conforming use. After further discussion, Mr. Rundle stated that they could add to the standards that an auto service station shall be located on an intersection and have primary access to an arterial, unless waived by a special use permit.

Mr. Lepori is also requesting to remove the hours of operation limitation for bars--for the applicant to choose 17 hours of operation within a 24 hour period. The current proposal is to limit the operation of bars from 6:00 a.m. to 12:00 a.m., unless waived by special use permit. The hours were limited due to concerns from the Police Department.

Mr. Lepori's last concern dealt with machinery and heavy equipment sales and rentals. Mr. Rundle stated he agreed with Mr. Lepori's position that heavy machinery should not have to be on paved material and he recommended that this section should be amended to say that the area shall be paved to the approval of the administrator.

Mr. Rundle said he would like to add wording to Section 20.42.030, regarding outdoor work areas for auto repair. Code Enforcement was concerned that this was a little restrictive--if you want to have an outdoor storage area, it should be allowed. But, we need to add a disclosure or disclaimer that it is allowed by the site plan review process. We still would not allow outdoor work areas, but we would allow outdoor storage with a site plan review.

Council Member Ratti asked about fraternal, membership, or religious organizations that held their meetings in buildings that were located in the industrial area and whether the proposed changed would affect their ability to hold their meetings. Mr. Rundle says it does somewhat--it limits the number of people attending those meetings to 25. The rationale is that we hope that

they do exceed 25 members and that their organization becomes popular enough that they are able to move to a different area of the City. This goes back to certain uses that should not be in the industrial area if we want to protect the vitality of those industrial uses. However, this would not affect the organizations that are already located in the industrial area.

Mr. Duerkson clarified that some of those organizations will often have meetings in the evenings and that is when a lot of the trucking and movement of vehicles in the industrial parks take place. So, these organizations are okay if they are small, but once they get large, then there is significant conflict. The ones that are there are okay, but in the future, if they get to large, they have to move on. Ms. Ratti asked for assurance that the ones that are already there can have meetings larger than 25 persons. Mr. Duerkson stated the way he interpreted the new regulations they would be defined as conforming uses and can have larger meetings. Mr. Rundle emphasized that they would have to remain at their present site and if they moved to another site in the industrial area, then they would not be considered grandfathered in; however, they could expand at their current location.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding the proposed Master Plan Amendment.

Mr. Frank Lepori commented on his letter.

Mr. Russ Vawter, an owner of property on Rock Boulevard, spoke in favor of the proposed amendments, stating it would facilitate getting a tenant in his vacant building.

Ms. Dee Martin-Maas spoke in support of the proposed amendments, stating it will facilitate small business ownership.

Mr. Bob Slyker, 480 Dunn Circle, expressed concern that under the new zoning, they can't work in the yard, which is a problem because 80-90% of their work is out of doors. He asked for a change in the wording or clarification of the ability to get a special use permit so that they can work on the big trucks outdoors in their yard.

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

Mr. Rundle confirmed that as the code was written, Mr. Slyker would not be able to conduct work outside. He asked for a five minute recess to allow him to review the wording and come up with an exception for this existing business. Mayor Martini noted that Mr. Slyker's concerns actually applied to the next item (8.2). He suggested that the meeting continue and that Mr. Rundle could use the Council's discussion time to come up with the necessary wording.

Council Member Schmitt asked about the cost of a minor special use permit for a business (gas station/lube business) that did not meet the new codes because they wanted to locate somewhere other than the corner of an intersection. Community Development Director Neil Krutz stated that a minor special use permit, including the cost of noticing, is about $7,500. Mr. Rundle stated that any request would have to go through an evaluation to determine staff costs to process the application and then a decision would be made as to whether the special use permit

application was major or minor, and charge accordingly. He emphasized that the proposed code amendments make these uses permitted, without a special use permit, and if an applicant wants to do something that does not meet the standards that staff is proposing, then they have to go through the special use permit process. Mr. Krutz noted that development services provided by the City are on a cost/fee recovery basis and we need to make sure we cover costs when we set fees.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to adopt Resolution No. 3130, certifying the Planning Commission approval of a Master Plan associated with PCN08016, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

B. Public Hearing, 2nd Reading and possible approval of PCN08016, Bill No. 2596, an ordinance for a Rezoning by the City of Sparks for approximately 640 acres to change all existing IC (Industrial Commercial) zoned parcels to I (Industrial); parcels with a Transitional overlay (T) will retain the overlay zoning. These lands are generally located south of Interstate 80 and north of the Truckee River, including lands located south of Prater Way which are east of Sparks Boulevard (Time: 3:35:33 p.m.)

The public hearing and discussion for this item is listed under 8.1.A.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve Bill No. 2596 (Ordinance No. 2416), a rezoning request associated with PCN08016 to rezone approximately 640 acres from the existing IC (Industrial/Commercial) zoned parcels to I (Industrial); parcels with a Transitional overlay (T) will retain the overlay zoning, based on findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.2 Public Hearing, 2nd Reading and possible approval of PCN08016, Bill No. 2597, an ordinance for a Code Amendment by the City of Sparks for property currently zoned I (Industrial) and/or IC (Industrial/Commercial) to amend certain sections of the Sparks Zoning Code (Title 20) including removal of the IC (Industrial Commercial) zoning designation and revisions to the I (Industrial) zoning designation by adding locational criteria for selected uses, adding uses, modifying parking and landscaping requirements, adding definitions and other matters relating thereto. These lands are generally located south of Interstate 80 and north of the Truckee River, including lands located south of Prater Way which are east of Sparks Boulevard (Time: 3:36:14 p.m.)

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to suspend the Council Meeting to conduct the Redevelopment Meeting. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

To allow Mr. Rundle time to draft new language for the proposed code amendments, the Council Meeting was suspended at 4:36 p.m. in order to conduct the Redevelopment agency meeting. After the Redevelopment Meeting was adjourned, the Council Meeting was called back to order at 4:50 p.m. and the Council proceeded with Agenda Item 8.2.

Senior Planner Jim Rundle stated he reconsidered the proposed language for auto and truck repair shops due to Mr. Slyker's testimony under public comment. He said the scenario he was given was in the case of needing to change the tires on a tractor/trailer and a forklift. He said as a result of Mr. Slyker's concerns, he is proposing a change to Section 20.42.030, which contains the standards for auto and truck repair shops. It would read, "all work shall be conducted in an enclosed work area, except for large vehicle tire and repair." Added to the definition section would be a definition of "large vehicle tire and repair," as follows: "Large vehicle tire and repair shall be defined as repair and services of tires of large vehicles in excess of 10,000 lbs., gross vehicle weight." Mr. Slyker indicated that this wording would be acceptable to him.

Mayor Martini asked if there was anyone present who wished to speak regarding this proposed ordinance.

Ms. Dee Martin-Maas stated they are planning to open a motorcycle sales and service business at the corner of Prater and Sullivan. She asked if they would be able to open this type of business at that location, under this proposed ordinance.

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

Mr. Rundle addressed Ms. Martin-Maas' concern, stating that as the business was described, it would be classified as vehicle sales and repair and this is not going to be a permitted use and if it is within 600 feet of Rock Boulevard, it would be an allowed use. He said he believed the property fronts on Rock Boulevard. He emphasized that they would have to comply with the standards for vehicle sales and repair.

Council Member Schmitt asked about the concerns listed in Mr. Lepori's letter. Mr. Rundle stated that all of Mr. Lepori's concerns were addressed under item 8.1.A.

Council Member Schmitt requested that staff report back to Council regarding any problems with the new code and any areas that don't work.

Council Member Ratti asked if a bar that is currently operating outside the proposed new standards for hours of operation for bars and restaurants would be grandfathered in--would they be allowed to continue to exceed the hours of operation. Mr. Rundle responded that the code amendment would only apply to new bars or restaurants and that existing bars would be allowed to continue operating with the hours they currently have.

Council Member Carrigan said he felt these changes were a long time coming, but he felt that it would make development in the industrial area easier and more flexible. He thanked staff for their time and effort on this code amendment.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Bill No. 2597 (Ordinance No. 2417), CA-2-08, a code amendment to Title 20 of the Sparks Municipal Code; with the following amendments: wording to include chain link fencing; gas station/auto service business requires a special use permit if not located at an intersection with arterial access; minor vehicle repairs allowed if waived by special use permit; pavement at the discretion of the administrator; and outdoor work areas including changes for large vehicle repair; definition for large vehicle tire and repair. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 *From the Council and City Manager

Council Member Julia Ratti thanked the Council and staff for answering all her questions and being so patient with her during the election process.

Council Member Ron Schmitt congratulated Julia on being elected to the Sparks City Council and he also congratulated the newly appointed Sparks Police Chief Steve Asher.

10. *Adjournment (Time: 5:02:41 p.m.)

There being no further business, the meeting was adjourned at 5:02 p.m.

_____

Mayor

_____

City Clerk

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MINUTES OF THE SPECIAL CITY COUNCIL MEETING MINUTES
3:00 P.M., Monday, November 17, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:29 p.m.)
The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00:29 p.m.

2. *Roll Call (Time: 3:00:34 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Ron Smith, Mike Carrigan, Ron Schmitt, Assistant City Manager Driscoll, City Attorney Chet Adams, PRESENT. Council Member Salerno, ABSENT.

Pledge of Allegiance (Time: 3:01:23 p.m.)
The Pledge of Allegiance was led by Council Member Smith.

***Comments from the Public** (Time: 3:01:47 p.m.)
Ronald D. Magee, commented about two nine-year-old boys who found a hundred dollar bill at a 7-11 convenience store and turned the money in. They were each given fifty dollars because the money was never claimed. Mr. Magee also expressed concern regarding the four way stop between Boise Street and Quail Drive, stating the paint on the signs is worn out and perhaps new Police Chief Asher could look into this.

Approval of the Agenda (Time: 3:04:55 p.m.)
Consideration of taking items out of sequence, deleting items and adding items which require action, upon a finding that an emergency exists.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to move agenda item 6.1 above recommendation to approve the minutes and approve the agenda as amended. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

3. <u>Recommendation to Approve Minutes of</u>: (Time: 3:26:21 p.m.)
Regular Meeting of October 27, 2008
A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve the minutes of the Special Meeting of October 20, 2008. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

4. <u>Announcements, Presentations, Recognition Items and Items of Special Interest</u>:

4.1 Presentation by Katy Simon regarding the Washoe County Strategic Plan Update with possible discussion and comment by the City Council (Time: 3:27:03 p.m.)

Washoe County Manager Katy Simon made a power point presentation regarding the Washoe County Strategic Planning Update as outlined below:

Washoe County Strategic Plan Update to the Sparks City Council

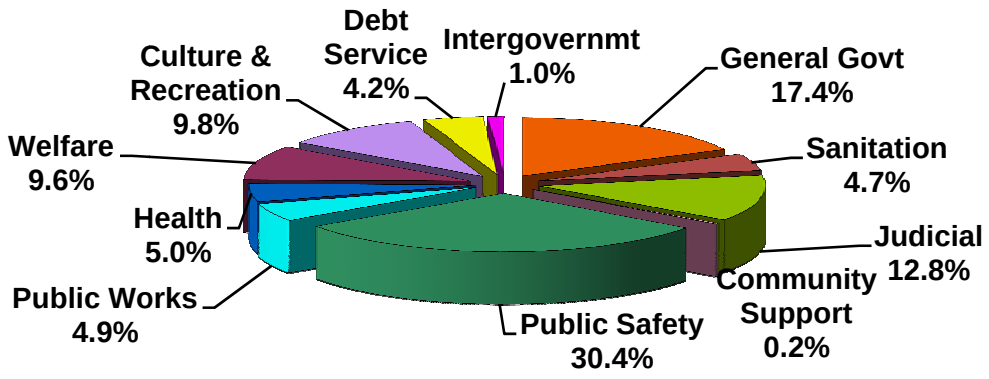
Washoe County Strategic Priorities 2006-2008

- Improve Public Safety, Security and Health
- Preserve and Enhance Our Quality of Life
- Improve Regional Collaboration
- Support a Healthy Economy
- Promote Financial Accountability of Washoe County
- Provide Excellent Public Services
- Develop our Workforce

About Washoe County:

- 418,061 population (2007)
- 6,600 square miles
- 3,200 employees (3rd largest employer)
- $890 million budget (2008-2009)

FY2008-09 Budget by Function



Washoe County's Public Services:

State Mandated Regional Services	**Regional Services**	**Local Services**
Assessor	Consolidated Jail	Sheriff Patrol
Treasurer	Libraries	Business Licensing*
Clerk	Law Library	Fire Protection*
Elections & Voter Registration	Regional Parks and Open Space	Land Use Planning & Svs*
	Senior Services	Community Parks & Rec*
Recorder	Forensic Services	Roads
District Attorney	Water Planning & Flood Control	Building & Safety*
District & Justice Courts	Juvenile Services	Water/Wastewater Utility*
Public Administrator	Animal Services	
Public Guardian		
Health District		
Social Services – Child Protection & Adult Services		*User funded
Public Defender		
Medical Examiner		

2009-11 Washoe County Strategic Plan

COMMUNITY INPUT

- Questions Asked at Community Leaders Forum
  - What must Washoe County government do? What should the County do more/less of?
  - What should Washoe County government facilitate?
  - What should Washoe County not do? What should citizens do for themselves?

Summary of Community Leaders Forum

- Collaboration and/or consolidation of services where overlap exists between government entities
- Increase green initiatives
- Increase and enhance public participation
- Continue focus on flood control
- Improve communication with partners, citizens, and other government entities
- Public services—crime prevention, and support for homeless services in particular
- Increase citizen responsibility—encourage citizens doing more for themselves
- Other subjects outside Washoe County's direct influence, such as public schools, transportation and alternative transportation

Washoe County Day - September 13, 2008

- Questions asked on Washoe County Day for the Community Canvas

  Adults:
  - ☐ What County-related issue is most important to you?
  - ☐ "I care…"
- What's one thing we can do to make Washoe County better?
  - ☐ "We could…"

  Children:
  - ☐ What I like to do in Washoe County?
  - ☐ "I do…"
  - ☐ Where I like to go in Washoe County?
  - ☐ "I go…"
- Main themes from the Community Canvas:
  - ☐ Schools
  - ☐ Litter, Graffiti, and the Environment
  - ☐ Safety

Washoe County PRIORITIES	Community Forum THEMES
Improve Public Safety, Security and Health	■ Improve the overall safety of our communities ■ Continue focus on Flood Control Project
Preserve and Enhance Our Quality of Life	■ Increase Green Initiatives ■ Eliminate litter and graffiti ■ Encourage and facilitate recycling ■ Preserve open spaces

Improve Regional Collaboration	■ Collaborate, share services, consolidate where possible ■ Improve communication with partners and other government entities ■ Collaborate with School District to improve/enhance our schools
Support a Healthy Economy	■ Homelessness ■ Mortgage/Foreclosure
Provide Excellent Public Services	■ Increase public participation ■ Enhance communication with citizens
Promote Financial Accountability	■ Collaborate, share services, consolidate where possible

BCC/Management Retreat

- Strategic focus
- Key outcomes and draft goals
- Strengthen department plans and county-wide strategic direction

Citizen Impact:

- Improve Public Safety and Services
  "I feel safe"
- Improve public health
  "I feel health protected"
- Improve emergency preparedness
  "The community is ready to respond to disasters"
- Protect, plan and enhance the natural resources in the county
  "I couldn't Imagine living anywhere else"
- Build and maintain an environmentally sustainable community
  "Washoe County is Clean and Green!"
- Build and maintain a healthy community
  "The community has inspired me to acquire and maintain good health"
- Assure safe, affordable and accessible housing for all community members
  "Washoe County is a life-long community"
- Create and maintain a vibrant community with a strong "sense of place"
  "I love this place!"
- Governments working effectively together
- Responsibly reduce duplication
  "I see my governments working together"
- Support strategies for development of alternative energy
  "I have access to alternative energy"
- Create positive environment for small business
  "My small business is a success"
- Healthy vibrant communities and region providing live-work opportunities
  "I live close to work in a great community"
- Improve citizen service satisfaction

"I get great service from Washoe County"

- Attract, develop and retain a productive diverse workforce
  "County employees know their job and get things done"
- Promote volunteer opportunities that add value to county services
  "I can make a difference by volunteering at the County"
- Provide opportunities for informed, inclusive citizen participation
  "I participate in my county government"
- Allocate resources to support prioritized services
  "I understand Washoe County's funding priorities"
- Sustain critical physical infrastructure for the future
  "Safe, accessible and well-maintained critical infrastructure"

Washoe County Wants Your Input

- ☐ Comments today?
- ☐ Provide input via email:
  - ■ **ksimon@washoecounty.us**
  - ■ **jslaughter@washoecounty.us**

■ Check our progress on our website:
- ☐ **www.washoestrategicplan.com**

■ Additional information we can share?

■ Washoe County Strategic Plan Update-Key Dates
- ☐ Washoe County Day-September 13
- ☐ Community Leaders Forum-September 15
- ☐ Reno City Council-October 8
- ☐ BCC/Management Retreat-October 13
- ☐ Sparks City Council—November 17
- ☐ Reno City Council —December
- ☐ Strategic Plan Task Force Meetings: November/December 2008
- ☐ Draft Strategic Plan Update to BCC: January 2009

5. Consent Items: (Time: 3:29:27 p.m.)

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Consent Item 5.1. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.1 Consideration and possible approval of the aluminum sulfate bid, Bid # 08/09-008, to Thatcher Chemical Company of Nevada, to supply aluminum sulfate to the Truckee Meadows Water Reclamation Facility. The initial contract is for one year with the possibility of extending the contract four additional times thereafter for a total of five years, for the annual amount of $164,400

An agenda item from TMWRF Operations Superintendent Starlin Jones recommending the City Council approve a contract with Thatcher Chemical Company, beginning December 1, 2008. Aluminum sulfate is primarily used as a coagulant to settle out fine particles in the spent backwash water that comes from the gravity filters. It can also be used to aid to removing phosphorous. Thatcher is the lowest bidder that met the specifications in the bid proposal.

Funds are budgeted for this expense.

6. General Business:

6.1 Consideration and possible approval to appoint a new Police Chief for the City of Sparks, and consideration and possible approval of the applicable employment contract (Time: 3:05:47 p.m.)

Human Resources Manager Chris Syverson requested that the City Council approve the appointment of Steven Asher as new Police Chief, and also approve an employment agreement for Chief Asher. Ms. Syverson stated that with the retirement of Police Chief John Dotson, the city undertook recruitment to replace him. There were two excellent candidates from our on force for the Police Chief position. An assessment center was held on October 28, 2008, and many community leaders, as well as members from other agencies who participated in the assessment of the candidates.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the City Manager's recommendation of Steve Asher as Police Chief. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

Judge Barbara McCarthy administered the oath of office to Commander Steve Asher as the new Chief of Police.

Several personnel from the Congressional delegation were present to congratulate Chief Asher and present him with commendations as follows:

Mr. Victor Mercado on behalf of Senator Harry Reid's office.
Ms. Samantha Hudson on behalf of Senator John Ensign's office.
Mr. Andrew Lingenfelt on behalf Congressman Dean Heller's office.
Kelly Asher, the wife of newly appointed Chief of Police Steven Asher, pinned his badge and star on him.
Retired Sparks Police Officers Mark Finch and Roy O'Connell presented Chief Asher with a Chief of Police flat badge.

A short recess was held to celebrate Chief Asher's new appointment and cake was served at 3:16 p.m. Meeting was called back to order at 3:26 p.m.

6.2 Discussion and possible action on setting federal fiscal year 2010 appropriation project requests and priorities (Time: 3:45:01 p.m.)

Government Affairs Manager Rob Joiner reviewed the first draft of the federal appropriations request for the Council's consideration for the federal fiscal year 2010. Mr. Joiner stated that 2009 is still pending and that the lame duck session did go back through on this day (17th), but the legislators were dealing mostly with economic recovery and a couple of the veterans' bills issues. Mr. Joiner stated there were two items for the Council to consider that came through manager and staff that he would like for Council to review. In the report, Mr. Joiner indicated what was pending, what was marked through the safety loop and the draft bills for Pyramid Highway corridor, the inter-modal transportation bill and the flood control project, which are all

pending now. He stated considerations are still pending for the water reclamation facility and the interstate 80 interchange project.

Mr. Joiner stated staff is recommending the Truckee Meadows Water Reclamation Facility project and the Co-generation Energy Conservation project stay on the request list. The Larry D. Johnson Community Center that was federally funded, received partial funding last year and that Council approved a contract a few weeks ago to finish the design for the entire process. Mr. Joiner stated with that design in place, the city would be in good position to go back to our state and federal representatives and ask for money to complete Phases 2 and 3 of the community center. Staff is also recommending a request to look into the feasibility of relocating the Union Pacific Rail yard and the Fuel Tank Farm.

Mr. Joiner added that the Energy Independence Demonstration project is for the community to develop a plan for ongoing energy cost savings and to become self-reliant over a 10 to 15 year period. This could become a model for other American cities to follow.

Council Member Carrigan asked for a breakdown of the $2 million cost for relocation of the rail yard. Mr. Joiner responded that this was just a broad figure to give the city funding to do some scoping and analysis. Council Member Schmitt asked that the Council be kept informed during the negotiations on these items. Mayor Martini noted that this item has not been on our priority list before, however, if Mr. Schmitt wished for the item to be placed on the priority list, that could be done. Council Member Ratti asked how long this would be a priority and said it was important for Ward I and the downtown area and if there was any opportunity to start investing in these issues, she would like to see them on the list. Council Member Smith concurred with Ms. Ratti, stating it was important not only for Ward I, but for the entire City.

Mayor Martini asked if the City is preparing, or already has, a list of project funding requests that will be ready to go within six months, in the event an economic stimulus package is approved by the new administration under President Elect Obama. Mr. Joiner replied that over $13 million in funding requests for projects were submitted a few weeks ago and the projects could be ready to go within 120 days.

Mr. Joiner asked for direction from the council regarding his report. Council Member Carrigan commented that we should ask for the $2 million dollars to do the rail yard and tank farm projects rather than just study them.

6.3 First Reading and possible discussion of Bill No. 2598, an Ordinance Amending Chapter 5.78 of the Sparks Municipal Code specifically amending the Booting Ordinance (Time: 4:09:00 p.m.)

City Clerk Linda Patterson read Bill No. 2598 by title. Mayor Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of December 8, 2008.

7. <u>Public Hearings and Action Items Unrelated to Planning and Zoning</u>:

None.

8. Planning and Zoning Public Hearings and Action Items:

8.1 Public Hearing, consideration and possible tentative and final approval of an amendment to the Wildcreek Commercial Properties Planned Development Handbook from HPC Wildcreek, LLC on a site approximately 9.36 acres in size within the PD (Planned Development) zoning district generally located northwest and northeast of the intersection of North McCarran Boulevard and El Rancho Drive, Sparks, NV (Time: 4:09:31 p.m.)

Associate Planner Summer Pellett noted that this site is governed by the Wildcreek Commercial Properties Planned Development Handbook. On the east side of the North McCarran Boulevard and El Rancho Drive intersections are townhomes and the west side is a commercial center called Wildcreek Plaza. She emphasized that this handbook amendment is requesting a free-standing sign for the Wildcreek Plaza and it would not affect the townhomes in any way.

The commercial plaza is on 1.79 acres of the 9.36 acre site and the applicant is requesting to be allowed a 30 foot tall, free-standing sign for the commercial development. This sign would be located at the southeast corner of the intersection and would be approximately 30 feet high and 13 feet wide.

Ms. Pellett stating that pages 17 and 18 of the Planning Commission staff report contain proposed color elevations of the proposed sign and its location. Ms. Pellett reiterated that no other changes are being made to this handbook. She noted that if this property were zoned C1 or C2, rather than PD, the applicants would be allowed by the Sparks Municipal Code, to have two free-standing signs up to a maximum height of 30 feet.

Ms. Pellett said this request was not out of character for a commercial center and that when the original owner of the property received the final approval of the handbook, they did not request any free-standing signs; they only requested a 6 foot monument sign. This handbook amendment would remove the existing monument sign and allow for one 30 foot tall free-standing sign. She noted that the Planning Commission recommended approval of this request to the City Council at their October 16, 2008, Planning Commission Meeting.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed amendments to the handbook. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve the Tentative and Final Planned Development Handbook (Wildcreek Commercial Properties) associated with PCN08049, adopting Findings PD1 through PD21 and the facts supporting these findings as set forth in the staff report. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion Carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 4:14:37 p.m.)

Council Member Carrigan asked Police Chief Asher if he could give the Council an opinion on

the task forces that the Sparks Police are members of.

10. *Adjournment (Time: 4:15:48 p.m.)
There being no further business, the meeting was adjourned at 4:15 p.m.

_____
Mayor

_____
City Clerk
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MINUTES OF THE REGULAR CITY COUNCIL MEETING
3:00 P.M., Monday, November 24, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:01:58 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:01 p.m.

2. *Roll Call (Time: 3:02:05 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Phillip Salerno, ABSENT.

Invocation Speaker: (Time: 3:02:19 p.m.)
Bishop S. Clay Jorgenson from the Church of Jesus Christ of Latter Day Saints gave the invocation.

Pledge of Allegiance (Time: 3:04:19 p.m.)
The Pledge of Allegiance was led by City Manager Shaun Carey.

***Comments from the Public** (Time: 3:04:43 p.m.)
None.

Approval of the Agenda (Time: 3:04:51 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 Smith, to approve the agenda as posted. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

3. Recommendation to Approve Minutes of: (Time: 3:05:20 p.m.)
3.1 Special and Regular Meetings of November 10, 2008
A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve the minutes of the Special and Regular Meetings of November 10, 2008. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

4. Announcements, Presentations, Recognition Items and Items of Special Interest:
4.1 Proclamation – National Family History Day (Time: 3:06:03 p.m.)
Mayor Martini read a proclamation naming November 27, 2008, as National Family History Day and encouraged everyone to document the health history of all family members throughout this holiday season. The proclamation was accepted by Genetic Counselor Robin Palmer.

5. Consent Items: (Time: 3:08:21 p.m.)
Agenda Items 5.2, 5.3, 5.4, 5.5, and 5.13 were pulled for discussion and separate vote.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1 and 5.6 through 5.12. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period October 23, 2008, through November 5, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of an application for a Cabaret license for Uncle Vinny's Pizza Corp dba Uncle Vinny's Pizza, located at 1560 S. Stanford Way, Sparks, NV, submitted by Mr. Charles Joseph DeFelice (Time: 3:09:37)

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for a Cabaret License for Uncle Vinny's Pizza. The license will provide a $1,300.00 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.

Council Member Schmitt invited a representative from Uncle Vinny's Pizza to talk about their new business.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Item 5.2. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.3 Consideration and possible approval of an application for a Cabaret license for Mountain Notions, Inc., dba Jazz, A Louisiana Kitchen located at 1180 Scheels Dr., Ste., B-111, Sparks, NV, submitted by Mr. Matthew Todd England (Time: 3:11:23)

An agenda item from Police Chief Steve Asher recommending the City Council approve an application a Cabaret License for Louisiana Kitchen. The license will provide a $1,300.00 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.

Council Member Smith noted that the Louisiana Kitchen would be opening next month and in light of the recent economic downturn, it is important to visit these new businesses.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Consent Items 5.3 and 5.4. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.4 Consideration and possible approval of an application for a Gaming License for Mountain Notions, Inc., dba Jazz, A Louisiana Kitchen, located at 1180 Scheels Dr., Ste., B-111, Sparks, NV, submitted by Mr. Matthew Todd England (Time: 3:11:23)

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for a Gaming License for Louisiana Kitchen. The license will provide a $1,800.00 annual fee for fifteen quarter video poker machines, and is contingent upon inspections and approvals from various agencies as stated in the staff report.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Consent Items 5.3 and 5.4. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.5 Consideration and possible approval of an Independent Contractor Agreement between the City of Sparks and Anthony J. Wren and Associates to appraise temporary and permanent easements on eight (8) parcels of land for the West End Prater Way Improvement Project Phase III in the amount of $28,200 (Time: 3:12:31)

Property Agent Dave Vill noted that the City has entered into a Stewardship Agreement with the Nevada Department of Transportation (NDOT) to construct improvements, including undergrounding utilities, on the north side of Prater Way from View Street to 22nd Street. In order to complete the project, staff is recommending the Council approve a contract to provide appraisals of temporary and permanent easements on eight parcels of land.

Council Member Schmitt asked staff for a briefing on this item because he felt the cost of the appraisals was rather high. Real Property Agent Dave Vill responded that there is a prescribed method of obtaining appraisals which is defined by the State of Nevada. We use the State's appraisal list of qualified appraisers and the appraisers on the list are rotated. The first appraiser on the top of the list declined to do the work we requested, and Wren and Associates were the second name on the list. Mr. Vill said the reason the appraisal might be a little high is that the scope of work involves a real mix of properties, including one vacant lot, a mobile home (trailer) park, a motel, three residences, and a commercial building. Mr. Schmitt said it only cost about $300 to do a residential appraisal. Mr. Vill stated that was the rate for a bank appraisal; however, a bank appraisal, under the stewardship program which this project is under, requires an MAI Appraiser, because this is the only type of appraiser that is allowed to testify in court. Mr. Schmitt asked if we were allowed to get bids for this work. Mr. Vill stated that we have to use the State's method and ask the company/person at the top of the list to make a proposal on what it will cost for them to do the work. If the offer is not acceptable to us, we can decline that offer and request a cost proposal from the next appraiser on the list. We keep going down the list until we receive an offer that is acceptable. Mr. Vill noted once a year the names on the list are rotated.

Council Member Schmitt said he would like it to be noted for the record that he felt that the City spent tax-payer money unwisely by not doing this work on a competitive bid basis. Mr. Vill emphasized that this is an enhancement project that is being done under the Federal uniform act and they prescribe the procedure we have to follow.

A motion was made by Council Member Schmitt, seconded by Council Member Schmitt, to approve Consent Item 5.5. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.6 Consideration and possible approval of the 2009 Interlocal Lease Agreement with Washoe County School District Transportation Department

An agenda item from Parks and Recreation Director Stan Sherer recommending the Council approve the agreement for lease of school buses to transport Parks and Recreation program participants throughout the year. Programs that require transportation are offered on a cost-covering basis and costs are paid from program revenues. Estimated costs for 2009 are $35,941.00. The approved rate will be $1.95 per mile, which represents a $0.10 increase from the current agreement.

5.7 Consideration and possible approval of the Distributed Control System Support Agreement for the Truckee Meadows Water Reclamation Facility

with Invensys Process Systems (IPS) in the annual amount of $31,303

An agenda item from Senior Administrative Analyst Gary Hutchinson recommending the Council approve an exception to bid and approve the purchase of an annual service agreement with IPS for support of the DCS System at the water treatment plant. Funds were budgeted for this expense.

5.8 Consideration and possible approval of the informal bid for the Deming Way Improvements Project to Atlas Contractors in the amount of $60,391.20

An agenda item from Transportation Manager Jon Ericson recommending the Council award an informal bid to Atlas Contractors for the Deming Way Improvements Project. The project will consist of a 2" overlay on approximately 870 feet of roadway. The contractor will work on a weekend to minimize the impact of construction to local businesses. Funds are available for this project.

5.9 Consideration and possible approval to Lucky Concrete, Inc., for the Village Green Park Asphalt Rehab Project to remove asphalt from the walkways and basketball court and replace with concrete in the amount of $74,500 and to include a force account in the amount of $7,500 for a total amount of $82,000

An agenda item from Parks and Recreation Director Stan Sherer recommending the Council award to Lucky Concrete the informal bid for the Village Green Park Asphalt Rehabilitation Project. This project will consist of replacing the asphalt walkways and basketball court with concrete. Funds have been appropriated for this project.

5.10 Consideration and possible approval of the Municipal Courthouse HVAC Upgrades Project bid, Bid Number 08/09-011, PWP WA-2009-47, CIP 9069 to Isbell Construction, in the amount of $186,848

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award the bid to the lowest bidder, Isbell Construction. This project will add new, energy efficient HVAC units, expand and improve the zoning of the building and add a new Allerton control system. Funding is available for this project.

5.11 Consideration and possible approval of an Interlocal Agreement with the City of Reno for the Truckee River Info Gateway and Total Maximum Daily Load Consulting being provided by Ecological Research Associates relating to Truckee River Water Quality, in the amount of $69,355 to be shared between the cities of Reno and Sparks with Sparks' share being $21,756.66 (31.37%)

An agenda item from Public Works Director Wayne Seidel recommending the Council approve an Interlocal Agreement relating to the Truckee River water quality. The Truckee River Information Gateway website needs to be updated to enhance its capabilities. Ecological Research Associates (ERA) will upgrade and maintain the website, improving its utility by building in a mapping tool and Total Maximum Daily Load (TMDL) section. They will also provide water quality expertise for the TMDL process. Funds have been budgeted for this project.

5.12 Consideration and possible approval of Contract Amendment #2 to the Paving Replacement and Curb Gutter and Sidewalk Project, Bid No. 06/07-046, PWP WA-2007-240 to Gerhardt and Berry Construction Company,

Inc., for additional backflow valving within the storm drainage infrastructure in the amount of $14,725

An agenda item from Engineer Andrew Hummel recommending the Council approve an amendment to a current contract to install backflow valves to help with preventing flooding in residential areas caused by backflooding from the North Truckee Drain in the area of Baring Boulevard. Budget authority is available for this contract amendment.

5.13 Consideration and possible approval to place memorial signage for Nevada State Trooper Kara M. Kelly-Borgognone on Sparks Blvd. between Pyramid Highway and Kiley Parkway, in the amount of $1,139.72 (Time: 3:16:52)

Citizen Services Coordinator Marc De La Torre requested the Council approve the placement of signage to honor fallen Nevada State Trooper Kara M. Kelly-Borgognone, who lost her life in the line of duty on February 28, 2009.

Mr. De La Torre introduced Chief Christopher Perry from the Nevada Highway Patrol, who commented on this request. Mr. De La Torre noted that family members of Ms. Borgognone were also present in the audience.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Item 5.13. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6. General Business:

6.1 Presentation, discussion and possible direction or approval of Federal, State, Nevada League of Cities and/or Local Legislative Affairs issues (Time: 3:52:48 p.m.)

Government Affairs Manager Rob Joiner provided a summary of his written report, noting he and the City Manager made a presentation to the Interim Finance Committee regarding STAR Bonds last Thursday. Concern was expressed by the Council regarding what the Legislature might do to change the current STAR Bond legislation.

Mr. Joiner noted that more bill draft request (BDR) titles came out last week and staff continues to track the bills for items that may affect Sparks. He stated the Assembly and Senate have announced their new chairpersons for the upcoming session.

Mr. Joiner stated that staff has responded to a request from the U.S. Conference of Mayors regarding the proposed Main Street Stimulus program that Congress is considering.

6.2 Consideration and possible adoption of Resolution No. 3131, a resolution adopting the Washoe Regional Emergency Operations Plan (REOP) (Time: 3:32:27 p.m.)

Emergency Manager Gary Dunn stated that the Regional Emergency Operations Plan provides strategic guidance and practical tools for conducting both jurisdictional and joint regional operations in response to any incident or event. The plan was developed by the Emergency Managers from Sparks, Washoe County, Reno, the University of Nevada and the Washoe County School District. This is a major re-write and replacement of the existing emergency operation guidebooks for each jurisdiction.

Mr. Dunn stated the plan addresses all four phases of the emergency management cycle to include preparedness, response, recovery, and prevention, and is comprised of six volumes. He emphasized that the plan does not supplant jurisdictional specific emergency operations plans or diminish jurisdictional autonomy in a disaster. The plan provides all the elements necessary to ensure that the emergencies are managed in accordance with current best practices, authoritative guidance, and legal requirements--including the National Incident Management System.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to adopt of Resolution No. 3131, a resolution adopting the Washoe Regional Emergency Operations Plan. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.3 First Reading of Bill No. 2599, Regional Road Impact Fees; An ordinance amending chapter 12.44 of the Sparks Municipal Code by amending provisions relating to the Regional Road Impact Fee by incorporating a reference to the Regional Road Impact Fee System General Administrative Manual and incorporating and adopting changes to the Regional Road Impact Fee Capital Improvement plan approved by the Regional Transportation Commission on May 16, 2008; and providing for other matters properly related thereto (Time: 3:35:26 p.m.)

City Clerk Linda Patterson read the proposed ordinance by title. Mayor Geno Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of December 15, 2008.

7. <u>Public Hearings and Action Items Unrelated to Planning and Zoning</u>:

7.1 Public Hearing, consideration and possible approval of the abandonment of the remaining portion of an eighty (80) foot Access Easement and a thirty (30) foot Access Easement originally granted to the City of Sparks pursuant to Parcel Map No. 2477, entitled FIFTH PARCEL MAP FOR ROBERT L. HELMS as recorded November 28, 1990 (Time: 3:36:06 p.m.)

Real Property Agent David Vill displayed a map of the subject property and noted that the parcels are located to the south of E. Lincoln Way and to the west of Sparks Boulevard. He noted the first parcel was left out of the original abandonment of this easement so that the Fitness Center would have access. The fitness center now has its own access and the applicant is now requesting that the rest of the 80 foot strip be abandoned. The second parcel lies between the fitness center and the gas station and the applicant is requesting this easement be abandoned so that the area behind the easement can be developed.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the abandonment of the remaining portion of an eighty (80) foot Access Easement and a thirty (30) foot Access Easement as outlined by staff. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8. <u>Planning and Zoning Public Hearings and Action Items</u>:
None

9. Comments:

9.1 *From the Council and City Manager (Time: 3:40:59 p.m.)

Council Member Carrigan stated the Council Members received an e-mail regarding the issue of how the Washoe County School District makes decisions on where to place new schools. He noted that at a meeting scheduled for tomorrow there will be discussion regarding a land swap: a parcel in Kiley Ranch for 40 acres at the end of La Posada for a middle school and an elementary school. He noted that there are numerous issues with schools located in this proposed area including: major traffic concerns; the property is outside the Truckee Meadows Service area; how sewer, water, and other infrastructure will be provided. He stated he would not be able to attend the meeting and asked that Sparks send a representative to this meeting to address our concerns and encourage a joint planning effort on this so that we can prevent future traffic problems. City Manager Carey stated that he would send the City Planner to this meeting to relay our concerns and to ask for this item to be delayed so that further discussion can be held on a joint basis.

Council Member Ratti congratulated Great Basin Brewing Company on 15 years doing business on Victorian Square.

City Manager Carey noted that there was a Council Retreat Scheduled for December 1, 2008, at 8:30 a.m.

10. *Adjournment (Time: 3:47:23 p.m.)

There being no further business, the meeting was adjourned at 3:47 p.m.

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Mayor

_____

City Clerk

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MINUTES OF THE CITY COUNCIL WORKSHOP
3:00 P.M., Monday, December 1, 2008
Larry D. Johnson Community Center (Nevada Room) 1200 12th Street, Sparks, NV 89431

1. ***Call to Order** (Time: 8:32 a.m.)

2. *Roll Call

Mayor Martini, Council members: Julia Ratti, Philip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, City Clerk Patterson, PRESENT.

Staff: Andre Stigall, Stan Sherer, Steve Asher, Andy Flock, Adam Mayberry, Heidi Shaw, Pete Etchart, Tom Minton, Teresa Gardner, Rob Joiner, Kathy Clewett, Debi Hunt, Wayne Seidel, Mike Biselli, Marc DeLaTorre, Frank Frievalt, Neil Krutz, Steve Driscoll.

***Comments from the Public**

- Charles Vinopaul spoke on the poor timing of branding the city at this budget crisis time and volunteered his expertise to help with budget planning. *Mayor Martini and Councilman Schmitt explained that the monies utilized for the branding effort are designated funds for tourism that cannot be used for operations, including salaries and benefits.*
- Tom Venner spoke about a recycling opportunity to save the city money.

3. Discussion and possible action on Council appointments to the various Boards and Commissions

Chris Syverson reviewed the City Performance Pyramid, Vision, Mission & Values. A chart of current Board & Commissions appointments was reviewed.

Councilman Schmitt asked for a definition of "term" for Board & Commission appointments. City Attorney Chet Adams gave the legal definition of "co-terminous" as being an appointment that runs along side an elected term of office. In the situation of the RSCVA Board of Directors – NRS 244 stipulates that RSCVA Board of Directors appointment is coterminous with the appointee's term of office.

Councilman Carrigan stated that when he was Redevelopment Chair, he had to be re-elected after 2 years.

The City Attorney stated that the City Council has the inherent ability to remove anyone from a Board it has appointed based upon City Council rules (Rule #7). He stated that there must be cause, such as a discipline issue (i.e., receiving money, not promoting the collective Council on issues).

Councilwoman Ratti asked if new rules are needed to qualify terms for regional or local boards & commissions. City Attorney Chet Adams stated that regional boards & commissions are created by the NV legislature, usually involving those boards that have

regional aspect, where City of Sparks tax payer's money is involved and affected. The statutes are very clear that the member must be appointed from the City of Sparks to protect taxpayers. The way they are appointed and removed is left up to the local board, therefore, Council Rules 7.1 through 7.3 will apply to regional and local boards.

Councilman Schmitt stated that the process used for the past seven years has included a review of all appointments every two years. It was agreed to proceed with what has been done in the past and make new rules later.

Mayor Martini offered his willingness to stay or leave any board & commission to which he is currently appointed. These include:

- Debt Management Commission
- Regional Planning Governing Board
- Joint Sewer Coordinating Committee
- Sewer Appeals Committee
- Western Regional Water Commission - TMWRF

Councilwoman Ratti asked to be appointed to the following Boards:

- Govt Affairs Team
- Parks & Recreation
- Board of Health
- Senior Services
- Historic Preservation Committee
- Redevelopment Agency Vice Chair
- Ready for Life Advisory Committee
- Truckee River Flood Mgmt Coordinating Committee alt.
- WC Oversight Committee for School Facilities

Councilwoman Ratti also requested to be a part of a new Sustainability Committee.

Councilman Phil Salerno stated that he wants to remain on his current appointments, including the RSCVA, citing NRS 244 which states this appointment is co-terminus with his term. Mr. Salerno's current Board appointments include:

- Reno Sparks Convention & Visitors Authority Board
- Event Review Committee
- Truckee Meadows Water Authority, alt.
- Tourism Facilities Steering Committee
- Historic Fire Vehicle Committee

Councilman Ron Smith asked to be appointed to the following Boards:

- Tourism Marketing Committee
- Regional Transportation Commission
- Truckee River Flood Mgmt Committee

- Regional Governing Planning Board, alt
- Advisory Committee for the Disabled
- Redevelopment Agency Chair
- Western Regional Water Commission-Sparks
- Debt Mgmt Commission.

Councilman Mike Carrigan stated that he would like to be appointed to the following Boards:

- Reno Sparks Convention & Visitors Authority Board
- Regional Planning Governing Board
- Truckee Meadows Water Authority
- Reno Sparks Convention & Visitors Authority Board
- Washoe County Oversight Committee for School Facilities
- Western Regional Water Commission – TMWA

Councilman Ron Schmitt was elected Mayor Pro Tempore at the November 10th City Council Meeting, will continue as the City Council's Parliamentarian, and requested appointment to the following Boards:

- Regional Transportation Commission- alt.
- Information Technology Steering Committee
- Washoe County Human Services Consortium
- Regional Planning Governing Board
- Tourism & Marketing Committee
- Washoe County Local Emergency Planning Committee
- NV League & National League of Cities
- Sierra Arts Board
- Historic Fire Vehicle Committee

During a discussion of the RSCVA appointment, City Attorney Chet Adams stated that per Rule 7.1, the City Council creates Boards & Commissions by resolution. The City Council cannot create a regional board like the RSCVA. Rule 7.2 states that selection of members of any committee (local committee) so created shall be as provided by the City Council if not specified by the City Charter or City Code. Rule 7.3 states that the Council may remove any member which they have appointed to any board, committee or commission, except the charter committee, by a vote of at least a majority of the Council but this has to do with local boards & commissions and it may not apply to regional boards.

The City Attorney stated that what would be appropriate would be to come up with a new rule about regional boards & commissions and implement rules on how to select and remove an appointment. It will then be put on the Council agenda for consideration and possible appointment of a new member of the commission in question. He stated that anyone who wants to ask for a legal opinion should ask before the meeting rather than bring an issue up at the meeting, so he has time to think and research the matter.

Councilman Phil Salerno stated that the Health Board has their own by-laws, but the RSCVA doesn't have by-laws. The City Attorney stated that he believes this is covered by the NRS statute that created the RSCVA.

Councilman Ron Schmitt made a motion that the Council accept the appointments as listed on the chart, except for the RSCVA Board. He requested that, at this time, we take no action on the RSCVA Board appointment. He also asked that staff bring the issue forward at the next City Council meeting to determine which committees are by co-terminus appointment and that the Council take action on policy on how to remove someone from a non-city generated board or commission. Councilman Schmitt asked that staff bring forward, at a future city council meeting, an action item on how to remove an appointee from a non-City generated committee. The motion was seconded by Councilman Smith.

The City Attorney asked to look at the agenda "Discussion and possible action on Council appointments to the various boards and commissions." He stated that he doesn't see anything here that allows the Council to take action on this today to amend the rules that conflict with Nevada law.

Councilwoman Ratti asked for clarification on what the Council was voting on regarding the co-terminus issue. Councilman Schmitt stated that it is not possible to vote today and then change the rules and make it retroactive. The wording, "co-terminus" has not been established before in discussions regarding appointments to Council Boards and Commissions. Mr. Carey advised that this is new information prepared by staff to help with clarity for this process. Mr. Carrigan stated that he does not remember the Government Affairs Team having a "co-terminus" clause and he doesn't feel this is fair for appointments to these boards. Mayor Martini asked that the City Attorney provide a procedure for removing appointees from regional boards.

The City Attorney asked for clarification. Mayor Martini asked for a proposed rule change on how to un-appoint someone from a regional, statutorially created board or committee. The Redevelopment Agency appointments will have to be brought to the Redevelopment Agency for approval and cannot be appointed today.

Councilman Ron Schmitt withdrew his motion. He made a motion to have an agenda item prepared for Council consideration on the December 15th , with this charted slate of appointments, with copies of NRS and a legal opinion on the co-terminus issue from the City Attorney's Office on how the Council may un-appoint someone from a regional board. This motion was seconded by Councilman Ron Smith. The motion passed unanimously.

Councilman Schmitt stated that at last Monday's Joint Councils meeting, a non-profit was allowed to come forward and ask for support, which means time, resources and money. This Council had no information or knowledge that this was going to happen. An

appointment was made to a new Ready for Life Committee without understanding the ramifications of this action. We need a process in place that requires prudence before adding any new Board and Commission. At some point the list of Committees will be too large for anyone to maintain. What is the function of these boards? If it is a non-profit, then it is their purview to work on the issues.

Councilwoman Ratti agreed that the number of Boards and Commissions could get very out of control. The Ready for Life is a collaboration of several non-profits and also it is a regional cooperation, which is much more difficult to move forward. There needs to be guidance for adding regional commissions and it adds open meeting law restrictions that may be more cumbersome.

City Manager Carey accepted the request of the Council that staff prepare a Council agenda item that creates a process for creation of boards that the Council may wish to serve on and a process to disband those that are no longer functional.

4. Consideration and possible approval of 2008-09 Budget Amendments as recommended by the City Manager:

Shaun Carey and Tom Minton reviewed budget issues and alternatives for the balance of this fiscal year. In the agenda report, a history of the key legislative and financial issues confronting the City is provided along with an analysis of which cuts are appropriate at this time in the authorized budget for expenditures for the balance of this fiscal year. These alternatives provide a three year review, with the Council's approved reduction of the ending fund balance to 5%.

The City Manager reviewed the alternatives available, noting that due to continued economic erosion, we now need to bring back the review of layoffs. The Council also has cost savings and policy direction to a lower fund balance (Alternative 2), and Alternative 3 which would include 4% reduction in pay, which collective bargaining units have not agreed to. Alternative 4 provides for various steps in pay reductions and lowering of ending fund balance. Shaun Carey asked for direction today due to the continued economic slowing and recommends Alternative 1, which combines reduction in services and supplies and targeted layoffs which would be implemented in January 2009.

Councilman Ron Smith asked, if everyone agreed to a 4% reduction in pay, except for the union contracts already in place, what amount of money would be saved?

The Manager replied that we have open contracts with Operating Engineers Local 3 and the Sparks Protective Police Association and are in negotiations, but have not reached agreements with them. We would be entering a new position in future bargaining or voluntarily coming to the table with those groups to entertain pay reductions with those groups at this time. We will place an item before you on December 15th seeking direction to pursue formal opening with those two groups. The Fire Department has a multi-year

contract through their union and we would approach them after Council action on December 15th on a similar basis and in all three cases with all bargaining units we would have to reach a meeting of the minds in the bargaining process. Each bargaining group will need to look at the services of the city and their wages along with what economics their members are seeing and find a process through the labor rules and regulations where we would meet and confer and arrive at a decision.

If the City Council wished to pursue a reduction in pay with the labor groups, we will have to go through that process. All employee groups must be willing to participate in the economics of this agreement or the numbers will not be sufficient to meet the economic downturn.

Councilman Smith asked for clarification that the Fire Department (which has two raises coming up in January and July 2009 of 2% each) would it be a negotiated process if we pursued not giving raises at this time? The City Manager affirmed that this is would be a negotiation process.

Mike Carrigan asked if Alternative 3 includes anticipated 4% COLAs (where the Fire personnel won't take the 4% due Jan 2009, July 2009 and Jan/July 2010). Tom Minton advised that it is the 4% anticipated. Mr. Carey advised that they have already received 2% in this fiscal year.

Councilman Ron Smith asked Chief Flock about the overtime/callback budget, which Chief Flock reported is $1.1 million. Councilman Smith asked if we have someone that calls in sick one week, and someone takes his shift, is it all overtime? In answer to Councilman Ron Smith's question, Chief Flock stated that it is correct. We have minimum staffing levels and once we reach that threshold, anybody on any type of a leave (annual, educational, sick leave) and anytime we fall below that threshold, we fill those up with overtime and callback. We also use overtime and callback for emergency incidents.

Councilman Smith gave the example, if he were a fire fighter and called in sick and Julia takes his shift, and then the next week Julia calls in sick and Ron takes her shift, is that all overtime? Chief Flock stated that is correct. Councilman Smith asked if there is any disciplinary action for known misuse of sick leave? Chief Flock stated that we have done that but there is no definition of excessive/misuse of sick leave. Chief Flock discussed the cost studies that have been done with overtime/callback vs. raising staffing levels, which indicates that we are at a cost effective staffing level currently. Tom Minton stated we don't have an abuse of sick leave – we have a utilization of 89%. It is the less than 24 hour absences (training, education, etc.) that creates the high rate of usage.

Councilman Ron Schmitt asked about Alternative #3, how many bargaining units are we talking about and what is a realistic timeframe to get agreement? January 1st is the date to get expenditures under control or cuts will require deeper action to realize the 5% savings.

Shaun advised that we are hoping to meet with bargaining groups and if they see these layoffs, wage concessions could be made. It will be an indefinite period of time as the groups review these cuts. Councilman Schmitt asked if all department managers agreed to the cuts and the City Manager stated that these cuts were developed by the managers in each department. Shaun Carey stated that he is very proud of the cuts that were made by public safety to meet the financial reductions needed. For example, these cuts include freezing of four police officer positions and a dispatcher position.

Councilman Schmitt asked if this is not done by January 1st, what are the monthly accruals? Same amount, just more severe to get to the $2.5 million dollars-impact to the services will occur to get the same amount of savings (basically 20%). In January it would be 10-15 employees, vs. February 12-17 employees. Tom Minton stated that the rise is 20% each month we wait. City Manager Shaun Carey reviewed the history of budget reductions for the past two years, noting that currently 16% of our workforce is vacant and this has been achieved through freezing of positions and attrition.

Councilman Schmitt stated he would like the bargaining groups to get together to hold off on layoffs until the reduction in pay and benefit reductions can be reviewed and approved by January 1st.

Councilwoman Ratti stated that she agrees with the City Manager that the Department Heads have done a great job, but with the current employee rules, departments are unable to lower work hours and employees not lose their benefits. Is there any way to reduce hours and maintain benefits? Shaun stated that our resolutions and contracts do lack the flexibility to reduce their pay. Labor law has caused the City Attorney's office to caution us on reduction in hours and wages. Our health plan is governed by our Health Committee, which is made up of members of the bargaining units.

Councilman Smith stated that he agrees we need a motion that addresses both layoffs and the 4% reduction. If we pass a 4% pay reduction, is it still voluntary? City Manager Carey stated that if it is the Council's direction to pursue this, he will begin to pursue it but it will still be a negotiable item with bargaining units. Shaun stated that he hears direction that Council wishes to achieve $2.55 million in cuts, maintain 5% of ending fund balance and pursue a 4% reduction in salaries with our employee bargaining groups. Employees in a bargaining unit will not have an individual option to take a 4% pay reduction without the overriding labor group making this option.

Councilman Smith asked if everyone were to take a 4% pay reduction, except Fire, how many people would have to be laid off? Mr. Carey stated that although he does not have the numbers in front of him, his speculation is that number would be five.

Councilman Carrigan asked why the Council couldn't act prior to December 15th. He said he wants the Manager to begin working with bargaining groups to move forward with the 4%

pay reduction as soon as possible. The City Attorney advised that it is appropriate and the Council can take action today based upon the posted agenda.

Councilman Salerno noted that the City Manager has already taken a 4% pay reduction and asked if the Council's travel budget can be reduced. The Manager stated that this is within the Council's purview to cut travel & training.

Councilman Ron Schmitt made a motion to go ahead and accept Alternative #1 with the group caveat that between now and January 1st, if the bargaining groups can come together and agree on budget cuts and give those to the City Manager before January 1st to stave off any layoffs that are necessary at that time.

Councilman Smith asked to clarify that the motion means we will go ahead and ok the layoffs unless the bargaining groups come together; we will then revert to Alternative #3 by January 1st and there will be no 4% decrease in wages unless all groups do it. Councilman Schmitt stated that all employees should have the option to say "yes or no" to 4% voluntary pay reductions or other concessions.

Councilwoman Julia Ratti asked for clarification, that if this Council approves a 4% pay reduction, then we will be more creative than just pay reduction, but also allow reduced hours with benefits maintained.

Councilman Mike Carrigan stated his understanding of this motion is that we will run a parallel track , Alternative 1, in place, if Alternate 3 cannot be accomplished and it is all or nothing. The motion was seconded by Mike Carrigan. The motion passed unanimously.

Mayor Martini thanked the City Manager and Finance Director for their hard work on this issue and thanked the City Council for moving forward with this tough decision.

Councilman Schmitt also thanked the employees for the work they are going to do and he hopes that whoever the employees are that will be affected that the City's HR Department will assist them.

Council then adjourned for a ten minute break.

3. Current Status of the City

Chris Syverson noted that in the retreat packet the 2008 Public Attitude Survey, 2008 Cascading 5s, and the 2008 Environmental Scan were included as background information for the work to be done on the Strategic Plan.

Chris asked for questions on the background information. Seeing none, she moved forward into the overview by Steve Driscoll on the Strategic Plan.

4. **Discussion and possible direction on Sparks Strategic Plan & Sustainability Plan**
Assistant City Manager Steve Driscoll provided an overview of the Future Finders Team work that has been completed with the following specifics for each Strategic Goal:

1. Create a balanced community:
Citizen Advisory Committee: Ensure representation in all wards which has been completed. Ron Schmitt reviewed how this board is acting and stated that it needs to be revisited. Mayor Martini agreed that this must be changed. Councilwoman Julia Ratti stated that one of the challenges with the Citizen Advisory Board as it exists is that it has city-wide jurisdiction. She stated that she realizes there would be an expense attached to changing it, but it would be a better model as a Ward issue vs. a city-wide board.

Councilman Carrigan stated that if you take a look, some wards are not represented – if we go to a CAB some wards won't have anyone on it. This committee needs to be an advisory committee, but they have never advised us on anything. Mayor Martini noted that they have advised us on the sewer rates. We've specifically told them that we don't want to hear from them on land uses but they are insistent on doing so. Councilman Schmitt stated that this model can work. It has worked for the past 15 years, but we need to review and give procedural rules. City Manager Shaun Carey stated that staff will bring this back in Jan/Feb time frame.

Councilman Carrigan stated that we need some sort of dialogue with the school district for land use planning. We need to refocus on partnerships, especially when we have a new development. Councilman Schmitt stated that this goal needs to be kept in place. The Boards & Commissions needs to be kept within this strategic goal. Councilman Schmitt stated that we also need to add the sustainability issue as an objective under this goal, because it is more than reducing consumption of energy. Councilman Carrigan stated that public education will always be a part of this goal because everything is about helping citizens understand why we are making the decisions that we make.

2. Become a Strong Influential Leader in the formation of economic and political policy:
Four of the five objectives have been completed. Councilman Schmitt stated that we need to find ways to help the public understand what they are getting for their tax dollars. Councilman Smith stated that this also has to do with tax structures and understanding of the need for the public safety tax initiative and promotion of the value of city services.

There was discussion on the Legislative session and governmental funding. Councilwoman Ratti noted that all of the other goals are "ends" whereas this one is a "means." We want to be influential in the community so we can accomplish what? She stated that this may not warrant being a stand-alone goal and, if it does, to what end?

City Manager Carey stated that in this area there are some objectives we need to re-emphasize. Our governance structure is tied up with Reno and Washoe County. There is an objective of trying to free up some of the decision making capacity that we do have in new and different ways. We met only one time with Reno and the County at a strategic retreat. We changed to quarterly meetings and now it is more about dealing with fires that need to be put out. We aren't spending enough time on the prevention. There are exceptions to this, like the Shared Services Regional Team which was a great collaborative effort.

There is a need to re-emphasize our cooperative relationships with Reno and the County. The Mayor and Councilman Carrigan are working on some of the changes in our decision making models, like the RTC and the way business is done and the Regional Governing Board. There are opportunities to create objectives that would cause realignment of our decision making processes. Some of those organizations and structures are pretty rigid and don't promote Sparks crossing to the County/City lines.

For example, on the RTC, we've had one board member for sixteen years and now we have over 130 traffic lights and the County has somewhere around nine or ten. There are reasons to look at our regional matrix that we are using to make some of these decisions and make sure that it works for Sparks in the coming years. We are locked into a lot of systems, like the Health Board and Regional Governing Planning Board, RTC, TMWA Boards.

The objective here consists of being a more effective, influential government or to advance Sparks initiatives, so that would be the outcome. Our government structures haven't evolved as much as they should have to take on the new Sparks that is here today and this gives us an opportunity to look at where we are vesting our outside decision making ability and look at streamlining it. Our influence as the city we are today is not in balance on some of these boards and commissions and the responsibilities we have.

Councilman Carrigan stated that he feels the outcome of the strategic goal is survival. If we are not influential leaders then we are followers and we are liable to get lost in the big mix. The way the economy is going you can bet if we don't have a presence at the legislature, they will do whatever it takes to balance their budget.

Councilman Schmitt stated that survival is a good way to put this. We are probably going to get attacked on our identity in the next six months. If we don't make an effort on this, we will be Reno East in a short period of time. The whole consolidation thing is alive and well and we need to make sure we stay strong with that. The other portion of that is that we can take our own six months and we become the leaders in this community that we should be, how things evolve. Groups and organizations start to come to the table and talk with us about who we are and where we are coming from.

What kind of expenditures we are giving to organizations and how they are giving back to the City of Sparks. It is important – it should actually be goal #1 because without the influence of this team of the City of Sparks, Council, Mayor, staff, everything, we are going to lose our identity.

Councilman Schmitt also made the point that the public education piece of what we do is very important, i.e., our tax structure, where tax dollars go and do we provide a better service than other communities of our size.

Councilman Carrigan stated that the objective, "Advance Strategic Alliances at the state level" is marked complete, but there is a whole slate of new people at the state level, so that opens that one up again. The power shifted to the south. We no longer have any northern committee members at the Senate level, except Bernice Matthews as the co-chair. The strategic goal is valid. We just need to work on the objectives now.

3. **Establish a strong presence of Art, Culture & History:**
   Public art, while greatly received, has costs associated with it. The Future Finders feel that we need to expand the goal to include tourism. We currently have an objective for partnerships to build a performing arts program in existing venues, but this is not viable without a large commitment to a dedicated center. City Manager Carey suggested that we add tourism to this goal so it will read, "To establish a strong presence of Arts, Culture, Tourism and History." Councilman Schmitt stated that he is very pleased that the Heritage Museum's new director is willing to help with branding of the City.

   Chris Syverson asked if we should include tourism in this strategic goal. Councilman Smith stated that we need to explore public/private partnerships in everything we do. We aren't going to get anything done without private help. It becomes part of the goal when you need to pursue those partnerships, like Redevelopment.

4. **Form an Economic Development Policy direction that encourages hi-tech, research and others in concert with a master plan to be formed:**
   The master plan continues to move forward, but the number one component is the work of the Tourism & Marketing Committee to establish branding activities. While we don't have a dedicated function to go out and do pure economic development, we work in partnership with those groups who do. We are working per Council direction to build foundations for projects in seven to ten years from now. Council suggested that this goal be re-written to eliminate "form an economic development policy direction" and simplify the goal and redefine the objectives to include the following concepts:
   - TIFF – Partnerships
   - Creation of Jobs
   - Develop a marketing plan to attract desired companies.
   - Business license agreements to enhance companies' opportunities

- Continue to explore new opportunities – looking specifically at resource allocations
- STAR Bonds – and other incentives to get companies interested in

Councilwoman Ratti suggested that the wording "public/private partnerships" be added to this goal.

Councilman Schmitt asked what the policy is for the economic development plan. What is the responsibility of the Council? If a company walks into Community Development, what is their response? The only way we are going to get out of this economic cycle is to create jobs. How do we do that?

Neil Krutz stated that we have tried to do that through tax increment financing, through Kiley North, Copper Canyon and the driving focus goes back to goal #1 and goal #4. These include job creation and higher assessed values. We are trying to drive the business park growth and bring those higher paying jobs to Sparks and grow our way out of this economic crisis. This is the best tool we have.

Councilman Carrigan directed that this goal be rewritten to eliminate, "form an economic development policy direction..." and simplify the goal to read "develop and market incentives to attract new business." Do the incentives have to stop with programs like TIFF?

Councilman Smith said we have to add value to get the TIFF to work. We need to figure out how to qualify for that value.

Councilman Schmitt asked how we can make our business license policy friendlier for a business that wants to relocate here right now. What message can we send to the businesses in our community and outside that will grow the market?

Tom Minton stated that it would be nice to segregate the tax increment limits from Redevelopment Agency vs. other tax increments. Right now those are added together as an aggregate limit and once we go over 100,000 population number, then it is limited by a percent of the available tax revenues. It would be nice to separate those two issues (Redevelopment from Economic Development).

Councilwoman Ratti stated that this is critical. Is there some meaningful review of all the incentives and abatements appropriate in all cases and are all of the cities and jurisdictions within the State of Nevada using them to the best of their abilities? When we're facing budget cuts at the local level, are we maximizing the revenues to the City that we need to maximize? There are two sides to this issue and we need to be careful that we don't cut our nose off to spite our face. It is not just incentives. It is also service levels. It's engagement. Do citizens/businesses feel like they're part of the process. Are

we getting them to the table when we're making decisions about this community? Do we have the business community involved in the green initiatives? Are we putting in regulations that cause extra costs to businesses, so we're not losing tax revenue? It's not all about tax money. There are other ways to be business friendly. The State of Nevada gets ranked as THE most business friendly state in the nation, over and over again, with our current tax structure.

Ms. Ratti also stated that the emphasis of this goal was hi-tech and research, and while the Legends is great, it is still retail and those are not necessarily high paying jobs. Let's maintain the emphasis on hi-tech, research (high paying jobs) from an economic development standpoint, as opposed to tourism, which is a different animal.

Armando Ornelas stated that maybe the goal needs to be economic development and how we define it – through objectives. Future Finders will go back and work on this and we'll bring the Strategic Plan back for adoption at a future agenda.

City Manager Carey reminded the Council that they held an Economic Development Summit on this a few years ago, which led to the adoption of a plan focused on getting those Fortune 500 companies to come to Sparks. This goal needs strategic update, which moves our plan forward. Annually, we need to identify the tools that will create a future to sustain our community. Staff will bring your strategic plan for adoption to a Council meeting. We plan to review this annually.

Councilman Ron Schmitt stated that a year ago, we didn't have the same picture we have today. The Council has received a copy of the study showing that Copper Canyon has been done right, but now the economic climate is difficult. What incentives can we offer to help this happen. Councilman Carrigan agreed stating that time is money for a developer. How do we get them through the system faster? Nevada just lost a development to Wyoming because they offered incentives.

A Sustainability Plan Overview was presented by Pete Etchart, including these points of interest:

- Regional E-Waste Event coming January 31st at the Convention Center.
- Regional recycling is an opportunity we can review
- Sustainability must be integrated into everything that we do through education
- Strategic Goal of transforming the City of Sparks into a Sustainable city
    - Council support on committee
    - Endorse the Sustainability Action Plan
    - Create a general Government Sustainability Committee budget

Councilman Schmitt asked, "Can the sewer fund take the lead for funding this issue?" We don't want to re-invent the wheel for funding – find ways to do this (greenstreetlights.com).

Councilwoman Ratti stated that she supports Sparks becoming a Sustainability City –by providing funding to move this forward. Sustainability meetings are held on the fourth Thursday of each month at 9 am at Roberta Lane. Pete Etchart asked for endorsement by the Council.

In answer to Councilman Schmitt's question if there are any private companies involved in this effort, Mr. Etchart stated that there has not been time to reach out to the private sector yet. Nevada Energy has not yet been brought into our plan. Councilwoman Ratti would like to see this as a separate Strategic Goal, which is the next step for this plan.

5 Implement the "Sparks Road Ahead" to develop transportation elements:
City Manager Carey stated that much has changed in the past year. Ballot measures were put forth and one passed and one did not. We also have a Workshop scheduled on December 17th. We are looking at the Road Ahead Program. There probably needs to be more transportation systems centered. We know RTC has cut our transportation systems by 10% and plans to cut an additional 28% next August. That's a tremendous reduction. If you look at the routes planned in Sparks it looks like a dry lake bed. The emphasis needs to be changed to transportation systems.

5. Discussion and possible direction on Resources Allocation:
Shaun reviewed Resources Allocation so that we can innovate our service delivery. We are measuring our services against other cities our size to allow us to determine where we are behind and where our innovations are paying off. A workshop in January will give us opportunity to build more objectives in line with the Council's priorities.

#1 Promote Public Safety, health and well-being of our residents
City Manager Shaun Carey noted that Public Safety includes Courts, City Attorney, Police, Fire, Flood and Emergency Management. Councilman Schmitt stated that since this is a one to three year objective we need to make one of the objectives in this goal to successfully pass the Public Safety Tax Initiative in 2010.

#2 Quality of Life *(Redevelopment & Economic Growth)*
Chris Syverson recapped that Phase 1 of Victorian Square has been completed. Assistant City Manager Steve Driscoll reviewed the process for Resource Allocations, noting that these goals are under the purview of the Department Head team and they will take the Council's comments and create new objectives for the next one to three years.

City Manager Carey stated that he would like to change this goal to read "Sparks will enhance its quality of life through Redevelopment, Strategic Planning implementation and Economic Growth" to provide some depth in terms of US policymakers. Future Finders wants to try innovation, but finds it difficult to fit them within the resource allocations. It might be valuable to add quality of life issues to our strategic plan, so resources are

allocated in this shrinking pie. For example, the Sustainability Plan process needs a couple of thousand dollars to work with. These allocations need a way into the budget process so that key investments are actually made. There is a lot of overlap in the strategic goals and the resource allocations. This would then link the two together.

#3 Assuring our resources keep pace with Infrastructure Needs
Councilwoman Ratti stated that she wants to ensure that our priorities stay in place so when economics turn around there is clear direction on where the money goes first. The Road Ahead program will be changed to Transportation Systems here also.

Councilman Schmitt asked which comes first, public safety or economic development to help pay for public safety.

#4 Encourage citizens to interact with their city government.
Councilman Carrigan stated that this goal should reflect citizen interaction with their state government as well. Our citizens need to understand how their state and local governments interact so when things happen, put the blame where it belongs.

City Manager Carey stated that the Council has voiced a desire to innovate and implement new ways for citizens to interact with city government, which is why we did the youth and leadership academies and created the focus in the Manager's Office of a Citizens Services Coordinator. This has been the driver for change in terms of increasing connections. It is also one which is difficult to accomplish given the pie of resources that is getting smaller.

Councilwoman Ratti stated that we need to broaden how we look at interaction with city government. This could mean having more services via the website and requiring less staff time to do processes. It is still citizens interacting with their government as opposed to some of the more expensive and staff time consuming things like citizen academy. If the ways we are doing it now are difficult to accomplish in the current resource environment, what are some other ways might be more practical?

Councilman Schmitt is concerned that departments may be feeling conflict to this item due to staff shortages in the budget situation. Maybe what we need to do is rework the objectives of this goal.

Councilman Carrigan stated that we need to add more information regarding the tax situation to the website, which is heavily used. He stated that there should be a page explaining what the City is responsible for and what the State is responsible for.

Councilman Smith stated he would like to see a State vs. City roads page so citizens can understand who is responsible for road repairs, upgrades, etc.

#5 Great Neighborhoods through maintenance and the appearance of our City
Councilman Mike Carrigan stated that unfortunately, there's no money at this time to accomplish neighborhood improvements.

Councilwoman Julia Ratti stated she would like to see this moved up as a higher priority, though it is difficult to make this argument when there is no money. We've spent a lot of time over the past five years working on the economic development piece and the neighborhoods are not getting enough attention.

Councilman Ron Schmitt stated that he has no problem moving it up, but budget crisis affects it. We need to create more jobs to bring the property values up.

Councilman Carrigan stated that it depends on the ward you are in. Ward 4 has a direct need for improved infrastructure, but neighborhoods in Ward 1 have a need for neighborhood preservation. If we don't have a good budget, though, we don't really do anything well.

Councilman Smith suggested that we switch priorities #4 and #5.

Councilwoman Ratti said we are shifting to program budgeting which will help innovate as part of this process. She again mentioned Sustainability – maybe it is a resource allocation issue if not a strategic issue.

City Manager Carey stated that we have constricted expenditures so deeply that we must step back and evaluate how the budget cuts are impacting each of these priorities. What do these reductions mean long term? We do need to determine where resources are not meeting demand.

Councilman Ron Smith noted that we use the Citizens Academy for the police volunteers. Could we use volunteers for code enforcement? There are 108 volunteers in the Police Department who go out and ticket handicapped parking violations. If we could get volunteer staff to be proactive in Code Enforcement, especially in the older neighborhoods, we could make an impact in this area. It wouldn't take much training for this.

Police Chief Asher stated that his understanding of Code Enforcement requires investigative skills and he would defer to the City Attorney on this issue. City Attorney Chet Adams stated that there wouldn't be a problem with volunteers going out and taking photos of violations and getting back to the people who have the power to issue a citation. There is a problem with volunteers acting in official capacities of law enforcement, enforcing our codes, regulations and issuing tickets. That could crate a lot of liability.

Councilman Smith stated that he believes volunteers could be of some help-being eyes on the street, taking pictures for Code Enforcement people, without confrontation.

Council woman Ratti asked for issues like the street lights--when does it become smart to use funds to save money?

Councilman Smith asked about Parks & Recreation – aren't our swimming lessons and pool uses always full? Do we build another pool to create more income? Stan Sherer stated that swimming lessons are in high demand and we could be more successful in programming if we had more facilities. The last two facilities we've opened without an increase in staff.

Community Development Director asked for a definition of Sustainability, because from a Community Development perspective, having a sustainable city is what Community Development is all about. That is much different than what Pete Etchart is talking about from a "green city" concept.

Pete Etchart defined Sustainability as meeting your current needs and still allowing future generations to meet their needs. To provide the highest level service to our citizens at the lowest possible costs and still not affect future generations' ability to meet their needs. Environmental is part of it, but it is more an action plan to give a higher level of service and still save money. In the City of Boulder, CO, they use the word sustainability three times in one of their goals: Social Sustainability, Economic Sustainability, and Environmental Sustainability. We are using it mainly as an environmental side and economic side. Our plans right now are not sustainable. What can we do to lower costs while still trying to do something for the benefit of future generations?

Councilman Carrigan stated that every time we have a budget crisis, we are always number crunching, if we have a percentage of each department, is that a better way of doing it? In other words, if Public Safety is 35% of our budget, then no matter if our budget goes down or up, whatever it is, 35% will go to Public Safety. So the Police Chief has to figure out whatever he chooses to live within that 35%.

City Manager Carey stated that it is important to look at the percentages for the department, but also, what outcomes do you want to have for the City as a whole. For example, when you add a fire station, you don't wait until your response times are at 15 minutes and you have houses burn to the ground. If you have such a need (that it is $2 million a year for the fire station), you want to be looking at both of those in concert. This Council has a system where we are getting a ten year look where the departments are. Percentage is one of the considerations that you need to look at in your budget process.

Councilman Schmitt stated that it appears that on budget cuts, staff came up with percentages of the budget and the lower percentages were the #1 priority and moved

down. Mr. Carey stated in this round of cuts, it appears that way. When you apply program budgeting to just the $2.5 million in cuts, what you see is staff's thoughts of something that was a moving target. Numerically, 58% of our budget goes to public safety and as a program, we're making an allocation in that percentage. We began with cuts outside of public safety to a point where we could no longer do that and maintain viability of the other departments. The Council's direction was to cut across the board in the next round of cuts. It may come back and hit roads and parks harder in resource allocations. Looking at percentages, coupled with what our experts in Police, Fire, Parks, and Public Works are saying to you, "Give me that balance," so you can see it from every perspective.

8. Discussion and possible direction on the Sparks Master Plan Update:

Karen Melby reviewed the master plan. Several neighborhood plans will be incorporated into the new land use plan, public facilities, open space and recreation. In 2006, we adopted a new population plan. On Oct 13, 2008, the Council certified the new housing element, which is going to Regional Planning on December 10th.

Staff is currently working on the land use, conservation elements, transportation and public facilities. We had several workshops, stakeholder and steering committee meetings. What we tried to do to get the community active within the process by identifying stakeholders and sent out invitations, public notices and other public relations to them. All of these elements will be adopted by October 2009. A schedule was distributed showing the current projections for the various elements to be adopted.

Councilman Ron Schmitt asked that Council be invited to the Planning Commission presentations. Where is the funding coming from for this? Neil Krutz stated that the Council has provided sufficient budget authority for funding for all that is before us to finish the plan. Karen will forward the Conservation element by e-mail. The Planning Commission informational meeting will occur on Dec 4th.

9. Review and possible direction on City Council 2009 Council Calendar:

Shaun reviewed the 2009 calendar for Council meetings and retreats. Shaun opened discussion regarding removing the second (special) meeting of the month. The December 22nd meeting will be eliminated, unless there is a major business issue. We will try to not have a meeting on 1/20/09. Councilwoman Ratti noted that there was some discussion about moving the joint meeting to January to meet again prior to the Legislature. The agenda setting meeting will be held in early January. Councilman Schmitt stated he would like to avoid moving the joint meetings after they have been set.

The March 2009 retreat will be a budget retreat. On May 19th there will be a public hearing at 7 pm for the budget. In June 2009 – 5th Monday could be used to build a summer break in July for the last 2 weeks. Councilman Carrigan stated he feels we should continue to meet and, if someone cannot attend, they just aren't there. Mayor Martini

asked that we go ahead and schedule the meetings and if we don't need them, we can cancel them. Councilman Schmitt asked if reducing the special meetings is being done as a cost savings. This would assist with City Clerk's office staff reduction, but if we need to meet, we can go ahead. The special meeting will be the exception rather than the rule.

10. Discussion of City Council meetings, communications and opportunities to work together:
None.

11. Comments from Mayor, Council and City Manager:
Councilman Ron Schmitt wished a happy birthday to City Manager Shaun Carey tomorrow.

12. Adjournment at 2:20 pm.

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MINUTES OF REGULAR CITY COUNCIL MEETING
3:00 P.M. Monday, December 8, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:00:44 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m.

2. *Roll Call (Time: 3:00:45 p.m.)
Mayor Geno, Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Ron Smith, Mike Carrigan, Ron Schmitt, Assistant City Manager Stephen Driscoll, City Attorney Chet Adams, PRESENT. Council Member Salerno, City Manager Shaun Carey, ABSENT.

Invocation Speaker: (Time: 3:01:12 p.m.)
The invocation was given by Bishop Dan Sommers from the Church of Jesus Christ of Latter Day Saints.

Pledge of Allegiance (Time: 3:03:23 p.m.)
The Pledge of Allegiance was led by Council Member Julia Ratti.

***Comments from the Public** (Time: 3:03:53 p.m.)
There were no comments from the public.

Approval of the Agenda (Time : 3:04:50)
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 is (the minutes were approved prior to the approval of the agenda) and as outlined by staff. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion Carried.

3. <u>Recommendation to Approve Minutes of</u>: (Time: 3:04:02 p.m.)
3.1 Special Meeting of November 17, 2008
A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the minutes of the Special Meeting of November 17, 2008. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

4. <u>Announcements, Presentations, Recognition Items and Items of Special Interest</u>:
4.1 Proclamation – Baldini's Day (Time: 3:05:38 p.m.)
Mayor Martini presented a proclamation to Baldini's owner, Sherry Pringle and congratulated Baldini's on their 20th anniversary, commenting that Baldini's is one of the top 25 businesses in the City of Sparks. Also present to accept the proclamation was Randy Wike, Craig Soper and Rick Heaney. In commemoration of Baldini's anniversary, Baldini's t-shirts were presented to the members of the Council.

5. Consent Items: (Time: 3:10:09 p.m.)
A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve Consent Items 5.1 through 5.3. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.1 Consideration and possible approval of an application for a Cabaret license for Three GGG, Inc., dba Anchors Restaurant and Lounge, located at 325 Harbour Cove Dr. #201, Sparks, NV, submitted by Mr. Robert Wilkinson

5.2 Consideration and possible approval of an application for a Gaming license for Sedano-Stoen, Inc., dba Rigo's Mexican Cuisine & Tequila Bar, located at 1450 E. Prater Way #104, Sparks, NV, submitted by Mr. Rodrigo Sedano-Castillo

5.3 Consideration and possible approval of an application for an Alcoholic Beverage Package license for Longs Drugs Stores of California, Inc. dba Longs Drug Store #767, located at 2464 Wingfield Hills Road, Sparks, NV, submitted by Mr. Marlon Dallas Bradford

6. General Business:

6.1 Review and possible acceptance of thirteen thousand two hundred fifty dollars ($13,250.00) total sponsorship from eleven (11) sponsors for the 22nd Annual Sparks Hometowne Christmas event presented by Intuit (Time: 3:10:44 p.m.)

Tracy Domingues, Recreation Superintendent, requested that Council accept the sponsorship totaling $13,250.00 from the following eleven contributors: Title Sponsor: Intuit - $7,500; Presenting Sponsors: J. Hofert - $500; John Ascuaga's Nugget - $750; Northern Nevada Medical Center - $500; PENTA Building Group - $750; Terrible's Rail City - $2500; Supporting Sponsors of Marching Bands: American Family Insurance - $150; FUZE - $150; Greg's Garage - $150; Sierra Office Solutions - $150; Sparks Chamber of Commerce - $150.

Ms. Domingues also acknowledged several in-kind contributors which included the Boys & Girls Club, Bright Productions, Camelot Party Rentals, Charter Communications, Graphic Unlimited, Reno Gazette Journal, Silver Club, Sparks Tribune and YESCO. Special thanks were also given to Americom Broadcasting, Citadel Broadcasting, Entravision, Lotus Radio, and Wilks Radio for broadcasting ads for the event.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt for acceptance of $13,250.00 total sponsorship from eleven (11) sponsors for the 22nd Annual Sparks Hometowne Christmas event presented by Intuit. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Carrigan, ABSENT. Motion carried.

6.2 Review and possible acceptance of a fifteen thousand dollar ($15,000.00) donation from the Regional Transportation Commission for the mural (artists' commission) located at Centennial Plaza (Time: 3:14:05 p.m.)

Recreation Superintendent Tracy Domingues stated a donation in the amount of $15,000.00 was from the Regional Transportation Commission (RTC) for a mural project by artist Loren Jahn at the Centennial Plaza. Ms. Domingues stated there were numerous positive comments from the public regarding the mural.

A motion was made by Council Member Smith, seconded by Council Member Ratti to accept $15,000.00 donation from the Regional Transportation Commission (RTC) for the mural (artists' commission) located at Centennial Plaza. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Salerno, ABSENT. Motion carried.

6.3 Discussion and possible action on setting federal fiscal year 2010 appropriation project requests and priorities (Time: 3:16:10 p.m.)

Kathy Clewett, Government Affairs Analyst, presented the item on behalf of Government Affairs Manager Rob Joiner. Ms. Clewett noted the changes requested by the Council from the November 17th, 2008 Council meeting have been incorporated. On the addendum were the priorities of the Federal project list for fiscal year 2010 which included the Pyramid Highway and McCarran Boulevard Urban interchange, the Pyramid Highway Corridor and Outer Ring Route Early action items, the Truckee Meadows Water Reclamation Facility Environmental and Energy Enhancement Project and the Larry D. Johnson Community Center.

A motion was made by Council Member Schmitt, seconded by Council Member Smith to accept the priorities as outlined by staff. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.4 Consideration, discussion and possible approval of an exclusive franchise agreement for the removal of garbage and curbside recyclable materials between the City of Sparks and Reno Disposal Company d/b/a Sparks Sanitation and Waste Management of Nevada, Inc., d/b/a RSW Recycling (Time: 3:19:05 p.m.)

Dan Marran, Purchasing Manager, made the presentation for the exclusive franchise agreement for the removal of garbage and curbside recyclable materials between the City of Sparks and Reno Disposal Company d/b/a/ Sparks Sanitation and Waste Management of Nevada, Inc., d/b/a/ RSW Recycling brought forth the item for the exclusive franchise agreement. Below is the outline as presented to Council for approval. Mr. Greg Martinelli of Waste Management of Nevada was present to answer questions regarding the franchise agreement.

Solid Waste Franchise Discussion

Expired Franchise Agreement

- Awarded to Reno Disposal/Sparks Sanitation (now owned by Waste Management) in 1977
- Initial 10-year term with multiple options
- Revised in 1991
  - Increased Franchise fee to 5% (from 3%)
  - Allowed for Annual Rate Increases (CPI)
- Agreement Extended June 30, 2007
- Extension Expired July 21, 2008

July 28, 2008 City Council Action

- Two Options Offered
  - "Option A" – All inclusive (Garbage and Trash) = No Residential Rate Increases
  - "Option B" – "Garbage-Only" franchise = 38% increase in Residential Rates

City Council approved "Option B", but allowing only 8.5% increase and a sunset date on container rental fees.

Scope of Any New Agreement

Previous City Council Action and Discussions result in a new franchise that:

- Will be restricted to "Garbage-Only" and Recycling Programs
- Generally matches the scope of the agreements in the City of Reno and Washoe County
- Allows for "open" competition in the commercial "trash" market among all licensed haulers (free of government rate regulation)

Local Competition to Franchisee

- Originated in the Construction/Demolition Market (Supported by Courts)
- Expanded to "dry" trash market (Reno Model)
- Will Continue to operate in these markets without City regulation
- Local Competition Includes:
- Castaway Trash Hauling
- Empire Contractors
- 1-800-Got-Junk
- Trashpros

How is Sparks Different?
Customer Count

	Sparks	**Reno**
Residential	27,051	60,061
Commercial Garbage	268	1,769
Industrial Garbage	64	205
Business/Residential Ratio	1.2%	3.3%

- Same Trucks/Drivers/Landfill, but different Standalone Service Companies Serving Different Populations

Waste Management

- Each local government has a franchise with a unique company under the WM umbrella
- Pricing reflects labor and equipment costs specific to the needs of the customer base under contract
- Non-franchised business is served by a company that does not service franchised customers

Local Waste Management Controlled companies include:

- Sparks Sanitation
- B & L Disposal
- RSW Recycling
- Incline Sanitation
- Reno Disposal
- Independent Sanitation
- Refuse, Inc.
- Capital Sanitation

Focus on Residential Rate

- Residential Service:
- Affects the most citizens
- Easy to Define but, NOT Apples-to-Apples When Compared to Other Local Agencies

What Does the Residential Rate Include?

- Weekly Pick-Up and Disposal of Garbage/Trash
- Curbside Recycling (every 2 weeks)
  Rate unchanged since 1991
- Container Rent
- Franchise Fee (5%)
- Billed Service is All-Inclusive (non-itemized)

Current Proposal

- Commercial Garbage (Front-Loader, Businesses)
  - Rates: Unchanged
- Industrial (Single Trip: Drop Boxes, Compactors)
  - Rates: Variable increases, based on size
- Residential Service
  - Rates: Initial Rate Increase matches Council Offer of July 28, 2008
- Residential Rate Impact – 96 Gallon Service
  - Current Rate = $14.23/month (CPI Increase typically effective each February)
  - 1st Contractual Increase = $15.44/month ($1.21/month = 8.5% effective 2/1/2009)
  - 2nd Contractual Increase = CPI Allowance (Capped at 6% or $.93/month, effective 5/1/2009)
- Future CPI Increases (6% Cap) effective in February of each year

New Agreement Includes:

- Addition of 64-Gallon Service as Option
- Language allowing for technological changes in disposal or recycling processes
- Language concerning customer service expectations
- Recycling Program Changes
  - Potential for Residential “Single-Steam”
  - Commercial Recycling Removed for Regional Solution
- Non-Franchised Regulation
  - None at This Time
  - Haulers of “dry-trash” may landfill or recycle those materials per their own business plan
  - Rates are not defined or regulated by local agencies

Future Actions
Upon Approval:

1. Determine/Assess specific business license rate for non-franchised haulers
    * Business Impact Statement
    * Ordinance Adoption
2. Determine Regional Plan regarding recycling programs

Council Member Smith requested clarification on the CPI rate increase. Mr. Marran stated the CPI in the agreement measures for the period from November to November and it is applied in the first billing period. Mr. Marran stated typically it is applied in February, however, the one in the agreement is for the period from November to November. Council Member Smith asked if "Residential" could be included to "Garbage and Curbside Recyclable Materials" in the context of Sections 2.02 and 2.03 of the Franchise Agreement, and after concurring with City Attorney Chet Adams, it was noted that it would be changed to reflect the sentence to include "Residential." Council Member also requested the word, "all" be removed from Section 2.05 and it was noted by Mr. Marran.

Public comments were made by Jess Frank Thurston and Bruce Gardner, both of whom were in favor of Sparks Sanitation.

A motion was made by Council Member Smith, seconded by Council Member Schmitt to approve an exclusive franchise agreement for the removal of garbage and curbside recyclable materials and to include the changes in Sections 2.02, 2.03 and 2.05 of the Franchise Agreement as discussed between the City of Sparks and Reno Disposal Company d/b/a/ Sparks Sanitation and Waste Management of Nevada, Inc., d/b/a RSW Recycling. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Salerno, ABSENT. Motion carried.

6.5 Consideration and possible direction to initiate a code addition to provide operating standards for mobile food vendors in the Sparks Municipal Code, Title 20 (Time:3:50:13 p.m.)

Chere' Jigour, Associate Planner requested approval to initiate a code addition to provide operating standards for mobile food vendors. Ms. Jigour stated currently mobile food vendors are regulated by other related city codes, however, she stated the codes are not specific to regulate mobile food vendors movement though out the city. Ms. Jigour stated if approved, the addition of the new code would increase compliance and code enforcement would become more efficient. Council Member Carrigan asked Ms. Jigour if the City of Sparks is going to coordinate this with Washoe County and the City of Reno and Ms. Jigour stated yes, that was the intent.

A motion was made by Council Member Smith, seconded by Council Member Ratti to approve a request to initiate a code addition operating standard for mobile food vendors in the Sparks Municipal Code, Title 20. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT.

6.6 PCN08022-Review with possible approval for the Sonoma Highlands final Handbook from Sonoma Highlands, LLC & Bluewater Interests, INC. on a

site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive (Time: 3:52:35 p.m.)

Chere' Jigour, Associate Planner, brought forth the item for approval for the final handbook for Sonoma Highlands, LLC. The final handbook approval is supported by the fact that the final handbook has not changed from the tentative and because of this, the project is in substantial conformance with Sparks Municipal code and staff is therefore recommending approval.

Council Member Schmitt asked for the final vote of the Regional Planning Governing Board and Ms. Jigour stated it was appealed to the Regional Planning Governing Board and the vote was unanimous and there has been no appeal since.

A motion was made by Council Member Schmitt, seconded by Council Member Smith to approve the Final Handbook (PCN08022) from Highlands, LLC & Bluewater Interests, INC. on a site approximately 694.85 acres in size generally located west of Pyramid Highway and south of Eagle Canyon Drive, based on the facts supported in the staff reports. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

7. <u>Public Hearings and Action Items Unrelated to Planning and Zoning</u>:

7.1 Second Reading and Public Hearing of Bill No. 2598, an Ordinance Amending Chapter 5.78 of the Sparks Municipal Code specifically amending the Booting Ordinance (Time: 3:54:20 p.m.)

City Attorney Chet Adams gave a brief overview on the item noting that this started in 2002 when many of the Sparks citizens were allegedly subjected to unethical booting practices. Mr. Adams stated in further research of this matter, he discovered that booting companies were unregulated in the State of Nevada and in the City of Sparks. Mr. Adams added in 2002 the booting ordinance was enacted and since then the City has had no complaints from Sparks' citizens about inappropriate booting practices. Mr. Adams noted that most recently a Booting Advisory Board was created and Mr. John London from this board approached Mr. Adams regarding the practicalities of the booting ordinance and how it impacts his inability to perform booting business in the City of Sparks. Mr. Adams noted due to the improper and illegal parking, a proposed amendment has been written to protect not only the citizens, but also to protect the businesses in town. Mr. Adams stated the property owners, as well as the businesses in Sparks also have a right to be protected. Therefore, Mr. Adams stated he worked with the booting industry to come up with the proposed amendments to the booting ordinance.

Council Member Carrigan asked for clarification on what is being changed in the ordinance, stating he has not received any complaints since the ordinance has been in effect. City Attorney Adams stated one of the primary features was the imposition of liability on the business owners who calls in the booting company. The ordinance requires that the owners be present when the booting company shows up and that the business owners assume liability for any damages caused to the vehicle while it is being booted, or during the interim between the time it was booted and when the booting company shows up. Mr. Adams stated essentially, if a vehicle that is incapacitated and subject to being broken into and the contents possibly burglarized, this ordinance limits the liability of the business owner on the individual who calls the booting company to come out and perform a service on the property. Mr. Adams stated the second major change of the amendment is the length of time it takes for the booting company to come to the

business to "unboot" the vehicle and extend that time out from half an hour to an hour. The reason for this, according to Mr. Adams is that often times the booting companies are located across town and this would allow them to get to Sparks. Mr. Adams stated those are the main changes that allow businesses in the community who have a valid need to utilize this service. Mr. Adams stated the booting company will take the liability instead of the business owners.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the Ordinance amending Chapter 5.78 of the Sparks Municipal Code specifically amending the Booting Ordinance. Mr. John R. London, representing the Reno/Sparks Booting Advisory Board, spoke in favor of the amendment. Mr. London briefly described the purpose of the board, stating methods of best practices designed to make sure the workers doing the booting are well trained and understand what they are doing. The board is also available to provide information to the public regarding booting. Mr. London stated since the formation of the board, they have seen a decrease in the complaints for the Reno area.

Council Member Schmitt stated that since 2002 he has not received even one phone call from businesses looking for a lower cost alternative to resolve their issues by the booting of vehicles. Council Member Schmitt stated he is skeptical and felt that the amendment is truly a merchant driven proposal to the City, more from the booting industry which he felt was looking to expand their businesses. Council Member Carrigan stated he agreed with Council Member Schmitt and that since 2002 he too has not received one complaint regarding the booting ordinance.

Mr. London stated there are only a few minor changes in the ordinance that would allow ethical businesses that qualify for the license to operate. Council Member Schmitt asked if the booting company would need a call from the business owner to boot a vehicle and Mr. London said no. Under the current ordinance and as it was proposed in 2002, a certificate signed by the owner of the property certifying that they are agents of the property would be required.

Council Member Smith asked if the city is licensing the property owners to run both the apartment building and the booting company and Mr. London said no. Council Member Smith asked if the property owners are making a profit from the booting and Mr. London stated no and that the booting companies do not pay them. He said that he would advocate that this be placed in the code showing that the property owners are not paid by the booting companies.

According to Mr. Adams, one of the major advantages this ordinance has is that before an individual can be booted, the booting companies marks the vehicle with the amber lights and they have to be parked no less than 20 feet away from the vehicle. Mr. Adams stated the Police Department is also notified of the booting that is to take place so that the Police Department can check to see if the vehicle is a stolen vehicle. Mr. Adams stated the ordinance would allow the owner of the vehicle to get their car within 20 minutes and the ordinance would prevent the booting companies from engaging in past practices of extorting money from these individuals as the fees are set forth in the booting ordinance.

There being no further comment, the public hearing was closed and brought back to the Council for action.

A motion was made by Council Member Smith, seconded by Council Member Ratti to approve Bill No. 2598, an ordinance amending Chapter 5.78 of the Sparks Municipal Code specifically amending the Booting Ordinance. Council Member Ratti, Smith, YES. Council Member Carrigan, NO. Council Member Schmitt, ABSTAIN. Council Member Salerno, ABSENT. Motion Failed.

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

9. Comments: (Time: 4:23:08 p.m.)
9.1 *From the Council and City Manager

Assistant City Manager Steve Driscoll announced the vacancies on the Boards and Commissions. Mr. Driscoll noted on December 31, 2008, there will be two expiring appointments on the Airport Noise Advisory Panel, one expiring appointment on the Sparks Advisory Committee for the Disabled, and two expiring appointments on the Sparks Planning Commission. Appointments to the Airport Noise Advisory Panel and the Sparks Advisory Committee for the Disabled are two year terms. Appointments to the Sparks Planning Commission are four year terms. Mr. Driscoll stated there is also a vacancy on the Community Services Agency Board of Directors for a two year term. Applications will be accepted until the close of business on Friday, December 19, 2008.

10. *Adjournment (Time: 4:24:29)
There being no further business, the meeting was adjourned at 4:45 p.m.

_____
Mayor

_____
City Clerk

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MINUTES OF THE SPECIAL CITY COUNCIL MEETING
3:00 P.M., Monday, December 15, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:01:16 p.m.)
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:01 p.m.

2. *Roll Call (Time: 3:01:21 p.m.)
Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Pledge of Allegiance (Time: 3:01:35 p.m.)
The Pledge of Allegiance was led by Council Member Phil Salerno.

***Comments from the Public** (Time: 3:02:01 p.m.)
Mr. David Farside commented about some statements made by Council Member Salerno about other Council Members meeting behind closed doors regarding his appointment to the RSCVA and thereby constituting a violation of the open meeting law. He requested that the Council or Mayor ask the State Attorney Generals Office to investigate whether or not there has been a violation of the open meeting law. Council Member Schmitt asked Mr. Farside for a date and time for this supposed illegal meeting. Mr. Farside responded that this information was not provided to him; however, he was not the one making the complaint; he was urging the Council to ask for an investigation in order to prove their innocence in this matter.

Mr. Dan Venters, representing the Operating Engineers No.3, submitted written comments and requested that they be placed in the meeting minutes verbatim. His letter has therefore been incorporated as follows, with no grammatical or spelling corrections made by the clerk:

> Honorable Mayor, City Council, City of Sparks Residents.
>
> My name is Dan Venters, representative for the employees in OE#3 Supervisory and Non-Supervisory bargaining units. We respectfully submit to your attention issues we believe should be investigated and discussed before layoffs of employees would start. Our membership during these economically challenging times would like consideration of this information:
>
> 1. Does a City of 90,000 people need two Assistant City Managers and is two Assistants normal on a national level for a City of this size?
>
> 2. An issue regarding 6.10 agenda item Resolution #3133, Section 10: Annual Leave and increasing annual leave accrual from 360 to 500 hours per employee. Without including the Mayor, City council or executive bargaining units, the potential cost to the City's budget for this item would be; estimating 110 employees eligible in these units at a minimum average salary range of $25.00 per hour times 140 hour increase per employee equals $385,000. Should the City add this potential cost to an already overburdened budget?
>
> 3. In regards to auto allowance paid to employees, the information received from Human Resources states there are 32 City employees receiving auto allowance of $183,191.58 per year.

The City currently has many vehicles owned or buying through a lease, due to previous retirement or layoffs. Could the City eliminate auto allowance, except for the minimum amount of employees needed for on-call or standby status? An added comment is this amount $183,191.58 is roughly 16% of the 1.12 million needed for cuts from the bargaining units.

4. Has the City factored into what is left of the FY 2009 budget, the huge decrease in gasoline costs? How, much money will this save the City?

5. Is the City of Sparks heavy on the mid-management or exempt level and up versus the non-exempt bargaining unit positions? In the City's organization chart for Parks and Recreation there are 10 exempt or higher employees versus 28 non-exempt employees on the chart but 2 of the exempt employees don't supervise or have any other employee reporting to them. These positions are Senior Administrative Analyst and Senior Parks Development Supervisor. Why? In the Community Development Department organization chart, the information provided by the City shows 17 exempt to 20 non-exempt employee. Doesn't this ratio seem disproportionate exempt to non-exempt?

6. We have been investigating the use of interest money the City earns on the large enterprise funds. We believe this interest money can be put into the general fund and possibly raise enough capital to eliminate the need for any layoffs. Unfortunately, this question was asked of the City management for negotiations in a November 14, 2008 fax and they have been unable to respond to our information request as of today.

7) OE#3 will keep moving forward with finding an alternative to layoffs and hope the Mayor and City Council also looks for an alternative.

Thank you,
Dan Venters
Business Representative
DLV/sdg

Approval of the Agenda (Time: 3:11:16 p.m.)
Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

Mayor Martini noted that items 5.5 and 5.7 would be pulled from the agenda.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the agenda as amended. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Recommendation to Approve Minutes of: (Time: 3:11:57 p.m.)
Regular Meeting of November 24, 2008

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the minutes of the Regular Meeting of November 24, 2008. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Presentation of the 2008 Sparks Heritage Museum Annual Report (Time: 3:12:55 p.m.)

Ms. Anthea Humphreys, Manager of the Sparks Heritage Museum, gave a presentation regarding the accomplishments and activities of the museum over the past year.

5. Consent Items: (Time: 3:08:21 p.m.)
Agenda Items 5.5 and 5.7 were pulled from the Agenda. Council Member Salerno noted that he does business with the new owners of the business in items 5.2 and 5.3 and therefore would be abstaining from the vote on these two items.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Consent Items 5.1, 5.4, 5.6 and 5.8. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve Consent Items 5.2 and 5.3. Council Members Ratti, Smith, Carrigan, Schmitt, YES. Council Member Salerno, ABSTAIN. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period November 6, 2008, through November 26, 2008

An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of an application for a Gaming license for United Coin Machine Company dba Baldini's Sports Casino, located at 865 Rock Blvd., Sparks, NV, submitted by Mr. Craig Scott Soper

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for a Gaming License for Baldini's Sports Casino. The license will provide a $69,600.00 annual fee for 580 upright slot machines (56 nickel, 9 dollar, 96 penny, and 419 multi-denominational) and $900.00 annually for a keno table; contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3 Consideration and possible approval of an application for a Cabaret license for Rock Casino Management, LLC dba Baldini's Sports Casino, located at 865 Rock Blvd., Sparks, NV, submitted by Mr. Craig Scott Soper

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for a Cabaret License for Baldini's Sports Casino. The license will provide a $1,300.00 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.

5.4 Consideration and possible approval of a business license penalty refund to B & G Somerset, LLC, in the amount of $963.50

An agenda item from Finance Director Tom Minton requesting the City Council accept the Finance Director's recommendation to refund penalty fees incurred when the license renewal was overlooked by the business owner, who was having financial difficulties.

5.5 Consideration and possible approval to purchase three shade structures for the Rock Park White Water Construction Project with Dave Bang Assoc.,

Inc. in the amount of $69,319.01

An agenda item from Operations Superintendent Brian Bessette recommending the City Council approve the purchase of three shade structures for Rock Park, associated with the White Water Project. The existing structure was removed to make way for upgrades to the river. The three new structures will be placed throughout the park and they are fully funded. Dave Bang Associates was the lowest informal quote for the purchase of these shade structures. ***This item was pulled from the agenda and not considered by the City Council at this meeting.***

5.6 Consideration and possible approval of Change Order #1 for final quantities on the Rock Park Whitewater Park Project, Contract number C-1081, with Reno Tahoe Construction in the amount of $82,008.21 for a final contract amount of $948,035.72

An agenda item from Andrew Hummel recommending the City Council approve Change Order No. 1, which includes the following: fence rental and upkeep-$4,532.50; additional excavation within the river corridor, additional bike trail grading and extension of the access ramps into the river-$46,431.08; grading of future round-a-bout area at the end of the parking lot, including removal of trees and shade structure-$31,044.63. Funds are available for this expense.

5.7 The consideration and possible approval of a Reversion to Acreage Map for property located at 1020 Pyramid Way for Holy Royal Martyrs of Russia Orthodox Church

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a reversion to acreage map to eliminate interior lot lines conflicting with an existing building located at 1020 Pyramid Way. The map has been checked and appropriate fees have been paid. ***This item was pulled from the agenda and not considered by the City Council at this meeting.***

5.8 Review and possible approval of an agreement regarding the transfer of three parcels in the Foothills at Wingfield Springs Planned Development to the City of Sparks to be developed as neighborhood parks

An agenda item from Parks and Recreation Director Stan Sherer recommending that the City Council approve an agreement to transfer three parcels of land to the City of Sparks in accordance with a Residential Construction Tax Reimbursement Agreement with the Foothills Planned Development at Wingfield springs for the eventual development of four neighborhood parks, utilizing the proceeds from RTC Impact Fees for construction costs. With the possible foreclosure of the property within the development eminent, the parties have agreed to protect the three remaining parcels dedicated for parks by transferring the ownership of the parcels to the City. There is no financial impact to this transfer.

6. <u>General Business</u>:

6.1 Consideration and possible approval of City Council 2008 appointments of Boards & Commissions (Time: 3:21:45 p.m.)

City Clerk Linda Patterson requested the Council ratify the 2008 City Council appointments to various boards and commissions as discussed at the December 1, 2008, City Council Retreat. She noted a change to the chart in the staff report which outlined the appointments, stating the Mr. Smith is not the alternate on the Western Regional Water Commission, but is actually a member of the commission, representing Sparks.

Council Member Ratti noted a correction to the appointment chart, stating that she was asked to serve as the alternate on the Flood Coordinating Committee.

City Manager Carey asked for clarification of the appointments to the Western Regional Water Committee. It was explained that Mayor Martini served on this board as the representative of the Truckee Meadows Water Reclamation Facility (TMWRF), Council Member Carrigan serviced on this board as the representative from the Truckee Meadows Water Authority (TMWA); and Council Member Smith served on this board as the representative for the City of Sparks. After a brief discussion, the consensus was that there are no alternates for this committee.

Council Member Schmitt made a motion to approve the list (of appointments) as submitted, with the only change being the alternate to the Western Regional Water Committee will actually be our representative (Ron Smith) and appointing Mr. Carrigan to the RSCVA Board of Directors.

Council Member Smith asked the City Attorney if this motion was allowed. Attorney Adams said that this was the same problem that occurred during the discussion at the December 1, 2008, City Council Retreat and at that time it was agreed to ask the Attorney General for an opinion on this issue. He said it was not necessary to further complicate the legalities of this issue by attempting to circumvent what we have already agreed to do. Therefore, before anyone new is appointed to the RSCVA, he asked that he be given an opportunity to receive the opinion from the Nevada Attorney General. Mr. Adams then stated that the Council could do what they wanted, but his advice was to wait for the requested opinion.

Council Member Schmitt said that if the Attorney General's Opinion comes back and the motion is different from the bi-laws of the City, would it make the motion null and void? Mr. Adams stated he is not prepared to answer that question right now; however, he did not see how a motion of the City Council and subsequent action could necessarily be made null and void simply because of an advisory opinion issued by the Nevada Attorney General's Office.

Mayor Martini asked for confirmation that it would be best to put the appointment to the RSCVA Board of Directors until we get an opinion. Mr. Adams responded that as the lawyer for the City Council that is what he would recommend.

Mayor Martini asked if there was a second to Council Member Schmitt's motion. Council Member Smith asked if this motion was being made for cause on the RSCVA. Council Member Schmitt said there is no cause. He said our past practice has always been that every two years every position (on each board and commission) is open to reappointment and he is not interested in deviating from past practice and policy. He said that the Council has always been fair and honest with all the boards and commissions that we sit on. He said Mr. Farside made it very clear that Resolution No. 2498 which the City Council passed in the late 90's, requires that a City Council Member representing the City on any board and commission should vote in the interests of the City. He commented that it is interesting that this resolution became necessary because the representative on the RSCVA at that time was not adhering to what the other Council Members wanted. He said his motion is to appoint all boards and commissions today and if there is a problem later on, we will deal with it then. Mr. Schmitt stated we have had

plenty of time to work on this issue and make a decision and it is time to move forward and do our jobs.

Council Member Salerno disagreed with Mr. Schmitt regarding reappointing the boards and commissions every two years, stating we just named a bus depot after former Council Member John Mayer, who sat on the RTC Board for 18 years, as the representative of Sparks. He said this was a personal issue for Mr. Schmitt and that in the past the Council Members have agreed with each other on the boards and commission appointments, but now it appears that there is a difference of opinion.

Council Member Smith seconded Council Member Schmitt's motion and Mayor Martini asked the Council Members to vote. City Attorney Adams stated he would like to go on record as advising against this course of action.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the list (of appointments) as submitted, with the only change being the alternate to the Western Regional Water Committee will actually be our representative (Ron Smith) and to appoint Council Member Mike Carrigan to the Reno Sparks Convention and Visitors Authority (RSCVA) Board of Directors. Council Members Smith, Carrigan, Schmitt, YES. Council Members Ratti, Salerno, NO. Motion carried.

Mayor Martini noted that he was considering using his veto power on this vote, but that he would be conferring with the City Attorney after the meeting before taking any action.

6.2 Consideration and possible approval for the Public Works and Parks Department to accept the donation of steel fabricated to construct two future shade structures at Golden Eagle Regional Park by Blue Mountain Steel, Carson City, Nevada (Time: 3:32:00 p.m.)

Capital Projects Manager Chris Cobb explained that Blue Mountain Steel fabricated the current shade structures at the regional park. At the same time they also fabricated two additional shade structures that were not included in the current contract, but were anticipated to be constructed on the site in the future. Blue Mountain Steel would now like to donate these fabricated steel parts to the City. The approximate monetary value of the parts is $9,000.

Mr. Cobb noted that the future shade structures will still require a considerable amount of work, including split face masonry and a concrete pad, however, this donation will get the Parks Department closer to being able to fund the construction of additional shade structures.

Mayor Martini asked when staff anticipated being able to use the donated steel. Mr. Cobb stated that Parks and Recreation Director Stan Sherer will program the construction of additional shade structures as funding sources and revenues allow and in the mean time we will be storing the fabricated steel at the barn near Shadow Mountain.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to accept the donation of fabricated steel from Blue Mountain Steel. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3 Presentation, discussion and possible direction or approval of federal, state, Nevada League of Cities and local legislative affairs issues (Time: 3:34:08 p.m.)

Government Affairs Manager Rob Joiner provided the monthly update on legislative issues, stating that our BDR (505) regarding the future use of room tax revenue was filed today by the LCB (Legislative Council Bureau). Our charter bill was submitted by Senator Washington.

Per direction from the Council, staff has had discussions regarding the STAR Bond legislation and we have been working with our Legislative Representatives on the tightening of that legislation.

A special session of the legislature was held last Monday. $344 million dollars was cut (from the budget) by the State. Ostensibly and directly we were not affected; however, indirectly, through the County, we were affected. John Slaughter gave a report on the six issues that affect the County (and our citizens as well): indigent funding for hospitals and medical care; low income housing trust fund; cuts to EDAWN and other economic development programs; excess reserves; pollution control funds; the local government investment pool.

We met with Senator Ensign regarding federal grant funding and staff will forward our list of priorities to our federal delegation next month.

He will be attending a meeting tomorrow on the issue of the sewer lateral locator services through the public utility commission.

Council Member Schmitt asked for clarification on the condition of the local government investment pool.

6.4 Presentation and possible acceptance of the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2007-2008 (Time: 3:38:45 p.m.)

Accounting Manager Jeff Cronk introduced Kristen Burgess and Dan Carter from the City's contracted auditors, Kafoury, Armstrong & Company and requested the Council accept the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2007-2008 and authorize the Finance Director to distribute the report to interested parties as required.

Mr. Carter and Ms. Burgess gave a presentation summarizing the results of the 2008 audit and responded to questions from Council.

Council Member Smith asked if the two deficiencies noted had been corrected. Mr. Cronk stated that one of the deficiencies was computer control and while we are working to convert to a new financial system, we are also looking at all the procedures and implementing the new standards so we won't have these deficiencies. The other deficiency mentioned was the audit adjustments and these will happen every year, as part of the nature of the auditing process.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2007-2008, as

presented and authorize the Finance Director to distribute the report to interested parties as required. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5 Consideration and possible adoption of the Sparks Earthquake Response Action Plan (SERAP) (Time: 3:47:44 p.m.)

Emergency Management Administrator Gary Dunn gave a summary of the staff report and recommended the City Council adopt the Sparks Earthquake Response Action Plan, as outlined. He noted that the City's current multi-hazard mitigation plan addresses earthquake damage potential, but it does not adequately provide specific response guidance in the event of a large scale earthquake. This action plan will provide specific departmental direction during the first 12 to 24 hours following a major earthquake. The plan will be used until the City's Emergency Operations Center is activated and staffed.

Mayor Martini asked what was considered a major earthquake. Mr. Dunn stated that the damage caused by a quake determined whether or not an earthquake was considered major. He said typically we start to see damage in the 5.0 range or above.

Council Member Smith asked if the private industry on this plan with regard to providing services that the City is unable to provide. Mr. Dunn stated the plan specifically addressed the first 12 to 24 hours and immediate evacuation and shelter. After that time, as a region we will work with private entities to provide the best assistance possible.

A motion was made by Council Member Ratti, seconded by Council Member Salerno, to adopt of the Sparks Earthquake Response Action Plan. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6 Consideration and possible direction to initiate a Regional Plan amendment to amend the Regional Utility Corridor Report (RUCR), a component of the Truckee Meadows Regional Plan (Time: 3:51:46 p.m.)

Senior Planner Jim Rundle asked the Council for direction to move forward with a joint Reno, Sparks and Washoe County amendment to the Regional Utility Corridor Report (RUCR) to provide consistency between entity interpretations and to provide reasonable and appropriate implementation policies for utility corridors. Mr. Rundle stated that this document is holding up development in Sparks and we have had several master plan amendments tabled at the Regional Planning Commission because of their interpretation of the RUCR. He noted that Regional Planning believes Sparks has already constructed projects that are out of conformance with the Regional Plan and this document. He said part of the problem is the different interpretations of the document between the three entities.

Council Member Schmitt stated his concern was that this amendment would expand another role of government that will have a say as to what we can do. He said he felt it would be better to remove the RUCR from the Regional Plan all together.

Council Member Carrigan asked if this pertained to the right-of-way for utility corridors. Mr. Rundle stated that yes, it did. Mr. Carrigan stated he agreed that we should just get rid of the

RUCR. Mr. Rundle said that may be the way it works out after the three jurisdictions analyze the pros and cons of amendments versus just doing away with the document.

Council Member Ratti stated that we often get criticized for not planning in advance--locations of roads, schools, etc.--so there is some value in having utility corridors laid out in advance on a regional basis.

Mr. Rundle emphasized that the right-of-way requirements have to be analyzed because it eventually becomes a "taking" issue--if Regional Planning says you can't build here, then they need to be ready to buy the property, which means the City of Sparks would be buying the right-of-way.

Mayor Martini commented that we need to either get it out of the regional plan or fix it.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to direct staff to prepare amendments to the Regional Utility Corridor Report as part of the Truckee Meadows Regional Plan amendment. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7 Consideration and possible approval of Impact Fee Credit Agreement #22 (Kiley, L. David and David A., $57,662.88 for sanitary sewer credits) (Time: 4:02:59 p.m.)

Deputy Director for Community Development John Martini noted that the northwest sewer interceptor was constructed in connection with the Kiley Ranch Phase III and Phase IV developments and the applicants are now requesting impact fee credits for the project. This agreement will issue $57,662.88 in credits for Impact Fee Credit Area #1.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to approve Impact Fee Credit Agreement #22, as outlined. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.8 Consideration and possible approval of a request for variance to Sparks Municipal Code, Title 15 (Sections 15.11.0310-15.11.0350, Floodways) by Coney Island Partners, LLC for Development within the Regulatory Flood Way (Time: 4:04:26 p.m.)

Deputy Director for Community Development John Martini noted that the applicant is requesting a variance to allow for construction of a loading dock addition on an existing building located at 245 Coney Island Drive. Mr. Martini displayed a map and noted that the property is located adjacent to and within the FEMA regulatory floodway and, as such, any development activity requires a variance to the Sparks Municipal Code, Title 15. The Engineering Division of the Community Development Department has reviewed the site plan and the associated technical documents in support of the project and is of the opinion that the development activity will have no adverse impact to the FEMA regulatory floodway.

Mr. Martini pointed out that normally when a variance request comes before the City Council, it includes an evacuation plan; however, because this is a fixed structure and no outdoor storage is involved, an evacuation plan is not required.

A motion was made by Council Member Ratti, seconded by Council Member Salerno, to approve a request for variance to Sparks Municipal Code, Title 15 (Sections 15.11.0310-15.11.0350, Floodways) by Coney Island Partners, LLC, for Development within the Regulatory Flood Way. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.9 Consideration and possible approval of Resolution No. 3132, designating certain employees as Executive; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 4:08:22 p.m.)

Human Resources Manager Chris Syverson noted that these changes were made per the discussion of the City Council in June 2008, where staff was instructed to bring the employee resolutions back for Council approval after meeting with the employees involved in each resolution. She provided a summary of the changes to the Executive Employee resolution, as listed in the staff report and responded to questions and concerns from Council Members.

Ms. Syverson stated it was her understanding that the City Council had received communication from an employee regarding salary changes within this resolution. She assured the Council that there are no salary changes contained in this resolution.

Council Member Schmitt stated that he exchanges several e-mails with employees regarding the resolution and he wanted to make it clear to those employees and the public that this resolution was held off for six months by the City Council, because we thought there would be "a light at the end of the tunnel" by January 1st; however, it turned out to be a freight train and not a light. He said that these resolutions give the executive employees the opportunity to reduce their salaries and it also allows them to take two weeks off, non-paid, if they choose to do so, as well as clean up language regarding health benefits. Ms. Syverson also noted that the special pay considerations do allow for an employee to come up with alternative pay options, such as foregoing a bonus, or something else that may come up, so it is not just a direct pay cut.

Council Member Schmitt said that this resolution, and the ones following it, were at the request of the City Council that staff come forward with these options--that the Council is asking all the bargaining groups, including the executive employees, that if they wanted to ask for a pay reduction, they could--and this language needed to be inserted in order for them to be able to make that request. Ms. Syverson clarified that the language provides that someone, on an individual basis, could request a reduction in their pay, but this is not an overall, all or none language that was discussed by the Council. Council Member Schmitt said this provides options, which is what the Council was asking for.

Council Member Carrigan asked which of these four resolutions provides for an increase in accumulated annual leave. Ms. Syverson stated it is in the Management and Deputy Police Chief

resolutions. Mr. Carrigan asked for confirmation that there is no maximum accumulated annual leave for the executive group. Ms. Syverson confirmed that there was not.

Council Member Smith asked if the City employees come under FMLA and if so, couldn't they take unpaid leave if they wanted to. Ms. Syverson said this would allow someone to take leave for non-medical or non-family reasons, but to just take two weeks off to reduce expenses for the City.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve Resolution No. 3132 for Executive employees. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.10 Consideration and possible approval of Resolution No. 3133, designating certain employees as Management, Professional and Technical; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 4:13:03 p.m.)

Human Resources Director Chris Syverson provided a summary of the changes to the Management, Professional and Technical Employee resolution and noted that she met with the mid-management staff, as a group, and a lot of options were discussed. However, because of the current financial situation, a lot of the options they would like to see included in the resolution are simply not viable at this time. She said the resolution contains the same language in voluntary pay considerations and voluntary time off. The resolution also proposes to increase the maximum annual accrual from 360 hours to 500 hours and to incorporate a sick-leave bank provision. Some of our employee contracts include sick-leave banks that allow employees to donate hours to a bank so that other employees who might need additional sick leave can apply to use sick leave from the bank.

Council Member Carrigan asked if the annual leave was divided into 8-hour days and if a person retired, then the City paid them for the amount of accumulated annual leave, so the change would mean if they would be paid for an additional 20 days. Ms. Syverson confirmed that was correct. She noted that the annual leave is a use it or loose it once an employee accumulates the maximum amount of annual leave accrual, which right now is 360 hours.

Council Member Smith asked if this additional annual leave accrual would be considered a benefit. Ms. Syverson said that yes, it is a benefit; however, the resolution does not change the rate at which they accrue those hours--it is just a pay it now (when the employee uses annual leave rather than loose it) or pay it later (when the employee retires or waits until the City is in better financial condition to use vacation time). Mr. Smith asked how long it would take an employee to earn the additional hours. Ms. Syverson stated she did not know the exact numbers, but at approximately 5.5 hours of annual accrued every two weeks, it would take a while for an employee to accrue 500 hours.

Council Member Ratti asked if there was a provision in the resolution for an employee to be able to "cash out" some of their annual leave. Ms. Syverson said they can "cash out" their

accumulated sick leave, but not annual leave. Ms. Ratti asked if these changes were a concession to this group in anticipation of the 4% pay cut discussions. Ms. Syverson stated this was a consideration before the 4% pay cut discussions occurred. She said these changes came about in June, when the group got together to discuss changing their benefit structure and what they would like to see in their resolution; however, most of those items had costs attached to them. Therefore, staff looked at changes that could be offered that were not expensive to the current budget.

Council Member Ratti asked for confirmation that the figure brought up under public comment about this additional annual leave accrual costing the City $385,000 is not likely to happen in this fiscal year. Ms. Syverson confirmed that this is not likely to happen this fiscal year because the most anyone has right now is 360 hours so it would take them a while to get to the 500 hours. However, we need to keep in mind that every employee can take all their annual leave every year and they would not loose any. This is the pay now or pay later issue. Ms. Ratti asked for confirmation that there is no additional cost to the City until they take annual time. Ms. Syverson stated the only cost is to the employee if they reach the maximum accrual and are unable to take annual leave (too busy or whatever)--then they would loose that time.

A discussion ensued regarding why employees would accrue 360 hours and how many employees were currently at the accrual limit and loosing annual leave. Ms. Syverson stated an employee would not take annual usually because of their workload; however, if an employee does request annual, every effort is made to accommodate them. She said she did not know exactly how many employees were at the accrual limit, but that we did have employees at that level.

A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve Resolution No. 3133 for Management, Professional and Technical employees. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.11 Consideration and possible approval of Resolution No. 3134, designating certain employees as Confidential; providing salaries for employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 4:21:57 p.m.)

Human Resources Director Chris Syverson provided a summary of the changes to the Confidential employee's resolution and noted that this is a very small group of employees and normally their benefits are patterned after the Operating Engineers benefits. Because the Operating Engineers are still in active labor negotiations, we are moving this resolution forward with no changes until such time as the contract negotiations are resolved.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Resolution No. 3134 for Confidential employees. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.12 Consideration and possible approval of Resolution No. 3135, designating certain employees as Deputy Chief of Police; providing salaries for

employees in these positions; providing benefits for these employees and providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 4:23:41 p.m.)

Human Resources Director Chris Syverson provided a summary of the changes to the Deputy Chief of Police resolution, stating this resolution has more changes than the other resolutions. She said the last amendment to this resolution took out the language that designated this position as "at will" and with no civil service protection. When this was done in the past, we allowed the grandfathering rule to go through and didn't remove the civil service protection until such time as that employee vacated the position. Therefore we would like to replace this language into the resolution for the current employee. The special pay considerations, voluntary time off, and annual leave maximum are also changed. The level of sick leave conversion eligibility for this position has also been changed to more closely match the provisions in the police labor contracts.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve Resolution No. 3135 for Deputy Chief of Police employees. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.13 Possible motion to adjourn to a Closed Door Session to review labor issues (Closed per NRS 288.220) (Time: 4:25:41 p.m.)

City Manager Carey requested that the Council make a motion to adjourn to a closed session in the Lobby conference room to review labor issues after the conclusion of the Redevelopment Agency Meeting. He noted that the Council would not be taking action at this session; however, staff would like the opportunity to update the Council on the status of current negotiations.

Council Member Ratti stated said she had some questions regarding some issues that were brought up during public comment and she did not want to bring them up under a specific resolution. She asked if this was the time to discuss her questions. Mr. Carey responded that the resolutions that were just approved are not subject to closed door labor session, so any questions regarding public comment could be made during comments from the Council.

Mayor Martini noted he would come back to this item for a motion after hearing item 8.1.

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

7.1 Public Hearing, consideration, possible discussion and potential approval of the FY 2008-2009 Community Development Block Grant (CDBG) Action Plan Amendment (Time: 4:27:56 p.m.)

Grants Administrator Tracy Wheeler explained that this amendment specifically addresses a change in geographic location for the pedestrian improvements and further clarifies the allocation of the funding provided to non-profits for public service activities via the Washoe County Human Services Consortium. She noted that the pedestrian improvement project was originally a project along Prater Way--we were going to leverage our CDBG dollars and State dollars; however, it has come to our attention there is a lag time until the State dollars come in. To make sure that we are spending our money in the appropriate amount of time, the City has drafted an amendment in which we will utilize those dollars in another area of the City and use funding next year for the Prater Way project.

The new project is located just west of the old Shopko building. There is substantial deterioration of the sidewalks and accessibility is limited. We are going to put ADA accessible push buttons and audible crossing signals. We are also going to do some sidewalk rehabilitation in the area just east of Rock Boulevard and south of McCarran Boulevard.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed amendment. There being no comment, the public hearing was closed.

Council Member Smith asked if we put hearing impaired crossing signals in all of our new signals. Public Works Director Wayne Seidel stated we have been upgrading signals at arterial intersections, but they are not standard.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve to approve the FY 2008/2009 Community Development Block Gran Action Plan amendment as presented by staff. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8. <u>Planning and Zoning Public Hearings and Action Items</u>:

8.1 Public Hearing, 2nd Reading, consideration and possible approval of Bill No. 2599, Regional Road Impact Fees; An ordinance amending chapter 12.44 of the Sparks Municipal Code by amending provisions relating to the Regional Road Impact Fee by incorporating a reference to the Regional Road Impact Fee System General Administrative Manual and incorporating and adopting changes to the Regional Road Impact Fee Capital Improvement plan approved by the Regional Transportation Commission on May 16, 2008; and providing for other matters properly related thereto (Time: 4:32:34 p.m.)

Deputy Director of Community Development John Martini stated this ordinance will update the Regional Road Impact Fee program. He noted we did a 50% increase in fees last November, but there was concern regarding the originally proposed 200% increase. It was agreed by the RTC Board at that time to increase the fees by 50% and then work with the development community to continue to increase the fees to where they needed to be. The decision of the Regional Road Impact Fee Technical Advisory Committee was to take the remainder of the fee increase and phase it in over the next five years. This ordinance provides for the phasing of the increase.

Mr. Martini stated that Section 12.44.030 will adopt, by ordinance the changes in the General Administrative Manual. These are clean up and clarification items. Section 12.44.040 will adopt the Regional Road Impact Fee Program CIP (Capital Improvement Projects). The CIP is basically the same as it was last year; however the tables change in the CIP for the Regional Road Impact Fee step increases. Section 12.44.060 actually adopts the impact fees.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed ordinance. There being no comment, the public hearing was closed.

Council Member Schmitt asked if our Transit Oriented Development corridors were covered in the new RTC fees. Mr. Martini said we just now starting to focus on the approach we will take on the transit oriented corridors, but there are still some issues to be worked out. A discussion

ensued regarding the issues of public transportation and transit oriented development.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to approve Bill No. 2599 (Ordinance No. 2418). Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 4:40:37 p.m.)

Council Member Carrigan stated that if Mr. Salerno felt that the Council violated the open meeting laws with their discussion and vote regarding the appointment to the RSCVA, then he should file a complaint with the Ethics Commission. If not, then he should apologize to the other Council Members for his earlier comments in the newspaper.

Council Member Schmitt thanked all the workers who helped make the Christmas parade a success.

Council Member Ratti asked for advice on how to answer questions from the public regarding whether the City of Sparks is "top heavy" and has too many managers, etc. City Manager Carey responded that the City budget includes organizational charts and the outcomes we are seeking for the citizens for all of our services. He said we evaluate our management structure on an annual basis and in the particular cases mentioned under public comment, he would need an opportunity to review the concerns and provide a written reply to Mr. Venter. Mr. Carey emphasized that our organization is shrinking and we have 107 fewer employees than we had in the past and a lot of our managers are now performing double duty.

6.13 Possible motion to adjourn to a Closed Door Session (Continued) (Time: 4:45:08 p.m.)

Mayor Martini requested a motion to adjourn to a closed door session after the Redevelopment Agency Meeting.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to adjourn to a closed door session after the Redevelopment Agency Meeting. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

10. *Adjournment (Time: 4:45:41 p.m.)

There being no further business, the meeting was adjourned at 4:45 p.m.

_____
Mayor

_____
City Clerk

>>>

MAYOR
Geno Martini

CITY COUNCIL
Julia Ratti, Ward I
Phillip Salerno, Ward II
Ron Smith, Ward III
Mike Carrigan, Ward IV
Ron Schmitt, Ward V

CITY ATTORNEY
Chet Adams

TRANSPORTATION WORKSHOP AGENDA

1:00 P.M., Wednesday, December 17, 2008

City Hall Training Room

431 Prater Way, Sparks, Nevada

The Sparks City Council will be conducting a Transportation Workshop at which a quorum of the Council may be present. Action may be taken on all items not marked with an asterisk. The Sparks City Hall Training Room is accessible to the handicapped.

***1. *Call to Order**
The Transportation Workshop of the Sparks City Council was called to order by Mayor Geno Martini at 1:00 p.m.

2. *Roll Call

Present: Mayor Geno, Martini, Council Members Julia Ratti, City Clerk David Fitzpatrick, City Manager Shaun Carey

Absent: Council Members Phil Salerno, Mike Carrigan and Ron Schmitt.

Staff: Tom Recco, RTC Planning; Derek Morse, RTC; Christina Shugamaga, NDOT;; Jon Ericson, City of Sparks; Doug Maloy, RTC; Garth Oksol, RTC; Tracy Larkin, RTC; Marc De La Torre; Chris Cobb, City of Sparks; Brent Quilici, City of Sparks; Pete Etchart, City of Sparks; Ken Cooper, NDOT, Mike Biselli, City of Sparks, Tracy Larkin, NDOT.

As there was not a quorum at this meeting, no action was taken.

Comments from the Public
There were no comments from the public.

1. Consideration and possible approval of the Fiscal Year 2009-2010 Transportation Systems, Pavement Management Program Projects

2. Presentation on I-80 Capacity Improvement Projects
Ken Cooper discussed the advancing of improvements on the I-80 corridor in Sparks, utilizing discretionary monies from the 2008 Appropriations Act. NDOT is looking at doing auxiliary lanes from Scheel's area westbound to McCarran to help traffic flow, gives extra width and functions better during peak times. The auxiliary lane project would cost $6 million for plant mix, $11 million for concrete, which is pretty substantial. Meetings will continue with Sparks staff to see

where the best use of monies can be planned.

3. Presentation on NDOT SEP-15 application to auction the right to construct enhancements within federal-aid roadway interchanges

Christina Shugamaga presented SEP-15 application to auction the right to construct enhancements along I-80 (Washoe County) and I-15 (Clark County) to provide commercial advertisements to fund enhancements. A conceptual approval has been received from the Federal Highway Administration and NDOT is currently writing a early development agreement to outline the guidelines (interchanges, prescriptions, safety requirements, etc.). The benefit of this program is to provide revenues from private agencies and to pay for design and maintenance of the improvements to enhance interchanges. There is a need to balance NDOT needs with private needs. In order for this program to move forward, there must be changes to the legislative language, primarily the advertising in right-of-ways.

4. Presentation on RTC 2 and RTC 5 Ballot Questions

Derek Morse reviewed RTC 2 failed to pass in November with the voters. There are not sufficient funds to maintain the current levels of transit service. RTC has been working on this issue for two years. There are currently a record number of transit riders, however, 70% of what pays for transit is sales tax and that has declined rapidly in the past year. RTC has frozen hiring (down 7% below authorized positions), cut overtime, travel and training, postponed/cancelled capital projects. These measures have saved $2.2 million in the past year and cut about 9% of existing transit service in the past twelve months. Despite these efforts, the economic situation continues to deteriorate and based upon the projections of 11% drop, RTC is projecting a $4.7 million transit revenue shortfall in 2010. To address this shortfall, RTC will hold workshops to recommend options

Continued hiring freeze and moratorium on overtime
Elimination of all performance and longevity bonuses
Eliminate merit pay increases
Service reductions (Sierra Spirit Service & RTC intercity service) in March 2009
6.6% reduction in RTC Ride Service
Reduction in ADA Access and raise fares to $4 per trip (currently at $1.75 per trip)
Increase fares from $3.50 to $8.00 per trip, with expectation of depressed demand by 20%
Flex $1 million from capital sales tax

If there are more reductions in sales tax, more cuts will be proposed. There may be stimulus monies which may be used for operations.

In 2002, the WC-2 enacted a 1/8 of a cent sales tax, NRS 377A, which allows it to be used for public transportation or roads. The RTC Board by policy dedicated half of it to public transportation and half to preventative maintenance programs (fund slurry seal). The recommendation to the Board is to take 25% of the maintenance funds and use for transit, with the caveat that it will be paid back when the economy begins to recover.

RTC believes the reduction in revenue and rejection of RTC 2 by the voters is due to the economy and not a lack of community support for transit options. To create Transit Oriented Districts, we need to be able to point to high quality transit service and a commitment to transit service on behalf of the community and permanence. In the long term, this won't terribly undermine the

ability of our community to establish TOD corridors.

RTC-5 was approved by 55% of the vote in November. It was an advisory question and there is still a great deal of work to be done on this issue. There will be a workshop with the Board to outline the things to be done to seek certain authorities to move forward because there needs to be a fast track. The focus now is the three areas: legislation, bonding and project implementation. The overriding goal is to stimulate the local economy, putting people back to work while building infrastructure of lasting value for the community. These are things that have always been identified as needs and now we have the chance to move forward and put people back to work.

RTC must get enabling legislation and need to get in and out fast because this will waste half of the 2009 construction season. The plan is to assist the Legislative Counsel Bureau and they offered that if John Swenseid is used, this will be acceptable. The goal is to get this approved during the first week and finished by mid-March. There must also be implementing legislation by the Washoe County Commission and those ordinances are already being drafted. At the same time, RTC will propose a bonding program of $200+ million with their Board to move projects forward in the first three years of the projects. $80 million of additional work will be done in the first three years utilizing bond proceeds before moving to a pay-as-we-go revenue scenario. One other thing that RTC would like to do is to issue within the community micro-bonds in denominations as low as $1,000 and elaborate local money investment within our own community.

The projects that RTC will be working to accelerate need two points: (1) are they currently recognized priorities established through current processes and (2) are they projects that can be moved on quickly? Derek distributed a three year list of priority projects which will be presented to the RTC Board at their next meeting.

Council Member Ratti voiced her support for flexing the maximum dollars to maintain the transit services to assist the community with transportation.

Pete Etchart noted that WC-2 was passed to preserve our roadways and if we now take the W-2 funds and flex it to support transit, when the voters voted down RTC 2, and our political bodies say we are going to support transit anyway, it sends a message to voters that we don't care what they say at the polls.

Mayor Martini stated that he understands the need to support the transit for many people in the community. Based upon what has taken place economically, Derek Morse stated that we have lost twenty years of progress in transit in this community – back to service levels of twenty years ago. It is hard to get the ridership back.

5. Presentation on Significant Regional Road Projects (Vista Widening; SE Connector; Pyramid/McCarran Intersection; Pyramid Freeway)

Doug Maloy, Project Manager for the Vista Widening project, noted that they are currently about 5 months into the design of this project, which includes adding two lanes, sidewalks, bike trail facilities from Los Altos Parkway to Wingfield Park (segment that is currently two lanes). This project will probably be accelerated. There currently is no construction money ($45 million) and is programmed in the first bond project. If there were money today, this project would be started immediately for the next construction season.

Garth Oksol, Project Manager for the SE Connector, reported that there is now a plan for starting a permitting process with the Corps. of Engineers (2 years). RTC will be running parallel project permitting process for various projects to try and fast track this project. There is currently programming funds for permitting this project in the first year, and constructed within three years.

Stan Gibson, Project Manager for the Pyramid/McCarran intersection, reported that this project is currently in the environmental impact statement process now and the other item on the list is the southbound right turn lane on the Pyramid Highway, which emerged as this intersection project emerged. There are as many as 70 houses and 40 commercial properties to be acquired to complete this project. One of the big conflicts associated with this is that all of the concepts for long term and short term projects redirects traffic for left turns redirects traffic onto Emerson and has the Village Green residents are opposed to.

Rob Joiner discussed the federal aspects of the Pyramid Freeway/McCarran ring project, which Sparks City Council took action at the December 8th and 15th meetings.

6. Presentation on GREEN Transportation Alternatives

Chris Louis, RTC Sr. Traffic Engineer, provided a brief presentation on the GREEN Transportation Alternatives (bike paths, pedestrian, etc.). The 20/40 RTP has policies and plans for pedestrian, bike paths and roundabouts to create safer facilities for more GREEN alternatives. The Regional Impact Fees help fund these facilities and can even include a bike/pet path. The GREEN ride provides for carpool options. Bike lanes are provided on every new road, but the core of the communities are not defined as well.

We need to identify what feasibility exists (i.e. remove on-street parking or road widening) to allow the streets to accommodate bike paths safely. It is not feasible to have a bike lane on every street. Sparks already has all bike facilities mapped. We have all of the bike routes and paths on the regional roadways and identified all of the regional trails. Our plan is to finish the existing map by June 2009 and begin the planning stage for upgrades.

7. Presentation on NDOT Stewardship/Enhancement and Aesthetics Projects

Pete Etchart, Sparks City Engineer provided an update to West Victorian Avenue from 21st Street to Rock Blvd. which completes from El Rancho to Pyramid Way. Also completed this year is the Pyramid/McCarran sidewalk between (Pyramid) Richards/Roberta on the east side and (McCarran) from East Prater to Baring on the east side. Completion of these projects gets us caught up with NDOT Stewardship Enhancement projects. NDOT will be completing the Roberta sidewalk north during the widening project next summer (2009). Future projects will be completing the north side of Prater Way – View Street to 22nd Street ($1.3 million).

The Aesthetics program will be the next phase southeast corner of Pyramid/Nugget. The agreement will be brought to Council in January 2009.

8. Presentation on Proposed Modification to the Street Cut Repair Program

Chris Cobb provided information on the proposed modifications to the Street Cut Program, which was last updated in 1999. It operates as an enterprise fund. Everything is based upon PCI now. Our patching program needs to mirror the PCI for fees. The Pavement Quality Team is working at

new applications of pavement cut patching and raise fees in line with Washoe County fees.
Plans are to have this to City Council by February 2009 to increase fees. Application fees do not cover the costs of this service.

9. Presentation on Street Light Budget Reduction Action Plan

Pete Etchart, Sparks City Engineer, reviewed the current steps to implement the Street Light Budget Reduction Action Plan

1. Turn off street lights in developments where there are no homes built
2. Eliminate redundant street lights
3. Utilize time clocks on the city owned street lights to reduce operating hours
4. Eliminate lighting on arterial roadways except at intersections
5. Eliminate mid-block street lights in residential areas
6. Work with Community Development to work on new street light standards
7. Initiate the LED street light conversion
   - Pilot program at Vista Blvd/Wingfield Hill Drive at the end of January 2009 and then we will analyze energy savings (60% expected savings)

10. Presentation on Status of NDOT Road Transfers to City of Sparks

Wayne Seidel, Public Works Director, referenced a memo from Dave Vill, which outlines a 90-120 day timeframe for Sparks Blvd. transferred to the city. Resolutions will be brought forward to City Council for acceptance of seven road transfers. Future roads to be transferred include Glendale, Victorian Avenue, Nugget Avenue and Oddie Blvd. There will be funding transferred with the roadway (3 years of average maintenance).

11. Presentation on City of Sparks Public Infrastructure-Stimulus Package

Everyone received a copy of the Infrastructure-Stimulus package from the Conference of Mayors. Pete Etchart advised that capitalization of staff in the road fund will be included in the Capital Investment Program.

12. *Comments from the City Manager and City Council

City Manager Shaun Carey reported that Wayne Seidel and Shirle Eiting testified at the Legislative Subcommittee that has oversight for rule making and the Legislature did strike down rules that were set on laterals. He also reported that the Mayor did veto the Boards and Commissions agenda item, which takes us back in time to prior Boards and Commissions. On January 29th the Council will be reconsidering this issue.

Pete Etchart commended Maintenance crews in the recent snow event. Maintenance Manager Mike Biselli gave a brief overview of the new pooled staffing to cover maintenance incidents. Projects are prioritized and all staff can be used to complete the project without overtime. Washoe County brought equipment to remove asphalt and RTC is allowing the city to use their snow plows, so regional cooperation has stepped up.

13. *Adjournment at 4:15 pm.

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SPECIAL CITY COUNCIL MEETING AGENDA
8:00 A.M., Monday, December 29, 2008
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 8:00:05 a.m.)
The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 8:00:05 a.m.

2. *Roll Call (Time: 8:00:06 a.m.)
Mayor Geno, Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Pledge of Allegiance (Time: 8:00:30 a.m.)
The Pledge of Allegiance was led by Council Member Schmitt.

***Comments from the Public** (Time: 8:00:58 a.m.)
There were no comments from the public.

Approval of the Agenda (Time: 8:01:23 a.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 Ratti, to approve the agenda as outlined. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Recommendation to Approve Minutes of:
None

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

5. Consent Items: (Time: 8:01:55 a.m.)

5.1 Consideration and possible approval of an application for an Alcoholic Beverage Package license for CVS Pharmacy, LLC, dba CVS/Pharmacy #4691, located at 5151 Sparks Blvd., Sparks, NV, submitted by Mr. Merle Edward Thompson

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for an Alcoholic Beverage Package license for CVS Pharmacy, LLC, dba CVS/Pharmacy #4691, located at 5151 Sparks Blvd. Mr. Merle Edward Thompson has been the store manager of CVS Pharmacy, LLC,# 4691 since June 2006. 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.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Consent Item 5.1. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. General Business:

6.1 Consideration and possible override of the Mayor's veto of Agenda Item 6.1 from the December 15, 2008, Special City Council Meeting (Time: 8:02:43 a.m.)

Mayor Martini asked the City Attorney if there was any discussion needed for this item. The City Attorney responded that this item requires a four-fifths vote to pass the override.

A motion was made by Council Member Salerno, seconded by Council Member Ratti, to NOT override the Mayor's veto of agenda item 6.1 from the December 15, 2008, Special City Council Meeting. Council Members Ratti, Salerno, Smith, YES. Council Members Carrigan, Schmitt, ABSTAINED. Motion Failed.

The City Attorney noted that this was a motion made in the negative, to an agenda item made in the positive, but it was effectively a denial of the override of the veto.

6.2 Consideration and possible approval of City Council 2008 appointments of Boards & Commissions (Time: 8:04:24 a.m.)

On December 15, 2008, the Council voted to approve the City Council 2008 appointments of the Boards and Commissions amending to remove Council Member Phil Salerno from the RSCVA and to appoint Council Member Mike Carrigan to the RSCVA. Mayor Martini initiated a veto to this vote and stated the appointment was not properly agenized and arguably violated Nevada's Open Meeting Law.

Council Member Schmitt noted that on December 15, 2008, the Council approved a motion to approve the Redevelopment Chairman and Vice Chairman. The Redevelopment Agency also approved these appointments. Council Member Schmitt asked City Attorney Adams, "Based upon the motions that were taken and the NRS statutes, what actions did the Council take on the appointments and what are the length of each terms of the boards and commissions?"

City Attorney Adams stated that on December 1st, 2008, the Council requested that he look specifically into the RSCVA position and he advised the City Council that he would request an opinion from the Nevada Attorney General and that the Council had not asked about the remaining boards and commissions in relation to the terms of appointments.

Mr. Adams stated that, if the terms on the boards and commissions are set forth by NRS, he believes the NRS will prevail.

Council Member Carrigan questioned whether the appointments that are co-terminous with the terms of office should be reappointed when these new terms take effect.

City Attorney Adams stated that co-terminous means that the term lasts as long as the term of office that is held. If a council member is up for re-election, and he/she is re-elected, Mr. Adams stated the board that the council member served on would then have expired. Mr. Adams stated that if a council member wishes to continue serving on that particular board, he/she would then need to be reappointed for another co-terminous term. However, Mr. Adams stated that if a council member wishes to give up that board, if it is within two years of being elected, he/she is free to do so.

Mayor Martini stated that he feels that is why this process was reviewed every two years-to give a council member the opportunity to step down from an appointment if they wished to do so.

Council Member Ratti suggested that for expediency sake, perhaps the boards and commission appointments should be done on an individual basis, since each board has its own unique rules and not as a blanket appointment. Council Member Ratti suggested that there be temporary appointments made so that the community would have representation on the various boards and commissions.

Mayor Martini also suggested that 30/45-day temporary appointments be made to allow the city time to receive the opinion from the Attorney General's office. Council Member Salerno pointed out that the only board that is contentious is the Reno Sparks Convention and Visitors Authority (RSCVA) and that no one, including himself, has contested the other boards that have co-terminous terms.

Council Member Schmitt stated that he thinks the 30/45-day appointment is a great solution, but that the two-year solution to follow our practice and procedures, as in last eight years, is a great solution, too. Out of the forty or fifty boards and commissions, there are fifteen that are co-terminus. He noted that the City Council is in this confusion because in 2006 they were not told about co-terminus appointment rules and appointments were made based upon limited understanding. Now this one issue (RSCVA) has been multiplied by fifteen because each one of these co-terminus boards can be contested in two years.

City Attorney Adams stated that the terms are set out in the document that the City Clerk just handed out. There are several positions that have "no term" information at all. He stated that any of the City Council members appointed to a board/commission today, their term would coincide with what the Clerk has handed out. The problem that the Council is facing is that they want to reappoint boards and commissions every two years. Many statutes, Senate Bills and Assembly Bills provide a three year term and provide for co-terminus terms, which, depending on when the council member is appointed, could be either two years or four years. Therefore, the City Attorney suggested that the Council go through each and every board and commission today and make a decision as to who will be appointed and set forth that appointment in the minutes today, either two years or three years or co-terminus. Whether the Council can set a co-terminus appointment on a regional board as a two year term is what the City Attorney is requesting clarification on from the Nevada Attorney General. He gave the example that if Council member Carrigan is appointed to a board that is co-terminus, he has two years remaining in his term, by operation of law his re-appointment to that board would last two years.

He further stated that co-terminus does not mean four years; co-terminus simply means the amount of time that a council member has remaining on their term. He further explained that contrary to that, if Council woman Ratti is appointed to a board that is co-terminus, her term would be four years and if that term is established by NRS, he stated that he suspects that if she has an interest and right to serve on that board for four years. He added that the City Council may remove individuals from boards if they do it appropriately, based upon the rules.

Using his own council career as an example, Mr. Carrigan noted that he was elected to the Regional Planning Governing Board (RPGB) two years ago. Because the City Council has looked at boards and commissions every two years ago, although the RPGB is a three (3) year term, it is not necessary for Mr. Carrigan to be reappointed to the RPGB. He is already appointed for another year. There are many boards and commissions that don't need reappointments, because some have been here for two years. The only council member who hasn't is Council woman Ratti.

City Attorney Adams stated that he asks the Council to take his suggestion and take each one of the boards and commissions on an individual basis and then the Clerk can record the date of the appointment and the date of expiration of that appointment. The Council practice of reappointing every two years obviously conflicts with what the terms are, especially those that are governed by the Nevada Revised Statutes. He stated that he does not know what impact that things like the Interim Assembly Bill 2730 – those seem tenuous, but by doing this every two years, it has created a lot of confusion.

Council Member Schmitt stated, "Two weeks ago, the Redevelopment Board as well as the Council made a decision. We elected a chair and vice chair and today that sitting chair and vice chair don't know if they are elected for two years or elected for four years." He stated that he believes as governing boards, the intention was two years, but the statute could say that they are to be there for four years and in 2010 this process will repeat itself.

Council Member Salerno stated that the reason we need to vote on all the boards and commissions is that everyone, other than himself (Salerno), changed committees. Ron Smith took RTC, Julia Ratti took Board of Health, so those all need to be reconfirmed, because they aren't holding the same seats. The only one in contention is the RSCVA, and the term-there's never been a problem with terms on this Council. Mr. Salerno stated that when he was Mayor Pro tempore, somebody said they would like to be mayor pro temp, after one year, he stepped down to give the other member the opportunity to serve in that capacity. Unfortunately, at this time Mr. Salerno stated he wants to fulfill his term on the RSCVA. He suggested that the Council move forward with the appointments and when the ruling is received from the Attorney General, the co-terminus boards can be brought back for reconsideration.

After further discussion, Council Member Carrigan made a motion to appoint Julia Ratti to all of the boards & commissions that she has on her list for 60 day period and let the City Attorney take a look at if we need to re-elect the rest of the City Council to some of the boards. In other words, some of them ended in two years, some in three years. We need to sort that out.

Councilman Smith stated that he would second the motion, adding that the problem is co-terminus has never been enforced. It was all voluntary if you wanted to get off or stay on. We do have one

that is contentious right now – the RSCVA. We do need to decide whether we are going to enforce these or look at them every two years and if someone wants to get off or on a board we can look at that as we've done in the past. He seconded the motion.

City Attorney Adams asked for clarification of what the City Council is asking him to sort out.

Council Member Carrigan, using his appointment to the Regional Planning Governing Board as an example, stated that he does not need to be reappointed to that term for he was appointed two years ago and it is a three year term. The Truckee Meadows Water Authority goes with his term, so he is appointed to that until 2010. Mr. Carrigan stated he would like to know what the Council will be voting on. He stated that he would amend his motion that the City Clerk needs to look at the terms of each board and when they need to be re-elected. Councilman Smith gave a second to the amendment of the motion.

Mr. Carey asked for clarification of the motion.

Councilman Carrigan stated, "To elect Julia to all the boards and commissions that we discussed on December 1st for a sixty (60) day period, because something should come back from the Attorney General by then, and for the City Clerk to take a look and see individually if we need to reappoint any of the rest of the Council, because some of us are at mid term, some at the end of their terms and amended his motion to include the appointment of Ron Smith to the Regional Transportation Commission. Councilman Smith seconded the motion.

Councilwoman Ratti voiced concern over the domino effect of some of these boards. RTC is one of them, but so is the Washoe County HOME Consortium and this is an important committee that is doing its work right now in terms of dividing up the money and Ron Schmitt was intending to take that over, but if this isn't approved in this time frame, there's an issue. All of the boards that John Mayer was appointed to are left vacant and the others that were changing, it becomes problematic. She suggested that the Council either do all of the appointments as they had originally been nominated, except for the RSCVA for 30 days, which takes care of everything except for the RSCVA, or take the time to go through them at this meeting, one by one.

Councilman Smith stated that this is getting confusing and if the Council does a 60 day extension, is that when the term will start? He withdrew his second to Mr. Carrigan's motion and asked that someone make a motion to do all the boards and commissions on a temporary basis for at least 30 days and revisit it then.

Councilman Schmitt made a motion to do temporary assignments for 30 days for all the boards and commissions as outlined at the December 1st meeting. Councilman Salerno noted that since the Mayor's veto was upheld, that he will remain seated on the RSCVA, as there is a meeting next week. Council Member Ratti seconded the motion.

Councilman Carrigan asked what the ramifications will be in 30 days.

Council Member Ratti stated that the Council is requesting that the City Clerk look at these boards and commissions and give a status report on each board so there is no need to take time in a public

meeting to go through this again and in another Council agendized item, the City Council can go through each one by one and decide if a new vote is needed or it that appointment continues to be valid. She also requested that if someone is voluntarily stepping down from a board and a new person is being appointed, are they appointed to fulfill the rest of the old term or to a new term.

Councilman Carrigan stated that if it is the rules that some of the boards are co-terminus, he would like to see that changed as it is unfair to new Council members coming in. Councilman Schmitt discussed Council rules and how not following them creates issues.

Council member Ratti stated that the question that we are waiting for an answer from the Attorney General about is, do city rules trump NRS? She also stated that she agrees with Councilman Schmitt that we haven't been following the rules and, the rules will either be our rules (Sparks City Council) or NRS Statute or something provided in the bill that established the board.

Mayor Martini called for a vote for the motion to do temporary assignments for 30 days for all the boards and commissions as outlined at the December 1st meeting. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

7.1 Public Hearing, consideration and possible City Council consent for the Redevelopment Agency to enter into the Arena Property Purchase and Sale Agreement for $2,973,000 and the Non-Arena Property and Improvements Purchase and Sale Agreement for $6,277,000 (Time: 3:21:45 p.m.)

Rob Ryan outlined the need for City Council consent to enter into a purchase and sale agreement for the arena property and the non-arena property agreement. He noted that the amended Disposition and Development Financial Agreement (DDFA) for the Legends project provided for a tax increment bond issue to support the project this year. Through Section 6.05 of the DDFA the Agency is committed to purchase the arena site and other improvements equaling the $9.25 million yield of the tax increment bond issue.

The arena site has been appraised for $2,973,000. Under NRS 279.486, the Council must make certain findings in consent of these transactions before the Redevelopment Agency can enter into these agreements. The required findings are that the building facilities or other improvements are of benefit to the Redevelopment area and that no other reasonable means of financing this transaction is available.

In reaching the finding of the benefit, the Council must also consider whether it will create new business, create new jobs, increase local revenues, increase levels of human activity, require the use of qualified and trained labor, and demonstrate greater social or financial benefit to the community than a similar set of buildings, facilities, structures or other improvements not paid for by the Agency. The Council must also consider opinions of persons who reside in the Redevelopment area, which is the purpose of the public hearing today. Staff recommended that the Council consent to the Agency entering into these two agreements.

Councilman Carrigan stated for the record the tax increment financing provides these two properties for the $9.25 million.

Council Member Schmitt thanked staff for the work on this and reiterated that this is part of all of the DDFA done a year ago. Mr. Ryan agreed that this is what the City Council agreed to in the DDFA so this is the actual mechanism to implement that provision of the DDFA. Councilman Schmitt asked what would we do with the property if there are road blocks to the building? Mr. Carey advised that at this time, the developer would purse the development of the arena, but if this is not attainable, they would pursue additional retail/entertainment.

Mayor Martini opened the public hearing and noted that there were no citizens wishing to speak to this item. He closed the public hearing and brought it back to the City Council for action.

Councilman Smith made a motion to approve the arena property purchase and sale agreement, the easement agreement and the non-arena purchase and sale agreement as presented by staff and based upon the information in the staff report and discussed at the meeting with regard to the purchase and sale agreements, to find that such acquisition benefits the Redevelopment area as contemplated by NRS 279.486 and no other reasonable means of financing land and building is available. The motion was seconded by Council Member Salerno. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8. <u>Planning and Zoning Public Hearings and Action Items</u>:
None

9. <u>Comments</u>:
9.1 *From the Council and City Manager (Time: 4:40:37 p.m.)

Council Member Schmitt thanked Mike Biselli and the Public Works employees for their work during the snow storms. He noted that they saved $24,000 in overtime for snow removal by doing shift changes.

Councilman Carrigan thanked the Fire Department for their work at a fire at his friend's house. They saved the house.

10. *Adjournment (Time: 4:45:41 p.m.)
There being no further business, the meeting was adjourned at 8:54 a.m.

_____
Mayor

_____
City Clerk

>>>

REGULAR MEETING OF THE SPARKS CITY COUNCIL
January 14, 2008 3:00 p.m.

1. Call to Order

Time: 3:03:35 p.m.

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:03 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Roll Call

Time: 3:03:52 p.m.

Mayor Pro tem John Mayer, City Clerk Linda Patterson, Council Members Philip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, Acting City Attorney Tom Riley, PRESENT. Mayor Geno Martini, present at 3:30 p.m. City Attorney Chet Adams, ABSENT.

Staff Present: Steve Driscoll, Traci Domingues, Gary Hutchinson, Joann Meacham, John Dotson, Chris Syverson, Bill Finley, Bob King, Pete Litano, Marc De la Torre, Mike Biselli, Danny Hamlin, Aaron Armstrong, Wayne Seidel, Randall Gray, Randy Mellinger, Jeff Cronk, Rob Joiner, Shawn Gooch, Tom Minton, Margaret Powell, Stacy Hemmerling and David Fitzpatrick.

Invocation and Pledge of Allegiance

Time: 3:04:10 p.m.

The invocation was given by Pastor Ron Arnold of Our Savior Lutheran Church and the Pledge of Allegiance was led by Council Member Phillip Salerno.

Comments from the Public

Time: 3:05:55 p.m.

None.

Approval of the Agenda

Time: 3:09:37 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 Smith, seconded by Council Member Schmitt, to approve the agenda as posted. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

*This item was approved out of order.

3. Approval of the Minutes

Time: 3:06:08 p.m.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the minutes of the Regular Meeting of December 10, 2007, and the Special Meeting of December 17, 2007. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Proclamation – National Blood Donor Month	Time: 3:06:46 p.m. Mayor Pro tem Mayer read a proclamation naming January 2008 as National Blood Donor Month in recognition of those who donate for others in need. He encouraged residents in good health to donate regularly. The proclamation as accepted by Mr. Steve Thomas from United Blood Services.
4.2 Appreciation Plaque – for Sparks Fire Department Trading Cards	Time: 3:10:10 p.m. Assistant Fire Marshall Pete Litano presented a plaque to Mr. Vaughn Hartung of Hartung & Dickman Studios, who took personnel photos and edited all photos for the Sparks Fire Department's 2007 edition trading cards. Marshall Litano stated this is the fourth edition of trading cards for the Sparks Fire Department. He said the past three editions were done at a significant cost and Mr. Hartung donated his time and talents and saved the City thousands of dollars.
5. Consent Items:	Time: 3:13:08 p.m. A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.7. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.
5.1 Report of Claims and Bills	An agenda item from Finance Director Tom Minton recommending approval of the Report of Claims and Bills approved for payment and the Appropriation Transfers made since the last regular Council Meeting for the period covering November 29, 2007 through December 26, 2007.
5.2 On Premises Alcohol Beverage License for Min Tan Corporation, dba Ijji Sushi Located at 685 E. Prater Way, Suite 101	An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Jingxian Jia, 1106 Ivy Court, Reno, NV 89511, for a On Premises Alcoholic Beverage License for Min Tan Corporation, doing business as Ijji Shushi, located at 685 E. Prater Way, Suite 101. This will be Ms. Jia's 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.
5.3 Acceptance of Sanofi Pasteur Group Donation to the Sparks Police Department	An agenda item from Police Chief John Dotson recommending the City Council accept a donation of $2,000 to the Sparks Police Department from the Sanofi Pasteur Group. There are no restrictions on the donation and the Police Department will utilize the funds for general purposes yet to be determined.

5.4
Aacceptance of Donation from Join Together Northern Nevada to the Sparks Police Department

An agenda item from Police Chief John Dotson recommending the City Council accept a donation of $1,200 to the Sparks Police Department from Join Together Northern Nevada. The Sparks Police Department, along with other local law enforcement agencies, assisted the Join Together Northern Nevada (JTNN) in identifying intervening variables present in the Truckee Meadows that contribute to underage drinking traffic fatalities. The information collected will allow JTNN to choose and fund prevention programs to address and reduce those fatalities. For participating in this information collection phase of the program, JTNN has donated $1,200 to the Sparks Police Department for their assistance. There are no restrictions on the donation and the Police Department will utilize the funds for general purposes yet to be determined.

5.5
Approval to Contract the Services of Wastewater Solids Management Company

An agenda item from Public Works Director Wayne Seidel recommending the City Council grant approval to contract the services of Wastewater Solids Management Company to pump, screen out debris, and dewater bio-solids from digester #5 at the Truckee Meadows Water Reclamation Facility for the quoted amount of $80,690. Digester #5 had a mechanical failure, the edge of the metal dome split apart. In order to repair the dome, the residual bio-solids must be removed and dewatered. Once the bio-solids are dewatered, then they are hauled off to the landfill.

5.6
Contract for Construction of the Horseman's Park Sweeper Pad Upgrades Project

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a contract with Mike's Trenching in the amount of $45,751 for construction of the horseman's Park Sweeper Pad Upgrades Project. The City currently uses Horseman's Park as a sweeper dump and wash area. The runoff water is currently allowed to either infiltrate or run off site. Due to environmental concerns, there is a need to install sand/oil interceptors and re-route the excess water to the existing sewer line. This project was informally quoted to install a new collection pad and two sand/oil interceptors. Mike's Trenching was the low contractor of the four requested to submit quotes.

5.7
Authorize Fire Department to Pursue a Fire Prevention and Safety Grant Through the Federal 2007 Fire Act Grant Process

An agenda item from Fire Marshal Robert King recommending the City Council authorize the Fire Department to pursue a Fire Prevention and Safety Grant through the federal 2007 Fire Act Grant process. This grant process is highly competitive, merit-based program that requires winning agencies to provide a 20% match. Applicants may submit only one application, but may include up to three separate projects. Sparks Fire Department is requesting funds in two project categories: Smoke-alarm installation and; public education campaigns.

6. General Business:

6.1
Acceptance of a Grant from the E.L. Cord Foundation to Sparks Police Department

Time: 3:13:44 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept a grant from the E.L. Cord Foundation in the amount of $10,000 to the Sparks Police Department. The E.L. Cord Foundation has made an unsolicited grant donation to the Sparks Police Department to be used toward the most pressing needs of the Department, which have not yet been determined.

Chief Dotson noted that the funds have been earmarked for general purposes, but some of the funds will provide the final amount of funding needed to complete the Sparks Police tribute statute that will be placed in Sparks Memorial Park this spring.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to accept the grant from the E.L. Cord Foundation in the amount of $10,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2
Acceptance of a Grant from the Helen Close Foundation for the Purchase of a 2007 Dodge Avenger Police Volunteer Vehicle

Time: 3:15:40 p.m.

An agenda item from Police Chief John Dotson recommending the City Council accept a grant from the Helen Close Foundation in the amount of $26,000 to the Sparks Police Department for the purchase of a 2007 Dodge Avenger vehicle for the Volunteers Assisting Sparks Community Program (VASC). VASC is a community based program that encompasses the recruitment, training and supervision of citizen volunteers as participants in a proactive, citywide crime prevention program. The fiscal impact to the City is anticipated to be $1,987.99, which includes maintenance and repair, depreciation and fuel costs for the vehicle.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to accept the grant from the Helen Close Foundation in the amount of $26,000. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3
Acceptance of a Sponsorship from Western Village for the 9th Annual Sparks Turkey Trot Fun Run/Walk Event

Time: 3:17:28 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council accept a $1,000 sponsorship from Western Village for the 9th Annual Sparks Turkey Trot Fun Run/Walk event. As with all special events, the Turkey Trot receives donations and sponsorship funding each year to assist with the event production costs. Sponsors and donors are recognized for their generosity. This year the event drew 1,600 participants. In-kind contributors include: Alice Radio - advertising and live, on-site promotions and the Reno-Gazette Journal - advertising and race bags.

Recreation Superintendent Tracy Domingues stated that Western Village has been a great annual supporter of our Turkey Trot event. She noted that a few years ago their donation was used to help purchase a costume for the event's turkey mascot.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to accept a $1,000 sponsorship from Western Village for the 9th Annual Sparks Turkey Trot Fun Run/Walk event. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4
Acceptance of a Sponsorship from The Mobile Team for the 2007 Mobile Team Sierra to Surf Youth Music Challenge

Time: 3:18:51 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council accept a $7,500 sponsorship from The Mobile Team for the 2007 Mobile Team Sierra to Surf Youth Music Challenge event. October 13th was the 2007 Mobile Team Sierra to Surf Youth Music Challenge. As with all special events, this event receives donations and sponsorship funding each year to assist with the production costs and sponsors and donors are recognized for their generosity.

Recreation Superintendent Tracy Domingues said this event was previously our Applause Youth Music Awards and is now called the Sierra to Surf Youth Music Challenge. She stated invitations to the event have been expanded to include Northern California and all of Nevada in hopes of bringing a more competitive spirit to the event. She said that, as with all our events on Victorian Avenue, we cannot make these events happen without partnerships and sponsorships and she publically thanked The Mobile Team for their title sponsorship of this event.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept a $7,500 sponsorship from The Mobile Team for the 2007 Mobile Team Sierra to Surf Youth Music Challenge event. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5
Approval to Modify the Agreement for Sale of Treated Effluent with Kiley Ranch Communities

Time: 3:20:19 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a modification to the Agreement for Sale of Treated Effluent with Kiley Ranch Communities for landscape irrigation of Kiley Ranch Communities , Phase I, to increase annual demand from 46.40 acre-feet to 79.55 acre feet. The estimated increase to Kiley Ranch's annual effluent use fee is $10,369.88, bringing the total estimated revenues to the Sewer Utility fund to $37,888.70.

Mr. Seidel acknowledged that in the suggested motion he had the wrong company listed; it says Rialto, LLC and it should say Kiley Ranch Communities.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve the modification to the Agreement for Sale of Treated Effluent with Kiley Ranch Communities for landscape irrigation. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6
Agreement for Sale of Treated Effluent with TEC Equipment, Inc., for Landscape Irrigation of 1955 E. Greg Street

Time: 3:21:26 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve an Agreement for Sale of Treated Effluent with TEC Equipment for landscape irrigation of 1955 E. Greg Street. The City of Sparks' effluent pipeline system is located in proximity to this business, which desires to irrigate landscaping with effluent. Effluent is available to provide service. Revenues to the Sewer Utility fund are estimated to be $1,091 per year. The agreement specifies a 20-year term; however, it will terminate prior to that time if the city adopts an effluent water re-use utility ordinance.

Mr. Seidel acknowledged that in the suggested motion he had the wrong company listed; it says Rialto, LLC and it should say TEC Equipment.

Mayor Pro tem Mayer asked if we were soliciting businesses or if the businesses come to us. Mr. Seidel replied that they come to us. He explained that typically when the developers contact the Truckee Meadows Water Authority (TMWA) for their water needs, TMWA asks them to contact the City of Sparks to see if effluent is available for landscape irrigation. He said if the effluent pipeline is close to the development, then we proceed with agreements to provide effluent water.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the agreement with TEC Equipment for landscape irrigation. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7
Resolution No. 3080, a Resolution Repealing and Re-Enacting Resolution No. 3072 and Directing the City's Engineer to Prepare Preliminary Plans, Cost

Time: 3:22:51 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3080, a resolution repealing and reenacting Resolution No. 3072 and directing the City's engineer to prepare preliminary plans, cost estimates and related items to finance the cost of an undertaking for a tax increment area formed pursuant to Nevada Revised Statutes 278C. The City received a request from Kiley Ranch Communities to order

Estimates for a Tax Increment Area

an undertaking pursuant to NRS 278C and to finance the costs of such undertaking with securities payable from tax increment revenues. Since the adoption of the Preliminary Plans Resolution, the property to be included in the tax increment area to be formed has changed. With the change of the property included in the Preliminary Plans Resolution, in order to continue the project, it is necessary to repeal the Resolution (3072) in its entirety and re-enact it in its entirety, as stated in this Resolution (3080).

Mr. Scott Shaver from the law firm of Swenseid and Stern stated they are acting as bond counsel in this matter and he was present to answer any questions.

Council Member Salerno asked about the time frame for this tax increment area to be enacted. Mr. Shaver responded that the next step in this process is a provisional order hearing on February 11, 2008. After that the introduction of the ordinance creating the tax increment area will be made and at a later meeting the second reading and final adoption of that ordinance will be made. He said later this year a bond ordinance will be brought forward to authorize issuance of bonds to finance the project.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Resolution No. 3080. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.8

Time: 3:24:54 p.m.

Resolution No. 3083 Provisionally Ordering an Undertaking for a Tax Increment Area in the Kiley Ranch Area

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3083, a resolution provisionally ordering an undertaking for a Tax Increment Area formed pursuant to Nevada Revised Statutes Chapter 278C in the Kiley Ranch area; setting a time and place for a hearing on the undertaking; approving the form of a formation agreement related to the Tax Increment Area; and providing other matters related thereto. The City received a request from Kiley Ranch Communities to order an undertaking pursuant to NRS 278C and to finance the costs of such undertaking with securities payable from tax increment revenues. Since the adoption of the Preliminary Plans Resolution, the property to be included in the tax increment area to be formed has changed. Prior to hearing this item, the Council repealed and reenacted Resolution 3072, instructing the City's engineer to prepare preliminary plans, cost estimates and related items to finance the cost of the undertaking. The City's engineer has prepared the preliminary plans, cost estimates and related items to finance the cost of an undertaking and they are on file with the City Clerk. The Council must first approve the preliminary plans, cost estimates and related items to finance the undertaking and then

adopt the resolution provisionally ordering the formation of the Tax Increment Area, set a time and place for a hearing on the undertaking and approve the form of a formation agreement related to the tax increment area.

Mr. Scott Shaver from the law firm of Swenseid and Stern stated they are acting as bond counsel in this matter and he was present to answer any questions. He stated this is a resolution provisionally ordering the undertaking for the Kiley Ranch Tax Increment Area and ordering a provisional order hearing to be set on February 11, 2008, before this Council.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve Resolution No. 3083. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.9
Presentation Regarding the Sewer Rate Study

Time: 3:26:15 p.m.

An agenda item from Public Works Director Wayne Seidel and Utility Manager JoAnn Meacham recommending the City Council hear a presentation and provide direction to staff regarding the sewer rate study, including: sanitary, storm and effluent water reuse connection fees and user rates; and environmental control permit fees.

Utility Manager JoAnn Meacham gave a power point presentation on the results of the sewer rate study. She said staff is requesting feedback from Council regarding the development of rates and provisions that will be brought back to the Council in the form of an ordinance.

She said that at the outset of the study they put together a sewer user group and began a lengthy and extensive public outreach program. She said they convened a group of businesses and residents who pay sewer rates and every decision made throughout the study was presented to this group for feedback to help guide the rates. She noted that the anticipated date for the new rates to become effective is April 1, 2008.

Ms. Meacham stated that they also put together a financial policy review team made up of City of Sparks employees to formulate policy decision and fiscal management of the Sewer Enterprise Fund. She said they found that the Enterprise Fund is in good shape, due mainly to past administration of this fund. She noted that the Sparks Municipal Code provides a complete update of all provisions within the Sewer Enterprise Fund every five years and this is why we are going through this process.

She reviewed the goals of the rate study and discussed reinvestment into the sewer system. She said we first began building sewer and drain facilities in 1905 and 50% of both sewer and drain facilities are more than 40 years old. It is time now to go back into those older areas [of Sparks]; assess the condition of those sewers and drains; and begin to invest money in replacement and repair of those facilities to prevent sanitary sewer overflows and flooding.

Ms. Meacham stated the expected life span of a sewer or a drain facility is about 50 years and the goal is to rehabilitate 2% of the system per year. She said at today's costs, the revenue target would be about $10 million per year; however, under this rate study, by the end of the fifth year the revenue would only be $5 million. She said we would get halfway to our target of rebuilding 2% per year under this plan.

Ms. Meacham stated the study asks the Council to consider six areas for rate increases. The first area is the monthly and quarterly sewer rates for residential and commercial customers. Ms. Meacham reviewed the proposed rate increases in this category and noted that even with the recommended rate increase, Sparks' rates would still be lower than those charged by the City of Reno and Washoe County. She said the commercial customers are charged on a consumption basis of dollars per 1,000 gallons of water used and our rates are also lower than what Reno and Washoe County charge.

Ms. Meacham noted that the new recommended rate of $5.41/1,000 gallons for commercial customers would fund a $100 million bonding schedule for protecting the community from a 1997 flood like event. These dollars would be reserved for river flooding projects and the first project to be funded would be the North Truckee Drain Realignment. She said the feasibility study for this project is being finalized this month and the design for the project is scheduled to be completed by the end of 2008. She noted that the feasibility and design are in the current Council approved Capital Improvement Program; however, to start construction, this revenue stream would have to be in place. Otherwise that project would have to wait until a source of revenue is available.

Council Member Smith asked if all the options listed in the staff report provide for all four of the criteria in the study. Ms. Meacham responded that options 1 and 2 cover all four criteria, but options 3 and 4 do not provide funds for a flood protection project.

Council Member Salerno asked if the rate increases would allow us to start replacing the older sewer systems. Ms. Meacham confirmed that with this plan, in five years we would have $5 million per year to rebuild older systems. She emphasized that this $5 million would

allow us to rebuild only 1% of our system, but in order to keep up with needed maintenance, we should actually rebuild 2% of the system per year. She said this rate increase will allow us to phase in a reinvestment component into the sewer rates and in five years, we can target $10 million per year in a new rate study.

Council Member Salerno asked where the money comes from if we have a problem with an older sewer system. Ms. Meacham answered that dollars have been budgeted within the Sewer Enterprise Fund for when a system fails and must be fixed. She emphasized that this reinvestment component will allow us to be proactive and rebuild the systems in older neighborhoods before they fail.

Council Member Smith asked if the charges for sewer rehabilitation were included in the total sewer rate. Ms. Meacham said yes, it was. Mr. Smith requested that be listed as a separate line item on the bill so the customers could see that it is not an increase in the sewer rate but that it was actually for the flood project. He also asked Ms. Meacham to explain what the flood project was.

Ms. Meacham stated the Truckee River Flood Management Project is a partnership which includes Reno, Sparks, Washoe County and the Corps of Engineers. The goal of this regional project is to protect the entire community from a flood like the one which occurred in 1997. She said the project is currently estimated to cost $800 million and a successful partnership with the Corps of Engineers will result in a 50% match in federal funds, which leaves $400 million for the local share. She said we currently have a 1/8th cent sales tax in Washoe County that was enacted after the 1997 flood. This 1/8th cent sales tax will fund up to $100 million, leaving a $3 million short fall. She explained that adding a fee in the sewer fund will help fund the project and get us closer to protecting our community and more specifically the Sparks industrial area by realigning the North Truckee Drain. She said that the North Truckee Drain is only one project of over 40 separate and distinct elements that compose the $800 million project. She noted Washoe County is currently going through an engineering study that will include an analysis of benefits that will allocate each jurisdictions fair share of the $300 million shortfall. She said an additional outcome of that study will be to help each jurisdiction determine appropriate revenue streams to fund the project. Some of the options being discussed in the study are: flood districts for the entire County; special assessment districts; and a County utility district, among others. She said this flood fee on the sewer bill will first fund the North Truckee Drain project and then reserve the rest of the funds for the City's contribution to the regional flood project.

Council Member Carrigan said it was important for the rate payers to understand that they are paying for the flood project in addition to their sanitary sewer and storm drain. He said he would like to see this new fee separated from the regular sewer/storm drain fee, because the sewer fees are not being increased that much.

Council Member Smith said the citizens will pay this flood control fee one way or another and including this in the utility fund puts Sparks in control of what they are charged, instead of letting the County set the rates. Ms. Meacham stated this was correct; it will put us in the position of owning the facility, managing the project, and building it in a timely manner. She said if we don't have this fee, the project will be put on hold until either the County or the federal government produces a revenue stream.

Council Member Smith pointed out that including the flood control fee in with the sewer fees makes the increase appear to be much larger, and he would also like to see the flood control fee come back as a separate bill.

Council Member Mayer led a discussion regarding the mechanics of assessing the older sewer/storm drain systems and the logistics of repairing a failing system.

In response to concerns, Ms. Meacham assured the Council that the rate increase does not affect the sewer rebate program for qualified applicants.

Mayor Martini asked when we would do the construction on the North Truckee Drain realignment, if the flood fee is approved. Ms. Meacham responded that having the flood fee in place will allow us to go into construction immediately after the design is completed at the end of this year. She also clarified that she did not expect reimbursement from the Corps of Engineers for this project, because the local shortfall is $300 million and this would be part of that shortfall.

Mayor Martini commented that if we are going to do the flood project, the citizens of Sparks are going to have to pay, at some point, and if we do it this way, we will have control of the money to do what we want on this project. He said if we get the $400 million from Congress, it will be $40 or $50 million per year for 10 years. He said there would probably be another flood in the industrial area during this time, if we don't get proactive and get some of the work done.

Council Member Carrigan said he would like to see the sewer fees and the flood fees come back as separate items. He said he would

also like to see Option 4 used to initiate the sewer increases, because it means smaller increases over a longer period of time. A discussion ensued regarding which option would provide the most revenue over the shortest period of time. Ms. Meacham clarified that Option 4 and Option 1 are essentially the same option for the sewer and drain rate. The difference between the two is that Option 1 contains the funding for the river flood protection projects. Mr. Carrigan said he wanted to see the flood fees come forward; but he also wanted to have the sewer/drain fees as a separate vote from the flood fees.

A discussion was held regarding whether it would be best to have two separate ordinances for the flood fees and the sewer/drain fees or to have them together in one ordinance, but separate them as line items on the sewer bill. City Attorney Riley stated that legally it did not make any difference whether they were in one ordinance or two. It was clarified that the Council wanted to have the option to vote for either the sewer/drain fee increase or the flood fees, or both, or none and if they were in the same ordinance, it might fail because some of the Council Members didn't want to vote for both.

Mr. Schmitt said that separating the two fees was about more than who wanted to vote for what; it was to let people know what was going on. He said the agenda item did not indicate that the new fees included a flood control project and he felt it was vital that the public was educated about the flood control fee versus the sewer/storm drain fee and what they are paying for.

Mayor Martini noted that the Citizen's Advisory Committee recommended that the sewer increase be done as a one-time 12.95% increase all at once, plus they were not in favor of the flood control fee. Ms. Meacham stated it wasn't that they were not in favor of the flood control project, but they were not sure that this was the right bill and the right time to initiate a fee for pay for it.

Ms. Meacham discussed Option 3 in the staff report, stating that the flood protection fee is not included in this option. She said this option provides a one-time increase to provide system reinvestment and would provide $5 million each year. She said that the only difference between Option 3 and Option 4 is that Option 4 spreads the fee increase for system reinvestment over a five year period. Option 3 gives us more money, sooner, for system reinvestment in the older parts of town; however, neither option would allow us to build the North Truckee Drain realignment.

Mayor Martini said if we voted for option 1, less the flood project money, and then vote on the money for the flood project, would this be what staff is recommending. Ms. Meacham said this would be

acceptable.

Mayor Martini noted that he had a request for public comment on this item.

Mr. Mike Dillon, representing the Builders Association of Northern Nevada, thanked the staff for their presentation on the fees that affect the development community. He said the alternative they support is the phase-in method, going from 20 years to 5 years. They felt that this timing would be sufficient for the approval and completion of projects.

Ms. Meacham stated that on the sanitary/storm connection fees, staff is recommending a phased-in option. However, staff is recommending eliminating the 20-year financing option for the effluent connection fees and going with either a no financing option or a two or three year financing option. She said this recommendation was made based on their meeting with the Builder's Association, who indicated a desire to have a financing option.

Mr. Dillon stated the Builders Association would support a five-year financing option.

Mayor Martini closed the floor to public comment and turned the meeting back to Council for action.

City Manager Shaun Carey clarified that staff is looking for direction from the Council in six areas. He said the discussion focused on the actual rate, but with the indulgence of the Council, he would like Ms. Meacham to review the six aspects which staff is looking for direction on, so the Council has an opportunity to consider all those areas.

Ms. Meacham stated that the next area for consideration is connection fees for the sewer/drain component. Staff's recommended option would be to phase in the connection fee increase over five years rather than having a large one-time increase. She stated that after 2010, staff is proposing to bench-mark the connection fee increase to an Engineering News and Record Construction Cost Index. She said the index component would be put into the municipal code and once a year the fees would be adjusted to that index. She said another important aspect of the connection fees is that the Option 1 and Option 2 rates also include a connection component. She said part of the $100 million revenue stream for a river protection project would be included in the connection fee, rather than the sewer rate (about $200). She stated that if the Council selected rate Options 1 or 2, it would add a $200

in a one-time jump to the connection fee.

Moving on to the Effluent User Rates, Ms. Meacham stated that staff is proposing that the commodity charge stay the same. She stated the rate was set about five years ago, at a time when we actually had no customers on the system. The rate was based upon a regional comparison and estimates of what it would cost to maintain the system. Now that we have actual operating costs, we have found that the rates were set correctly the first time. Therefore, staff is proposing no change to the monthly meter fee or the monthly commodity fee. However, staff is recommending an increase in the connection fee for the effluent system.

Ms. Meacham explained that when a development is built, the developer has to make a decision on whether they are going to use potable water or effluent water for outdoor irrigation. Using today's rates, the developer pays about 5% (for effluent water) of what they would pay TMWA for potable water. She said the reason TMWA charges so much for potable water is because the developer has to provide water rights for potable water, which they do not have to provide for the effluent water. She said that with the increase in the connection fee, a developer would now pay 22% of what they would pay TMWA for potable water.

Council Member Carrigan asked if the 17% increase in the connection fee is to cover the cost of providing the connection. Ms. Meacham confirmed that the reason for the connection fee increase is to recover the capital costs of building the pipeline. She said that with the increase we will "break even." She said that without this increase, we don't "break even" and the other customers within the Sewer Enterprise Fund (the sewer/drain customers) will continue subsidizing the effluent pipeline.

Ms. Meacham stated staff is proposing a phase-in of the increase and after 2011, any increases would be based on an index. She noted that staff is also proposing to eliminate the 20-year financing option. She said that when they met with the Builder's Association, they asked if there was a way to mitigate the impact of not having a financing option. Staff looked at our ability to manage a financing plan and wrote in an alternative to add a two or three year financing option. However, the Builder's Association has indicated they would prefer a five-year financing option.

Ms. Meacham then discussed the Environmental Control Fee. She noted that these are services that the City provides to comply with EPA guidelines under the Clean Water Act. We have a group of inspectors that inspect the waste that they are discharging and ensure that they are not harmfully discharging products into the

system. The goal is to protect the water treatment plant from discharge that it is not designed to treat and thus protect the quality of water that is discharged into the Truckee River. Every business in the City is classified into one of five categories and the rates reflect the City's actual cost to provide these services. The existing rate has not been updated since 1999 and the rate study found that we were substantially under-recovering our costs for these services. Staff is recommending a five-year phase-in of the rate increase, so that at the end of the five years we are breaking-even for our direct costs of providing these services. She noted that they held two public meetings and sent letters to every business in the City notifying them of the rate study and the proposed change in rates.

Council Member Schmitt asked if staff received any response from the businesses. Ms. Meacham stated that yes, they received a lot of responses and the primarily the businesses felt that it was our fault we did not raise the rates in that many years and that they should not have to face such a large jump in one year. She said staff felt that it made sense to phase in the increase to reduce the impact to business owners. Ms. Meacham stated that initially they were proposing a larger fee increase for this classification with the intent to recover indirect costs for providing these services; however, through our outreach program and an analysis of the Clean Water Act, it was deemed appropriate for some of the costs for these services to be provided by anyone who benefits from clean water (and everyone in the community benefits from clean water). Therefore, staff scaled back the proposed increase by about half and phased in what was left over a five year period.

Council Member Schmitt said he did not feel that the rate increase covered the costs of this program and asked how much the remaining rate payers were subsidizing this service. Ms. Meacham stated that at today's rates we are under-recovering $350,000 in direct costs. She said that the proposed rate increases will drop the subsidy for direct costs to zero by the year 2012. She emphasized each community that is an owner/operator of a sewer system is obligated by the EPA to provide these inspections. Council Member Schmitt said he felt this system was mixed up and that we should also be recovering our indirect costs, as well as direct costs. A discussion was held regarding indirect costs versus direct costs and exactly how much this program is costing the businesses and the sewer/storm drain customers.

Council Member Carrigan stated he understood the point of view of the businesses, but this is a federally mandated inspection we have to provide. He asked Ms. Meacham to bring back what the rate increases would be if we captured all our costs versus the modified rates. Ms. Meacham stated that the fee for full cost recovery was

listed in the staff report and there is also a regional comparison of the rates.

Council Member Carrigan requested that staff provide a comparison of rates for a three-year versus a five-year finance and a comparison of full recovery costs for inspections spread out over five years versus a one-time increase, when this item is brought back for final approval. He said he wanted to make sure that everyone is paying what they are supposed to be paying, and if not, why.

Ms. Meacham explained that under the effluent charges, staff would be comfortable financing anything less than five years. We would charge them the same interest rate we have in place today for the 20-year option. She said staff the City has sufficient cash reserves in the fund for financing less than five years; however, if they do financing for more than five years, it would begin to impact our rates.

Ms. Meacham said the last two items for consideration by the Council deal with Title 13 [of the Sparks Municipal Code]. She said there is a new section that would govern provisions for effluent service to our customers. Today we have over 40 customers and the relationship with the customer, including their rate, is governed by a contract. The proposed ordinance would put all the provisions for service to effluent customers into the Municipal Code and eliminate individual contracts. An added benefit would be to ensure that each customer is treated the same way, according to our Municipal Code. Ms. Meacham stated there are also minor changes to the existing Title 13, governing sewer and drain service.

It was noted that since this was on the agenda as a presentation, the Council could not take action. Ms. Meacham stated she felt she had sufficient direction from Council which was provided during the discussion of this item. However, she did need clarification on whether the Council wanted to see the river flood component at the same time as the ordinance for the remaining components. The response from Council was a resounding yes.

Council Member Schmitt said he was very concerned about the way this issue was being presented to the public and he asked staff for options on possible billing methods for the flood component. He said he would also like feedback from Reno and Washoe County regarding the river flood component. He said if this fee is going to solve our problem with funding, why aren't we all doing the same thing?

6.10 Time: 4:40:55 p.m.

Resolution No. 3084, Regarding the Creation of City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina)

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3084, a resolution of the City Council of the City of Sparks, Nevada, describing certain recitals, making certain findings, accepting a petition to take proceedings for the creation of City of Sparks, Nevada, Local Improvement District No. 3 (Legends at Sparks Marina) and the levying of assessments therein, pursuant to the Consolidated Local Improvements Law, Nevada Revised Statutes, Chapter 271, and authorizing the execution and delivery of specified agreements, documents and instruments, and approving certain matters relating thereto.

Bond Counsel Greg Harrington stated that this is a preliminary action for an additional piece of the financing for the Legends project. He explained that early last year we created the Tourism Improvement District (TID) and last fall the Council approved the turbo provisions for that TID. He said the second part of the overall financing is the Local Improvement District, the assessment district financing, for the public infrastructure that will be built. There will be bonds issued payable from the assessments as well as the STAR Bonds. He stated this is a preliminary action and the property owners have submitted their petition to initiate proceedings for establishment of the assessment district and issuance of the bonds, so the resolution accepts the petition, which is a starting point for those proceedings.

Mr. Harrington clarified that one of the parcels in the local improvement district won't have an assessment because the property owners (Target) do not want an assessment against their property. They will make a cash contribution for their portion of the project financing. Included in this action is a cash deposit agreement that obligates the property owner to make a cash deposit.

He said they will be back before the Council very soon for approval of the assessment district proceedings, in full, and the bond documents for both the assessment district and the STAR bonds.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Resolution No. 3084, accepting the petition to take proceedings for the creation of the City of Sparks, Nevada, Local Improvement District No. 3 and authorize the execution of the related Cash Contribution and Security Agreement. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.11
Resolution No. 3085, Providing for the Apportionment of Assessments for the Marina Area Special Assessment District No. 2

Time: 4:44:35 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve Resolution No. 3085, a resolution providing for the apportionment, combination and reapportionment of assessments for certain tracts in the City of Sparks, Nevada, Marina Area Special Assessment District No. 2; and approving the report on the apportionment combination and reapportionment; providing the effective date hereof.

Mr. Minton explained that this item reapportions the current assessments based on some splits in the land values.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Resolution No. 3085. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.12
Presentation on Providing a Post-Retirement Medical Insurance Subsidy to the Former Fire Chief

Time: 4:45:55 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council deny the former Fire Chief's request for a new post-retirement medical subsidy benefit. During the process surrounding the retirement of the former City of Sparks Fire Chief (Tom Clewell) and the recruitment and hiring of the new Fire Chief, a post-retirement medical premium subsidy benefit was added to the new Fire Chief's Employee Agreement as a "potential drag through" benefit from the negotiations in his former Association of Sparks Fire Department Classified Chief Officers bargaining unit.

Mr. Driscoll stated the former Fire Chief has requested the new benefit provided the new Fire Chief be extended to him as the new benefit was provided to the new fire chief prior to the retirement of the former fire chief. The benefit being requested was not part of the Employment Agreement between the City and the employee at the time of his original employment (January 18, 2004) or during the most current agreement renewal for January 1, 2007 through the employee's retirement date of May 4, 2007 as defined by the employee's Employment Agreement and the Executive Resolution.

Mr. Driscoll noted that Mr. Clewell's request was denied by the City Manager and he then appealed that decision to the City Council. He said based on financial and statistical analysis, post-retirement medical insurance benefits available to the former Fire Chief in his current Employment Agreement are longer-lasting than the benefit being requested. Therefore, staff is recommending that the City Council deny the former Fire Chief's request for a new post-retirement medical subsidy benefit.

Council Member Salerno said it was his understanding that the City gave this benefit to two employees from the Fire Fighter's Union and two from the Chief Officer's Association, after they had retired. Mr. Driscoll responded that before July 1, 2005, when the contract had expired for the above mentioned employees, they were active employees and retired after we started negotiations for a new contract. He said part of the negotiation process was the retroactivity of that benefit. When the Council approved that new contract, those employees received that benefit starting from the approval time, forward. Mr. Driscoll emphasized that this benefit was part of the negotiated process and was a known negotiated benefit for those employees as part of the bargaining process.

Council Member Salerno asked for confirmation that the former Fire Chief made a request in writing for this benefit, prior to retiring, while negotiations were going on. Mr. Driscoll said that at the time the City Council approved the new Fire Chief's contract, which included the potential for a "drag through" benefit, the contract was still open and final negotiations had not taken place. What was agreed to with the City Manager and approved by the City Council in the new Fire Chief's contract was if the Battalion Chiefs received the benefit and he would have enjoyed it if he had remained a Battalion Chief, then he was allowed, per his employment contract, to drag that benefit through. So, it was a new benefit that he was bringing forward from his previous Union negotiated contract.

Council Member Salerno asked Mr. Driscoll to explain the "quid pro quo" as outlined in the staff report. Mr. Driscoll responded that what the City negotiated with the Fire rank and file as well as the Fire Chief's association was that, if the employees were willing to do a 25% payment for dependent costs of medical, while they were employees, the City would give them a post retirement medical subsidy that was equivalent to 60% of their medical costs for themselves and a spouse (if they were married). He said the "quid pro quo" was, if you are willing to offset medical expenses while you are employed, then we will offset medical expenses once you are retired. However, with the former Fire Chief retiring immediately upon his request, he was not asking for the "quid pro quo;" he was asking for one half of the new benefit without the City receiving any offset for those costs, even for a short time.

Council Member Salerno made the point that if any of the current employees eligible for this benefit retired in the immediate future, they would not have paid enough toward their dependent costs for medical insurance offset the cost of the new benefit. Mr. Driscoll agreed that if they retired in the near future, they would have only contributed for a very short period of time, because the benefit was

only ratified in November.

Council Member Salerno asked if it was less expensive for the City for the former Fire Chief to get this new benefit, and it would be under his current benefit. Mr. Driscoll stated that under the Public Employees Benefit Program (PEBP) version, once the employee turns Medicare age (65 years old) there is no change in the subsidy rate that the City would pay on their behalf. Therefore even though the medical cost goes down for the monthly premium that PEBP would charge, the subsidy that is charged the City (currently $500/month) would not go down. So, the employee actually gets more of a benefit and it continues longer. He explained that the way the benefit the former Fire Chief is requesting works is; up until the Medicare eligible age of 65, the benefit pays 60% of the premium costs in the City plan for an employee (plus spouse). Once they turn 65, then the benefit that is being requested pays 50% of the employee only, until death. He noted that PEBP is also only until the employee perishes.

Council Member Salerno asked if former Chief Clewell's sick leave conversion went toward the total estimated cost of the benefit. Mr. Driscoll referred to a personnel document that was not public information, stating that they applied the numbers for all three plan scenarios as they would pertain to Mr. Clewell in order to determine the estimated costs. He said the main concern (and what the employee was asking for) was how to maximize the amount that the City would pay for a benefit; maximize the use of his sick leave conversion; and then decide which medical plan best suited his personal and family life.

Mr. Driscoll said that based on the Law (AB286 [2003]) and the amount of his sick leave conversion that he could use for the PEBP plan, the PEBP plan would be the most expensive option for the City. However, the City has no choice if the employee chooses this option, we have to pay.

Mr. Driscoll noted that benefits under both plans are very similar, but statistically the benefit Mr. Clewell currently has, constitutes the plan with the longest lasting benefit and has the longest period of time before he will have to pay for medical expenses out of his pocket. What the former employee is asking is to let him make the choice. He is asking for a benefit that he did not enjoy while he was an employee; that was not available to him; and was not a part of his relationship with the City. He is asking for an extra option based on what has happened since he retired.

Council Member Salerno commented that the only problem that he has is that we have granted additional benefits to other employees

after they have retired. Mr. Driscoll pointed out that the difference between previous actions and this request is that the other benefits were granted as a result of bargaining agreements that were under negotiations at the time of retirement and under this request, the former Fire Chief had an employment contract with the City that was not part of any negotiations and had been renewed in November of 2006 for the 2007 year. During that contract renewal, this was not an issue he negotiated with the City Manager.

Council Member Mayer said he did not understand why we would not want to do this for the former Fire Chief if it would save us $50,000. Mr. Driscoll said it is his opinion that if we were to extend this benefit to this former employee, there are other executive employees who currently don't enjoy this benefit, who may see this as an inequity and request that their contracts be amended to include this benefit. He said by giving this benefit to the former Fire Chief, the Council would be setting a precedence that would obligate the City to provide it to the other executive employees. Council Member Mayer asked why we would not want to give this to other employees if it would save the City money. Mr. Driscoll responded that as of August 30, 2008, and the current executive employees who would be getting this as an additional new benefit would not be eligible.

Mr. Driscoll clarified that what the former Fire Chief is asking for is the ability to stay in the City plan as he is now; to have a new plan that is the same as the one the Battalion Chief's and the Fire Department have; or to use the State PEBP plan. He said our executive employees currently have the ability to be in the City plan or the State plan. The former Fire Chief is requesting a third option. He said if we were to give that third option to that one employee, we would save money over an estimated 22 year period. However, as of August 30th, the PEBP option to all employees goes away. He cautioned that if this benefit was provided to the former Chief, the rest of the Department Heads are going want the benefit also. He said once the PEBP option reaches sunset, the rest of the executive employees won't have that second option, they will only have the City option. In the long run, it is going to cost much more than the $50,000 we would save in this case.

Council Member Schmitt said he was under the impression that virtually every bargaining group in the City was opening negotiations to talk about this benefit that we gave the Fire Department because it was a win/win situation for both parties. Mr. Driscoll stated we have not started negotiations, but several bargaining groups have filed letters with the City to begin that negotiation process any time between now and February 1st. It is our assumption this issue will be discussed. However, if those

negotiations are successful, that would be a negotiated benefit and would not directly apply to the confidential, mid-management, or executive employees, unless the City chose give them this benefit.

There was discussion regarding whether or not extending this benefit to other employees would benefit the City, financially. Mr. Driscoll said at the time of negotiations, it was determined that we needed to give this benefit to this particular group because it is a benefit enjoyed by almost all fire organizations in the State. He noted that it is beginning to be more prevalent with law enforcement organizations, but post retirement medical benefits are very lean in other organizations that are not public safety related.

Council Member Schmitt summarized Mr. Clewell's request as he understood it, staying there were actually three different plan options. The plan option that the retired Chief is on is he is basically using his $243,697 in unpaid sick leave to pay to subsidize his medical insurance and that is projected to go through year 2022. Mr. Driscoll confirmed this, clarifying that this is utilizing the current City Plan. Mr. Schmitt said that if he chose to go with the State program, it would cost the City an additional $156,282, if he chose to take that plan. Mr. Driscoll confirmed that this was correct, clarifying that this was a required subsidy [from the City] that was provided in AB286 of the 2003 Legislative session and this is the benefit that will sunset November 30, 2008. Mr. Schmitt asked if we had any reason to believe the former Chief would not sign up for this plan. Mr. Driscoll stated in his conversations with Mr. Clewell: a) he did not ask; and b) it has not been shared as to whether or not he is going to take that option.

Council Member Schmitt said the benefit that Chief Clewell is requesting would reduce the City's subsidy from $156,282 to $110,000; but the caveat is that the full length under Plan No. 2 (that he is asking for) would carry him through 2027 and the plan that he is eligible for under the State would carry him through 2029. He said the difference cost lies in where, in the next 20 years, he is no longer receiving benefits (if he or his spouse died). Mr. Driscoll confirmed that the difference in the dollar values is what is required by the different plans for the City to actually pay, based on the agreement. One is a State mandate and the second is the negotiated percentages and time frames involved.

Council Member Schmitt questioned whether, after former Chief Clewell submitted his request, we have received any indication he no longer wants to do this. Mr. Driscoll said in a telephone conversation with Mr. Clewell just before lunch today, he indicated he was looking forward to the Council considering his request. Mr. Driscoll stated what former Chief Clewell is asking for is the ability

to decide which of the three options he personally wanted to enact and the reason he needed the Council's approval is that Option No. 2, the fire option, was not available to him at the time he was an employee (it was not in his contract) and he is looking for this to be granted as an additional benefit so he has three options to choose from. Mr. Driscoll emphasized, for the record, that if this third option is given to former Chief Clewell today, then the Council is setting precedence and the rest of the executive employees will be coming forward asking to change their resolution to incorporate that benefit to them.

Council Member Schmitt said he wanted to see a letter from former Chief Clewell stating which option he was going to chose. Mr. Driscoll said he could represent to the Council, based on his conversations with Mr. Clewell, he is looking for the ability to choose between one of the three benefits at some point in time, for the remainder of his retirement, based on the legal ramifications. Mr. Driscoll stated that Mr. Clewell knows that the PEBP option will disappear for him on March 30th; he knows that at some point in time the benefit he would have under just the City will expire because of the utilization; and he understands that the "fire" option would extend what he currently has today. So basically he is looking for the benefit of something that was newly negotiated by the new Fire Chief and the new Fire Chief is receiving that as a drag through benefit from his previous bargaining relationship.

Council Member Schmitt questioned why this issue was put on the agenda when the former employee may or may not choose to utilize the benefit. Mr. Driscoll reviewed the time line of the request, stating that when the new Chief negotiated this benefit, the former Chief respectfully requested the benefit to be extended to him. His request was denied and he appealed to the City Council. At the November 13, 2007, meeting, Council Member Mayer requested staff to provide information and details of this issue to the Council.

Council Member Salerno said this benefit was enacted prior to the former Chief's retirement and asked how long the two bargaining units in the Fire Department had been asking for this benefit. Mr. Driscoll responded that the contract for the new Fire Chief, which included the drag through benefit, was confirmed by the Council on April 23, 2007. Fire Chief Clewell retired on May 4th of 2007. The agreement with the Fire Chief's Union was not approved until November 1, 2007. The agreement with the Fire Fighters was not approved until the middle of summer (June/July 2007).

Mr. Driscoll emphasized that the new benefit for the new Chief does not go into effect until he retires, but it was a "what if" in his employment contract - "if" in the future, this benefit is approved, it

would be provided to him. Council Member Salerno asked how long the bargaining unit has been asking for this benefit. Mr. Driscoll stated negotiations started in February of 2005. Council Member Salerno asked if negotiations had been concluded and a contract approved in a timely manner, would the former Fire Chief have received this benefit? Mr. Driscoll clarified that negotiations with all the bargaining units started in February of 2005 and some of the bargaining units settled early. However we negotiated with the Fire units for quite a while and ran into an impass in early 2006. After going through fact finding, negotiations went to arbitration (November 2006) and the contract was agreed upon and approved by the Council in July 2007. Because of the activity with the fire fighters bargaining unit, the fire chief's bargaining unit put their negotiations on hold pending the outcome of the fact finding and arbitration. It was understood that if this new benefit was approved for the fire fighters, it would also apply to the chiefs and because one of the chiefs going to be come the new Fire Chief, it was negotiated as a "drag through" for his employment contract.

Council Member Mayer asked if this benefit had been enacted in 2005, would Chief Clewell have received this benefit? Mr. Driscoll responded no, he would not have received this benefit because he had an employment contract in place with stated benefits. Mr. Driscoll said while other benefits may have evolved over time, just because the battalion chiefs received a new benefit as a result of negotiations with their bargaining unit, it did not mean the Fire Chief would receive that benefit, because he was under a separate contract.

A motion was made by Council Member Mayer, seconded by Council Member Salerno to grant former Fire Chief Tom Clewell's request for a new post-retirement medical subsidy benefit. Council Members Mayer, Salerno, Schmitt, YES. Smith, Carrigan, NO. Motion carried.

6.13
Presentation of FY 2008 and FY 2009 Budget Cuts

Time: 5:33:51 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council approve the City Manager's recommended budget cuts for FY 2008 and FY 2009, as presented and that the Council consider further cuts involving policy changes, elimination of services, three-year position freeze from the Voluntary Separation Plan, and lay-offs.

Mr. Minton noted that this agenda item listed all of the cuts offered by the departments; those accepted by the City Manager; and items that staff felt that the Council may wish to weigh in on.

He said if the Council approved this item as presented it would maintain the current General Fund balance of 8%; eliminates the projected operating deficits; and establishes public services at sustainable levels, given our current income projections.

Council Member Carrigan noted that the staff report said, "in the event the VSP (Voluntary Separation Program) does not result in savings above the $1.1 million, another $147,000 could be achieved through layoffs." He said he would rather spend down the ending fund balance than layoff any employees. City Manager Carey stated he believed that the VSP will hit the marks that have been established in the budget projections for the three-year period. He said at this time he would ask the Council not to act on the layoffs that appear in this staff report, because we will meet our budget goals through the VSP and continued freezing of vacant positions.

Council Member Mayer stated that it was previously discussed [at a workshop] that the closing of Oppio Pool was recommended budget cut. He asked if this was still recommended. Mr. Minton stated that it has been taken out of the recommended budget cuts.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve the City Manager's FY 2008 and FY 2009 recommended budget cuts, with the exception of the layoff clause. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.14
1st Reading of Bill No. 2669, PCN07076, Rezone from R1-15 to PO on 1.07 Acres at 808 and 810 Gleeson Way

Time: 5:38:58 p.m.

City Clerk Linda Patterson ready Bill No. 2669 by title, a general ordinance rezoning real property owned by Castles, LLC, Anna Lord, rezone from R1-15 (Single Family Residential, 15,000 square feet minimum lot size) to PO (Professional Office), on a site approximately 1.07 acres in size located at 808 and 810 Gleeson Way, 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 January 28, 2008.

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

7.1
2nd Reading and Adoption of Bill No. 2567; CA-06-07, Relating to the Definition of Special Event and

Time: 5:39:40 p.m.

An agenda item from City Planner Margaret Powell recommending the City Council conduct a public hearing and approve Bill No. 2567; CA-06-07, an ordinance modifying the Sparks Municipal Code's definition of "special event" to include a farmers' market, and certain fund raising activities, defining a farmers' market; and

Farmers Market

other providing other matters properly related thereto.

Ms. Powell noted that Item 7.1 added "farmers' market" to the definition of "special event" and Item 7.2 is reviewing our outdoor sales and display, including all of the non-residential districts in the allowable classifications. It also clarifies when they can occur and provides and exemption for those areas within Victorian Square during a special event.

She noted that this is the bill passed by the Planning Commission and it does not include the request [by Senator Washington] for the addition of fund raising activities.

Council Member Carrigan asked for confirmation that a farmers' market has to be approved by some "agency." Ms. Powell stated yes, they must be approved by the non-profit agency, the Nevada Farmers' Market Association. It was clarified that this is not a government agency. Council Member Carrigan expressed concern that unless this agency said yes, a group or individual could not hold a farmers' market. Ms. Powell read the wording of the proposed ordinance, stating the definition of farmers' market means an outdoor retail event certified by the Nevada Farmers' Market Association or other similar organization. She said as long as there is an organization that has a charter and rules and regulations, we would consider their request.

Council Member Schmitt asked for confirmation that the Planning Commission rejected the changes suggested by Senator Washington. Ms. Powell responded yes.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance.

Pastor Tom Butler of the Sparks United Methodist Church, said they believe that the farmers' market that their church holds provides a service to the community. He noted that they provide certificates that allow senior citizens to purchase fruits and vegetables from their distributors at a lower cost. He said they support approving the ordinance as proposed.

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

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to adopt Bill No. 2567 (Ordinance No. 2384), CA-06-07, a request for an ordinance amending Sparks Municipal Code 20.05 relating to the definition of special event and farmers' market. Council Members Salerno, Smith, Schmitt, YES. Council Member Mayer, ABSTAIN. Council Member Carrigan,

ABSENT. Motion carried.

7.2
2nd Reading and Adoption of Bill No. 2568; CA-05-07, Regarding Outdoor Sales

Time: 5:45:50 p.m.

An agenda item from Finance Director Tom Minton recommending the City Council conduct a public hearing and approve Bill No. 2568; CA-05-07, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include non-residential districts as sites for outdoor sales and clarifying when outdoor sales may occur, excepting certain outdoor sales from the generally applicable duration requirements; and other matters properly related thereto

Discussion for this item was held under and is listed under Item 7.1.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed ordinance. There being no comment, the public hearing was closed.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to adopt Bill No. 2568 (Ordinance No. 2385), CA-05-07, a request for an ordinance amending Sparks Municipal Code 20.53, Outdoor Sales and Display, to include non-residential districts as sites for outdoor sales and clarifying when outdoor sales may occur, excepting certain outdoor sales from the generally applicable duration requirements. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Mayer, NO. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1
Public Hearing, PCN07060, Tentative and Final Approval for an Amendment to the Spanish Springs Town Centre Planned Development Handbook

Time: 5:47:05 p.m.

An agenda item from Assistant Planner Alexis Hill recommending the City Council conduct a public hearing and approve PCN07060, a request for Tentative and Final approval for an amendment to the Spanish Springs Town Centre Planned Development Handbook. This is a tentative and final handbook amendment request from Rialto, LLC for a site approximately 36.92 acres in size. The applicant is requesting a handbook amendment to allow for, and has included standards for, lodging and 24-hour uses without a Special Use Permit, while also revising the 2003 land use maps to be in conformance with the changes in acreages within the NUD (New Urban District - Spanish Springs Town Centre Planned Development) zoning designation generally located east of Pyramid Highway and both north and south of Los Altos Parkway. This action was forwarded to the City Council with a recommendation of approval by the Planning Commission on November 15, 2007.

Ms. Hill stated this is a handbook amendment to allow for lodging

and 24-hour uses. Ms. Hill displayed a map and discussed the proposed location of the lodging. She noted she is required to read the PD findings by state law and read them as follows:

This project does not include housing, meeting PD1, PD4, and PD9.

The amended design standards for lodging allows for flexibility in the development of the Spanish Springs Towne Centre Planned Development by requiring minimum standards, but allowing for a broad range of design. The amendment also allows for flexibility by allowing 24-hour uses without the undue burden of a Special Use Permit. The design standards and master plan for the Spanish Springs Towne Centre does not change the zoning and subdivision regulations in terms of density. The design standards do require landscaping and architectural standards that are more than a minimum in the code. The proposed planned development handbook regulations do not depart from zoning regulations for both. The proposed use of lodging and allowing the 24-hour uses without a Special Use Permit does not depart from the standard uses allowed in Mixed Land Use and New Urban zoning districts, and therefore meets PD5, PD6, PD7, PD8 and PD18.

There is a 20% open space streetscape acreage which complies with the Planned Development code. The handbook does provide for minimum acreage amounts for the area and provides the required amount of trees, shrubs, and ground cover, along with minimum plan sizes and is maintained and conserved through the property owners association. The regional trail passing through Town Centre provides a recreational opportunity, connecting the proposed commercial to the Spanish Springs Trail System, therefore meeting PD10, PD11 and PD12.

The development is located at the intersection of Los Altos Parkway and Galleria Parkway. The phasing section of the design standards addresses the timing of the infrastructure improvements. The design standards establishes the minimum street improvements and circulation patterns; therefore meeting PD3, PD13, PD14 and PD15.

There is adequate perimeter buffering standards established in the design standards to mitigate impacts to the surrounding land uses, either existing or proposed. There is perimeter buffering standards to minimize the impacts of this project on the existing and proposed land uses, meeting PD16 and PD19.

The standards and phasing in the planned Development Designs Standards handbook addresses the development of Spanish Springs Town Centre to retain the integrity of the plan and defines responsible parties, meeting PD17.

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, meeting PD20.

The Spanish Springs Town Centre handbook amendment creates a greater employment opportunity in the Spanish Springs Valley with the addition of lodging as an allowed use. The amendment also helps with flexibility over land development so that the proposals for development are disposed of without undue delay with allowing for 24-hour uses without a Special Use Permit. Furthermore, the handbook amendment was necessary to clean up oversights which were missed in the original handbook submittal. The handbook amendment is consistent with the City of Sparks Master Plan. The Spanish Springs Town Centre Planned Development is a part of a regional shopping hub for Spanish Springs. It reduces the number and length of trips of the residents having to travel from Spanish Springs to other areas in the Truckee Meadows to do their shopping, and with the approval of this amendment, their lodging needs, meeting PD21.

Ms. Hill noted that this amendment was approved by the Planning Commission and opened the floor to questions.

Mayor Martini asked where the lodging was proposed. Ms. Hill responded it was proposed to be placed either east of the Car Wash or east of Galleria Parkway. Mayor Martini asked if the lodging included a casino. Ms. Hill stated that no, it does not include a casino.

Council Member Schmitt asked how close the proposed hotel would be to the school. Ms. Hill stated it could be placed quite close to the school; however, staff is going to promote adequate buffering standards when the application goes through staff review. Mr. Schmitt asked if there was anything in our standards that say how far a hotel must be from a school. Ms. Hill stated she did not think that we do.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the Tentative and Final handbook associated with PCN07060, adopting findings PD1 through PD 21 and the facts supporting these findings as set forth in the staff report, as listed in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.2
Public Hearing, PCN07072, Washoe County: Resolution No. 3086, Adopting a Change in the Land Use Designations in the City of Sparks Sphere of Influence to Allow for the Restoration of the Truckee River

Time: 5:55:00 p.m.

An agenda item from Assistant Planner Alexis Hill recommending the City Council conduct a public hearing and approve PCN07072, Washoe County: Resolution No. 3086, a resolution adopting a change from approximately 13.05 acres of EDR (Estate Density Residential), approximately 13.96 acres of LMDR (Low Medium Density Residential) and approximately 2 acres of GC (General Commercial) in the City of Sparks Sphere of Influence (the City of Sparks has planning control because the City exercised the Extra-Territorial Jurisdiction through the provision in NRS 278.02788 "Protocol Agreement" dated February 11, 2003, an interlocal agreement between Sparks and Washoe County) to approximately 29.01 acres of OS/Rural Reserve (Open Space/Rural Reserve) to allow for the restoration of the Truckee River.

This is a Master Plan Amendment from Washoe County for a site approximately 209.01 acres in size. The applicant is requesting the amendment to change the existing land use designations from approximately 13.05 acres of EDR (Estate Density Residential), approximately 13.96 acres of LMDR (Low Medium Density Residential) and approximately 2 acres of GC (General Commercial) in the City of Sparks Sphere of Influence to approximately 29.01 acres of OS/Rural Reserve (Open Space/Rural Reserve) to allow for the restoration of the Truckee River generally located in Township 19N, range 21E, Section 17, S ½. This action was forwarded to the City council with a recommendation of approval by the Planning Commission on December 6, 2007.

Ms. Hill displayed a site map and noted that this was a request from Washoe County to change the land use designations on 12 parcels to Open Space/Rural Reserve. She said Washoe County is working in conjunction with the Nature Conservancy to do a river restoration and flood management project. Washoe County is planning passive recreation activities, such as trail heads and boat docks. She stated that this Master Plan amendment would allow for the restoration project and the recreational uses.

Council Member Schmitt asked for clarification that this property is already owned by Washoe County. Ms. Hill confirmed that it was and noted that the river restoration includes additional meanders in the river.

Council Member Mayer noted that this was where an old trailer park was located and asked if they have cleaned up the property. Ms. Hill said there is an existing house on the property, but they are planning to take it down.

Ms. Hill noted the idea is to create less of a flood hazard by adding additional meanders to the river and creating wetlands for the animals. She stated there was a neighborhood meeting and those that attended supported the project.

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed master plan amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Resolution No. 3086, certifying the Planning Commission approval of a change in the Master Plan Land Use Designation from EDR (Estate Density Residential), LMDR (Low Medium Density Residential) and GC (General Commercial) to OS/Rural Reserve (Open Space/Rural Reserve) associated with PCN07072, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.3
Public Hearing, PCN07065, Resolution No. 3082, Adopting a change from the existing Washoe County Land Use Designations to City of Sparks Land Use Designations on 136 Acres Included into the Sparks Portion of the Truckee Meadows Service Area/Sphere Of Influence

Time: 5:59:50 p.m.

An agenda item from Senior Planner Jim Rundle recommending the City Council conduct a public hearing and approve PCN07065, Resolution No. 3082, a resolution adopting a change in the Sparks Master Plan, applying City land use designations to the approximately 136 acres included into Sparks' portion of the Truckee Meadows Service Area/sphere of influence. Approximately 3.5 acres of land designated Public Facility, 72 acres of land designated estate density residential, and approximately 60 acres of land designated rural.

Mr. Rundle explained that we recently took jurisdiction of three parcels that came into the Sparks Sphere of Influence. He displayed a map of the site and noted that two parcels are located at the end of La Posada Drive and one parcel is west of Tierra Del Sol, north of where the Kiley Ranch Planned Development ends. He said these parcels came into our Sphere of Influence in 2006.

Mr. Rundle displayed a second map and noted additional parcels located south of McCarran and south of El Rancho, which came into our Sphere of Influence in 2002. He stated that once a parcel comes into our Sphere of Influence, it is required by the protocol agreement that we assign the equivalent Sparks Land Use designation; however these parcels were overlooked and we did not assign the equivalent land use designations in 2002.

He said assigning the land use designations gives the City of Sparks planning jurisdictions over these parcels, because they are in our Sphere of Influence. It does not annex the parcels or permit an owner to subdivide the parcels. It does not allow anyone to request rezoning on any of the parcels; it simply establishes that Sparks has planning jurisdiction. He explained that for the most part, what was allowed [to be developed] in Washoe County, is also allowed in the City of Sparks. If a property owner was permitted to build a house in Washoe County, they would still be allowed to build a house. The property owner would go to Washoe County to get a building permit and Washoe County would call the City of Sparks and ask for a review for our planning jurisdiction and it would be reviewed to our Title 20 requirements.

Mr. Rundle stated a neighborhood meeting was held for this Master Plan change and there were quite a few people at the meeting. He said some of them understood what we were doing and some were upset because they thought we were taking away their rights.

Mayor Martini asked what our annexation plan was for these properties and how soon could they be annexed. Mr. Rundle stated these properties are not in our annexation plan and the City is not going to force any of these parcels to annex to the City because we do not have a current annexation plan. However, if a property owner came to us and wanted to be annexed, we would require an annexation application. However, we would first meet with the property owner to explain the problems with annexation, including facility provisions.

Council Member Salerno asked if all these parcels had to be approved tonight or if they could just approve some of them. Attorney Tom Riley explained that apparently we were contacted on behalf of two clients that own parcels adjacent to parcels in this item requested a continuance of this hearing. There was a question as to whether we could continue this matter or whether it had to be referred back to the Planning Commission. He said he conferred with his associate, Sr. Assistant City Attorney David Creekman and they reviewed the applicable statute (NRS 278.220). It is fairly clear that the Council cannot adopt part of the resolution and continue the rest. If the Council decides to make any change in the areas involved, then it must be sent back to the Planning Commission and be reheard.

Mr. Rundle explained that these parcels are already in our Sphere of Influence and all we are doing is assigning a equivalent Sparks Land Use Designation that is rural.

Council Member Salerno asked for assurance that the property owners could not come in and apply to subdivide that property and build homes on them. Mr. Rundle said he did not want to say they could not come in and apply, because anyone can come in and apply to do anything; however, staff could not recommend approval if an applicant came in to subdivide that parcel. But if they came in to build a house, we could allow that because it is allowed under the Washoe County designation and it would be allowed under the Sparks designation.

Council Member Mayer asked for assurance that individual parcels could not be annexed. Mr. Rundle emphasized because these parcels came into our Sphere, we are required to provide a Sparks Land Use Designation so we can help them if they decide to build on their property.

Council Member Schmitt asked for confirmation that this did not change our density transfer between Washoe County and Reno and the numbers we already have. Mr. Rundle asked if Mr. Schmitt was referring to the TMSA capacity. Mr. Schmitt responded yes. Mr. Rundle explained that when we took in the three parcels totaling 60 acres, it increased our "bucket" 60 acres. But this land use update does not change our "bucket."

Mayor Martini opened the public hearing and asked if there was anyone who wished to speak regarding this proposed Master Plan amendment.

Mr. Thomas B. Bruce, 660 Valle Verde Drive, President of the Spanish Springs Valley Ranchers Property Owners Association stated that the property owners of the two parcels on La Posada are members of this Association. In a lengthy explanation, Mr. Bruce said the Association is involved in litigation regarding a proposed Special Assessment District (SAD) and they are objecting to pushing forward on these two parcels because they want to be very careful about anything delaying the SAD.

Mr. Will Brown, 2129 Cielo Vista Drive, Sparks, 89441, stood up with Mr. Bruce with the same objections.

Council Member Schmitt stated some of the property owners in that area are already talking about annexation. Mayor Martini pointed out that those properties are not in the Sphere of Influence, so before they can be annexed, they would have to be placed into our Sphere.

Council Member Schmitt said he did not understand how assigning equivalent land use designations would mess up their SAD. Mr. Bruce stated the only thing that would cloud the issue is if Sparks

allowed a subdivision or land change that would bring in a lot of new people who would further object to the SAD.

A comment was made that the Council resolution was different from the resolution approved by the Planning Commission, in that the Planning Commission resolution broke the parcels into three categories and the Council resolution grouped them all together. Mr. Rundle said both resolutions had the entire acreage grouped together and then grouped the acreage by the land use designation.

There being no comment, the public hearing was closed.

Council Member Carrigan asked if Mr. Bruce and Mr. Brown voiced their objections at the Planning Commission meeting. Mr. Rundle stated that Mr. Bruce spoke at the Planning Commission meeting; however, the Planning Commission made a recommendation to approve the recommendation of staff and adopt the Sparks designations.

Mr. Rundle commented that Mr. Bruce was concerned not so much over the designations, but about someone coming in and subdividing the parcels (which would affect the SAD); however, subdividing cannot occur because the parcels are not in the City of Sparks. He emphasized that subdividing would require the property to be annexed and rezoned and facility plans would need to be reviewed before staff could make a recommendation for approval and finally get to a tentative map stage. He said in the unlikely event that someone wanted to go through these procedures, there are noticing requirements and it would also require another Master Plan amendment.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve Resolution No. 3082 certifying the planning Commission approval of a change in the Master Plan from Washoe County designations to City of Sparks land use designations, adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6. General Business:

6.15
Possible Motion to Adjourn to a Closed Session

Time: 6:33:01 p.m.

An agenda item from City Attorney Chet Adams recommending the City Council adjourn to a Closed Session to receive information from the City Attorney regarding potential litigation settlement involving a matter in which the Sparks City Council has supervision and control to settle NRS 241.015(B)(2). Re: White v. City of Sparks.

Acting City Attorney Tom Riley recommended forgoing the closed session, stating he would answer any questions Council may have regarding this proposed settlement.

6.16
Approval of a Settlement in White v. City of Sparks

Time: 6:33:01 p.m.

An agenda item from City Attorney Chet Adams recommending the City Council approve a settlement in White v. City of Sparks, Case No. CV-03-00251 DWH/RAM U.S. District Court; Docket No. 05-15582, Ninth Circuit Court of Appeals.

Attorney Riley stated we have been working on this "street artist" case for over four years and it has reached the Federal District Court level. He provided background on this law suit, stating that when the City Attorney's office became aware of Mr. White's lawsuit in Reno, they took steps to put policies for the sale of similar art work in the City of Sparks into the municipal code, which they felt were constitutional. He said there had never been a U.S. Supreme Court decision pertaining to the sale of first amendment type merchandise in public areas. However, the 9th Circuit Court of Appeals, which controls Nevada and 13 other states, did have a particular case that he looked at very carefully when re-drafting Sparks' policy and he put that policy into place, based on that case. However, when we went to the District Court, the District Court did not go along with our argument and we appealed to the 9th Circuit. The 9th Circuit was expected to uphold its 1991 decision, on which we based Sparks' policy, but in an unexpected turn of events, they reversed their earlier decision and we lost.

Mr. Riley stated that because we lost, we have to pay the attorney's fees for the plaintiffs. The attorneys for the plaintiffs have made a demand for $285,000+ and he has been in negotiations with these attorneys to reduce their fees. He said they have agreed to $199,900 in attorney's fees and Mr. Riley said he is recommending the City Council approve the settlement of this case for that amount.

In response to questions from Council, Mr. Riley noted that we stipulated to a small award of damages to the plaintiff of $4,000 and he can now sell his paintings anywhere he wants within the 9th Circuit (because this decision does not apply outside the 9th circuit).

Mr. Riley reviewed the procedure required for reconsideration by the 9th Circuit at the request of Council Member Carrigan. Mr. Carrigan also asked what happens if the Council does not approve the settlement. Mr. Riley stated we would take the lawyers back to court and fight for fees in two courts: in the District Court and in the 9th Circuit Court.

Mr. Riley stated that both claims for fees are very large and he feels they are both excessive, so he felt that we did a good job in getting them to agree to lower fees.

Council Member Carrigan asked where the money would come from if the Council approves the settlement. Mr. Riley stated that we have a self-insurance reserve that is maintained by Risk Management and there is $250,000 in the reserve at this time. Mr. Carrigan maintained that even though the money is coming from the self-insurance reserve, it originally came from the general fund and/or taxpayer's money. He then asked how much it more would it potentially cost us if we went to court again. Mr. Riley stated if we went to court and fought the attorney's fees, he felt that we would loose another $100,000 in addition to the full $285,000 that they are asking for.

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve the settlement of all claims for attorney's fees, costs, damages, interest and any other claim arising from the case of White v. City of Sparks, U.S. District Court Case No. CV-03-00251 DWH/RAM and Ninth Circuit Docket No. 05-15582, for the total amount of $199,900.00. Council Members Salerno, Schmitt, YES. Council Members Mayer, Smith, Carrigan, NO. Motion failed.

Time: 6:43:38 p.m.

Under Comments from the Council, Council Member Mayer asked for reconsideration of the settlement. He said the reason he voted no is that he felt this was a bad deal because the attorney's got all the money.

A motion was made by Council Member Mayer, seconded by Council Member Smith, to reconsider item 6.16. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

Council Member Mayer said he would like to have our attorneys continue negotiations. He said he would also like to have a history of this lawsuit and other similar cases and the track record of the attorneys. He said he would like to look at this issue in more depth and then have it brought back to us within a month. He said he voted no because he did not feel he was prepared enough to vote on this matter.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, that this settlement be returned to the City Attorney's Office for further review and negotiations and that it be brought back with more detail on the history of this lawsuit and court cases relating to this issue. Council Members Mayer, Salerno,

Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments from the Council and City Manager

Time: 6:42:35 p.m.

Council Member Smith commended the Public Works Department and the street and road crews for the efficient way they handled the recent snow storm.

Council Member Salerno said he received a letter from a Judy Lindquist from Sparks Middle School questioning the City's alarm response policy. City Manager Carey stated he would provide Mr. Salerno with a response for Ms. Lindquist.

Council Member Mayer asked for reconsideration of the settlement. He said the reason he voted no is that he felt this was a bad deal because the attorney's got all the money. (See Item 6.16 for discussion and vote.)

A motion was made by Council Member Mayer, seconded by Council Member Smith, to reconsider item 6.16. Council Members Mayer, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

10. Adjournment

Time: 6:46:32 p.m.

There being no further business, the meeting was adjourned at 6:46 p.m.

_____
Mayor

_____
City Clerk

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