MINUTES OF THE

FERNLEY CITY COUNCIL MEETING

APRIL 1, 2020

Mayor Edgington called the meeting to order at 5:00 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV

Due to the COVID-19 Pandemic and the Governors Declaration of Emergency Directive 006, there was no public attendance at this meeting. The meeting was live streamed at www.cityoffernley.org and public comments could be submitted via email at cityclerk@cityoffernley.org.

1. INTRODUCTORY ITEMS
1.1. Roll Call
Present: Mayor Roy Edgington, Councilman Ray Lacy, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilwoman Shellie Severa, City Manager Daphne Hooper, Public Works Director Dave Whalen, City Treasurer Denise Lewis, Planning Director Tim Thompson, City Clerk Kim Swanson, City Attorney Brandi Jensen, Deputy City Clerk Brenda Gossler, Human Resource Manager Shannon McKnight, Water Attorney David Rigton

1.2. Public Forum
There was none.

1.3. (For Possible Action) Approval of the Agenda
Motion: MOVE TO APPROVE THE AGENDA AS SUBMITTED, Action: Approve, Moved by Councilman Stan Lau, Seconded by Councilman Ray Lacy. Vote: Motion 4/01/2020 FCC Meeting
carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

2. CONSENT AGENDA:
2.1. (For Possible Action) Approval of Voucher Report.
2.2. (For possible action) Approval of Minutes
2.3. (For Possible Action) Approval of Business Licenses
2.4. Possible Action to Approve the Will-Serve for Domino’s Pizza (AMD Pizza) .46 ERC’s for Water and 1.23 ERC’s for Sewer for Lyon County Parcel 021-232-67 located at 1510 E. Newlands Dr. Fernley, NV.
2.5. (For possible action) Adoption of Resolution 20-005 supporting action on the Federal Lands Conveyance Bill introduced by Congressman Mark Amodei and other matters properly related thereto.
2.6. Possible Action to Award a Contract for Construction for the FY 19/20 PMP Maintenance Project, to Sierra Nevada Construction, Inc. (SNC), in an amount not to exceed $684,007, plus a 5% contingency of $34,200.

Motion: MOVE TO APPROVE THE CONSENT AGENDA AS SUBMITTED, Action: Approve, Moved by Councilman Stan Lau, Seconded by Councilman Ray Lacy. Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

3. REPORTS This item is for various public entity representatives to provide general information to the Council and public. No action will be taken.
3.1 Reports by City Staff, City Council and the Mayor, including but not limited to monthly statistical reports by city departments.
   Mayor Edgington reported the Lyon County Sheriff’s Office stats for the month of March.
   City Manager Hooper reported Budget hearings will be held on Thursday, April 2\textsuperscript{nd}, Friday, April 3\textsuperscript{rd} and Tuesday, April 7\textsuperscript{th} if needed. There will be a special meeting on Tuesday.
Mayor Edgington reported City Hall has been closed and will remain closed at least until April 30th. He reported the City is in constant contact with Lyon County Emergency Manger Jeff Page. The City will continue to provide essential services every day.

4. PRESENTATIONS
4.1. Presentation of Customer Service Satisfaction Survey Results
Deputy City Clerk Gosser presented the 2019 Customer Service Satisfaction Results (see attached).

5. PUBLIC HEARINGS
a. Discussion with City Council & Staff
b. Public Input
c. Additional Discussion with City Council & Staff
d. Council Action or Direction to Staff

5.1. Public Hearing, RTA 2019-001
Consideration and Possible Action to approve a Reversion to Acreage map to combine two parcels, one parcel ± 1.31 acres and one ± 1.30 acres, creating one parcel approximately ± 2.61 acres in size in the RR-1 zoning district generally located south of Farm District and west of Donna Way, Fernley, NV (APN(s): 021-472-18 & 19).

Planning Director Thompson presented the RTA. He stated the applicant owns both parcels and would to combine them to create one parcel so a single-family resident may be constructed on the property.

Motion: MOVE TO APPROVE REVERSION TO ACREAGE, RTA 2019-001, COMBINING TWO PARCELS INTO A SINGLE ± 2.61-ACRE PARCEL, Action: Approve, Moved by Councilwoman Fran McKay, Seconded by Councilman Stan Lau. Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

6. STAFF REPORTS

4/01/2020 FCC Meeting
6.1. (For possible action) Direct staff to prepare and submit comments to the Bureau of Reclamation regarding the Truckee Canal Extraordinary Maintenance Draft Environmental Impact Statement

David Rigdon, Special counsel for water issues presented the Truckee Canal XM Project Environmental Impact Statement (see attached PowerPoint). Mr. Rigdon explained the public comment period for the impact statement began on March 6th. The deadline for public comments is April 20th. He recommended all citizens in the City provide comments to the Bureau on how this project will affect them, especially domestic well owners. By law, the Bureau is required to provide a response to every comment received during this time. He asked City Council for authorization to prepare and submit comments on behalf of the City to the Bureau. He stated if City Council has additional comments, please let him know.

Motion: MOVE TO DIRECT STAFF TO PREPARE AND SUBMIT COMMENTS TO THE BUREAU OF RECLAMATION REGARDING THE TRUCKEE CANAL EXTRAORDINARY MAINTENANCE DRAFT ENVIRONMENTAL IMPACT STATEMENT.

Action: Approve, Moved by Councilman Stan Lau, Seconded by Councilman Ray Lacy.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

Break 6:01 – 6:10

6.2. A. Discussion and Possible Action to approve the City Manager, Daphne Hooper’s annual employment performance, established goals, and the City Council and Mayor’s satisfaction with the City Manager’s employment performance and general performance as the City Manager. B. Discussion and Possible Action to approve the City Manager Daphne Hooper’s salary.

Mayor Edgington read a letter into record from resident Kim McCreary complimenting City Manager Hooper.

Human Resource Manager McKnight reviewed the evaluation scores for City Manager Hooper. City Manager Hooper reviewed her goals. She stated in response to the COVID-
19 pandemic she will need to establish a plan for the possible impact to the budget and potential recession.

**Motion:** MOVE TO APPROVE THE CITY MANAGER’S EVALUATION, **Action:** Approve, **Moved by** Councilman Albert Torres, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

**Motion:** MOVE TO GIVE THE CITY MANAGER THE SAME INCREASE AS STAFF EFFECTIVE JULY 1, 2020., **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Albert Torres. **Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0). **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa. **No:** Councilman Ray Lacy.

6.3. Discussion and Possible Action to approve the City Attorney, Brandi Jensen’s past year’s employment performance, and the City Council and Mayor’s satisfaction with the City Attorney’s employment performance including but not limited to a. City Attorney Contract Compliance b. General Performance as the City Attorney c. Compensation

Human Resource Manager McKnight reviewed the evaluation scores for City Attorney Brandi Jensen. City Attorney Jensen reviewed the over all accomplishments of the City in the past 10 years.

**Motion:** MOVE TO APPROVE CITY ATTORNEY’S EVALUATION, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

**Motion:** MOVE TO APPROVE A 4% INCREASE FOR CITY ATTORNEY JENSEN EFFECTIVE MARCH 22, 2020, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Albert Torres. **Vote:** Motion carried by unanimous roll call vote

4/01/2020 FCC Meeting
6.4. Discussion and Possible Action to designate Hinton Burdick CPAs & Advisors as the Independent Audit Firm to perform the City' Annual Financial Audit for the Fiscal Year ending June 30, 2020.
City Treasurer Lewis stated Per NRS the governing body must designate an auditor on an annual basis. She requested City Council designate Hinton Burdick CPAs and Advisors as the City's independent audit firm to perform the audit for Fiscal Year ending June 30, 2020.

**Motion:** MOVE TO DESIGNATE HINTON BURDICK CPAS & ADVISORS AS THE INDEPENDENT AUDIT FIRM TO PERFORM THE CITY' ANNUAL FINANCIAL AUDIT FOR THE FISCAL YEAR ENDING JUNE 30, 2020, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shellie Severa.

7. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.
Councilwoman McKay requested a future agenda item that would consider annexing Campfire Circle into the City.

8. PUBLIC FORUM
There was none.

**ADJOURNMENT**
4/01/2020 FCC Meeting
There being no further business to come before it, the Fernley City Council meeting adjourned at 6:51 pm.

Approved by the Fernley City Council on May 6, 2020 by a vote of:

AYES: 5    NAYS: 0    ABSTENTIONS: 0    ABSENT: 0

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington
2018-2019
CUSTOMER SATISFACTION SURVEY
SURVEY DISTRIBUTION

- 6,500 copies were mailed in the December 2018 utility bills
- Hard copies available at the counter
- Digital format available on the City's website
- Advertised on the reader board and social media
- Link at bottom of staff's email signature

DATA COLLECTION

- December 2018 – November 2019
- 147 surveys received
- 126 filled out by hand
- 21 filled out online
DATA COLLECTION - CONTINUED

- 133 surveys had 3 or more sections filled out
- 12 surveys had 1-2 sections filled out, 9 of those had only comments
- 1 survey was returned blank
- 1 survey was filled out incorrectly

SECTION 1: CONTACT TYPE

*12 surveys did not specify which department was contacted
SECTION 2: DEPARTMENT CONTACTED

- 9 surveys identified no specific department was contacted
- 28 surveys listed more than one department was contacted

SECTION 3: SATISFACTION WITH SERVICE

- Acknowledged in a timely manner
- Attitude of Staff
- Staff Knowledge
- Professionalism
- Accuracy of information
- Satisfaction with services provided

OVERALL LEVEL OF SATISFACTION
SECTION 4: IMPROVEMENT NEEDED

CATEGORY THAT NEEDS THE MOST IMPROVEMENT

Acknowledged in a timely manner  | Attitude of staff  | Staff knowledge  | Professionalism  | Accuracy of information given by staff  | Satisfaction with quality of services provided  | None

SECTION 5: COMMENTS

95 surveys contained comments:
9 of those contained no other data

COMMENTS

35%
65%
SECTION 6: CONTACT INFORMATION

- 95 YES, 25 NO; 27 blank
- 102 provided contact information

2018-2019 SURVEY

- Data analysis
- Forwarded surveys to applicable departments for follow up
- Present results at City Council and Customer Service Team
- Training to address categories that need the most improvement
2019-2020 SURVEY

- Mailed in the utility and online, advertised on reader board and social media
- Follow up: departments, customers
- Education: dissemination of survey results and training
- Public outreach to promote surveys
  - Public meetings and events
  - Advertise in the lobby

QUESTIONS?
Truckee Canal XM Project
Draft Environmental Impact Statement

Presentation to
City Council
April 1, 2020

Outline
- Background.
- DEIS Preferred Alternative.
- Alternatives Not Included.
- DEIS Mitigation Measures.
- Mitigation Measures Not Considered.
- Impacts to Fernley GW Levels.
- Public Comment Period Action Plan.
Background

- Truckee Canal was developed in 1905.
- Authorized by Reclamation Act of 1902.
  - Sec 8 – States retain control of appropriation, distribution, and use of water.
  - Secretary of Interior must abide by state law.
- The express purpose for building the canal was to encourage settlers to move to, and build settlements in, the Newlands Project.
- Fernley was created as a direct result of the Newlands Project and the construction of the Truckee Canal.

Background

- Fernley’s municipal system developed in reliance on groundwater.
- Natural recharge in Fernley:
  - NDWR – 600 afa
  - Pohl – 1,480 afa
- Canal recharge estimates:
  - USGS – 18,000 afa
  - Stanka – 10-12,000 afa
  - Pohl – 8,342 afa
Background

- Groundwater use in Fernley:
  - Municipal pumping (current) – 4,000 afa
  - Municipal pumping (max) – 8,900 afa
  - Domestic wells (apx 400) – 472 afa.
  - Nevada Cement – 1,210 afa
  - Permits for GW irrigation – 1,470 afa.
  - Total GW commitments = apx. 12,000 afa

Background

- EIS Process
  - 2008 – Canal breach floods Fernley
  - 2013 – BOR planning study
  - 2015 – Updated risk analysis study
  - 2017 – Corrective action study
  - 2020 – Draft EIS
Background

- 2013 Planning Study
  - Identified 3 techniques for improving canal
  - Concrete and geomembrane lining
    - Will affect canal recharge
    - Cost $53 - $59 million
  - Cement bentonite cutoff wall
    - Will not affect canal recharge
    - Cost $50 - $56 million
  - Polyethylene cutoff wall
    - Will not affect canal recharge
    - Cost $40 - $44 million

2015 BOR Risk Analysis

Stanka Seepage Study
Alternatives Not Considered

- The DEIS evaluates 5 alternatives all of which are lining alternatives.
- The DIES did not study other alternatives:
  - Concrete bentonite wall (not mentioned in DEIS)
  - Sheet pile wall
    - Test showed vinyl sheets did not work when driven into current embankment.
  - Reconstruction of embankment
  - Combination of reconstruction and wall
    - Vinyl sheets and/or concreted would not need placed into existing embankment thereby avoiding construction problems.
DEIS Mitigation Measures

• DEIS claims that elimination of recharge “is an unavoidable consequence” of the project.

• Proposes 4 mitigation measures:
  • #9 – Fernley extends water system to domestic well lots.
  • #10 – Fernley uses its existing SW rights to make up for lost GW.
  • #32 – Fernley purchases other water rights to make up for lost GW.
  • #34 – Fernley requires developers to dedicate water rights to support their developments.

Mitigation Not Considered

• The Bureau providing Fernley with additional SW to make up for the lost GW.
• The Bureau establishing a GW recharge program.
• The Bureau setting up a fund to support the extension of Fernley’s water system to existing domestic well lots.
• The Bureau providing funding to assist Fernley with development of interbasin water projects.
• None of these were considered because the Bureau does not believe Fernley is entitled to continued recharge.
Impacts to Fernley’s GW

- Pohl modeling (2018)

Observation: The map shows domestic well failures after 1 year and 5 years. The data is likely used to assess the impact of certain events or conditions on the groundwater system in Fernley.
Impacts to Fernley’s GW

- Pohl modeling (2018)

Domestic Well Failures After 10 Years

15

Impacts to Fernley’s GW

- Pohl modeling (2018)

Domestic Well Failures After 40 Years

16
Impacts to Fernley’s GW

- Pohl modeling (2018)

![Graph: Impact to Municipal Well #4]

Public Comment Period

- 45 day public comment period began on March 6.
  - Deadline – April 20.
- Bureau will host web-based virtual meeting instead of public meetings
  - March 25 – April 20.
- Affected citizens should log into site and provide comments.
Guidelines for Comments

- Talk about how proposed project affects you.
  - Are you a domestic well owner?
  - Increased water bills to cover mitigation costs.
- Suggest alternatives not considered.
  - Cement/bentonite wall & reconstruction of embankment.
- Questions to ask:
  - Why didn’t Bureau use groundwater model to analyze effects of project?
  - Why is Bureau insisting on lining as only alternative?
  - Will Bureau pay to deepen wells or hook-up to city water?

Questions?