

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
DECEMBER 6, 2023**

Mayor Pro Tem Albert Torres called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, City Manager Ben Marchant, City Attorney Aaron Mouritsen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Inspector I Bailee Scott, Building Official Charity Birkel, Building Inspector I Joseph Motsinger, Planning Director Michele Rambo, Senior Planner Shay League, City Engineer Derek Starkey. **Absent:** Mayor Neal McIntyre

1.3. Public Forum

None

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Withdrawn. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan.

Motion: I MOVE TO APPROVE THE AGENDA WITH REMOVAL OF ITEM 6.1 AND ADD TO THE NEXT MEETING OR THE JANUARY MEETING. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minute

2.3. (Possible Approval) Approval of Business Licenses

City Clerk Kim Swanson read the new business licenses.

2.4. (For Possible Action) to approve dismissal of insolvent Defendants from Opioid Litigation

2.5. (For Possible Action) Possible action to adopt Resolution #23-014, amending City of Fernley Planning Commission's bylaws and adopting Rules of Procedure.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

3. REPORTS - this item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

Chief Deputy Mitch Brantingham, LCSD, reported that Deputy Whitten has resumed his role as School Resource Officer. He gave an update on the zero tolerance programs. The department compared the month of February 2023 to the 2023/2024 school year to date and found less incidence for the school year to date than the month of February 2023. The data has shown a 50% decrease in overall incidents with students. The department has received grant funding for opioid laser testing kits. He thanked April Homme and the Chamber for the Coco-With-A-Cop event. This is the time of year for an increase in burglaries. Burglary cases are increasing and reminded everyone to lock houses and cars. He asked the public for any camera footage they may have when a burglary occurs. On December 3, 2023, there was a group of juveniles spray-painting cars and houses at the golf course and asked the community for any camera footage they may have. He also assured the

community that we do not have MS13 gang members in Fernley. The department is also working with the Secret Witness Program to get some reward money. There is a process to get that set up, but there will be more information on social media and the newsletter for the community. Shop-With-A-Sheriff is going very well and they have a raffle coming up.

Councilwoman Felicity Zoberiski asked how the zero tolerance reports are conveyed to the parents. Chief Deputy Brantingham stated that it would be on the Sheriff's Message of the Week on Facebook and social media platforms. The school was discussing maybe putting out a newsletter.

Councilwoman Fran McKay asked if there are specific areas where the burglaries are occurring. Chief Deputy Brantingham stated that there are no specific areas.

Councilman Albert Torres asked about the House Watch Program. Chief Deputy Brantingham stated that if residents would like to get on the House Watch Program, here is a simple form that needs to be completed.

Councilman Ryan Hanan thanked the Department for the ongoing hard work on the case of vandalization. The damage valuation was over \$55,000.

3.1. Reports by City Staff, City Council, and the Mayor, including but not limited to monthly statistical reports by city departments.

Ben Marchant, City Manager, announced that on Monday, December 11th, the 9th annual lighting of the Menorah will take place at City Hall at 5:00 pm. Wreaths Across America is scheduled for December 16th at 9:00 am at the Northern Nevada Veterans Cemetery. The Fernley Aces Christmas Village at the Fernley Main Street Art Park will be up through the month of December. City Hall will be closed December 25 & 26 and January 1. The City is accepting letters of interest from citizens for the vacant Planning Commission position. The deadline for submission is 5:00 pm on December 29.

Charity Birkel, Building Official gave the monthly report for the month of November.

Councilwoman Felicity Zoberiski thanked the city staff for the tree lighting, and the Chamber for the parade.

Councilman Stan Lau announced that it is wrestling season and Fernley Wrestling is having a good season so far.

Councilwoman Fran McKay encouraged everyone to help with Shop-With -A -Sheriff.

Councilman Albert Torres thanked the staff, and everyone involved for the Christmas tree lighting. He announced that the Fernley Convention of Tourism Authority meeting is Monday December 11, at 6:00 pm, at City Hall.

4. PROCLAMATIONS BY THE MAYOR

None

5. ADMINISTER OATH OF OFFICE TO BUILDING INSPECTORS

Mayor Pro Tem Albert Torres administered Oath of Office to building inspectors Bailie Scott and Joseph Motsinger.

6. PRESENTATIONS

- 6.1. (For possible action) A presentation on Opioid Funds and how the city can spend the Settlement Funds.**
Moved to future meeting.

7. ORDINANCES

7.1. (For Possible Action) Second Reading and Adoption of Bill # 341, amending Section 2.02.07 of the City of Fernley Municipal Code modifying the appointment of a City Manager in the long term absence of a City Manager.

Aaron Mouritsen, City Attorney, requested a continuance of two weeks for a minor change to item (e).

Motion: I MOVE TO CONTINUE FOR MINOR CHANGE. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8. STAFF REPORTS

8.1. Discussion and possible action to approve a contract with CORE Construction for construction manager at risk services during the construction of Phase I of the Community Resource and Response Center and the revised guaranteed maximum price of \$17,765,798.00.

Derek Starkey, City Engineer, stated that staff is seeking City Council approval on the construction manager at risk contract for the first phase of the Community Response and Resource Center for CORE Construction and the revised guaranteed maximum price of \$17,765,798.00

Motion: I MOVE TO APPROVE THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE CONSTRUCTION OF THE FIRST PHASE OF THE COMMUNITY RESPONSE AND RESOURCE CENTER WITH CORE CONSTRUCTION AND THE REVISED GUARANTEED MAXIMUM PRICE OF \$17,765,798.00. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5 **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8.2. Discussion and possible action to determine the responsiveness of F.W. Carson Company and resolve the bid protest of the award of a construction contract for the Villa Park Water and Sewer Main Replacement Project.

Derek Starkey, City Engineer, presented this item stating that staff is seeking approval to execute a contract for construction of the Villa Park Water and Sewer main replacement project with F.W. Carson, Co. F.W. Carson is the apparent low bidder and has the necessary experience to complete the work as outlined in the scope of the project. The bid award has been protested per NRS 338 by Aspen Developers. Aspen has filed a letter of protest indicating that F.W. Carson failed to bring three signed addenda documents and should be considered non-responsive. Council can choose to move forward with the award to F.W. Carson or disqualify the bid from F.W. Carson and direct staff to award the contract to Aspen Developers.

Troy Carson, F.W. Carson Co., presented to the Council all the documentation submitted for the bid process and contests the statement provided by Aspen Developers Letter of Protest that F.W. Carson Co. failed to acknowledge Addendums 1, 2 and 3. He thanked the Council members, the City of Fernley staff and the public attendees for the opportunity to respond to the Bid Solicitation, Letter of Protest.

Kurt Matzoll, Aspen Developers, stated that during the process F.W. Carson failed to include the three issued addendas signed. Each addendum clearly states that they shall be signed and attached to the bid and they were not.

Derek Starkey, City Engineer, stated that the city's actual bid documents did not require them to be submitted, they are not included in the listing of what needs to be submitted. RCI, the city's engineering consultant, issued the addendum and their letter stated that they need to be signed and submitted with the bid. There was a conflict between what the City was looking for and what RCI was issuing out to bidders.

Councilman Ryan Hanan wanted to be clear that the staff's recommendation was to approve F.W. Carson as being sufficiently qualified because they met the requirements. Derek Starkey, City Engineer, stated that it was correct, even without the physical signed copies, they were proactive.

Motion: I MOVE TO APPROVE STAFF TO PREPARE CONTRACT FOR CONSTRUCTION OF VILLA PARK WATER AND SEWER REPLACEMENT PROJECT WITH F.W. CARSON AND THAT THEY WERE DEEMED RESPONSIVE. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Fran McKay would like a comparison with other city's water rates put on the agenda in February.

10. PUBLIC FORUM

None

11. ADJOURNMENT

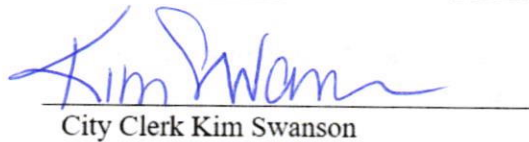
The next City Council meeting is December 20, 2023, at 5:00 pm.

There being no further business to come before it, the Fernley City Council meeting adjourned at 5:58 pm.

Approved by the Fernley City Council on December 20, 2023, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


City Clerk Kim Swanson

Sandy Harris

From: noreply@civicplus.com
Sent: Tuesday, November 21, 2023 10:46 AM
To: City Clerk
Subject: Online Form Submittal: Public Input Form

If you are having problems viewing this HTML email, click to view a [Text version](#).

Public Input Form

The Public may comment on any matter that is not specifically included on an agenda as an action item or comment on a specific agenda item. Items not included on the agenda for which you are submitting a comment, cannot be acted upon other than to place them on a future agenda. Additionally, if you wish you can comment 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. 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.

Submitted by: * Mariane VanDurdan

Email Address: Marianevandurdan@yahoo.com

Phone Number: 7075401189

Address:

220 Red Oak Drive Fernley Nevada 89408

Meeting(s) City Council Mtg

where your
concern should
be expressed: *

Meeting Date(s): * December 6th 2023

Comments: * Hwy 95A Fernley High School / Southwest Meadows and Sage Sub-division speed limit is 55mph in a school zone? I see at least 13 children unsafely crossing 95A because their is inadequate crossing for these children going to high school. Their Safety should be The City of Fernley's Top Priority. Pedestrian deaths are very high in rural areas. Nevada ranks 13th in the USA pedestrian fatalities 63% pedestrian fatalities are not in a cross-walk or intersection. Between 2014 and 2018, nearly 90% of fatal pedestrian crashes occurred on urban roadways. Mayor McIntyre don't you think our children are worth addressing this issue sooner rather than later when a parent looses a child because you did not address school crossing as a priority ?https://zerofatalitiesnv.com/app/uploads/2020/08/Crash-Facts_Pedestrians.pdf

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://www.cityoffernley.org/Admin/FormHistory.aspx?SID=8585>

The following form was submitted via your website: Public Input Form

Submitted by:: Mariane VanDurdan

Email Address: : Marianevandurdan@yahoo.com

Phone Number:: 7075401189

Address: : 220 Red Oak Drive Fernley Nevada 89408

Meeting(s) where your concern should be expressed:: City Council Mtg

Meeting Date(s):: December 6th 2023

Comments: : Hwy 95A Fernley High School / Southwest Meadows and Sage Sub-division speed limit is 55mph in a school zone? I see at least 13 children unsafely crossing 95A because there is inadequate crossing for these children going to high school. Their Safety should be The City of Fernley's Top Priority. Pedestrian deaths are very high in rural areas. Nevada ranks 13th in the USA pedestrian fatalities 63% pedestrian fatalities are not in a cross-walk or intersection. Between 2014 and 2018, nearly 90% of fatal pedestrian crashes occurred on urban roadways. Mayor McIntyre don't you think our children are worth addressing this issue sooner rather than later when a parent loses a child because you did not address school crossing as a priority ?https://zerofatalitiesnv.com/app/uploads/2020/08/Crash-Facts_Pedestrians.pdf

Additional Information:

Form submitted on: 11/21/2023 10:45:40 AM

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Form Address: <http://www.cityoffernley.org/Forms.aspx?FID=175>