

**REGULAR MEETING  
RENO CITY COUNCIL  
BRIEF OF MINUTES  
October 27, 2010**

The Reno City Council held a regular meeting at 2:25 p.m. on Wednesday, October 27, 2010 in the Council Chambers in City Hall.

**PRESENT:** Councilpersons Gustin, Zadra, Sferrazza, Dortch, Aiazzi and Hascheff and Mayor Cashell.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Dreska, City Attorney Kadlic, Chief Deputy City Attorney Chase and City Clerk Jones.

**A.3 APPROVAL OF THE AGENDA – October 27, 2010.**

It was moved by Councilperson Gustin, seconded by Councilperson Dortch to approve the agenda with item H.3 withdrawn.

Motion carried.

**A.4 APPROVAL OF THE MINUTES – October 13, 2010.**

It was moved by Councilperson Aiazzi, seconded by Councilperson Zadra to approve the minutes.

Motion carried.

**B.0 CASH DISBURSEMENTS – October 3, 2010 through October 16, 2010.**

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the Cash Disbursements.

Motion carried.

**A.5 PUBLIC COMMENT**

Garth Elliott, no address provided, discussed political issues.

Brad Jensen, 390 Kirman Avenue, discussed Breast Cancer Awareness month.

**AGENDA  
ITEM  
NO.**

**A.5 PUBLIC COMMENT – continued**

Mark Markel, 48 Park Street, discussed the dangers of drinking and driving.

Gary Schmidt, no address provided, discussed political issues.

Sam Dehne, Reno resident, discussed several issues.

Steve Davis, 2360 Red Maple Court, discussed his opposition to commercial development at the south end of the Robb Drive Bridge.

Chuck Walker, 2365 Eagle Bend Trail, discussed falling rocks on Somerset Parkway.

**C.0 CONSENT AGENDA**

**C.1 Approval of Privileged Business Licenses**

**a. New Licenses – Liquor**

1. Dotty's #66, Steve G. Hixon, 193 Damonte Ranch Parkway, Unit S. Bar. **[Ward 2]**
2. Maverik #421, Steve David Taylor, 10495 Stead Boulevard. Packaged liquor. **[Ward 4]**

**b. New Licenses – Gaming**

1. Dotty's #63, Steve G. Hixon, 2870 Northtowne Lane, Suite 102-104. Slots. **Ward 3]**
2. Dotty's #66, Steve G. Hixon, 193 Damonte Ranch Parkway, Unit S. Slots. **[Ward 2]**
3. United Coin Machine Db at 7-Eleven #25962, Robert A. Woodson, 690 Booth Street. Slots **[Ward 1]**

**c. New License – Privileged**

1. The Reno Gold Exchange, Jacob Gerald Peterson, 200 South Virginia Street, Suite 821. Secondhand merchandise. **[Ward 3]**

Recommendation: Staff recommends that the Council approve the Privileged License applications, subject to Police Department approval.

- C.2 Staff Report: Acceptance of a Grant Award from Nevada Humanities for Nevada and the West Historical Speaker Series for Senior Citizens in the amount of \$1,000, to be matched with in-kind City services.

Recommendation: Staff recommends that the Council accept the grant award.

**AGENDA**  
**ITEM**  
**NO.**

- C.3 Staff Report: Approval of a First Modification of the Lease Agreement with Reno Pops Orchestra for the use of 925 Riverside Drive, known as McKinley Arts and Culture Center.

Recommendation: Staff recommends that the Council approve the modification of the Lease Agreement and authorize the Mayor to sign.

- C.4 Staff Report: Approval of Amendment No. 2 to the Cooperative Agreement with the Nevada Department of Transportation (NDOT) for the East Fourth Street Enhancement Grant for a time extension.

Recommendation: Staff recommends that the Council approve the amendment to the Cooperative Agreement and authorize the Mayor to sign.

- C.5 Staff Report: Approval of a Consultant Agreement for Engineering Support and Construction Administration Services with Brown and Caldwell for the 2010 Sewer Rehabilitation Project in an amount not to exceed \$359,488 (Sewer Enterprise Fund).

Recommendation: Staff recommends that the Council approve the Consultant Agreement and authorize the Mayor to sign.

- C.6 Staff Report: Acceptance of Final FEMA (Federal Emergency Management Agency) Grant for the Oxbow Park Streambank and Infrastructure Protection Project and authorization for the City Manager to sign the grant documents in the amount of \$286,680.

Recommendation: Staff recommends that the Council accept the HMGP (Hazard Mitigation Grant Program) grant funds and authorize the City Manager to sign.

- C.7 Staff Report: Approval of Right-of Entry Authorization with the State of Nevada Department of Conservation and Natural Resources, Division of State Lands, for the Oxbow Nature Study Area Boardwalk Replacement (no fee associated with Right-of-Entry).

Recommendation: Staff recommends that the Council approve the Right-of-Entry Authorization with NDSL (Nevada Division of Lands) and authorize the Mayor to sign.

**AGENDA  
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NO.**

C.8 Staff Report: Approval of a Bid Award for the Oxbow Nature Study Area Boardwalk Replacement to Silverado Excavating Company in an amount not to exceed \$69,939.38 (CIP and Federal Emergency Management Agency reimbursement).

Recommendation: Staff recommends that the Council award the contract to Silverado Excavating Company and authorize the Mayor to sign.

C.9 Staff Report: Acceptance of the Report of the Special Assessment District Lien Sale held on September 28, 2010.

Recommendation: Staff recommends that the Council accept and file the report of sale.

C.10 Staff Report: Approval to purchase continued maintenance services with Tiburon, Inc. for the Tiburon Public Safety Computer Software Package in an amount not to exceed \$267,738 (General Fund).

Recommendation: Staff recommends that the Council approve the renewal of the maintenance package and authorize the payment in an amount not to exceed \$267,738.

C.11 Staff Report: Acceptance of a Grant Award from the US Department of Justice – Bulletproof Vest Partnership, from the Bureau of Justice Assistance for purchase of bulletproof vests for the Police Department, requiring a one-to-one match in an amount up to \$27,398.12 (General Fund).

Recommendation: Staff recommends that the Council accept the Grant Award.

C.12 Staff Report: Acceptance of a donation from the National Alliance on Mental Illness in support of the Mobile Outreach Safety Team (MOST) in the amount of \$10,000.

Recommendation: Staff recommends that the Council accept the donation.

Sam Dehne, Reno resident, discussed consent agenda items.

Jacob G. Peterson, 6471 Flower Street, presented a Public Comment Form in favor of item C.1.c.1, but did not speak.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to approve items C.1 through C.12 with items C.1.b.2, C.5 and C.10 pulled for discussion.

Motion carried.

**AGENDA  
ITEM  
NO.**

**C.1 Approval of Privileged Business Licenses**

**b. New Licenses – Gaming**

2. Dotty's #66, Steve G. Hixon, 193 Damonte Ranch Parkway, Unit S. Slots.  
[Ward 2]

Recommendation: Staff recommends that the Council approve the Privileged License applications, subject to Police Department approval.

Councilperson Zadra and Michael Chaump, Community Development Business Relations Manager, discussed this limited gaming license, which would allow up to 15 slot machines.

It was moved by Councilperson Zadra, seconded by Councilperson Hascheff to uphold the staff recommendation.

Motion carried.

- C.10 Staff Report: Approval to purchase continued maintenance services with Tiburon, Inc. for the Tiburon Public Safety Computer Software Package in an amount not to exceed \$267,738 (General Fund).

Recommendation: Staff recommends that the Council approve the renewal of the maintenance package and authorize the payment in an amount not to exceed \$267,738.

Councilperson Sferrazza and Rick Vandenberg, Director of Communications and Technology, discussed details of the proposed software purchase.

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to uphold the staff recommendation.

Motion carried.

- C.5 Staff Report: Approval of a Consultant Agreement for Engineering Support and Construction Administration Services with Brown and Caldwell for the 2010 Sewer Rehabilitation Project in an amount not to exceed \$359,488 (Sewer Enterprise Fund).

Recommendation: Staff recommends that the Council approve the Consultant Agreement and authorize the Mayor to sign.

Councilperson Aiazzi and John Flansberg, Public Works Director, discussed details of the scope and cost of the project.

**AGENDA  
ITEM  
NO.**

- C.5 Approval ... Engineering Support and Construction Administration Services with Brown and Caldwell for the 2010 Sewer Rehabilitation Project – continued

Councilperson Aiazzi stated that cost reductions should be negotiated before service contracts are approved.

Mayor Cashell and Mr. Flansberg agreed that Brown and Caldwell is a local firm.

Susan Ball Rothe, Deputy City Attorney, said that State law prohibits sending professional engineering services contracts out for bid.

Councilperson Aiazzi stated that the per-hour price charged by consultants should always be negotiated.

Mayor Cashell asked staff to provide details regarding their negotiations for the services.

It was moved by Councilperson Aiazzi, seconded by Councilperson Gustin to uphold the staff recommendation.

Motion carried.

MAYOR CASHELL ABSENT AT 3:02 P.M. ASSISTANT MAYOR ZADRA PRESIDED IN MAYOR CASHELL'S ABSENCE.

**D.0 PROCLAMATIONS:**

- D.1 Proclamation declaring October as Community Planning Month in conjunction with the recognition of National Community Planning Month – John Hester, Assistant City Manager

Councilperson Gustin, on behalf of Mayor Robert A. Cashell, Sr. and the City of Reno, proclaimed October 2010 as Community Planning Month.

Andrew Durling, Director of the Northern Nevada Planning Association, thanked the Mayor and Council for their support.

- D.2 Proclamation for the Grand Opening of the Regional Transportation Commission (RTC) Fourth Street Station in Downtown Reno – Lee Gibson, Executive Director, Regional Transportation Commission

Garth Elliott, no address provided, discussed the bus system in Washoe County District #5.

**AGENDA**  
**ITEM**  
**NO.**

- D.2 Proclamation for the Grand Opening of the ... Fourth Street Station in Downtown Reno – continued

Councilperson Dortch, on behalf of Mayor Robert A. Cashell, Sr. and the City of Reno, proclaimed October 28-31, 2010 as RTC Fourth Street Station Days.

Lee Gibson, Executive Director of RTC, invited everyone to join the celebration of the opening of the Fourth Street Station at 10:00 a.m. on October 28, 2010.

- D.3 Proclamation declaring October 2010 as Disability Employment Awareness Month – Laura Dickey, Diversity and Training Program Manager

Councilperson Sferrazza, on behalf of Mayor Robert A. Cashell, Sr. and the City of Reno, proclaimed October 2010 as Disability Employment Awareness Month.

DeeDee Bossart, Chair of the Reno Access Advisory Committee, thanked the Mayor and Council for their support.

**MAYOR CASHELL PRESENT AT 3:13 P.M. ASSISTANT MAYOR ZADRA CONTINUED TO PRESIDE THROUGH ITEM D.4.**

- D.4 Proclamation declaring the month of November 2010 as Pancreatic Cancer Awareness Month – Ginnie Jed, Community Representative

Councilperson Aiazzi, on behalf of Mayor Robert A. Cashell, Sr. and the City of Reno, proclaimed the month of November 2010 as Pancreatic Cancer Awareness Month.

Ginnie Jed, Regional Volunteer Community Representative for the Pancreatic Cancer Network, discussed the need for further pancreatic cancer research.

Stu Jed, discussed his battle with pancreatic cancer.

**L.0 MAYOR AND COUNCIL**

- L.7 Discussion and potential direction to staff regarding the process for filling a vacancy for Municipal Judge for Department 2 of the Reno Municipal Court. D. Aiazzi

Tracy Chase, Chief Deputy City Attorney, presented an overview of the process and proposed timeline for filling the Municipal Judge vacancy.

Councilperson Sferrazza and Ms. Chase discussed whether the Council should interview candidates for the position.

**AGENDA**  
**ITEM**  
**NO.**

- L.7 Discussion ... filling a vacancy for Municipal Judge for Department 2 of the Reno Municipal Court – continued

Councilperson Aiazzi and Ms. Chase discussed the possibility of using the City's employee application, and whether background checks on the applicants should be required. They agreed that whoever fills the vacancy would have to run for election to the office two years hence.

Councilperson Hascheff said that in the past the Councilpersons met individually with the applicants, who then made a formal presentation to the Council regarding their qualifications and experience.

Discussion ensued regarding the preferred interview process.

Mayor Cashell noted that Judge Hickman recently received a sizeable grant, and suggested that the Councilpersons meet with some of the sitting judges to discuss the grant and application process.

Ms. Chase noted that details with respect to the grant would be presented to the Council at the November 10, 2010 meeting.

Matthew Fisk, Court Administrator, agreed that information regarding the grant would be provided to the Mayor and Council.

John Kadlic, City Attorney, apologized to Judge Hickman's family for the necessity of discussing his replacement on the same day as his funeral, and thanked the Mayor and Council for delaying the meeting so that his friends and colleagues could attend the funeral.

Councilperson Aiazzi, on behalf of Mayor Robert A. Cashell, Sr. and the City of Reno, proclaimed Wednesday, October 27, 2010, as Judge Paul Hickman Day.

On behalf of Judge Hickman's family, Mr. Fisk thanked the Mayor and Council for issuing the proclamation.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the recommendations presented by the City Attorney's Office (see the power point presentation included in the Council packet).

Motion carried.



**AGENDA  
ITEM  
NO.**

**E.0 PRESENTATIONS:**

- E.2 Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ending June 30, 2009 – Jill Olsen, Interim Finance Director

Jill Olsen, Interim Finance Director, noted that this is the 27<sup>th</sup> consecutive year that the City of Reno's Finance Department has received this Government Finance Officers Association award, and thanked Lynette Hamilton and her staff for their outstanding work in preparing the CAFR (Comprehensive Annual Financial Report).

**F.0 PUBLIC HEARINGS – 12:15 P.M.**

- F.1 Staff Report: Request for a zoning map amendment from ±24.51 acres of SF15 (Single Family Residential - 15,000 square feet) and ±3.2 acres of LLR1 (Large Lot Residential - 1 acre) to ±27.71 acres of CC (Community Commercial); and from ±6.94 acres of LLR1 to ±6.94 acres of SF15. The ±34.65 acre site is located along the south side of I-80, ±700 feet west of its intersection with Robb Drive. **Case No. LDC10-00045 (TCA Properties). [Ward 1]**

Recommendation: The Planning Commission recommends approval of the requested zoning map amendment by ordinance.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and three e-mails of concern were received from: 1) Connie M. Alba, 1150 McGee Drive; 2) Scott Hartweg, 8101 Highland Flume Circle; and 3) John Spottiswoode, 8265 Mesa Park Road. She also said that seven e-mails in opposition were received from: 1) Mike and Kyle Lynn Carson, [mikenkyle@sbcglobal.net](mailto:mikenkyle@sbcglobal.net); 2) Elle Burns, 3820 Bexley Square; 3) Bill McCready, [bill@futurestradingsecrets.com](mailto:bill@futurestradingsecrets.com); 4) Regan Reid, [reganreid@sbcglobal.net](mailto:reganreid@sbcglobal.net); 5) Ray Wojdynski, 6307 Chesterfield Lane; 6) David von Seggern, 2585 Sunline Drive; and 7) Jacqueline Porter, 1262 Blue Lakes Road.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

Lori Wray, 2802 Outlook Drive, representing Scenic Nevada, discussed opposition to the zoning change, primarily due to concern for the drainageway and viewshed.

Ray Wojdynski, 6307 Chesterfield Lane, presented a Public Comment Form in opposition to the zoning change, but did not speak.

**AGENDA  
ITEM  
NO.**

**F.1 Case No. LDC10-00045 (TCA Properties) – continued**

Councilperson Gustin and Vern Kloos, Community Development Senior Planner, agreed that drainageway, billboard and on-premise signage issues would be closely examined during the Special Use Permit (SUP) process. They also discussed LeRoy Street and Robb Drive access issues.

Councilperson Aiazzi and Marilyn Craig, Deputy City Attorney, agreed that approving the zoning change does not oblige the Council in the future to allow any particular usage on the drainageway.

Councilperson Aiazzi and Mr. Kloos discussed billboard restrictions along Interstate-80 (I-80).

Councilperson Zadra and Ms. Craig discussed the judicial decision that prohibits the Council from considering potential projects along with zoning change requests.

Councilperson Zadra asked if the developers voluntarily disclosed their intended use of the property.

Mr. Kloos said that the developers' Master Plan application indicated that they intend to build an approximately 300,000 square foot commercial project.

Councilperson Zadra asked if a truck stop could be built on the property, and for clarification regarding what types of projects would be allowed under the CC (Community Commercial) zoning designation.

Mr. Kloos stated that a truck stop would not be an allowable use of the property because it does not have the proper Master Plan or zoning designation, and would not meet the truck stop location criteria. He also said that CC zoning would allow types of uses similar to those in the Raley's Center on Robb Drive at Mae Anne Avenue and McCarran Boulevard (bars, tattoo parlors, pawn shops etc.), some of which require separate SUPs to establish the use. Mr. Kloos clarified that the prohibition of billboards along I-80 applies to the area from Robb Drive east to Keystone Avenue, but does not apply to the section of I-80 that lies west of Robb Drive along the south side. He said that all billboard requests are governed by City ordinance.

Councilperson Zadra and Ms. Craig agreed that the Council must make their decision based solely on the findings applicable to this case, and not on the availability of vacant buildings in the area.

**AGENDA  
ITEM  
NO.**

**F.1 Case No. LDC10-00045 (TCA Properties) – continued**

Gary Schmidt, no address provided, discussed his credentials, and stated that the Council should submit to the State Legislature a Bill Draft Request (BDR) requesting that the law prohibiting the consideration of a specific development proposal along with a zoning change be repealed.

Councilperson Sferrazza asked what impact the more intense CC zoning designation would have on the drainageway.

Mr. Kloos stated that building anything in the drainageway would have an adverse impact on the drainageway. He noted that the requested zoning would be consistent with the Master Plan, and reiterated that the Council would determine during the next phases of approval whether or not it would be appropriate to build something either less or more intense in the drainageway portion of the site.

Councilperson Sferrazza and Mr. Kloos discussed the LLR1 (one dwelling unit per acre) zoning designation, and agreed that the developer is requesting a more intense land use than LLR1.

Mayor Cashell asked how many apartments could be built on the site.

Mr. Kloos stated that there is no density restriction in a CC zone and estimated that, based on parking, landscaping and building height and setback restrictions, 40-50 apartment units could be built on the site.

**COUNCILPERSON ZADRA ABSENT AT 4:01 P.M.**

Councilperson Hascheff stated that while the Master Plan and zoning changes are appropriate, it will be difficult for the developers to get approval to build anything in the drainageway.

Councilperson Dortch and Mr. Kloos discussed residential adjacency issues. Mr. Kloos stated that the developers would need an SUP to establish non-residential use on the property, in addition to several other SUPs.

It was moved by Councilperson Gustin, seconded by Councilperson Dortch to uphold the recommendation of the Planning Commission and approve the requested zoning map amendment by ordinance.

Motion carried with Councilperson Zadra absent and Councilperson Sferrazza voting nay.

**AGENDA  
ITEM  
NO.**

- F.1.1 **ORDINANCE, INTRODUCTION** Bill No. Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±34.65 acre site located along the south side of I-80, ±700 feet west of its intersection with Robb Drive from ±24.51 acres of SF15 (Single Family Residential - 15,000 square feet) and ±3.2 acres of LLR1 (Large Lot Residential - 1 acre) to ±27.71 acres of CC (Community Commercial); and from ±6.94 acres of LLR1 to ±6.94 acres of SF15; together with other matters properly relating thereto. **Case No. LDC10-00045 (TCA Properties). [Ward 1]**

It was moved by Councilperson Gustin, seconded by Councilperson Hascheff to refer Bill No. 6727 to the Committee of the Whole.

Motion carried with Councilperson Zadra absent and Councilperson Sferrazza voting nay.

- F.2 **Staff Report:** Request to amend Condition of Approval No. 2 for LDC06-00566 (Mt. Rose Station) to modify the time in which the applicant must apply for a building permit for Phase I of the project from 36 months (November 15, 2009) by 6 years (includes a one year administrative time extension) to November 15, 2015; and to apply for a building permit for the remainder of the project by November 15, 2020. The approved project consists of a 900-room hotel within 225-foot tall hotel towers, ±165,000 square feet of non-restricted gaming space, associated retail space and grading modifications to a disturbed major drainageway. The ±88.69 acre site is located on the southwest corner of the Mt Rose Highway/South Virginia Street intersection in the MU/RRC (Mixed Use/Redfield Regional Center) zones. **Case No. LDC11-00006 (Mt. Rose Station - Amend Condition). [Ward 2]**

**Recommendation:** Staff recommends that the Council approve the amendment to Condition of Approval No. 2, and the addition of Condition No. 45.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

Gary Schmidt, no address provided, presented his views on this issue.

COUNCILPERSON ZADRA PRESENT AT 4:06 P.M.

The Mayor closed the public comment portion of the hearing.

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NO.**

**F.2 Case No. LDC11-00006 (Mt. Rose Station - Amend Condition) – continued**

Councilperson Sferrazza and Vern Kloos, Community Development Senior Planner, discussed similar long-term requests, and agreed that the Special Use Permit (SUP) and all of the conditions placed on the project would remain intact, regardless of who owns the property in the future.

Councilperson Sferrazza asked the applicant why a ten-year time extension is necessary.

Mike Alonzo, Jones Vargas attorney representing the applicant, stated that Phase I is a large construction project involving numerous components that would occur within five years, while total build-out of the project (Phases II and III) would occur over a ten-year period. He said that economic conditions are such that the project cannot get underway for at least the next several years.

John Hester, Assistant City Manager for Community Development and Redevelopment, discussed planning issues and 20-year infrastructure projections.

Councilperson Aiazzi requested that staff determine whether the City is losing money on the Mount Rose Station because they are providing services to the project area, but are unable to collect property taxes on it.

Councilperson Dortch said that the other phases of the project will not occur if Phase I has not been completed within five years, and noted that the City has granted similar extensions to other developers. He said that a project of this magnitude would put many people to work, and he wanted to assist the developers by not requiring them to go through the approval process again.

Councilperson Hascheff and Mr. Kloos agreed that the developers would be subject to all increases in impact fees, Health Department regulations, Code changes, etc. that are in place when the developers apply for a building permit, and that nothing in the extension precludes that requirement.

It was moved by Councilperson Zadra, seconded by Councilperson Hascheff to uphold the staff recommendation.

Motion carried.

COUNCILPERSON DORTCH ABSENT AT 4:25 P.M.

**AGENDA  
ITEM  
NO.**

F.3 Staff Report: Approval of a Settlement Agreement for Wingate Apartments, L.P., et al. vs. City of Reno, et al., District Court Case No. CV10-01953, concerning amendments to Planning Unit 7 of the Sharlands Planned Unit Development with respect to the development of convenience store and gasoline sales to operate 24 hours a day on Assessor's Parcel 212-131-01 located on the southwest corner of the Sharlands Avenue/Ambassador Drive intersection which was set forth more fully in City of Reno Case No. LDC10-00026. The Settlement Agreement primarily concerns clarification of the requirements regarding landscaping, security measures, and future 24-hour uses.

Recommendation: The City Attorney's Office recommends that the Council approve the proposed Settlement Agreement.

Marilyn Craig, Deputy City Attorney, presented an overview of the Staff Report. She said that the provision regarding 24-hour uses (Section 3.17 on page 270 of the Staff Report) is being withdrawn, and a typographical error on page 265, which refers to Section 1.3 of the agreement, should be corrected to read Section 1.03.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and two e-mails in opposition were received from: 1) Fred M. Stoner, 6146 White Water Way; and 2) Aleksey Telyakovskiy, 6350 Park Place. Ms. Jones also said that one e-mail in favor of the agreement was received from Stephen M. Flynn, representing the Sharlands Terrace Apartments community.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

Doug Flowers, representing Maverik Inc., discussed their support for approval of the Settlement Agreement.

It was moved by Councilperson Gustin, seconded by Councilperson Hascheff to approve the proposed Settlement Agreement with Section 3.17 regarding Twenty-Four Hour Uses withdrawn, and the first sentence of the agreement amended to read: "...shall be effective as provided in Section [~~1.3~~] 1.03 below..."

Motion carried with Councilperson Dortch absent.

**AGENDA  
ITEM  
NO.**

- F.4 **Staff Report:** Request for the abandonment of a ±70 foot wide by ±490 foot long portion of right-of-way (±34,395 square feet) containing Military Road prior to its realignment at the intersection of Lemmon Drive and a ±1,254 square foot portion of right-of-way located at the southern tip of parcel 552-261-03. The subject properties are located to the south of the current Military Road alignment at the intersection of Lemmon Drive. **Case No. ABN10-00007 (Military Road Abandonment). [Ward 4]**

**Recommendation:** Staff recommends that the Council determine that the public will not be materially injured by the proposed vacation and approve the abandonment, subject to the conditions in the Staff Report.

*This item was continued from the August 18, 2010 and September 8, 2010 City Council meetings.*

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Mayor Cashell opened the public hearing and asked if anyone wished to speak. No one spoke and the Mayor closed the public comment portion of the hearing.

Marilyn Craig, Deputy City Attorney, provided a brief overview of the Staff Report, and requested that the Council continue the item to the last meeting in January 2011.

It was moved by Councilperson Hascheff, seconded by Councilperson Zadra to continue this item to the January 26, 2011 meeting.

Motion carried with Councilperson Dortch absent.

COUNCILPERSON DORTCH PRESENT AT 4:27 P.M.

**J.0 STANDARD DEPARTMENT ITEMS**

**J.1 FINANCE**

- J.2 **Staff Report:** Presentation and approval of the Annual Report of the Financial Advisory Board (FAB), discussion and potential direction to staff.

**Recommendation:** The FAB recommends that the Council accept and approve the report, or change it as necessary to assign other projects to the Board.

**AGENDA  
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NO.**

J.2 Presentation ... Annual Report of the Financial Advisory Board – continued

Denise Jacobsen, Chair of the FAB, presented the report.

Councilperson Hascheff, Council Liaison to the FAB, thanked the FAB members for their service to the City of Reno.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to accept and approve the Annual Report and Work Plan submitted by the Financial Advisory Board.

Motion carried.

**J.6 PARKS, RECREATION AND COMMUNITY SERVICES**

J.7 Staff Report: Discussion, possible acceptance and approval of an Agreement with RJB Development regarding Northgate Golf Course, Amendment No. 5 to the Option Agreement, and potential direction to staff.

Recommendation: It is recommended that the Council accept and approve Amendment No. 5 to the Option Agreement with RJB Development regarding the Northgate Golf Course, provide direction regarding funding, and authorize the Mayor to sign.

Susan Schlerf, Assistant City Manager, presented an overview of the terms of the Fifth Amendment to the Option Agreement, including RJB's proposal to sell certain portions of the property to adjacent landowners.

Councilperson Aiazzi discussed details of the private loan option, and the status of the Special Assessment District (SAD) process (72.1% of the property owners have agreed to the assessment).

Councilperson Dortch and Ms. Schlerf discussed State law regarding the use of Residential Construction Tax (RCT) funds, and the proposal to comply with the law by re-parceling 128 acres of the property into parcels of 25 acres or less for financing purposes.

Susan Ball Rothe, Deputy City Attorney, discussed compliance with the RCT statute. She said that eventually two of the 25-acre parcels would have to be used for park purposes.

Tracy Chase, Chief Deputy City Attorney, said that the RCT statute provides a list of neighborhood park facilities that would have to be installed in the future, but does not address specifically when the facilities would have to be built.



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- J.7 Discussion ... approval of an Agreement with RJB Development regarding Northgate Golf Course, Amendment No. 5 to the Option Agreement – continued

Councilperson Zadra asked if any recreation facilities in RCT District No. 2 that were identified in the City's 2008 Recreation Facilities Plan could also benefit from this non-General Fund RCT money.

COUNCILPERSON GUSTIN ABSENT AT 4:41 P.M.

Ms. Schlerf replied that the Van Ness-Keystone trailhead park in District No. 2 was not included in the Recreation Facilities Plan because it was classified as an open-space project rather than a recreation facilities need. She added that RCT money is specifically designated for neighborhood parks, and could not be used for projects such as renovating the Northwest Swimming Pool.

Creig Skau, Deputy City Attorney, said that RCT funds can be used to acquire a new neighborhood park or install facilities at an existing park.

Councilperson Sferrazza said that this proposal is similar to what has been accomplished with RCT funds in other City neighborhoods.

Councilperson Hascheff stated that this public/private partnership is worthy of support, and thanked Councilperson Aiazzi and City staff for their dedication to making it happen.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to uphold the staff recommendation.

Councilperson Aiazzi thanked the Washoe County Commission for their assistance in negotiating the purchase price, and for contributing \$400,000 towards it.

Ms. Rothe requested that the motion include the source(s) of funding for the additional \$537,000.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to amend the motion, uphold the staff recommendation, and direct that the additional \$537,000 come from the following three sources: Open Space and Greenways, \$131,806; Sensitive Lands, \$68,000; and Park RCT - District 2, \$733,559.

Motion carried with Councilperson Gustin absent.

**AGENDA  
ITEM  
NO.**

**G.0 ORDINANCES, ADOPTION**

- G.1 Staff Report: Bill No. Ordinance amending Ordinance No. 6133, for the purpose of establishing regular Council meeting dates for the 2011 calendar year and the month of January, 2012; together with other matters properly relating thereto.

Recommendation: Staff recommends that the Council pass and adopt the Ordinance.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Bill No. 6726, Ordinance No. 6166.

Motion carried with Councilperson Gustin absent.

COUNCILPERSON AIAZZI AND MAYOR CASHELL ABSENT AT 4:44 P.M.  
ASSISTANT MAYOR ZADRA PRESIDED IN MAYOR CASHELL'S ABSENCE.

**H.0 RESOLUTIONS [Other Resolutions can be found under the Public Hearing Sections of this Agenda.]**

- H.1 Staff Report: **Resolution No.** Resolution Accepting Streets - Villages at Damonte Ranch Unit 19A-2 Subdivision - portions of Cedar Rock Drive, Amber Falls Drive, Quailwood Drive and Indian Wells Drive (LDC05-00377). [**Ward 2**]

Recommendation: Staff recommends that the Council adopt the Resolution.

It was moved by Councilperson Hascheff, seconded by Councilperson Dortch to adopt Resolution No. 7522.

Motion carried with Councilpersons Aiazzi and Gustin and Mayor Cashell absent.

- H.2 Staff Report: **Resolution No.** Resolution donating \$3,360 to the Sierra Challenge Athletic Association to defray expenses associated with its wheelchair rugby and wheelchair basketball programs (General Fund).

Recommendation: Staff recommends that the Council adopt the Resolution.

It was moved by Councilperson Hascheff, seconded by Councilperson Dortch to adopt Resolution No. 7523.

Motion carried with Councilpersons Aiazzi and Gustin and Mayor Cashell absent.

**AGENDA  
ITEM  
NO.**

- H.3 Staff Report: Resolution No. Resolution allocating \$25,000,000 of the City of Reno's \$65,604,000 Volume Cap for Recovery Zone Facility (RZF) Bonds to Energy Matrix for purposes of financing a 4.5 mW solar and energy-management project pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof.

*This item was continued from the September 22, 2010 City Council meeting.*

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

- H.4 Staff Report: Resolution No. Resolution Approving Major Fund Designations for Fiscal Year (FY) 2010.

Recommendation: Staff recommends that the five funds meeting the nondiscretionary criteria be designated as major funds – General Fund, Railroad (ReTRAC) Debt Fund, Streets Capital Project Fund, Redevelopment Agency Capital Project Fund, and Sanitary Sewer Enterprise Fund. Staff also recommends that: 1) the Events Center Debt Fund, the Building Permit Enterprise Fund, and the Planning Enterprise Fund, the last three as previously directed by City Council, be designated as major for consistent reporting purposes; and 2) that the Council adopt the Resolution.

Tracy Chase, Chief Deputy City Attorney, said that the third paragraph of the Resolution should be corrected to read as follows: “NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Reno that the following governmental and/or enterprise funds be designated as major for financial reporting purposes for the fiscal year ending June 30, [~~20109:~~] 2010.”

It was moved by Councilperson Hascheff, seconded by Councilperson Dortch to adopt Resolution No. 7524 with the following correction to the third paragraph: “NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Reno that the following governmental and/or enterprise funds be designated as major for financial reporting purposes for the fiscal year ending June 30, [~~20109:~~] 2010.”

Motion carried with Councilpersons Aiazzi and Gustin and Mayor Cashell absent.

COUNCILPERSON AIAZZI PRESENT AT 4:46 P.M. COUNCILPERSON SFERRAZZA ABSENT AT 4:46 P.M.

- I.0 ORDINANCES, INTRODUCTION [Other Ordinance Introductions can be found under the Public Hearing Sections of this Agenda.]**

**AGENDA  
ITEM  
NO.**

**J.3 PUBLIC WORKS**

- J.4 Staff Report: Presentation, discussion and potential approval of an Interlocal Cooperative Agreement among the City of Reno, City of Sparks, Washoe County, and Regional Transportation Commission (RTC) for projects included in RTC's FY2011/FY2012 Regional Road Impact Fee (RRIF) Street and Highway Program of Projects and the FY2011/FY2012 Fuel Tax Street and Highway Program of Projects, which will authorize RTC to proceed with the list of projects provided.

Recommendation: Staff recommends that the Council approve the Interlocal Cooperative Agreement and authorize the Mayor to sign.

Jeff Hale, RTC Engineering Director, presented an overview of the FY2011-2012 Program of Projects.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to uphold the staff recommendation.

Motion carried with Councilpersons Sferrazza and Gustin and Mayor Cashell absent.

- J.5 Staff Report: Discussion and potential approval of the 2010-2011 Snow and Ice Control Plan and potential direction to staff.

Recommendation: Staff recommends that the Council approve the Plan.

Darrel Ellis, Public Works Street Maintenance Manager, presented a brief overview of the Staff Report.

Councilperson Aiazzi and Mr. Ellis discussed details of the Plan with respect to neighborhoods in Reno's higher elevations.

**COUNCILPERSON SFERRAZZA PRESENT AT 4:54 P.M.**

Assistant Mayor Zadra and Mr. Ellis discussed snow and ice removal on City sidewalks and streets, particularly at bus stops and in cul-de-sacs, and the possibility of conducting a public outreach campaign to disseminate this information.

It was moved by Councilperson Aiazzi, seconded by Councilperson Dortch to approve the 2010-2011 Snow and Ice Control Plan.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**AGENDA  
ITEM  
NO.**

**J.8 CITY MANAGER**

J.9 Staff Report: Discussion and potential approval of a Lease Agreement between Washoe County School District (WCSD) and the City of Reno relating to the provision of Educational Programs at the Community Assistance Center (CAC).

Recommendation: Staff recommends that the Council approve the Lease Agreement and authorize the Mayor to sign.

Jodi Royal-Goodwin, Community Reinvestment Manager, presented a brief overview of the Staff Report.

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to uphold the staff recommendation.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

J.10 Staff Report: Update, discussion and potential direction to staff regarding the City of Reno Recovery Zone Facility (RZF) Bond Program.

Recommendation: Staff seeks Council approval of the recommendation that IMG Energy withdraw its RZF Bond application and reallocate its resources to project enhancements or community investments.

Maureen McKissick, Grant and Fund Development Manager, presented an overview of the Staff Report, which details IMG Energy's decision to drop out of the RZF Bond Program.

It was moved by Councilperson Dortch, seconded by Councilperson Aiazzi to uphold the staff recommendation.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

J.11 Staff Report: Update, discussion, potential direction to staff and approval of the proposed Neighborhood Improvement Plan utilizing grant funding received by the Reno Police Department in an amount of \$40,000 from the Nevada Department of Public Safety, Office of Criminal Justice Assistance for the Project Safe Neighborhood Program.

Recommendation: Staff recommends that the Council approve the proposed Neighborhood Improvement Plan.

Steve Pitts, Acting Police Chief, presented an overview of the Staff Report.

**AGENDA  
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NO.**

**J.11 Update ... approval of the proposed Neighborhood Improvement Plan – continued**

Councilperson Sferrazza thanked Chief Pitts and the community action team for their neighborhood improvement efforts, and suggested discussing this issue during the City's budget planning sessions.

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to uphold the staff recommendation.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**K.0 CITY CLERK**

**K.1 Boards and Commissions Appointments**

**K.1.a. City of Reno Arts and Culture Commission**

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to reappoint Nettie Oliverio to the City of Reno Arts & Culture Commission.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**K.1.b. Ward 2 (South) Neighborhood Advisory Board**

It was moved by Councilperson Dortch, seconded by Councilperson Hascheff to appoint David Farahi to the Ward 2 (South) Neighborhood Advisory Board.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**K.1.c. Ward 3 (Southeast) Neighborhood Advisory Board**

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to reappoint Xiomara Rodriguez to the Ward 3 (Southeast) Neighborhood Advisory Board.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**THIS ITEM WAS ALSO DISCUSSED LATER IN THE MEETING.**

**AGENDA  
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NO.**

K.1.e. Ward 2 (Central) Neighborhood Advisory Board

It was moved by Councilperson Dortch, seconded by Councilperson Hascheff to appoint Carmen Martinez to the Ward 2 (Central) Neighborhood Advisory Board.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

K.1.d. Youth City Council

NO ACTION WAS TAKEN ON THIS ITEM.

K.1.c. Ward 3 (Southeast) Neighborhood Advisory Board

THIS ITEM WAS ALSO DISCUSSED EARLIER IN THE MEETING.

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to appoint Mike Trudell to the Ward 3 (Southeast) Neighborhood Advisory Board.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

L.1 Identification of Mayor and Council Items for Future Agendas of the Reno City Council.

Assistant Mayor Zadra requested discussion and possible direction to staff to implement a once-a-month report of a positive event that has happened in Reno.

Councilperson Aiazzi requested discussion and possible direction to staff regarding the future of the former CitiCenter facility.

**L.2 Liaison Reports**

NO ACTION WAS TAKEN ON THIS ITEM.

L.3 Reports from any Conferences or Professional Meetings.

NO ACTION WAS TAKEN ON THIS ITEM.

**AGENDA  
ITEM  
NO.**

- L.4 Discussion and potential direction to staff regarding a Status Report on Grievances and Arbitrations. D. Aiazzi

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to place a standing item regarding the status of pending or recently resolved grievances and arbitrations on the Council's regular agenda.

Don Christensen, Deputy City Attorney, stated that he would like an opportunity to address any potential privacy issues before providing the information to the public.

Councilperson Hascheff and Mr. Christensen agreed that cases that were resolved by arbitration would be considered part of the public record. Mr. Hascheff said that the information could be provided in summary form without identifying the individuals involved in the grievances.

Mr. Christensen noted that disclosing information regarding disciplinary issues would be more problematic.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

- L.5 Discussion and potential direction to staff regarding whether use of the drug called "Pepsipice" can be outlawed in the City of Reno. J. Sferrazza

Councilperson Sferrazza said that this new drug causes people to hallucinate, there is no restriction or age limit on its purchase, and the City of Reno should outlaw this harmful substance.

Steve Pitts, Acting Police Chief, said that his staff is working with the City Attorney's Office to examine what other jurisdictions have done to prohibit the possession and sale of Spice (synthetic marijuana). He said that he received a comprehensive report on the drug from the Drug Enforcement Agency (DEA), and asked the Nevada Chiefs and Sheriffs to consider the issue at their meeting next week in Las Vegas. Chief Pitts said that he also requested that the Pharmaceutical Board and the City's Legislative representatives collaborate with law enforcement and private sector organizations to propose legislation to outlaw this dangerous drug.

Councilperson Sferrazza and Chief Pitts discussed the prevalence of stores in Reno that are selling the drug, and Chief Pitts said that the City's Street Enforcement Team is beginning to identify those who are selling it. He also suggested that an early education campaign be implemented by the City while the legal aspects of outlawing the drug's use are thoroughly explored.



**AGENDA  
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NO.**

- L.5 Discussion ... whether use of the drug called "Pepspice" can be outlawed in the City of Reno – continued

Chief Pitts stated that Nevada Revised Statutes (NRS) can be employed to ensure that children are protected from the drug and its harmful effects, but no tests are available to screen for it, and Police Department canines are not currently trained to detect it.

Councilperson Sferrazza noted that Elko recently banned the drug, and asked if Reno could use their law as a model for developing a similar one.

Gabriel Carr, Deputy City Attorney, said that both Elko and Ely have banned the drug, but stated concern regarding whether cities actually have the Legislative authority to do so.

Councilperson Sferrazza requested an update regarding the process of outlawing the drug at the November 10, 2010 Council meeting, and asked what designation the DEA recommends for identifying the drug.

Chief Pitts said that the DEA recommends identifying Spice as a Schedule 1 illicit narcotic, a category that includes methamphetamine, cocaine, PCP and marijuana.

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to direct staff to explore the options for outlawing "Spice" and report back at the November 10, 2010 meeting.

Councilperson Hascheff clarified that staff should determine whether the City is authorized to outlaw the drug, or if the State preempts their authority to do so. He requested that staff also identify someone who would be willing to sponsor the appropriate BDR.

Councilperson Sferrazza requested that staff prepare an ordinance for initial approval at the November 10, 2010 if it is determined that the City has the authority to outlaw the drug. She also requested that the City implement a public awareness campaign to warn the public about the drug.

Councilperson Aiazzi noted that if the City of Reno can outlaw the drug, the Washoe County Commission and City of Sparks should be contacted about passing similar laws.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**AGENDA  
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NO.**

- L.6 Discussion and potential direction to staff regarding possible City participation in the "Put Nevada Back to Work" event sponsored by Reno Radio Representatives. P. Hascheff

Assistant Mayor Zadra said that Panama, who represents the Reno Radio Representatives, requested that this item be continued.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to continue this item.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

- L.8 Discussion and potential direction to staff regarding allocating funds for the Rink on the River for the FY2010-2011 season. J. Sferrazza

Bill Fine, Reno resident, stated that the City should fund the ice rink.

Councilperson Sferrazza suggested that the Councilpersons and Mayor offer their Council Discretionary funds to operate the Rink on the River this winter. She said that the Washoe County Sheriff's inmate crew is willing to set up and take down the rink, and the Sheriff agreed to work with the City Attorney's Office to address potential liability issues.

City Manager Dreska said that \$35,000 was set aside in last year's Budget for the set up and take down of the rink, and the money is still available. She said that Mayor Cashell wanted the record to reflect that he spoke with individuals who may be willing to cover some of the shortfall of operating the rink this season if the City is unable to do so.

Councilperson Sferrazza asked how much it would cost to operate the ice rink this winter.

City Manager Dreska said that revenue generated by the ice rink is weather related and depends on how many days the rink remains operational during the season. She said that it costs approximately \$200,000 to operate, the ice rink did not make a profit during its first couple of years, year before last it made a little under \$1,000, and last year it made only slightly more than \$1,000. Ms. Dreska noted that if the Council votes today to open the rink, it might not be possible to do so by Thanksgiving.

Assistant Mayor Zadra asked if the City is responsible for paying part-time employees' unemployment insurance if they are hired exclusively for working at the ice rink.

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NO.**

- L.8 Discussion ... funds for the Rink on the River for the FY2010-2011 season – continued

Ms. Dreska said that ¾-time employees that are hired exclusively to work at the ice rink would qualify for unemployment benefits when they are laid off.

Johnathan Skinner, Parks and Recreation Manager, said that it costs approximately \$210,000 per season to operate the ice rink, and noted that staff typically starts the process of setting it up in September. He said that the purchase of the chiller has eliminated a huge expense, and the major cost of operating the rink is related not to the set up and take down process, but to the operations themselves (skate guards, security staff, etc.).

Councilperson Aiazzi and Sue Schlerf, Assistant City Manager, discussed the process necessary for setting up and financing the ice rink.

Councilperson Hascheff stated his preference for moving forward to open the ice rink by Thanksgiving or as soon as possible thereafter.

It was moved by Councilperson Sferrazza, seconded by Councilperson Hascheff to direct staff to open the Rink on the River for the 2010-2011 season.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

**M.0 PUBLIC HEARINGS – 6:00 P.M. – None.**

MEETING ADJOURNED AT 5:29 P.M.