

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
May 4, 2020**

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, James D. Richardson
City Councilwoman, Kelly Frost
City Councilwoman, Karla Kent
Legal & Administrative Director, Robert Erquiaga
Police Chief, Kevin Gehman
Public Works Director, Brian Byrd

The meeting was called to order by Mayor Tedford at 9:00 a.m.

Mayor Tedford led the Pledge of Allegiance.

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

Legal and Administrative Director Erquiaga advised that the agenda was posted in compliance with Governor Sisolak's Declaration of Emergency Directive 006, and as extended by Directive 016, the agenda and the supporting materials were posted on the City's website and the State of Nevada's public notice website on or before 9:00 a.m. on April 29, 2020.

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.

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 Councilwoman Kent and approved with a 3-0 vote by the Council.

Consideration and possible action to approve a construction contract with Q&D Construction of Sparks, Nevada in order to complete the Fallon Municipal Airport Rehabilitate Airport Pavements project, PWP-CH-2020-189, in the amount of Five Hundred Eighty-Nine Thousand Dollars and Zero Cents (\$589,000.00), contingent upon final approval of FAA grant funding, while rejecting the two lowest bids for being non-compliant with Chapter 338 of NRS

Public Works Director Byrd stated that the City has been tentatively approved for an FAA grant to complete the Rehabilitate Airport Pavements project at the Fallon Municipal Airport. The project was previously designed by Atkins North America, Inc. The project was advertised during the week of April 1, 2020 and a non-mandatory pre-bid meeting was held on April 16, 2020 at which two potential bidders were in attendance. Three bids were received and opened on April 23, 2020 as further described in the agenda packet. The lowest bid received, submitted by CR Contracting, in the amount of \$445,683.53 is being recommended for rejection as the bid amount is over CR Contracting's approved bid limit. In accordance with NRS 338.13895, a local government awarding a contract for a public work shall not award the contract to a person if the contract would exceed the limit of the person's license. The next lowest bid received, submitted by Maxwell Asphalt, in the amount of \$448,703.30 is also being recommended for rejection as Maxwell Asphalt failed to list sub-contractors and material suppliers within their bid submission. Pursuant to NRS 338.141, potential bidders must supply the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. FAA procedures provide final grant approval only after bid opening and contract award approval by the City Council. City staff recommends approval of a construction contract with Q&D Construction as the lowest responsive and responsible bidder, contingent upon final approval of FAA grant funding. This project will be funded by the FAA at 100%.

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

Councilwoman Frost asked how long it would take for the FAA to approve grant funding and start construction.

Public Works Director Byrd stated that it would occur this calendar year, probably eight weeks or so.

Legal and Administrative Director Erquiaga added that they usually like that Summer construction schedule, now this year, it may be different, but we have not heard otherwise from the FAA. They are treating things as business as usual as far as timelines are concerned. We would anticipate receiving approval in the form of an actual grant agreement and be in line with a Summer schedule. The 100% funding was a component of the CARES Act, so the City has no required match on this project which is a really nice benefit.

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

No comments were noted.

Councilwoman Kent motioned to approve a construction contract with Q&D Construction of Sparks, Nevada in order to complete the Fallon Municipal Airport Rehabilitate Airport Pavements project, PWP-CH-2020-189, in the amount of Five Hundred Eighty-Nine Thousand Dollars and Zero Cents (\$589,000.00), contingent upon final approval of FAA grant funding, while rejecting the two lowest bids for being non-compliant with Chapter 338 of NRS; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Professional Services Contract with Atkins North America, Inc. for construction administration support services relating to the Fallon Municipal Airport Rehabilitate Airport Pavements project, PWP-CH-2020-189, in an amount not to exceed Sixty Thousand Eight Hundred Dollars (\$60,800.00), contingent upon final approval of FAA grant funding

Public Works Director Byrd explained that the City has been tentatively approved for an FAA grant to complete the Rehabilitate Airport Pavements project at the Fallon Municipal Airport. The project was previously designed by Atkins North America, Inc. This follow-on professional services contract is needed to provide construction support services, inspection, and materials testing during the construction phase of the project, which are required by the FAA. Atkins North America, Inc. was previously awarded an open-ended contract to provide a variety of engineering services for the airport and this particular contract would be Task Order Number 9. City staff recommends approval of a Professional Services Contract with Atkins North America, Inc., contingent upon final approval of FAA grant funding. This project will be funded by the FAA at 100%.

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 approve a Professional Services Contract with Atkins North America, Inc. for construction administration support services relating to the Fallon Municipal Airport Rehabilitate Airport Pavements project, PWP-CH-2020-189, in an amount not to exceed Sixty Thousand Eight Hundred Dollars (\$60,800.00), contingent upon final approval of FAA grant funding; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Presentation of the Police Department Report for March 2020

Chief Gehman presented the March monthly report. He added that the March incidents and activities were primarily in line with previous months with no exceptional variances.

- Staff participated in minimal hours of training.
- Detective Decker provided the indoctrination lecture to newly stationed Navy personnel.
- Officers assisted with handing out meals to children at bus stop areas during the school closure.
- Police Explorers assisted in serving food at Fallon Daily Bread.
- The citizen survey results were positive.

Mayor Tedford reminded Chief Gehman that he would like to see the results of the speed survey trailer set on Tedford Lane. He directed Public Works Director Byrd to check to see if

Tedford Lane had 25 MPH signs posted; if there are no signs, he did not see a problem with installing some. Everyone should know every street in the City is 25 MPH unless you are by a park or in a school zone, then it drops to 15 MPH. You cannot go over 25 MPH in the City except on Williams Avenue.

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

No comments were noted.

Mayor Tedford thanked Chief Gehman for the report.

Public Comments

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

Council and Staff Reports

Mayor Tedford inquired if there were any Council or staff reports.

Legal and Administrative Director Erquiaga advised that the Council had been provided a copy of the City of Fallon and Churchill County Joint COVID-19 Mitigation and Reopening and Return to Work Plan. He wanted to take a couple minutes to introduce it this morning. Governor Sisolak released his Nevada United Roadmap to Recovery last Thursday. The City, specifically the Mayor and himself, have been engaged with Churchill County on a frequent basis. Every day they speak with Churchill County Commission Chairman Pete Olsen and County Manager Jim Barbee and some days it is many times a day. We have been proactive in attempting to address and analyze Fallon and Churchill County's ability to reopen and move to phase 1. In a lot of cases, we have done that without guidance or information from the State or the Governor's Office. We hear the Governor's plans the same as you do, and as the public does, in his press conferences as they get announced. It has really been a process that is county-driven, as the Governor is reaching out to counties and looking for them to provide him with information. The same invitation has not been extended to cities, so we are working through Churchill County as best we can, and as best they can, to get information from the Governor and some insight as to what is occurring so we can, in turn, make the best decisions for the citizens of our community. In so doing, at the end of last week, we had anticipated the Governor extending the Stay at Home Order, based on information that was out on social media and then released on *Good Morning America* prior to it being released to citizens of the State of Nevada; but in that effort, we were also able to glean that there may be a possibility for individual counties to report in to the Governor and/or a committee that we thought he might be appointing, which ultimately turned out to be the LEAP Committee, the Local Empowerment Advisory Panel, that the Governor announced on Thursday. For several weeks, and with a heightened focus last week, he and the Mayor worked back and forth with Churchill County on a draft of this plan. There were probably in excess of 20 drafts back and forth; that was a good reflection of how difficult the task was. There was no playbook to follow and it was also difficult as they were flying a bit blind, not knowing exactly what the Governor was going to do Thursday night or what his plan was going to look like. So this began as our best effort to, first, identify the situation locally, we were aware of certain criteria that may need to be met in order for a county or somebody to move to phase 1 of a reopening plan and the first part of the plan covers what we believe to be the criteria set out in the fact that this community could meet all of those criteria. The plan then moves to three phases. Phase 1 was drafted in line with both President

Trump's Guidelines for Reopening America and phase 1 of what had been identified by the Governor through his previous press conferences as the criteria and the individuals and the businesses and the specific employers that the restrictions would apply to in phase 1. From there, we looked at phase 2 and phase 3, at the time this was drafted we had no information as to what the Governor's plan would look like and we went with phases 2 and 3 after a lot of thought and discussion to stay in line with President Trump's Guidelines to Reopening America. We also have discussed in the plan, timelines, as we were hopeful each phase could be accomplished in an approximately 14-day period. So, there is some reference in the plan to that, moving to phase 2 and to phase 3, as long as we do not see a significant spike in the number of new cases. We have also discussed throughout, the importance of keeping numbers in context, and so our hope is that we will be able to continue to do that moving forward. As everyone is aware, the push to have enhanced access to Coronavirus testing is on. Churchill County has been in conversation with the State and is hopeful that they can begin doing what they are calling surveillance testing, it is really random testing, in our community to get a better grip and hopefully provide better data about how prevalent the virus may or may not be in this community. But as we do that, of course, the increased testing could potentially lead to more positives so keeping the context of the percentage of people testing positive versus negative will be important to track. It will also be important to track that totally randomized testing and screening which is a different category than symptomatic testing. So thus far, we have just had symptomatic testing in Churchill County which means you have to present to a healthcare provider and have a series of symptoms that meet both the State of Nevada's criteria and the CDC's criteria to get a Coronavirus test. As we expand into that random testing where anybody could potentially sign up and be tested, it will be important to maintain two sets of data and understand the differences between the two and we are told, through Churchill County, that is what the State intends to do. The plan itself is our best effort, with everything that has happened with Coronavirus and as we try to respond accordingly, it is subject to change. It will probably change many more times as we go forward, as we learn more, as more data is gathered, and certainly as we hear more from the Federal government including the President, and as we hear more from Governor Sisolak. Churchill County did take up this plan in a Commission meeting on Friday and adopted it. They adopted it with the idea that it would change and that their ultimate goal was to get the plan and a series of information submitted to the Governor's Office on Friday. That was the first opportunity for them to submit that and our understanding is that the Governor's Office and the LEAP committee will review each counties' response and then evaluate the State's readiness to move to phase 1. The Commission meeting also highlighted that they hope the timeline is very soon. If it is not, the City and Churchill County intend to have further meetings and discussions about advancing that timeline to the fullest extent that we can. Legal and Administrative Director Erquiaga added that he, Mayor Tedford, Chairman Olsen, and Jim Barbee have worked really well together through this process, not only in all the discussions but in developing this plan. We are trying to follow Churchill County's lead. They have a health authority, or a health board. They have health officers; Jim Barbee is appointed as a Deputy Health Officer and Dr. Tedd McDonald is the County's Health Officer. Those are assets that we do not have in the City. We have been trying to follow their lead, especially medically related, and they have been easy and good to work with and they are doing an amazing job and it has been a pleasure working together with them to try to move forward and safely advance all the interests of the citizens of our community.

Councilwoman Kent asked, in regard to entering phase 1, if the Governor was going to have the entire State begin together as a whole if we reach the numbers, or was he going to consider doing it county by county.

Legal and Administrative Director Erquiaga explained that the Governor's statement and his plan both indicate that the State will move together to phase 1 as a whole when he determines that it is appropriate. At the same time, counties have submitted their information and they intend to continue to press the issue if a growing group of counties are able to move to phase 1 and it ultimately ends up being that only one or two are not, he knew there was a group of people willing to press that issue with the Governor. He has given no indication that counties cannot move to phase 1 without his approval and without his say. He did indicate that once you get to phase 1, it seemed that he left open that counties could proceed at different paces at that point. But, as far as getting to phase 1, he has been clear and there is a growing group of people that are evaluating how to move forward if that timeline of the Governor's and the State's does not meet theirs.

Mayor Tedford noted that there has been a good deal of discussion about that – what you do if you have met all the parameters – which are: if you had enough PPE in your storage to meet a surge, your hospital would have enough room to handle a surge of which we have 37 beds in Fallon, and trace testing so if someone gets the virus you have the ability through your health department to do trace testing back to where they got it. Jim Barbee, as Deputy Health Officer, would be the lead and he would have the Sheriff's Department and he would have Shannon Ernst in Social Services to do that. So, we have met those three parameters. What Council was handed today was another issue that had to be done in this mitigation and reopening plan. The 17 counties were supposed to submit these plans by 5:00 p.m. Friday and this plan of ours was submitted at 1:00 p.m. Friday. We are not aware of the submission status of the other 16 counties. That is probably something we will learn this afternoon. We thought at the time, we would be able to go county by county or maybe even region by region because people travel region by region. But Thursday night that changed to all 17 counties needing to meet these parameters. One of which, as you read in the first line, is a downward trajectory of cases over a 14-day period. Which we knew Clark County and possibly Washoe County may not meet. That is why Legal and Administrative Director Erquiaga said there was a lot of discussion and thought of what we do if we have a nice trajectory and other places do not. Our goal was to get people back to work and businesses open. We only have three cases and they were pretty limited in their scope of where they were. That is something he and Legal and Administrative Director Erquiaga were working pretty hard on with Jim Barbee and Chairman Olsen. But they realized it would be better if they had a consortium of three or four counties with them. Legal and Administrative Director Erquiaga was right in that this was all about counties, cities have been totally overlooked and it probably is okay because geographically 17 counties cover the entire State and if you were talking to cities – we do not cover all of Churchill County so – he was okay with that. As you follow those League of Cities memos, they could not even get a meeting with the Governor. What it really comes down to – and he did not think he was speaking anything public that should not be – would Churchill County want to step out on its own and have the target on their back from the Governor. Some people who do not know things say, “What can he do to you?” He has some emergency powers right now that Governors have not had in a long time. He has some regulators that are sitting at home right now that could be in your business tomorrow shutting you down and any of these other ones that have opened up. None of us at this table like the term non-essential because every business is essential. So, while we would like to open all of them up, or at least have them find a way that they are essential under the terms of either his rules or the Attorney General's rules,

especially under that Homeland Security list which is a lot longer or at least a need for a support of one of those essential businesses. The four of us felt – if you understand what we did – we set up just as we set up for the flood with this, an incident command which he and Chairman Olsen are at the top of the heap making critical decisions and using Legal and Administrative Director Erquiaga and Jim Barbee to get there. Then you have logistics and all these guys play a role, the Chief and the Sheriff, in how we go get products and PPE, things the hospital and jail need. Shannon Ernst is doing an awesome job too. We set this up as if it were a disaster and that is how we meet. This is a very difficult thing right now but we are headed down the right path and Legal and Administrative Director Erquiaga laid it out pretty well in how it is working but he added that it is a little frustrating – the process in which we find ourselves. There are States that are opening area by area like we want to do, which seems to make some sense. There are States that are doing it with lawsuits with different government entities suing each other to get there. We do not particularly want to do that because we have been down that route and we know how much money that costs to be the plaintiff in. He read a book years ago by Mark Hatfield, who opposed the Vietnam War during the Nixon administration. Mark Hatfield was a Senator from Oregon who was Republican. The book was called *Between a Rock and a Hard Place*, and it was all about civil disobedience and when it is necessary and how hard it is to do. That is where we are really close to if you decide to go out on your own, or with some consortium of cities and counties. It is a rough time we are at right now with this. He knows how much closed businesses are hurting. Even ones that are open are hurting because of people being home. We have been fortunate with the number of cases we have, and others have not been so fortunate. We should pray we stay that way.

Councilwoman Kent mentioned for the record that we all know there are business owners and citizens that really feel that we should push the envelope and she believed all we could do was just really reinforce to them that it is very critical that we follow the Governor’s guidelines so that we keep it as stable as possible.

Councilwoman Frost thanked Mayor Tedford and Legal and Administrative Director Erquiaga for all their hard work in trying to get us to phase 1. She knew it had not been easy and hopefully, our Governor will show some reason and allow us to move forward.

Mayor Tedford appreciated her comments. The Governor needs to hear from us at some point.

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 9:34 a.m.

Attest:


Sean C. Richardson, City Clerk-Treasurer



Mayor Ken Tedford