

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
February 2, 2016**

The Honorable City Council met in a regularly scheduled Council meeting on the above date in the Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Present:

Mayor Ken Tedford
City Councilman, Robert H. Erickson
City Councilwoman, Kelly Frost
City Councilman, James D. Richardson
City Engineer, James R. Souba
Chief of Police, Kevin Gehman
City Clerk, Gary C. Cordes
City Attorney, Michael F. Mackedon
Deputy City Attorney, Robert M. Erquiaga

The meeting was called to order by Mayor Tedford at 7:00 p.m.

Mayor Tedford led the Pledge of Allegiance.

Mayor Tedford inquired if the agenda had been posted in compliance with NRS requirements.

City Clerk Cordes advised that the agenda was posted in compliance with NRS 241.

Approval of Council meeting minutes for January 19, 2016

Mayor Tedford inquired if there were any additions or corrections to the minutes for January 19, 2016.

No additions or corrections were noted.

Councilman Erickson motioned to approve the Council meeting minutes for January 19, 2016 as submitted, seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Approval of Warrants

- A) Accounts Payable
- B) Payroll
- C) Customer Deposit

Mayor Tedford inquired if there were any comments regarding the accounts payable, payroll and customer deposit warrants.

No comments were noted.

Councilwoman Frost motioned to approve the accounts payable, payroll and customer deposit warrants and authorize the Mayor to sign the same; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Public Comments

Mayor Tedford inquired if there were any public comments. He noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No public comments were noted.

Request by Trina Espinosa for an off-premise liquor license for Dotty's, located at 2111 West Williams Avenue

City Clerk Cordes explained that Ms. Trina Espinosa, the assistant manager for Dotty's, has applied for an off-premise liquor license for Dotty's located at 2111 West Williams Avenue. The owner of record for this business is Nevada Restaurant Services, Inc. dba Dotty's. There is currently an on-premise liquor license in place at this location, which means liquor is consumed on the premises. The off-premise liquor license would allow liquor to be sold by Dotty's and consumed off the premises. The application has been reviewed by City Engineer Souba, Deputy City Attorney Erquiaga, Police Chief Gehman and City Clerk Cordes; they have recommended approval.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford inquired if there were any public comments or questions.

No public comments were noted.

Councilman Richardson motioned to approve the request by Trina Espinosa for an off-premise liquor license for Dotty's, located at 2111 West Williams Avenue; seconded by Councilman Erickson and approved with a 3-0 vote by the Council.

Request by Trina Espinosa for an off-premise liquor license for Dotty's, located at 2397 Casey Road #101 & #102

City Clerk Cordes explained that Ms. Trina Espinosa, the assistant manager for Dotty's, has applied for an off-premise liquor license for Dotty's located at 2397 Casey Road #101 & #102. The owner of record for this business is Nevada Restaurant Services, Inc. dba Dotty's. There is currently an on-premise liquor license in place at this location, which means liquor is consumed on the premises. The off-premise liquor license would allow liquor to be sold by Dotty's and consumed off the premises. The application has been reviewed by City Engineer Souba, Deputy City Attorney Erquiaga, Police Chief Gehman and City Clerk Cordes; they have recommended approval.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford inquired if there were any public comments or questions.

No public comments were noted.

Councilman Erickson motioned to approve the request by Trina Espinosa for an off-premise liquor license for Dotty's, located at 2397 Casey Road #101 & #102; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Public Hearing: Adoption of Resolution No. 16-01: A resolution authorizing the augmentation of the 2015-2016 General Fund Budget of the City of Fallon in the amount of \$414,832

City Clerk Cordes explained that, pursuant to Nevada Revised Statute, this agenda item has been properly noticed in the Lahontan Valley News as well as our other agenda posting locations. The purpose of this resolution is to properly budget the resources and expenditures of the General Fund Budget. The submitted revisions reflect change in financial estimates that were not anticipated when the budget was adopted by the City Council. This resolution will allow us to properly reflect the changes in financial estimates. He recommended adoption of this resolution.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford opened the meeting to a public hearing and inquired if there were any public comments or questions.

No public comments were noted.

Councilwoman Frost motioned to adopt Resolution No. 16-01: A resolution authorizing the augmentation of the 2015-2016 General Fund Budget of the City of Fallon in the amount of \$414,832 as submitted; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Adoption of Resolution No. 16-02: A resolution authorizing the transfer of budgeted appropriations of the 2015-2016 General Fund Budget of the City of Fallon in the amount of \$58,974

City Clerk Cordes explained that the purpose of this resolution is to properly budget the expenditures of the General Fund Budget. The submitted revisions reflect change in financial estimates that were not anticipated when the budget was adopted by the City Council. This resolution will allow us to properly reflect the changes in financial estimates. This resolution would not change the total expenditures of the budget, it just reallocates those expenditures. He recommended adoption of this resolution.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford inquired if there were any public comments or questions.

No public comments were noted.

Councilman Richardson motioned to adopt Resolution No. 16-02: A resolution authorizing the transfer of budgeted appropriations of the 2015-2016 General Fund Budget of the City of Fallon in the amount of \$58,974 as submitted; seconded by Councilman Erickson and approved with a 3-0 vote by the Council.

Public Hearing: Adoption of Resolution No. 16-3: A resolution authorizing the augmentation of the 2015-2016 Convention Center Fund Budget of the City of Fallon in the amount of \$16,000

City Clerk Cordes explained that, pursuant to Nevada Revised Statute, this agenda item has been properly noticed in the Lahontan Valley News as well as our other agenda posting locations. The purpose of this resolution is to properly budget the resources and expenditures of the Convention Center Fund Budget. The submitted revisions reflect change in financial estimates that were not anticipated when the budget was adopted by the City Council. This resolution will allow us to properly reflect the changes in financial estimates. He recommended adoption of this resolution.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford opened the meeting to a public hearing and inquired if there were any public comments or questions.

No public comments were noted.

Councilman Erickson motioned to adopt Resolution No. 16-3: A resolution authorizing the augmentation of the 2015-2016 Convention Center Fund Budget of the City of Fallon in the amount of \$16,000 as submitted; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Dismissal of:

- *Churchill County, City of Fallon, and Truckee-Carson Irrigation District v. United States*, 3:09-CV-00170, in the United States District Court for the District of Nevada (challenge to the TROA final environmental impact statement and to TROA as a federal regulation);
- *Truckee-Carson Irrigation District, et al., Appellants v. Truckee Meadows Water Authority, et al., Appellees*, in the United States Court of Appeals for the Ninth Circuit, Case Nos. 14-17353, 14-17368 (consolidated) (amendment to Orr Ditch Decree);
- *Truckee-Carson Irrigation District, et al., Appellants v. Truckee Meadows Water Authority, et al., Appellees*, in the United States Court of Appeals for the Ninth Circuit, Case No. 14-16019 (State Engineer Ruling No. 6035);
- *Truckee-Carson Irrigation District, et al., Appellants. v. State Water Resources Control Board, Appellee, and Truckee Meadows Water Authority, et al., Real Parties in Interest*, in the Court of Appeal of the State of California, Third Appellate District, Case No.: C076849 (California Change Petition)

City Attorney Mackedon explained that these four cases represent a combination of related cases in which the City of Fallon, over many years, had been either directly or indirectly involved in. They relate to the authorization and implementation of what has been described as the Truckee River Operating Agreement (TROA). The particulars of each case are complicated and have a lengthy history but he chose to list the cases as a single item on the agenda rather than as a separate consideration for the reason that there is a settlement that has been agreed upon by the primary parties to this litigation which are TCID, TMWA and other parties that are referred to as the principal TROA parties. That settlement depends upon the dismissal of these four cases as a group. He recommended that the Council agree to dismiss these cases as a part of the settlement. It would defeat settlement purposes if the City were to consider the cases one at a time and only dismiss some of them. That would defeat the settlement; either they all get dismissed or they all do not get dismissed. The City has been on the periphery of these cases. The City has not been in a confrontational position where we are contending for waters that

arguably belong to other parties. The City has been in a conservative position, protecting and defending water rights that are owned by the City or pertinent to land in the valley. Part of the reason that he recommends dismissal of these cases is that, due to their complexity and the City's peripheral involvement, we would defeat the settlement and that would be a provocation and not in the interest of the people in the valley. It would be futile because it would be virtually impossible for the City to successfully maintain these cases on its own. The City has been an important contributor to the defense of the waters in the valley. The City has been respectful of citizens' rights and now is the time to join in the dismissal. He recommended the Council authorize the Mayor and/or the City Attorney to enter into a stipulation to dismiss each one of these cases. The decision tonight must be to dismiss all of the cases or none of the cases.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford inquired if there were any public comments or questions.

No comments were noted.

Councilman Richardson motioned to authorize the Mayor and/or the City Attorney to dismiss the cases as follows:

- *Churchill County, City of Fallon, and Truckee-Carson Irrigation District v. United States*, 3:09-CV-00170, in the United States District Court for the District of Nevada (challenge to the TROA final environmental impact statement and to TROA as a federal regulation);
- *Truckee-Carson Irrigation District, et al., Appellants v. Truckee Meadows Water Authority, et al., Appellees*, in the United States Court of Appeals for the Ninth Circuit, Case Nos. 14-17353, 14-17368 (consolidated) (amendment to Orr Ditch Decree);
- *Truckee-Carson Irrigation District, et al., Appellants v. Truckee Meadows Water Authority, et al., Appellees*, in the United States Court of Appeals for the Ninth Circuit, Case No. 14-16019 (State Engineer Ruling No. 6035);
- *Truckee-Carson Irrigation District, et al., Appellants. v. State Water Resources Control Board, Appellee, and Truckee Meadows Water Authority, et al., Real Parties in Interest*, in the Court of Appeal of the State of California, Third Appellate District, Case No.: C076849 (California Change Petition); seconded by Councilman Erickson and approved with a 3-0 vote by the Council.

Public Comments

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

Council and Staff Reports

City Attorney Mackedon: No comments were noted.

City Clerk Cordes: No comments were noted.

Chief Gehman: No comments were noted.

City Engineer Souba: No comments were noted.

Councilwoman Frost: No comments were noted.

Councilman Richardson: No comments were noted.

Councilman Erickson: No comments were noted.

Mayor Tedford: Mayor Tedford advised that the Maine Street fountain will be dyed red this Friday at 11:00 a.m. for the *Go Red for Heart* campaign.

Executive Session

Mayor Tedford tabled the executive session, as it was not needed at this time.

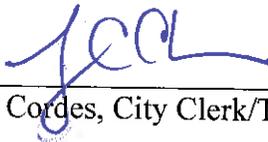
Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 7:25 p.m.



Mayor Ken Tedford

Attest:



Gary C. Cordes, City Clerk/Treasurer