

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING**

JUNE 17, 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

Gary Smith Fernley resident commented on the process and duty of the City and City Council to minimize the impact and spread of COVID-19.

Kim Swanson City Clerk read into record email from Ann Maybury Fernley resident, regarding broad band service accessibility.

1.3. (For Possible Action) Approval of the Agenda

Motion: MOVE TO APPROVE THE AGENDA AS PRESENTED. **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. **Action:** Approve.

2. CONSENT AGENDA:

2.1. (For Possible Action) Approval of Voucher Report.

2.2. (For Possible Action) Approval of Minutes from May 20th and June 3rd

2.3. (For Possible Action) Approval of Business Licenses

2.4. (Possible action) Approve the amendment A (addendum No. 1) for the Consultant Agreement to authorize additional professional services to be billed by Lumos & Associates for increasing the scope of services in an amount not to exceed \$9,480.

2.5. (Possible action) Ratify the purchase of a replacement SCADA (supervisory control and data acquisition) system hardware/software at the Wastewater Facility from Verus Associates Inc. for a cost not to exceed \$12,914.

2.6. (Possible action) Ratify the purchase of a replacement SCADA (supervisory control and data acquisition) system hardware/software at the Water Distribution Facility from Verus Associates Inc. for a cost not to exceed \$11,995.

2.7. (Possible action) Ratify the purchase of an emergency replacement SCADA (supervisory control and data acquisition) system including the hardware/software at the Water Treatment Facility from Verus Associates Inc. for a cost not to exceed \$111,297.

2.8. Possible Action to Approve a Contract with Capitol Partners, LLC for Legislative Services at a Cost of \$2500/Month When the Legislature is Not in Session and \$3500/Month When the Legislature is in Session.

2.9. Possible action to Approve award of an annual 2020-2021 Material Supplier Contract to Western Nevada Supply in amount not to exceed the unit pricing listed in the attached inventory pricing list.

2.10. Possible action to Approve the award of 2020-2022 Water Treatment Plant Residuals Solids Removal Contract to Clean Harbors Environmental Service in amount not to exceed \$0.37 per gallon.

2.11. Possible Action to Approve the Renewal of The City's Accounting and ERP Software Package with Caselle, Inc. for FY 2020-2021 at \$34,700.

2.12. Possible Approval of a Contract for Water Rights Services to Resource Concepts Inc. in an amount not to exceed \$50,000 for FY 2020-2021

2.13. Possible Approval of a Contract with Ted Gaebler for an amount not to exceed \$39,700.00 to develop the City's strategic plan.

2.14. Possible Action to Award a Contract for Copying and Printing Services to Konica Minolta for \$3253.50 per Month for 24 months Beginning July 2020 through June 2022.

2.15. (Possible Action) Approval of a contract for Legal Services related to Water Resources to Taggart & Taggart, Ltd. in the amount not to exceed \$160,000.

2.16. Possible Action to Approve the First Amendment to the Sierra West Development Water Rights Banking and Dedication Agreement executed on July 14, 2006. The effect of the amendment will be to renew the banking agreement for an additional 15 years.

2.17. Possible Action to approve the service and license agreement with Civic Plus to provide annual support, maintenance, and hosting of the City's website in the amount of \$19,809.51 for FY2020-2021.

2.18. (Possible action) Approval of a contract with Design Workshop to provide professional services for the CDBG-funded Main Street Beautification Grant, in the amount not to exceed \$15,450.

2.19. Possible Action to approve the revised job descriptions for Water Distribution Foreman, Water Distribution Lead Operator, Water Distribution Shift Operator and Water Distribution Utility Operator.

Motion: MOVE TO APPROVE THE CONSENT AGENDA 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. Action: Approve.

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.

Roy Edgington City Mayor reported on the 4th of July and stated the City of Fernley has the State approval to move forward with the 4th of July Fireworks.

Councilwoman Fran McKay commented on the concerns with COVID-19 pandemic and the funding. Ms. McKay reported on the Lyon County Room Tax Meeting she recently attended. Lyon County tax special meeting to be scheduled late next week.

4. PRESENTATIONS

4.1.(For possible action) Presentation and acceptance of the renewal proposal from Nevada Public Agency Insurance Pool and approval for payment from fiscal year 2020-2021 funds.

Tina Peterson with A&H Insurance presented. Ms. Peterson stated there were not many changes. The Cyber risk coverage is the only item that changed at no additional cost to the members. Ms. Peterson also mentioned the ability for Grants through their program.

Daphne Hooper City Manager reminded staff and council this is more than an insurance policy it is a network that provides many services to the City and Staff.

Motion: MOVE TO APPROVE THE RENEWAL PROPOSAL, NEVADA PUBLIC AGENCY INSURANCE POOL AND APPROVAL FOR PAYMENT FROM FISCAL YEAR 2020-2021 FUNDS, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **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.

5. STAFF REPORTS

5.1.(For possible action) Approval to submit grant application to the Department of Transportation, Federal Railroad Administration in response to the Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements.

Ms. Hooper presented a brief synopsis regarding the final draft Memorandum of Understanding between the City of Fernley and Mark IV Capital. City Manager Hooper stated Ross Pfautz with Mark IV Capital and Scott Benson with SB Strategic Consulting were present and Karl Kalbacher and Jennifer Chandler with the Fergusson Group were on the phone to answer any questions.

Mr. Pfautz addressed the City Council and explained the \$54 million-dollar project stating the improvements would dramatically improve the recognition of the City of Fernley. Discussion ensued. Mr. Pfautz answered questions from the Mayor and City Council.

Motion: MOVE TO APPROVE SUBMITTAL GRANT APPLICATION TO THE DEPARTMENT OF TRANSPORTATION, FEDERAL RAILROAD ADMINISTRATION IN RESPONSE TO THE NOTICE OF FUNDING OPPORTUNITY FOR CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

Moved by Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. Mayor Edgington called on each Ward individually

Ward 1: Ray Lacy: Yes

Ward 2: Shellie Severa: No

Ward 3: Stan Lau: Yes

Ward 4: Albert Torres: No

Ward 5: Fran McKay: No

Vote: Motion carried by roll call vote. (**summary:** Yes = 2, No = 3). **Action:** Failed

Break at 6:29 pm – 6:56 pm

5.2. Possible Action to canvass the vote from the June 9, 2020 Primary Election per NRS 293C.387.

Kim Swanson City Clerk presented the canvass vote from June 9th, 2020. Ms. Swanson stated as of current date, voting machines will be used for the General Election, however this could change.

Mayor Edgington thanked the City Clerk, staff, and candidates.

Motion: MOVE TO CERTIFY THE RESULTS OF THE JUNE 9TH PRIMARY ELECTIONS., **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.

5.3. Discussion and Possible Action to retain Atlanta Capital as the City's investment advisory firm; to terminate the City's NVEST account with the State of Nevada; to give authorization to the City manager and finance director to choose a custodial bank; to give authorization to the Mayor to sign investment management and custodial services agreements once approved by the City manager and finance director to be brought back to City Council for ratification.

Denise Lewis, City Treasurer presented stating the State recently went out to bid for investment advisory firms and for FY 2021 Atlanta Capital will not be an option for the City to choose through the State Program. She explained the City has used Atlanta Capital since November 2007 and recommended retaining them. *(See attached)*

Motion: MOVE TO RETAIN ATLANTA CAPITAL AS THE CITY'S INVESTMENT ADVISORY FIRM; TO TERMINATE THE CITY'S NVEST ACCOUNT WITH THE STATE OF NEVADA; TO GIVE AUTHORIZATION TO THE CITY MANAGER AND FINANCE DIRECTOR TO CHOOSE A CUSTODIAL BANK; **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Ray Lacy.

Denise Lewis, City Treasurer requested motion be amended to give authorization to the Mayor to sign.

Amended Motion: MOVE TO RETAIN ATLANTA CAPITAL AS THE CITY'S INVESTMENT ADVISORY FIRM; TO TERMINATE THE CITY'S NVEST ACCOUNT WITH THE STATE OF NEVADA; TO GIVE AUTHORIZATION TO THE CITY MANAGER AND FINANCE DIRECTOR TO CHOOSE A CUSTODIAL BANK; TO GIVE AUTHORIZATION TO THE MAYOR TO SIGN INVESTMENT MANAGEMENT AND CUSTODIAL SERVICES AGREEMENTS ONCE APPROVED BY THE CITY MANAGER AND FINANCE DIRECTOR TO BE BROUGHT BACK TO CITY COUNCIL FOR RATIFICATION, **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.

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

City Manager Hooper stated the City is still in Phase II and must follow the guidelines in place until further notice. Ms. Hooper provided an update on new cases and the testing provided within the Quad Counties. City Manager Hooper stated the City received a call from the governor with information that the City of Fernley will receive \$3.9 million in Cares Act Funding. The City has until December 31st to spend the funding and there are restrictions and specific guidelines as to how these monies are spent. An internal team has been established to provide a comprehensive plan and will be presenting to Council on July 1st for fund expenditure approval. City Manager Hooper will be working with the State regarding the process for receiving the monies.

City Manager Hooper reported the FCTA committee is working on the guidelines and finalizing distribution of funds for local businesses. The committee will have the final recommendations and processes to submit to the FCTA Board. A special meeting will be scheduled to present recommendations to the FCTA Board.

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.

Councilwoman Fran McKay requested an item to identify the county islands within the City.

Mayor Edgington requested item to discuss business landscaping enforcement.

7. PUBLIC FORUM

Lieutenant Baltus Lyon County Sheriff's office reported the Fernley substation is currently closed due to staffing and illness issues and will reopen as soon as possible.

Scott Benson SP Strategic Consultant representing Mark IV urged the City Council to reconsider Item 5.1, Mark IV Nevada Pacific Parkway CRISI Grant Application.

City Clerk Swanson read into record comment emailed from Bill Snyder Fernley resident, requesting to bring Item 5.1, back to the table regarding the grant with Mark IV.

Mayor Edgington called for a break.

Break 7:31pm -7:51 pm

Mayor Edgington requested a motion to bring back Item 5.1 and referred to City Deputy Attorney Brent Kolvet for direction.

City Deputy Attorney, Brent Kolvet explained the process to bring the item back for reconsideration. He stated the motion must be made by a member who voted on the prevailing side. So that would be one of the three that voted no. He continued however, the rules also allow for the rules to be suspend in particular cases so a motion could be made in this matter by anybody to suspend the rules for this meeting and for this issue. Only if that passes then any member of the city council can move to reconsider. Deputy Attorney Kolvet explained the first motion would have to be made is to suspend the rules in respect of the Mark IV issue.

Mayor Edgington asked if any of the three councilmembers that voted “no” wished to bring this item back for discussion. There was no response.

Deputy Attorney Kolvet explained the next procedural option was to have anybody make a motion to suspend the rules relating to that particular rule for purposes of this matter.

MOVE TO SUSPEND THE RULES AND TO ALLOW ANY MEMBER TO MAKE A MOTION TO RECONSIDER THE MARK IV ITEM, **Moved by** Councilman Ray Lacy, **Seconded by** none. **Vote:** Motion failed

ADJOURNMENT

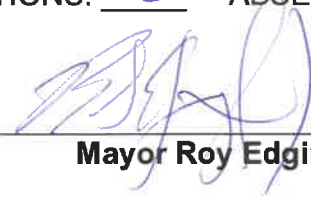
There being no further business to come before it, the Fernley City Council meeting adjourned at 7:54 pm.

Approved by the Fernley City Council on July 15th by a vote of:

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



ATTEST: City Clerk Kim Swanson



Mayor Roy Edgington