



Mesquite City Council

Technical Review Meeting

Mesquite City Hall - Training Room

10 E. Mesquite Blvd.

Tuesday, June 07, 2016 - 1:30 PM

Minutes of a scheduled meeting of the City Council held on Tuesday, June 7, 2016, at 1:30 P.M. at City Hall in the Training Room. In attendance were Mayor Pro tem W. Geno Withelder, Council members Kraig Hafen, George Rapson, Rich Green and Cynthia "Cindi" Delaney Also, in attendance were City Manager Andy Barton, Finance Director David Empey, Public Works Director Bill Tanner Development Director Richard Secrist, City Liaison Aaron Baker, City Clerk Tracy Beck, other city staff and approximately 5 citizens.

Mayor Pro tem Withelder called the meeting to order at 1:30 p.m. and excused the absence of Mayor Litman (NOTE: This meeting has been tape-recorded and will remain on file in the office of the City Clerk for four years for public examination.)

Below is an agenda of all items scheduled to be considered for the Mesquite City Council Regular Council Meeting. Agenda items discussed on this agenda are considered "Proposed" until the final agenda for the Regular City Council Meeting is posted, according to NRS 241.020. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Mayor and Council. Additionally, the Mayor and Council may combine two or more items for consideration, and may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Public comment is limited to three minutes per person.

Public Comments

During the Public Comment portion of the agenda comments must be limited to matters within the authority and jurisdiction of the City Council. Items raised under this portion of the Agenda cannot be deliberated or acted upon until the notice provisions of the Nevada Open Meeting Law have been met. If you wish to speak to the City Council at this time, please step up to the podium and clearly state your name. Comments are limited to 3 minutes in length.

1. Public Comments

[Minutes:]

Mayor Pro tem Withelder opened up the meeting to Public Comments.

[Minutes:]

David Ballweg: I am a candidate for City Council. I request that Item 5 on the Consent Agenda be moved to the Regular Agenda for discussion of the relevant item I'd like discussed on any pertinent information to why we would allow RV parking on the site where we're taking business away from local recreational parks or RV parking spaces, whether it's Casa or Solstice or one of the other ones. I just like to have some discussion on any relevant information of why we would do that.

[Minutes:]

Aaron Baker: I have a public comment to make. The City currently has an on-line survey about natural gas service in the Mesquite area. It's available on www.MesquiteNV.gov/ng for natural gas. We would just like to encourage people to go on and participate in that. We've had 50 plus residents and 1 business respond, and we need businesses to respond more than residents.

[Minutes:]

Council member Rapson: Has anybody contacted Toti and Eureka?

Aaron Baker: Yes. Yes.

[Minutes:]

Barbara Ellestad: We will have an article on that.

Consent Agenda

Items on the Consent Agenda may not require discussion. These items may be a single motion unless removed at the request of the Mayor, City Council, or City Manager.

2. Consideration for approval the June 15, 2016 Regular City Council Meeting Agenda; the May 10, 2016 Regular City Council Meeting Minutes and the May 17, 2016 Technical Review Meeting Minutes.
 - Public Comment
 - Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments. There were none.

3. Consideration of approval of:
 - a) Notification of Budget Transfers
 - b) Notification of Budget Amendments
 - c) Notification of Bills Paid
 - d) Purchase Orders
 - e) April 2016 Financial Statements

- Public Comment
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments. There were none.

4. Consideration of Bid Award for the 2016 Mesquite Town Wash Detention Basin Sediment Removal.

- Public Comment
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any question or comments.

[Minutes:]

Mr. Tanner: We opened the bids today at 10:00 AM, and the apparent low bidder is Trade West Construction for \$380,000. That's 40,000 cubic yards of material to move. It comes out to \$9.50 a cube. So we will probably be recommending to award that bid to Trade West in the amount of \$380,000.

[Minutes:]

Council member Hafen: How many bids did you get?

[Minutes:]

Mr. Tanner: We had four bids. We've had one from American Civil Constructors, which is Meadow Valley, \$494,000. Progressive Contracting was \$520,000. Mesquite General was \$454,000. Trade West was \$380,000. Trade West was the one that last year at this time, they were the ones that got the bid

award for the sediment removal last year. I think their price was \$675,000. So we're just getting a little bit more expensive.

[Minutes:]

Council member Rapson: Is Town Wash, didn't we just do that?

[Minutes:]

Mr. Tanner: We did –

Council member Rapson: Cemetery fill and all that.

Mr. Tanner: We did, and through the – where Town Wash got pounded the worst is when they lost freeway two years ago, and so we've been just chipping away at over the last two years, moving it to areas, trying to find ways to move it where we can use it that's not going to cost us a ton of money, which we're reimbursed by Regional Flood for that work. Currently, this project we will not be moving it to the cemetery site. We are moving to the corner lot there on Falcon Ridge Parkway in Hardy Way. So we're going to bring that site up more level. Sometime in the future, we may want to expose that site as a building pad. So we will be bringing that up. I think that with this fiscal year, we will be able to have everything moved back to square one in the basin, provided we don't get any large sediment deposits in this next year.

[Minutes:]

Council member Rapson: Abbott and Pulsipher aren't an issue?

[Minutes:]

Mr. Tanner: They haven't been. We actually will be transferring about \$48,000 out of this year's Abbott Wash and Pulsipher Washes' budget into Town Wash. What I'll probably do is issue an appeal for what I have remaining in this year's Regional Flood Control Budget of \$48,000 to start moving sediment at that \$9.50 a yard until we use up all this year's money, and then the \$380,000 will come out of next year's budget.

[Minutes:]

Mayor Pro-tem Withelder: Is that \$9.50 pretty much a competitive price with everyone?

[Minutes:]

Mr. Tanner: Well, they were the lowest.

[Minutes:]

Mayor Pro-tem Withelder: Is that normal?

[Minutes:]

Mr. Tanner: It is. I think the last bid was, like I said Trade West was \$675,000, and I believe Legacy Construction was right around \$9 and they're \$11 now, \$11 and something a cubic yard. Just to show you what we used to move the dirt for, years ago, because we were moving it onsite we had an area that would take that sediment, so we had moved it for – 5 years ago it was \$.97 a cubic yard. The last time Pride moved it and deposited it on the edges, we paid \$1.48 a cubic yard, so you could see what the difference is when we have to start trucking that stuff out of there. So it's a major issue trucking it. We deal with dust. We deal with air quality permitting, the contractor does, so it's quite a bit more to haul it out and dispose of it than to just spread it on site.

5. Consideration of Approval to host a Marathon on November 15-16, 2016 at the Sports and Event Center (SEC) and to allow temporary overnight RV Parking at the SEC during this event. The participants will be using the neighboring trails for the marathon.
 - Public Comment
 - Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title move it to the end of the meeting.

Resolutions & Proclamations

6. Consideration for Approval of Resolution 697, a Resolution of the Mesquite City Council, providing for the transfer of the City's 2016 private activity bond cap to the Nevada Rural Housing Authority; and other matters related thereto.
 - Public Comment
 - Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments.

[Minutes:]

Mr. Empey: This is an item on the Bond Cap Transfer. This is an item that is customary that we bring to Council every year. This is through the Nevada Rural Housing Authority. The State gets bonding authority and capacity for housing

programs to low income eligible households. They have various income limitations, but it provides for low or no move-in closing costs to home buyers. They don't necessarily have to be first time home buyers but they could be. Also provides for federal income tax credits through some of the programs that they sponsor. The transfer of this bonding capacity doesn't really impact the City's financial statements, if you will. I mean, you're not going to see any impact on our financial reports as a result of this transfer. So there's no liability now or in the future, but it does allow Nevada Rural Housing Authority to use those funds if they have enough demand for it. Gary Longaker, the Program Director, with Nevada Rural Housing, has offered to attend Council meeting on the 15th and to discuss or answer any additional questions that you might have on this transfer.

[Minutes:]

Council member Rapson: How does this mechanically work? So this is letting them use our bond cap as a back up or an assurance?

[Minutes:]

Mr. Empey: Yes, if there is other demand around the State in other counties and other jurisdictions. I don't think typically they've used all of that, but they've seen an increase in utilization of the bonds that they could go out and sell. So they just want to be proactive, and if there is greater demand than they anticipate, then they got that authority as a result of communities transferring their bonding capacity back to Nevada Rural Housing.

[Minutes:]

Council member Rapson: Do you know how much those bonds are, potentially?

[Minutes:]

Mr. Baker: For us, I think it was like \$996,000.

[Minutes:]

Council member Rapson: We have hundreds of millions of dollars in bond capacity.

[Minutes:]

Mr. Baker: Through the State. The State has allocated us about a billion dollar, similar to saying, hey, we can't use it, so State law allows you to give it to other entities within the State.

Council member Rapson: Got it, okay.

7. Consideration of approval of Resolution No. 898, an Interlocal Agreement with Regional Flood Control District for the maintenance of Mesquite Flood Control Facilities for FY 2016/2017.

- Public Comments
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments.

[Minutes:]

Mr. Tanner: This is our annual maintenance budget for regional facilities funded through Regional Flood Control. In comparison to the current year we are in, we budgeted \$697,000. Next year, we will budget \$627,000. The last two years have been historically high due to the sediment in Town Wash. We normally would be running about \$210,000 to \$250,000 a year, so this will be in the revised budget. We will try to get the sediment moved out back to square one. Hopefully next year our budget will be back down around \$200,000 to \$250,000. And that will be approved by the Board of Commissioners Regional Flood Control Board on June 9th. So on June 15th, then we will recommend it for approval so that we can move forward and award that bid to Trade West.

8. Consideration of Resolution 899 creating a special revenue fund for economic development services and other matters properly related thereto.

- Public comment
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments.

[Minutes:]

Mr. Baker: As part of the budgeting process, I believe Council member Green requested that a fund be created out of which the City can pay for our common development services. That's just formalizing that action that occurred. So going to the Resolution to create the fund.

Department Reports

9. Mayors Comments

[Minutes:]

Mayor Pro tem Withelder read this item by its title.

[Minutes:]

Mayor Pro tem Withelder: I am sure the Mayor may have something. I don't know if Council will have anything.

10. City Council and Staff Comments and Reports

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if anyone will have anything.

[Minutes:]

Council member Delaney: Likely.

[Minutes:]

Mr. Barton: Yes.

Zoning Items

11. Consideration of the Adoption of Bill No. 500 as Ordinance 500 (Deep Roots Medical LLC) to amend Mesquite Municipal Code Sections 2-14-5 and 2-14-9(J) by expanding hours of operation, and by reducing video storage requirements for dispensaries.

- Public Hearing
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments.

[Minutes:]

Mr. Secrist: This Bill allows them to extend their hours to 9 PM instead of 5 PM for the dispensary, and you mentioned reduce the video storage requirements. They're finding that their competition in Las Vegas and Clark County, that they're

able to keep their doors open longer. The pharmacies here in town stay open until 9 PM, so they want to do the same. As far as the video storage goes, the State ended up adopting a standard of only a 30-day requirement, while we adopted 90 days required storage for security video. When we started out in this, it looked like the State was going to go to 90 days. They ended up not doing that. So now, Deep Roots feels like it is an onerous burden to have additional servers, storage capacity, to do that. We are recommending approval.

[Minutes:]

Council member Hafen: Just a question. Are they considered a pharmacy?

[Minutes:]

Mr. Secrist: No, they are not a pharmacy per se, but you know the way the legislation was crafted, they're supposed to look like a pharmacy, more or less act like pharmacies.

[Minutes:]

Council member Hafen: Just not regulated like one. So they want the convenience to be compared to a pharmacy, but not the regulation to restrict whatever they are doing. Thanks for the clarification.

[Minutes:]

Mayor Pro tem Withelder: When are they scheduled to open the dispensary? I know it has to be getting close.

[Minutes:]

Mr. Secrist: They keep saying soon. The end of the month was the last I heard, but I don't have a definite date.

Administrative Items

12. Consideration of a performance review and contractual pay increase of City Attorney.
 - Public Comment
 - Discussion and Possible Action

[Minutes:]

Mayor Pro Withelder read this item by its title and asked if there were any questions or comments.

[Minutes:]

Council member Hafen: For the record, Mr. Sweetin is at the meeting on AB394. It's a pertinent meeting that he needed to attend.

13. Consideration of access issues and options adjacent to the intersection of Oasis Boulevard and Pioneer Boulevard on property owned by Urban Land.

- Public Comment
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there were any questions or comments.

[Minutes:]

Mr. Secrist: This item involves a Site Development Plan for the property behind the Bank of Nevada owned by the Lee family. Basically, Virgin Valley Water District needs to build a new well, a municipal production well. It's there by the golf course and by the office park. No longer it's operable, so they got to close that down and build a new well, and they're proposing to do that downtown in the southwest corner by Summit Court, Pioneer Boulevard. Along with that, the Lee family decided, well, while we're building a new well and doing grading to the site, let's really grade it and get it ready for development so we can subdivide this later. So they're proposing to do some earth work, proposing to add some new driveways, and the question of whether or not the access drives conform to the City's access (indiscernible) standards comes into play. They don't meet the letter of the policies, but I do think they conform to the spirit and intent of what the access management policy was adopted for. So long story short, we're recommending approval, and I'll go through the details of the plan at the hearing.

[Minutes:]

Mayor Pro tem Withelder: Isn't that when we one time talk about funding an Arsenic Treatment Plant there, on that corner? This was 7, 8 to 9 years ago?

Council member Rapson: They were going to build it right where the pump is now, I think?

[Minutes:]

Mr. Secrist: Yes.

[Minutes:]

Council member Rapson: Richard, will we be getting a diagram of what the proposed ingress and egress?

[Minutes:]

Mr. Secrist: Yes, and it's a phased-in plan. They're are three phases to it, and they've written up a narrative the walks you through each phase, so it shouldn't be --

[Minutes:]

Council member Rapson: Is there one between Oasis and Summit now? Is there one proposed there, you know, just west of the bank?

[Minutes:]

Mr. Secrist: Yes.

[Minutes:]

Council member Rapson: So they could share that access, and the bank would close their driveway?

[Minutes:]

Mr. Secrist: No. The bank will keep their driveway. It has full movement right now. Left, you can turn left and right into and out of that driveway. The new driveway, what it will do is give it more direct access to where the new well is, and it will keep construction traffic associated with that off of the driveway into the bank. Eventually, they're going to build an additional driveway on top of Oasis, between the Bank of Nevada and the existing driveway that comes in now to serve the existing, and that will also be a full movement driveway.

14. Consideration of the selection of an insurance carrier for the City of Mesquite and other matters properly related thereto.

- Public Comment
- Discussion and Possible Action

[Minutes:]

Mayor Pro tem Withelder read this item by its title and asked if there are any questions or comments.

[Minutes:]

Mr. Barton: As you know, the City is looking at the possibility of going with one of three possible insurance carriers, One Beacon, Travelers and Poolpact. We had hoped to have a complete bid to you from One Beacon as of close of business yesterday. That has yet to come in. As soon as we get it, we will get it to you, but at this point that's the only part of the equation that is missing. We'll get it to you as soon as it comes in.

[Minutes:]

Council member Rapson: Did they give any reason why it's taking so long?

[Minutes:]

Mr. Barton: They haven't. We had been in touch with them last week. They told us they would have us the information by close of business yesterday and we haven't heard from them since. And basically we're looking for the workers comp. portion.

[Minutes:]

Council member Rapson: Which is significant.

[Minutes:]

Mr. Barton: Yes.

[Minutes:] **(ITEM 5 Revisited)**

Consideration of Approval to host a Marathon on November 15-16, 2016 at the Sports and Event Center (SEC) and to allow temporary overnight RV parking at the SEC during this event. The participants will be using the neighboring trails for the marathon.

Mayor Pro tem Withelder: We will go back to Item #5 and read this item by its title and asked for any questions or comments.

[Minutes:]

Mr. Montoya: This is a group called Mainly Marathons, and they travel the nation going from town to town to town running marathons. What they're scheduled to have at the SEC is a full marathon, half marathon, 50K and 5K. They asked me if they could have their trailers up there. I put this on petition, because in our Ordinance it says no overnight parking at the facilities. He said this would be about between 10 to 15 campers. This is mostly staff, and they're traveling nonstop. As you can see, we're a part of Southwest series. They're going to be in Sand Hollow on Monday, Mesquite Tuesday and Wednesday, Bullhead City Thursday and Friday, and Needles, California Saturday. So we're already on their schedule for the entire year, so I mean we're just trying to get some clearance to let them stay at their facility.

[Minutes:]

Council member Rapson: This is the staff only, and they'll be working on the facilities and starting line --

[Minutes:]

Mr. Montoya: 15 - 20 campers, yes, staff only.

[Minutes:]

Council member Delaney: So this is the people that are actually managing the marathon, and they'll be out there?

[Minutes:]

Mr. Montoya: That is what I told them, because any more than that I don't think, we would have enough parking. I don't know how big their campers are, so I wanted to get approval or not approval.

Public Comments

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15. Public Comments

[Minutes:]

Mayor Pro-tem Withelder opened up the meeting to Public Comment.

[Minutes:]

David Ballweg: On that issue, I just ask that maybe we get specific about roughly how many, if it's only staff. So participants aren't going to be parking there, so I think that's reasonable, but we can discuss it at the next meeting when we have more information, I would appreciate it. Thank you.

[Minutes:]

Council member Hafen: Just one question on that event. They want to try to do that annually. I mean, this is kind of the kick off?

[Minutes:]

Mr. Montoya: They do. One of the goals was at the Council meeting when we met a year ago to bring new events into the community, and I reached out to some of these organizations, and they've gotten back with me. They've traveled the entire nation running these things, so, I mean, this is something that they want to come to Mesquite for.

[Minutes:]

Council member Hafen: Well, if you notice the Spartan thing, they're doing a TV thing here in a couple of weeks. It's big time. It's exposure, so...

[Minutes:]

Mr. Montoya: It is a new event.

[Minutes:]

Council member Rapson: This kind of stuff is new for Mesquite, too. While I was in the casino business, I discouraged that. Healthy people were no good for gaming. No good for liquor sales, no good for anything. But now...

[Minutes:]

Mr. Montoya: This caters to a different kind of athlete, too, so it's not a long drive or anything like that.

[Minutes:]

Council member Delaney: Nick, where are they going to run a 50K?

[Minutes:]

Mr. Montoya: They are going to run the trail systems. They're going to map off the SEC, because there's a trail up there, and they're just going to run loops, and they're going to set up a different -- They've been out to visit the site, and this is what they want to do. They're going to pay the fees, and they want to do it.

[Minutes:]

Council member Hafen: That's not good for business, Barb.

[Minutes:]

David West: Are they running on the trails, on the sand?

[Minutes:]

Mr. Montoya: Yes, some of them, yes, and then asphalt out there.

[Minutes:]

Council member Rapson: How come they are not doing it in July?

[Minutes:]

Council member Hafen: Because they are smart people.

Adjournment

16. Adjournment

[Minutes:]

Mayor Pro tem Withelder adjourned the meeting at 1:54 PM.

Allan S. Litman, Mayor

Tracy E. Beck, City Clerk