

Roy Edgington, Mayor
Raymond Lacy, Ward 1
Felicity Zoberski, Ward 2
Stan Lau, Ward 3
Albert Torres, Ward 4
Fran McKay, Ward 5

FERNLEY CITY COUNCIL MEETING AGENDA

Fernley City Hall
595 Silver Lace Blvd. • Fernley, NV 89408
Phone: (775) 784-9830 • Fax (775) 784-9839

FCC Meeting: January 19th, 2022

5:00 PM

Please click the link below to join the Zoom webinar:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87204618950>

Or One tap mobile: 13462487799

Or Telephone: 1 669 900 9128

Webinar ID: 872 0461 8950

International Number: <https://us02web.zoom.us/u/kFiBOnPjk>

The Mayor reserves the right to hear agenda items out of order, combine two or more agenda items for consideration, or remove an item from the agenda or delay discussion relating to an item on the agenda at any time. All items are action items unless otherwise noted.

Time Certain: Time certain designates a definite time for the start time of that item. The time certain item may NOT begin earlier than the designated time certain. It may begin later than the designated time, but not earlier.

5:00 p.m. OPEN MEETING – PLEDGE OF ALLEGIANCE

Mayor's statement: "To avoid meeting disruptions, please place cell phones in the silent mode or turn them off during the meeting. All meetings are recorded. When addressing the Council please state your name and speak clearly into the microphone. Thank you for your understanding."

1. INTRODUCTORY ITEMS

1.1. Roll Call

1.2. PUBLIC FORUM

This is the portion of the meeting devoted to the Public. The Public may comment on any matter that is not specifically included on the agenda as an action item. Items not included on this agenda cannot be acted upon other than to place them on a future agenda. If you wish to comment you can do so in person at the meeting or use the Raise your Hand feature in Zoom (*9 if you are participating via phone). Public comments are limited to three (3) minutes, please avoid repetition. The Mayor may, at his discretion, hold comments until the second Public Forum at the end of the meeting. Public Comments submitted prior to 4:00 pm the day of the meeting will be provided to City Council and added to the record but will not be read during the live meeting. Any public input received after 4 pm the day of the meeting will be included in the record but may not reach council members before action is taken.

1.3. (For Possible Action) Approval of the Agenda

2. CONSENT AGENDA:

(PLEASE NOTE: All matters listed under the consent agenda are considered routine, and may be acted upon by the Council members in one motion, and without an extensive hearing. Any member of the Council may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

2.1. (Possible Action) Approval Of Voucher Report

Documents:

[VOUCHERS FOR FCC MEETING 01192022.PDF](#)

2.2. (Possible Action) Approval of Minutes from December 15, 2021

Documents:

[2021.12.15 FCC MINUTES.PDF](#)

2.3. (Possible Action) Approval of Business Licenses

Documents:

[NEW JAN 2022_1.PDF](#)

2.4. (For Possible Action): (A) Execution of "Subdivision Settlement Participation Forms" and releases pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon for participation in settlements with (1) the State of Nevada and opioids distributor defendants AmerisourceBergen Drug Corporation, Cardinal Health, and McKesson as listed in Exhibit C to the One Nevada Agreement, and (2) the State of Nevada and opioid manufacturer defendant Janssen/Johnson & Johnson as listed in Exhibit C to the One Nevada Agreement; and (B) Execution of an "Amendment No. 1 to One Nevada Agreement on Allocation of

Opioid Recoveries" regarding a reduction in attorney's fees to the One Nevada Agreement for purposes of these two settlements only.

Nevada will participate in a \$26 billion opioid settlement with the three largest opioid distributors – AmerisourceBergen, Cardinal Health and McKesson – that will bring much-needed resources to Nevada. The Attorney General is optimistic that the Nevada local governments through the One Nevada Agreement will join with the State in the settlement, which will result in Nevada receiving \$231,679,409 over a period of 18 years under the settlement.

Nevada will settle with Johnson & Johnson and its U.S.-based Janssen Pharmaceutical Companies to resolve the companies' role in the state's opioid epidemic. Similar to the agreement with the distributors, the Attorney General is optimistic that the Nevada local governments, through the One Nevada Agreement, will join with the State in the settlement, which will result in Nevada receiving \$53,508,792, 95% of which is payable by the end of 2022.

Category Consent

Documents:

[AMENDMENT TO ONE NEVADA AGREEMENT \(FINAL\).PDF](#)
[PARTICIPATION FORM AND RELEASE FOR DISTRIBUTOR AGREEMENT \(FINAL\).PDF](#)
[PARTICIPATION FORM AND RELEASE FOR JANSSEN-JJ AGREEMENT \(FINAL\).PDF](#)

2.5. For Possible Action to Approve a Contract between the City of Fernley and the University Center for Economic Development of the University of Nevada, Reno for a five-year local economic development strategy and action plan for the City of Fernley in the amount of not-to-exceed \$6,000.00.

Category Consent

Documents:

[2022.01.19 STAFF REPORT - CITY OF FERNLEY LOCALIZED ECONOMIC DEVELOPMENT STRATEGY.PDF](#)
[A COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY FOR THE CITY OF FERNLEY - UCED PROPOSAL 112221 REVISED.PDF](#)
[FIXED-FEE AGREEMENT - FERNLEY LOCAL ED STRATEGY.PDF](#)
[2022.01.19 ATTACHMENT A - SCOPE OF WORK.PDF](#)
[2022.01.19 ATTACHMENT B - FEE SCHEDULE.PDF](#)

2.6. Possible Action to adopt an update to the State of Nevada City of Fernley Water Conservation Plan written by Resource Concepts Inc. (RCI) per guidelines of the Nevada Division of Water Resources (NRS 540).

Category

Consent

Documents:

[STAFF REPORT-2022.01.19 ADOPTION OF THE 2021 WCP_STATE PLAN.PDF](#)
[2021-12-03-STATE FERNLEY WATER CONSERVATION PLAN.PDF](#)
[WHALEN DAVE APPROVAL OF CITY OF FERNLEY WATER CONSERVATION PLAN 1-3-2022 NGLS.PDF](#)

2.7. Possible action to approve a contract with RCI to provide Design and Construction Administration for the proposed Utility and Pavement rehabilitation: and CME, Inc. for material testing of the Villa Park Construction in the amount to exceed \$127,700.00, and \$43,920.00, respectively.

Category

Consent

Documents:

[STAFFREPORT 2022.01.19 VILLA PARK SEWER.PDF](#)
[NEW FORM - PROFESSIONAL SERVICES CONTRACT _RCI_20211227.PDF](#)
[RCI_PROPOSAL-2 \(2021-11-24\).PDF](#)
[NEW FORM - PROFESSIONAL SERVICES CONTRACT _CME_20211227 - COPY.PDF](#)
[CME_PROPOSAL_LTR_11-22-21_FERNLEY VILLA PARK PH2.PDF](#)

2.8. Possible Action to Approve the Fire Board Changes to Amendment A to the Inter-Local Contract between the City of Fernley and North Lyon Fire Department

Discussion and possible action to approve the change made to the previously approved Amendment A between the two governmental entities. The Fire Board approved the Amendment A with the change to remove any possibility of bonus for the attorney providing legal services.

Category

Consent

Documents:

FIRE BOARD AMENDMENT.PDF

- 2.9. Possible Action to Approve the Will-Serve Request from D.R. Horton for Cook Ranch Estates Ph3 for 76 ERC's for Water and 76 ERC's for Sewer for 76 Single Family Residential lots for Lyon County Parcel 021-171-52 located at Jill Marie Ln. and Brierwood Ln., Fernley, NV 89408**

Category Consent

Documents:

[2022.01.19 SR COOK RANCH WILL SERVE.PDF](#)
[2022.01.19 WILL SERVE - COOK RANCH PH 3.PDF](#)
[COOKRANCH3_ASSIGNMENTTOWILLSERVE_22.0104.PDF](#)

- 2.10. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Gary and Jane Capurro 2000 Revocable Trust, APN 007-111-30, TCID serial number 379 in the amount of 42.39 acre feet.**

Category Consent

Documents:

[2022.01.19 CAPURRO BANKING AGREEMENT SR.PDF](#)
[2022.01.05 GRANTS BARGAIN AND SALES DEED - CAPURRO.PDF](#)
[2022.01.05 CAPURRO BANKING AGREEMENT SR.PDF](#)

- 2.11. Possible action to ratify the purchase of eight Hach turbidity analyzers for a total of \$51,044.63 for the water treatment plant operations.**

Category Consent

Documents:

[STAFF REPORT-2022.01.19 PURCHASE OF HACH TURBIDITY METERS.PDF](#)
[HACHOMSOA_268815112_1.PDF](#)

- 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.**

4. 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

4.1. (For Possible Action): Public hearing to consider comments regarding resolution of intent to exchange real property with Lyon County and possible action to approve transfer of 105 Lois Lane (APN 021-103-57) to Lyon County.

The City Council adopted a resolution of intent to exchange property with Lyon County and to set a public hearing to consider comments from the public. This the public hearing set by that resolution. After hearing comments from the public, the City Council may vote to approve the transfer of 105 Lois Lane (APN 021-103-57) to the County.

Category

Public Hearing

Documents:

[AGENDA REPORT \(NRS 277.050 HEARING\) \(JAN. 19 MEETING\) - VERSION 2.PDF](#)
[LYON COUNTY SENIOR CENTER RESOLUTION - FINAL \(12-2-21\).PDF](#)
[NEW LYON COUNTY SENIOR CENTER GBS DEED - FINAL \(12-2-21\).PDF](#)

5. ORDINANCES - ADOPTION

- 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. Second Reading, Public Hearing, Resolution #21-012 and Bill #304 (FOR POSSIBLE ACTION)

Consideration and possible action on a Master Plan Amendment and Zoning Map Amendment request on a site consisting of two parcels of land totaling ±78.86 acres in size generally located north of Interstate-80 and west of the current terminus of Commerce Center Drive, at 850 & 855 Commerce Center Drive. (APN's: 021-061-29, 021-061-30).

1. Consideration and possible action on **Resolution 21-012**, a Master Plan Amendment request to change the land use designation from Commercial to Industrial.

2. Consideration and possible adoption of **Bill #304** as general Ordinance for a Zoning Map Amendment, associated with ZMA21003, to change the zoning from C2 (General Commercial) and GR20 (General Rural, 20 acre minimum) to I (Industrial) on a site approximately ±78.86 acres in size located at 850 & 855 Commerce Center Drive, Fernley, NV, assessor's parcel numbers 021-061-29 and 021-061-30, and providing other matters properly relating thereto.

Category Resolution, Ordinance - Adoption

Documents:

MPA21001 AND ZMA21004 - CC STAFF REPORT - ADOPTION.PDF
ATTACHMENT 1 - VICINITY MAP.PDF
ATTACHMENT 2 - EX_PRO_LANDUSE.PDF
ATTACHMENT 3 - RESOLUTION 21-012.PDF
ATTACHMENT 4 - EX_PRO_ZONING.PDF
ATTACHMENT 5 - BILL 304 - ORDINANCE FOR ZONING MAP AMENDMENT.PDF

6. STAFF REPORTS

6.1. Staff Report, Tentative Subdivision Map – TSM21004 (FOR POSSIBLE ACTION)

Consideration and possible action on a Tentative Subdivision Map Request from Red Hawk Ranch LLC Series A & B to allow for the development of a 282-lot single family residential subdivision on a site approximately 129.9 acres in size located within the SF6 (Single Family, 6,000 sq. ft. minimum lot size) & MDR14 (Medium Density Residential, 7-14 Dwelling units/Acre) zoning districts, generally located east of Stock Lane, and south of Truckee Lane (APN's: 021-041-07, 021-041-08, & 021-041-10).

Category Staff Report

Documents:

TSM21004 - CC STAFF REPORT.PDF
ATTACHMENT 1 - CONDITIONS OF APPROVAL.PDF
ATTACHMENT 2 - VICINITY MAP.PDF
ATTACHMENT 3 - DEVELOPMENT AGREEMENT.PDF
ATTACHMENT 4 - PROJECT DESCRIPTION.PDF
ATTACHMENT 5 - TENTATIVE MAP PLAN SET.PDF
ATTACHMENT 6 - PROPOSED PHASING PLAN.PDF

[ATTACHMENT 7 - LANDSCAPE PLAN.PDF](#)
[ATTACHMENT 8 - TRAFFIC IMPACT STUDY.PDF](#)
[ATTACHMENT 9 - PRELIM DRAINAGE REPORT NOV 2021.PDF](#)
[ATTACHMENT 10 - PRELIM SEWER REPORT NOV 2021.PDF](#)
[ATTACHMENT 11 - RESPONSE TO AGENCY COMMENTS.PDF](#)

- 6.2. (For possible action) Approve an appeal to the Ninth Circuit Court of Appeals of the decision by the United States District Court (District of Nevada) in City of Fernley v. Ernest Conant, et al. (Case No. 3:21-cv-00119-MMD-CLB) dismissing Fernley's complaint with prejudice and without leave to amend.**

Category

Staff Report

Documents:

[2022.01.19 EIS APPEAL SR.PDF](#)
[2021-12-13 ORDER.PDF](#)
[2022-01-10 COF MTN TO AMEND JUDGEMENT.PDF](#)
[DRAFT AMENDED COMPLAINT.PDF](#)

- 6.3. Update and possible action to approve the programming and services for the Community Response & Resource Center.**

Category

Staff Report

Documents:

[STAFF REPORT - COMMUNITY RESPONSE AND RESOURCE CENTER UPDATE AND PROGRAMMING APPROVAL.PDF](#)
[SLFRF-COMPLIANCE-AND-REPORTING-GUIDANCE V2.1 APPENDIX 1 EXPENDITURE CATEGORIES.PDF](#)

- 6.4. (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.**

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

8. PUBLIC FORUM

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Next meeting: February 2, 2022 @ 5pm

ADJOURNMENT

This notice and agenda is being posted before 9:00 a.m., 01/13/2022 in accordance with NRS 241.020 at the following locations: www.cityoffernley.org, <https://notice.nv.gov>; North Lyon County Fire Protection District, 195 E Main Street; Lyon County Human Services, 105 Lois Lane; Fernley Swimming Pool 300 Cottonwood Lane; Fernley Post Office 315 E Main Street; and Fernley City Hall, 595 Silver Lace Blvd. To obtain supporting material for this agenda please visit the City of Fernley website at www.cityoffernley.org or contact Kim Swanson, City Clerk, inside City Hall at 595 Silver Lace Blvd, Fernley, NV 89408, email cityclerk@cityoffernley.org or call (775) 784-9830. Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify Fernley City Hall, at least 24 hours in advance at (775) 784-9830 or email cityclerk@cityoffernley.org