MINUTES OF THE

FERNELY CITY COUNCIL MEETING

JUNE 3, 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, City Clerk Kim Swanson, City Attorney Brandi Jensen, Deputy City Attorney Brent Kolvet, City Building Official Shawn Keating, City HR Manager Shannon McKnight, City Engineer Derek Starkey, Public Works Director Dave Whalen, City Treasurer Denise Lewis, Finance Deputy Finance Thomas Lukas, Planning Director Tim Thompson, City Clerk Administrative Specialist II April Homme.

1.2. Public Forum
Mayor Edgington read into record public comment submitted by Gary L Smith, Fernley resident. Mr. Smith voiced concerns regarding businesses not wearing facemask's as per the Governor's Directive 018 and Osha. (See attached)

City Clerk Swanson read into record public comment submitted by Fernley Chamber of Commerce, president Lowell Patton regarding rerouting FCTA funding.

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City Clerk Swanson read into record public comment for Item 8.2 submitted by Leroy Goodman urging council that these FCTA Funds need to be vetted before a decision is made. (See attached)

City Clerk Swanson read into record public comment from Shari Whaled who requested the names of African Americans killed by law enforcement since 2014 be read. The list was read. She expressed her despair regarding racial inequities and George Floyds death. She asked the community to make a difference as a whole. (See attached)

1.3. (For Possible Action) Approval of the Agenda
Motion: MOVE TO APPROVE THE AGENDA MOVING ITEM 7.2 TO 6:00 PM, 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.

2. CONSENT AGENDA:
2.1 Possible Action) Approval of Voucher Report
2.2. (Possible Action) Approval of Business Licenses
Category
2.3. (Possible action) Ratify the purchase of East Lift Bar Screen Chains in the amount of $18,116.52 from JWC Environmental & the cost for parts/labor to install the chains from JWC Environmental for $18,574.33 (plus a 10% contingency of $1,857).

2.4. Possible Action to Approve Amendment A to the existing Lumos and Associates, Inc. (Lumos) Contract for Engineering Services, for Phase 2 of the Depot Community Center Project, in an amount not to exceed $6,729.
Motion: MOVE TO APPROVE CONSENT AGENDA, 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.
Lyon County Sheriff LT Baltes presented the monthly stats for the Lyon County Sheriff's Office.

City Manager Hooper reported employee health benefits open enrollment is open until June 10th. FCTA meeting scheduled for June 11th.

Denise Lewis City Finance Director reported 12.3M Water and Sewer Bonds went through last week.

Councilwoman Frances McKay thanked City employees.

Mayor Roy Edgington reported on Memorial Day at the Veteran's Cemetery and the 7,000 flags placed at the cemetery and thanked the volunteers.

City Manager Hooper reported on the challenge for the census with Mesquite and implored all to complete the census. The census can be completed online at 2020 census.gov.

4. PRESENTATIONS
4.1. Presentation, Discussion, and Possible Direction regarding the City of Fernley's Transportation Master Plan (TMP) Project
Derek Starkey City Engineer introduced Devon Moore with Kimley Horn who presented the Transportation Master plan and the recommendations. Daphne Hooper, City manager stated this report can be found on the City Website to read or comment on.

4.2. Presentation and discussion regarding the City's quarterly financials.
Thomas Lukas City Deputy Finance Director Presented the quarterly financials. (See attached.)
5. PROCLAMATIONS BY THE MAYOR
There were none.

6. 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

6.1. Public Hearing: Discussion and possible action to adopt Resolution #20-008 authorizing temporary inter-fund loans from the General Fund to the Grants fund for Fiscal Year 2020-21.
This Item heard after Item 7.2
Denise Lewis, City Treasurer explained that because the City is required to pay for certain grant projects in advance and then request reimbursement from the grantors after payment, this requires a short-term loan from the General Fund to the Grants Fund, which creates a liability in the Grants Fund.
Mayor Edgington call for Public Comment. There was none.

Motion: MOVE TO ADOPT RESOLUTION #20-008, AUTHORIZING TEMPORARY INTER-FUND LOANS FROM THE GENERAL FUND TO THE GRANTS FUND FOR FISCAL YEAR 2020-21.

Action: Approve, Moved by Councilwoman France 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.

6.2. Public Hearing, Resolution #20-009
Discussion and Possible Action to adopt Resolution #20-009, a resolution of the City of Fernley to fix, impose, and collect service charges for various services primarily benefitting individuals or groups rather than the public at large, specifically fees for building permits and development services.
Tim Thompson City Planning Director reported no fees were increased; changes were necessitated by the adoption of the new development code.

Mayor Edgington opened public comment. There was none.

**Motion:** MOVE TO ADOPT RESOLUTION 20-009 MOVE TO ADOPT RESOLUTION #20-009 TO AMEND THE FEE SCHEDULE RELATED TO BUILDING PERMITS AND DEVELOPMENT SERVICES WITHIN THE CITY OF FERNLEY. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Shellie Severa. **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. STAFF REPORTS

7.1. (For possible action) Approval of a Memorandum of Understanding between the City of Fernley and Mark IV Capital for the specific purpose of seeking grant funding for Nevada Pacific Parkway

Daphne Hooper City Manager explained Mark IV has requested to enter into a Memorandum of Understanding for the specific purpose of seeking grant funding for Nevada Pacific Parkway. Should the Council authorize staff to move forward, and should grant funds be awarded, a grant agreement would be brought back to Council addressing specific grant guidelines and expectations.

Mark IV presented the Nevada Pacific parkway CRISI Grant Application. (See attached PowerPoint).

Ross Pfautz, Mark IV, VP Development and Asset Management answered questions from City Council. After discussion, City Manager Hooper stated she would work with legal to add language to the contract that addresses issues that were brought up by City Council.

**Motion:** MOVE TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FERNLEY AND MARK IV CAPITAL FOR THE SPECIFIC PURPOSE OF
SEEKING GRANT FUNDING FOR NEVADA PACIFIC PARKWAY. Moved by Councilman Ray Lacy, Seconded by Councilwoman Stan Lau.

City Manager Hooper requested language be added to the motion that staff will look into adding the two recommendations to add to the MOU.

Amended Motion: MOVE TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FERNLEY AND MARK IV CAPITAL FOR THE SPECIFIC PURPOSE OF SEEKING GRANT FUNDING FOR NEVADA PACIFIC PARKWAY, WITH THE ADDED RECOMMENDATIONS THE CITY REVIEW PRIOR TO SUBMISSION AND THE LANGUAGE THAT NDOT WOULD AGREE TO ADMINISTER, Action: Approve, Moved by Councilman Ray Lacy, Seconded by Councilwoman 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.

7.2. (For possible action) Update on City of Fernley COVID-19 response including City Hall reopening, funding for state and local governments, local business reopening plans, and local events.

This item was heard after 4.2

Daphne Hooper stated the City is following the Governor's directive. We are open to the public however encourage the public to continue to do business electronically if possible. Ms. Hooper requested direction from Council regarding water shut offs. Discussion ensued.

Councilwoman Shellie Severa suggested City Utilities Department contact clients that are 3 to 4 months behind and make payment arrangements.

Motion: MOVE TO APPROVE PAYMENT PLAN FOR WATER BILLS THAT ARE MORE THAN THREE MONTHS DELIQUENT, Action: Approve, Moved by Councilwoman Shellie Severa, Seconded by Councilwoman Fran McKay. 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.

Local Events
Mayor Edgington recommended we not authorize the 4th of July event in order to protect the best interest of our community. He stated he supports the 4th of July events, however, wants to adhere to the Governor’s directives and best practices.

Jay Rodriguez 4th of July Committee Member, requested permission from City of Fernley to proceed with 4th of July fireworks.

Daphne Hooper, City Manager requested the 4th of July committee submit a plan that is compliant with directives established by the Governor and ensure all proper insurance is in place and submitted.

Jay Rodriguez, 4th of July Committee Member and Kathy Martin 4th of July Treasurer, ensured insurance will be submitted; however, asked for insurance clarification.

Ms. Hooper stated the plan is required to be approved by the Department of Business and Industry and needs to be submitted as soon as possible. She suggested the committee submit a draft plan for City review.

Discussion ensued.

Lyon County Sheriff, Lieutenant Baltes stated he would coordinate with NDOT on parking and traffic.

Motion: MOVE TO APPROVE 4th of JULY FIREWORK SHOW AND FOR THE COMMITTEE TO SUBMIT NECESSARY PAPERWORK AND INSURANCE TO THE CITY AND STATE, Action: Approve, Moved by Councilman Albert Torres, 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 at 6:38 - 6:51.

Items 6.1 and 6.2 were heard after the break.

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8. RESOLUTIONS

8.1. Discussion and possible action to adopt Resolution 20-007 amending the City of Fernley Personnel Policy Manual.

Ms. Hooper, City Manager presented the update Personnel Policy Manual changes

**Motion:** MOVE TO ADOPT RESOLUTION 20-007 AMENDING THE CITY OF FERNLEY PERSONNEL POLICY MANUAL, **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.

8.2. (Possible Action) Adoption of Resolution 20-010: A Resolution granting authority to the Fernley Convention and Tourism Authority (FCTA) to spend transient lodging funds for local businesses and further allowing the FCTA to determine grant guidelines on how to distribute funds for said businesses for the grant period of July 1 - December 31, 2020.

City Manager, Daphne Hooper explained at the May 6th Meeting a suggestion was submitted regarding using Transient Lodging Tax to assist local businesses in re-opening and moving forward to “get back on track.” She explained this process would require the development of an application, criteria, a timeline, and the amount of funds allowed per eligible business for distribution. This initiative would be temporary in nature and focused on maximizing economic vitality over the long run, which would also benefit the City of Fernley. If businesses remain closed, there is a fiscal impact to the City’s revenue including the loss of business license fees and continued unemployment.

Ms. Hooper answered Council questions regarding FCTA guidelines.

**Motion:** MOVE TO DIRECT STAFF TO MOVE FORWARD WITH DEVELOPING AN APPLICATION, CRITERIA, A TIMELINE FOR THE DISTRIBUTION OF FUNDS TO ELIGIBLE BUSINESSES AFFECTED BY COVID-19.” **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Shellie Severa. **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.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.
There were none

10. PUBLIC FORUM
There were none

ADJOURNMENT
There being no further business to come before it, the Fernley City Council meeting adjourned at 8:16 Pm

Approved by the Fernley City Council on June 17, 2020 by a vote of:

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

ATTEST: City Clerk Kim Swanson  
 Mayor Roy Edgington
City of Fernley Comment Card

Date: 05/26/2020        Name: Gary L. Smith

Agenda # 10/10        Phone # 775-250-2652

Comment:
On 05/22/2020 I entered a licensed Fernley business, “The Office” located at 1380 US Highway 95A North. Suite A, in order to drop off USPS mail and FedEx packages for carrier pickup. While in the store I noticed that there were Eight total customers inside including myself.

Seven of the customer’s, including myself, were taking precautions against Covid-19 by wearing face masks. One customer was not wearing a mask. None of 5 employees at “The Office” who were working during my visit were wearing face coverings of any type. I commented to the owner, a Mr. Ray Lacey, that his customers were trying to tell him something and he inquired by replying “What do you mean?” I explained that 7 of his 8 customers were wearing face masks and that his staff should be as well. I was told to leave the store and not return. I immediately complied. This was very frustrating because I had informed Mr. Lacey on three earlier occasions starting on May 9, 2020 that he and his employees were required to wear face masks as per an Emergency Directive which states, “All employers must provide face coverings for employees assigned to serving the public and shall require these

PER THE CITY CLERK - PLEASE ALLOW ANY ADDITIONAL TIME REMAINING OF MY 3 MINUTES TO BE USED
employees to wear the face coverings as required by Declaration of
Emergency Directive #018, Section 9.
Mr. Lacey ignored my polite requests on May 9th, as well as again on
May 13th and May 18th. I had also reminded him on May 13th that as a
City Council member he should be setting an example for his fellow
citizens of Fernley. I was ignored.

The City of Fernley’s City Leadership statement states that it is
“committed to developing and ensuring the highest quality of life and is
committed to providing a safe and healthy environment”. As a City
Council Member Mr. Lacey should be in compliance with those goals.

As of 05/26/2020 Mr. Lacey, a Fernley Business Licensee has
completely ignored:
1. Nevada Emergency Directive #018, Section 9
2. NV OSHA Workplace Safety regulations
3. The City of Fernley’s City Leadership commitment to its citizens.
4. City Municipal Code Sec. 10.01.07 Duties of Licensees (Sections 1
   and 2), which require all Business licensees “to comply at all times
   with all laws and regulations applicable to such business......” and
   “Avoid all prohibited practices or conditions which do or may affect
   the public health......”

I am hereby formally requesting that the City Council educate all
Business Licensees to assure compliance of any and all Emergency
Directives and that the City Council take action through Code
enforcement and any other means they have at their disposal to bring all
Fernley businesses into compliance.
May 28, 2020

Fernley City Council
City of Fernley
595 Silverlace Blvd.
Fernley, NV 89408

Subject: FCTA Funds Rerouting for COVID-19 Recovery

Dear Mayor and Council,

At the request of Councilman Torres, the Fernley Chamber of Commerce addressed the proposed rerouting of FCTA funds from non-profit organizations to local businesses to aid in the recovery from the COVID-10 pandemic and its impacts on local businesses.

We believe that the rerouting of these funds will stimulate our business environment in Fernley which is a primary tenant of the Chamber and is included in our mission statement. As a result, the Board voted to provide this letter of support for this program.

Sincerely,

Lowell Patton
President
This item needs to be carefully vetted before any action should be taken. Many questions such as: 1. Who is eligible for a loan? 2. What criteria to determine type of business may apply? 3. Size of business? 4. How will funds be distributed? 5. Since the hotel/motel/RV parks generate these funds are they eligible? Why would this even be considered? The business has access to banks, state and federal resources etc. BE CAREFUL with this! LeRoy Goodman, Fernley resident
I remember that my oldest son was just turned 16. With great sadness, I think back when I was about 16 years old and there were similar notes. I am more acutely aware of the needs of George Floyd's family and speak of the regret I feel that there is no justice for the family. As I watch the news continue to unfold on the tragedy of George Floyd's death, I remain hopeful that we will find a way to address the issues that have led to this tragic event.

In the midst of the COVID-19 pandemic, I understand that I cannot attend our next City Council meeting in person to present my thoughts. And to be fair, perhaps the best forum to express my anger, frustration, and despair.

Please read the following into the record for the June 3, 2020 City Council meeting:

Subject: Response to Dearborn Hooper

To: Mayor

Sent: 4:38 PM

From: Shannon Zwolinski

Dear Mayor,

I agree with the concerns raised by police officers since 2014 (obtained from ACCAP). This is an incomplete listing:

- African American police
- African American community leaders

Please respond to this request on June 3, 2020.

Yours sincerely,

Shawn Zwolinski
Thank you.

Shari Whalen

Fernley Resident

will be shared this same experience. Our future and the future of our country seems to be at stake. If we speak up now, maybe the next generation of Americans will take all of community leaders and our engaged citizens to reflect on how each of us can make a small difference. Be outraged. Be vocal. Don’t be silent. I will take all of unrelenting in our country. How is it possible that we’re re-living the past? Why hasn’t anything changed in 30 years? Aren’t we better than that? So I ask our over the brutal beating of Rodney King by LA police officers. My children are experiencing the same social unrest, confusion, and anger over inequality and polly
Null
### WATER FUND
Capital Projects in Progress (Costs to date)

- Handle Lane Waterline Rehabilitation Design & Construction (2016) 744,678
- Water meter replacement project (2014) 1,137,872
- Surface Water Conveyance and Treatment Design (2018) 585,172
- EWWRF Fire Lane & Portable Water Main Design (2019) 40,788
- Sage Ranch Booster Pump Repair (2019) 28,013
- Well #4 Backup Generator (2020) 2,780
- Cottonwood Lane Reconstruction Waterline (2020) 24,636

### SEWER FUND
Capital Projects in Progress (Costs to date)

- Handle Lane Sewer Line Design and Construction (2016) 60,130
- Farm District Road Lift Station Design (2019) 14,724
- West Street Lateral Reconstruction (2019) 10,650
- Donner Trails Lift Station (2020) 13,360
- Vista Way, Parkland & Rodon Court (2020) 15,957
- EWWRF Monitoring Well 5,992
- Cottonwood Ln Sewer (2020) 7,936

### PROJECT MANAGEMENT
Streets Maintenance Projects (Costs to date)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>CRACK REPAIR (2014)</td>
<td>429,880</td>
</tr>
<tr>
<td>PMP (2015)</td>
<td>1,509,172</td>
</tr>
</tbody>
</table>
Nevada Pacific Parkway
CRISI Grant Application
Mark IV in partnership with City of Fernley

Northern Nevada

Employers Map - Northern Nevada

Employers Map - Fernley/Visci