



**Mesquite City Council
Regular Meeting
Mesquite City Hall
10 E. Mesquite Blvd.
Wednesday, June 15, 2016 - 5:00 PM**

Minutes of a scheduled meeting of the City Council held on Wednesday, June 15, 2016, at 5:00 P.M. at City Hall. In attendance were Mayor Allan S. Litman, Council members W. Geno Withelder, Rich Green, George Rapson and Cynthia "Cindi" Delaney. Also, in attendance were; City Manager Andy Barton, Development Services Director Richard Secrist, City Liaison Aaron Baker, Public Works Director Bill Tanner, City Attorney Robert Sweetin, City Clerk Tracy Beck, other city staff and approximately 35 citizens.

Mayor Litman called the meeting to order at 5:00 P.M. (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. 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 agenda 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 and may only address items that are not on the meeting's agenda.

Ceremonial Matters

- INVOCATION - David Anderson, Church of Jesus Christ of Latter Day Saints
- PLEDGE OF ALLEGIANCE

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

[5:01 PM] Minutes:

Mayor Litman opened up the meeting to Public Comments.

[5:02 PM] Minutes:

Ava Scudder: I live in Sun City, and I have an issue with Flat Top Mesa. The speed limit is 35 miles an hour, and it's considered a collector's street according to Mr. Tanner. I talked to him twice, and he has turned down my request to make that a 25 mile an hour street. It runs through a neighborhood of 55 and older citizens. Cars go 40/50 miles an hour. It only has one exit and one entrance. Other collector's streets in Mesquite, like Hafen, are 30 miles an hour. First South is 25 miles an hour, and even Turtleback is 25 miles an hour in certain spots. So there is kind of an inconsistency with what's considered collector's streets. I would like to see that addressed as a residential street rather than a collector's street.

[5:05 PM] Minutes:

Dan Wright: Good evening, Mayor and Council. I am here tonight representing the Virgin Valley Little League. As a president of the league, Dan Wright within the City of Mesquite. This is Nick Montoya, who is our league Vice President as well. I want to just read a quick statement and publicly thank our businesses that sponsored our teams. On behalf of the Virgin Valley Little League Board, I want to thank everyone involved in making our fourth season a success. The Board's intentions that ensure that our kids have fun learning the game of baseball and softball in a safe environment while learning to work together as a team. A big thank you to our coaches, umpires, parents, players, concession volunteers, and any and all others who helped participate in the league this year. I specifically want to thank the City of Mesquite Athletics and Leisure Service Department and the Mesquite Elks Lodge #2811 for their key role in making this league happen. I also want to publically thank our team sponsors. In our softball divisions we had Bowler Realty, whose team actually won the Junior League Championship. Eureka Casino Resort, Mesquite Elks Lodge, the Casablanca Hotel and Casino, Valley Pediatric Dental whose team actually won the Major Division Championship, Mesa View Hospice, Cosmopolitan Dental, ERA Real Estate, Falcon Ridge Car Wash, whose team won the Minor League Championship, Kokopelli Landscaping, Fidelity National Title, Mesquite Local News. On the baseball side, we had Mesa View Physical Therapy, whose team won the Junior League Championship, Reliance Connects, Virgin River Hotel and Casino, Landtrends Landscaping, Mesa View Home Care, whose team is our Major Division Championship, Knights of Columbus, Mesquite Sunrise Rotary, Mesquite Elks Lodge, Farmer's Insurance Bill Mitchell Agency, whose team won the Minor League Championship, Mesquite Veterans Center, Mesquite Dental, Kokopelli Landscaping, Kids for Sport Foundation, Virgin Valley Dental and

Premier Properties. Again, I just want to thank the City of Mesquite for all of their support. Thanks for your time. Specifically, thank Nick and his group over there, the Athletic and Leisure Services Department. They sure do a lot from prepping the fields to registration and everything, so thank you.

[5:06 PM] Minutes:

Keith Capurro, CEO of Deep Roots Medical and Mesquite resident: I just want to bring everybody up to speed on our project. We have been extremely busy, and we apologize for not connecting with the Council as much as we should have, but I kind of just wanted to bring everybody up to speed. We have been operating our cultivation facility since July. To date, we have approximately a little bit over 55 employees now, the majority is which are Mesquite Residents. We are wholesaling product into Las Vegas, and actually we are wholesaling product all over the State where we are currently servicing 22 of 28 dispensaries located in Reno, Sparks, North Las Vegas, the City of Las Vegas, Henderson, Clark County, and Nye County.

To date, we have contributed over \$153,000 in fees to the City, which include origination fees, building permits and excise taxes. We recently received approval from the State to open up our production facility which will be making edible products and extracts shortly. We also had a pre-opening inspection for our dispensary, which went well. We anticipate our dispensary being open sometime in August, and in the upcoming weeks, we intend on having an open house for our dispensary for everybody in the community so they can come and check it out. And as we get more details on that, we will come here and let everybody know. Thank you.

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

Council member Hafen moved to Approve Motion to Approve Items 2, 3 and 4 on the Consent Agenda. Council member Delaney seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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:]

ITEM APPROVED WITH ITEM 2 AND 4 ON THE CONSENT AGENDA

4. 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:]

ITEM APPROVED WITH ITEMS 2 AND 3 ON THE CONSENT AGENDA.

Resolutions & Proclamations

5. Consideration for Approval of Resolution 897, 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 Litman read this item by its title and deferred to David Empey.

[Minutes:]

Mr. Empey: For those who are in the audience tonight to hear in the Council Chambers as well as those at home who might be watching, this item has to do with what has become almost an annual transfer of this Private Activity Bond Cap. This year that amount is \$996,191.

What is this all about? I am sure people might be wondering. Nevada Rural Housing Authority assists in the State of Nevada now over 4900 families in obtaining their home and become homeowners. This would otherwise not be as possible because what is done with this Private Activity Bond Cap that we are transferring tonight is for the greater good. It has not been used in the fullest measure here within the community, but that does not mean that we can't tap into these bond proceeds. We along with other cities and counties transfer this to the Nevada Rural Housing Authority who administers these types of funds.

Now what do these funds do? It helps families overcome barriers to home ownership through down payment assistance and access to credit that may not otherwise be possible. It provides tax savings and down payment assistance for Nevada Homebuyers. For those who this may have peaked some interest, there is a website halinfo@nvrural.org. Again that website is halinfo@nvrural.org. There is contact information if you are interested in finding out more information on that.

Having said that, Staff recommends approval of Resolution 897 in authorizing a transfer of the 2016 Private Activity Bond Cap.

Council member Rapson moved to approve Resolution 897, 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. Council member Hafen seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

6. 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

[5:11 PM] Minutes:

Mayor Litman read this item by its title and deferred to Bill Tanner.

[5:11 PM] Minutes:

Mr. Tanner: This is the annual agreement with the Regional Flood Control District (RFC). This year we budgeted \$627,700 for maintenance on the facilities that is classified as Regional Facilities and identified in Exhibit A in the Agreement. Of that \$627,000, this year we budgeted \$450,000 for sediment removal out of Town Wash. We are still working towards sediment removal from

the storm two years ago. We hope to have that completed sometime in the fall.

Council member Rapson moved to approve adoption of Resolution No. 898, an Interlocal Agreement with Regional Flood Control District for the maintenance of Mesquite Flood Control Facilities for FY 2016/2017. Council member Delaney seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

7. 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

[5:12 PM] Minutes:

Mayor Litman read this item and deferred to Aaron Baker.

[5:13 PM] Minutes:

Mr. Baker: This Resolution formalizes the action taken during the budget process to set aside certain land sale proceeds for economic development services. So what you have here is just the formalization of that step you already made. I would be happy to answer any questions.

Council member Hafen moved to approve Resolution 899 creating a special revenue fund for economic development services and other matters properly related thereto. Council member Delaney seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Department Reports

8. Mayors Comments

[5:14 PM] Minutes:

Mayor Litman: I am going to talk a little about natural gas service in Mesquite, the potential for it. In 2015, Senate Bill 151 was passed, and it directs Public Utility Commission of Nevada develop some regulations that would enable natural gas utilities to go through the process to apply to the Commission to expand natural gas infrastructure, and this would be to unserved or underserved

areas which would be consistent with a program of economic development. Southwest Gas is preparing documents for whatever will come from this.

To this end, I would need everybody's help if possible. That is to support this by going online to the City website and answering the questionnaire about this subject of natural gas. The effort has begun in earnest with a community survey. We both want businesses and residences to participate in this and just go online to the website. I would be most appreciative; I believe the entire City would. Answer the survey; it's very simple to do, and we will then turn the results over and Southwest Gas will continue on this project. It does take time. Even if it's 100% approved, don't be in a rush to see natural gas arrive in Mesquite. Everything is a slow, slow process. Thank you.

9. City Council and Staff Comments and Reports

[5:15 PM] Minutes:

Mayor Litman asked if there were any comments from City Council.

[5:15 PM] Minutes:

Council member Withelder: I would like to echo the comments from Mr. Dan Wright and Mr. Montoya regarding Little League. What started as a conversation four years ago turned out to be one of the most prolific items that the City has seen. The last two years we have had just at 300 players, 300 kids each season, which is almost unprecedented in the State of Nevada. I think this year, and correct me if I am wrong, that we had the largest Little League, single Little League in the State of Nevada. Is that correct? They are larger, but they are split up into different divisions, but we had the largest in the State, and I think that speaks highly for the City and the parents and all the kids involved. So thank you all and welcome back and come back next year. Thank you.

[5:16 PM] Minutes:

Council member Hafen: Just a comment on the AB 394. Friday will be the last meeting for the Technical Advisory Committee. We submitted our suggest plan for Virgin Valley. I don't know how long the meeting is going to be, if we will have the opportunity to present and answer any questions. After that, it will go to the actual advisory committee. They will receive recommendations from the consultant that was hired, Mr. Travinsky, and then see what happens from there with the Clark County School District. So if you don't have anything else to do and you want to listen to I won't say what kind of meeting, but you can go online and watch that if you like.

[5:17 PM] Minutes:

Andy Barton: I just want to announce that we are doing another City Manager Forum. It's going to be on Thursday, June 23, at the Terrace Restaurant at the

Wolf Creek Gold Club. Location is 403 Paradise Parkway. The starting time would be 8:00. Hope to see you there with your questions and with your appetite.

Zoning Items

10. 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

[5:17 PM] Minutes:

Mayor Litman read this item by its title and opened the meeting to Public Hearing. There were no speakers for Public Hearing.

[5:18 PM] Minutes:

Mr. Secrist. In August 2014, the City adopted zoning and business license regulations for medical marijuana facilities and a couple of the business license requirements dealt with hours of operation of the dispensary and surveillance video storage requirement the length of time that video had to be stored. Deep Roots is asking that both of these provisions be amended. They want their hours of operation extended from instead of 8:00 A.M. to 5:00 P.M. from 8:00 A.M. to 9 P.M. so they can serve customers after the normal work hours. On the video storage, when we adopted our regulations it appeared that the other entities in the County and the State were going to adopt a 90-day storage requirement and that's what we put into our code. As it turns out, the State adopted 30 days as the standard. Others have since followed suit so Deep Roots feels the requirement is onerous and additional requirements for their servers who burdensome so they are asking for the change. In any case, with that the staff recommends adopting Bill 599 as ordinance 500, with the changes to Sections 2-14-5 and 2-14-9(J).

[5:19 PM] Minutes:

Mayor Litman asked for questions from Council.

[5:20 PM] Minutes:

Council member Delaney: I went back and read the whole meeting from August 14th, where we adopted all of these. I think one of the things we were trying to do was trying to give it our best guess at that time what the state and other entities were going to do. That's how we wound up with the 90 days, and so it

makes sense that if the State is not going to ask for 90 days that we don't. I also got to thinking about it. We are the only place that has any kind of restriction or dictates the hours of operation. This would be the only business in all of Mesquite that we would say have certain hours. Now they are only asking for until 9:00, but I feel like why are we even saying they have to have certain business hours when it will be self-limiting. They are not going to be open when nobody's there. They don't want to have to pay staff and keep the lights, but that's my opinion. So I would like to see this amended so that if this is going to be self-limiting that they would set their own business hours so that they can make money as best they can. We don't tell other entities in town when they can and cannot operate. They decide that themselves, and that's what I have to say.

[5:21 PM] Minutes:

Council member Hafen: Just a couple of comments. First of all, they are not a pharmacy. They are not regulated like a pharmacy, so I mean I think Mr. Secrist answered that in Technical Review. They are not a pharmacy. He will meet the same requirements. So I am not sure that the comparison is legit, but I understand what they are trying to do. Just a question on, coming up in November, there is going to be a vote on recreational marijuana. Does this prohibit this in any way? If they want to go back to shorter hours of control with the video requirements storage. Does that prohibit us in any way if recreational passes? Will this be grandfathered in in any way?

[5:21 PM] Minutes:

Mr. Secrist: No, it should not. Any action tonight shouldn't bind future Councils, with changed conditions.

[5:22 PM] Minutes:

Council member Hafen: And then the last comment, this is just being an election year, if people are concerned about campaign contributions. I know it's not required, but I think there is some setting up here that it's totally up to them. We prided ourselves up here with Council and Mayor of being transparent. I know that there are a couple of members that received substantial campaign contributions from Deep Roots, and I will leave it up to them whether they want to disclose that or not. I know they disclosed it on the financial disclosure for the election, but you know, we have prided ourselves in being transparent, and you know maybe they want to disclose something, but I will leave that up to them.

[5:23 PM] Minutes:

Council member Delaney: Well, I think Council member Hafen said it. That is public record. DNR Holdings, which is Deep Roots Medical, did make \$1000 contribution to my campaign. The vote had already been taken. In fact, I surprised them tonight when I said why are we even regulating these. I think they are happy with the 9:00. It just doesn't make sense to me to regulate any business as to its hours. They are the ones in business, not us in that particular

business.

Council member Rapson moved to Approve 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. Council member Withelder seconded the motion.

Passed For: 4; Against: 1 (Hafen); Abstain: 0; Absent: 0

Administrative Items

11. Consideration of Bid Award for the 2016 Mesquite Town Wash Detention Basin Sediment Removal.
 - Public Comment
 - Discussion and Possible Action

[5:23 PM] Minutes:

Mayor Litman read this item by its title and deferred to Bill Tanner.

[5:23 PM] Minutes:

Mr. Tanner: We opened bids on June 7th for sediment removal for estimated 40,000 cubic yards of sediment removal from Town Wash. We had 4 bidders, ACI, Mesquite General Contracting, Progressive Contracting and Trade West Contracting. The low bidder Trade West Construction was at \$380,000. That was \$9.50 a cubic yard. The highest was Progressive at \$13.02 a cubic yard. We are recommending that we award the bid to Trade West Construction for the amount of \$380,000.

Council member Delaney: I would like to move that we approve the bid award for the 2016 Mesquite Town Wash Detention Basin to Trade West Construction for \$380,000 according to all Staff recommendations.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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

[5:25 PM]Minutes:

Mayor Litman read this item by its title and deferred to Mr. Robert Sweetin.

[5:25 PM] Minutes:

Mr. Sweetin: This is my annual performance review and pay increase, as you said. I just have a couple of notes for the Council on what Donna and I were able to accomplish over the last year. It is pretty quick, and then I will answer any questions that you guys have.

The first point I want to make is what we have been able to do is keep outside litigation costs extremely low. That was a primary goal when I was appointed. The only case where we have had to hire outside Council since I have been appointed was on a case that we were already in, and it was a case where Pool Pact had given us coverage and then in the middle of the case they revoked coverage. They never gave us a good explanation of why they revoked coverage, they just said, oh, nope, not covered. So what we did is because we already had an attorney in the middle of that case, we spoke with her. She is a very good, very confident attorney, and she said that she would keep us a very low rate, basically what Pool Pact had been paying her. Then what we did is what got into the case. As I kind of took a look at it, it looked like we were about done. We didn't have any reason to continue on in the case, so we pushed and pushed and pushed for her to file a motion to dismiss. She did that, and the case was dismissed. So we were able to close that case out. We were successful in winning that, and we kept out costs pretty low on that relative to what I think Pool Pact would have ended up paying or what we would have paid if we just went out to market on that.

Another area where we have really seen a lot of savings is in labor relations and labor negotiations. I've kind of attempted to leverage our relationships with other city jurisdictions like North Las Vegas and Henderson and the school district where they have their own in-house labor attorneys. I know a lot of those folks, and they worked with us in essentially litigation we've had with our labor unions. We are in the midst of awaiting an arbitration decision. We did have one case where we were sued by the Union. We went to the Employee Management Relations Board. I handled that case, and we ended up getting that case dismissed, so we were successful on that and didn't have to pay anything.

The second point I would note is one thing that I've worked very hard to do and worked with the Council and the City Manager's office is increasing Mesquite's presence in the political community. We worked really hard to make sure that we are joining in on lawsuits and being of assistance where we can to other local government agencies, that when it comes to AB 394, Council member Hafen, I have been helping him on that in getting reports together and making presentations before the TAC. I note that with AB 394, and even though I am up for a raise, I would like to say it is mostly me, but I think it's mostly Council member Hafen. We have had just an inordinate amount of political leverage in

that process. When you look at what Mesquite has been able to accomplish and how they are listening to Mesquite, we are just as on par the City of Las Vegas, the County at large, and Henderson, which is pretty unusual for us. The report that came out of from the Technical Advisory Committee this week summarizing the recommendations that they are going to be talking about on Friday cited a lot of the parts of our report. We have a very good relationship with every single member of the TAC, both sides of the aisle, Republic and Democrat members representing teacher's unions, representing interest adverse to teacher's unions. They all have really liked us, and we worked really hard to get those relationships.

One thing I have also done is participating with Wes Henderson. He created a new city attorney's board. That's been a really good resource, because city attorneys from around the state can get together, share briefs, share issues that have come up, and it's really done a lot of good, especially since we eliminated the assistant attorney position in short cutting a lot of work, because we don't have to start at square one on a lot of projects.

One thing we did recently was I started a high school intern program. We take three of the top students from the high school. We let the high school pick those students. They send them over to be interviewed. The last group of three was Kai Mitchell, Savanna Browning and Rebecca Peeble. They were all valedictorians of the class and just graduated. They were all extraordinary. They helped us in tons of research. I was maybe a little tough on them at times. I was giving them assignments like you give someone who just finished their first year of law school, but these were some very, very talented and smart students, and they always rose to the occasion, did very good work and that's something that we are looking to continue. It's a good source of free labor for us, and it lets these high school students get experience working in an office, working in a legal office, and getting that experience.

Finally, I just note with prosecution, we have just stayed the course on prosecution. I have continued to get over to court, focusing on drug offenders, violent offenders, making sure that the community is safe. I note that our case of recently with Detective Jordan Bundy, he was transferred back to patrol as a sergeant. His shift, based on what I have seen, has been responsible for an increase. He's an extraordinary officer, a very good leader over there. I can always tell when he has been on duty, because I will come back to work, and we have got a bunch of people in jail that I have to go over and see. They are not ticky tack stuff. This is real crime that he is stopping and doing a very good job of. So I cannot speak highly enough of him and his shift, but that has created quite a bit more work for us, but they do very good cases, put them together very well. Troy Tanner, the whole police department, just does a very good job of keeping all that straight for us.

Finally, Judge Toon started a Drug Court program. The City Attorney

participates in that. I essentially provided advice on who I think should be eligible for the program, and then also when folks violate from the program, I recommend punishment. Drug Court can last 2 to 3 hours on some occasions. It is not a short, quick thing. It is really is pretty time consuming. As far as I know, I am the only member of the Drug Court team that didn't get any extra compensation. I think everybody got some of that grant money that came in. I probably didn't do a good job of negotiating that myself, but we have worked hard with the court, and it really is a good program. We have seen a couple of folks that have been able to turn their lives around from it.

So I love working as City Attorney. It has been a great job. This would just be a lineup for 5% pay increase under the contract, and if you guys have any questions for me, let me know.

[5:25 PM] Minutes:

Council member Green: I just want to state that as a relatively new council member, I am extremely well served by our City Attorney. I had only a slight overlap with the previous City Attorney, but I am extremely well served, and I am glad to hear of these additional programs that Mr. Sweetin has talked about that he has reached out to be involved with, so as a Council person I am extremely well served.

[5:33 PM] Minutes:

Council member Rapson: I echo that sentiment. I mean, my concern was with prior attorneys, and I use the plural because it seemed to be pervasive, they get the answer that somebody wants to hear. I want the answer that is right. That's what we get with Mr. Sweetin. That is a crucial distinguishing feature in City Attorneys. They get a lot of pressure from a lot of different people; in fact, all of them are up here. It doesn't matter. It's what's the right answer, not somebody is lobbying to get the answer be, and that's a refreshing change. I think he does a great job. He is rarely at his desk. He is going 90 miles an hour. He's in Vegas, he's in court. He is doing this. He is doing that. He's saved us tons of money. So I am all in.

[5:33 PM] Minutes:

Council member Withelder: I would like to echo Mr. Rapson's sentiments, and I am ready to make a motion if there are no other public comments.

[5:34 PM] Minutes:

Council member Hafen: Just to comment, most of you know that when Mr. Sweetin took over there has been no Assistant City Attorney. He has handled it all and done a great job. I just want to echo everything that has been said. Also, on AB 394, he has been a great help to me. There's a lot of requests that they have that they wanted to brief the Technical Advisory Committee on that Bob's gone above and beyond the call of duty to go get answers and meet with people.

As he said, it has been a good process and they have listened to us.

And I do want to thank him for bringing it before the Council, doing it the right way, so we can evaluate you here in a Council meeting and not in the budget. So thank you, and I appreciate all you have done for the City of Mesquite.

[5:34 PM] Minutes:

Mr. Sweetin: It's not fun, but you're welcome.

[5:35 PM] Minutes:

Council member Delaney: When we did this with Mr. Sweetin, my concern with him was that he was biting off more than he could chew. He's got to wear several hats, he is a dad, he does a whole lot of work, and pleasingly he has stood up to the task at this time. So you know I see his head swelling as we all talk about him, but at least he still has got all of his hair. I haven't seen him climbing the walls too much.

Mr. Sweetin: I have lost some hair actually. Yes, I lost a little bit, and I got some gray ones coming in.

Council member Delaney: I think he has been doing a pretty good job, and I think that he is earning every penny that he is getting.

[5:35 PM] Minutes:

Mayor Litman: Also before we have the motion, I will throw in my comments. I need to speak with Mr. Sweetin frequently on issues that are legal, and he is always available for those issues, and if he is not available at the time, I get emails at the strangest hours, so he is there.

Council member Withelder moved to approve the Performance Review and contractual pay increase of City Attorney. Council member Hafen seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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

[5:36 PM] Minutes:

Mayor Litman read this item by its title and deferred to Mr. Secrist.

[5:36 PM] Minutes:

Mr. Secrist: The Virgin Valley Water District has been in discussions with Greg Lee of Urban Land for permission to relocate a municipal production well on their site. Here on the screen you see their 11-acre property. So it's 11 acres at the intersection here of Oasis and Pioneer Boulevard. You have got Bank of Nevada there on the corner, Pinnacle Subdivision over here on Summit Court and that's the Oasis Business Park here. The current well is located here, and right now it is not operational, which is why they need to relocate. According to the water district's rules, they can't drill another well within 100 feet, so they need to go further out. They have opted to try and locate it down in the southwest corner of the property kind of next to Summit Court and Pioneer Boulevard. That gives them the distance separation that they need and also still allows them to use some of the pipe and infrastructure to carry the water over to Arsenic Treatment Plant.

In order to do this, they need access. There is going to be some grading on site. So the Lee family thought, well, if they are going to do that, we have got some things that we would like to do with the rest of the site. We are going to maybe do some grading at the same time so we can move dirt together and help each other and provide some access to the rest of the site for future development. So they got together and came up with a plan on doing that. This slide and the next one are just artists' renderings of what that well facility would look like down in the southwest corner after it's built. There's an existing 25-foot wide driveway access now that would lead into the property and then there is a proposed new road that would come up along side of that. This is the view from Pioneer Boulevard again of how they expect this to look.

So they got together and came up with a plan to change the circulation on the site and construct this well facility, and it involves putting in a new driveway right here off of Pioneer Boulevard, kind of halfway between the bank's driveway and Summit Circle, and it would end in a temporary cul de sac, a temporary turnaround right here, but basically it gives access, the shortest route to Lot #1 where the new well would be constructed. The other side of the drive would be the staging area for the construction. So it allows the site to be accessed that keeps the construction traffic separate from the bank traffic coming in and out of this driveway. This is a full turning movement driveway. You can turn left or right in and out of the bank and there is no signal here. Keeping the traffic separate is a good thing. So that's kind of the first phase so they can get the well developed through their staging.

Once it is built, the second phase would be to extend this road up to the north, north end of Lot #2 here, and then it takes a 90-degree-angle turn out to Oasis, and they would be adding an additional driveway at that location, also full turning movements left and right in and out. Basically what this does, I guess a better connectivity creates kind of a grid circulation so the traffic can move in a number

of different directions. We think it will actually alleviate some of the pressure on this driveway coming into the bank and they extend this connection down from this road here to that bank driveway. It allows Lot #2 and Lot #3 to be developed and again improves the circulation.

The third phase would be to extend, make a connection from this road up to the existing access easement that comes in off Oasis at this location, and to open up an access drive from Oasis Business Park and bring it down to that road. So this basically opens up these properties next to the golf course for development, presumably for residential development where they are behind Pinnacle Subdivision and right on the gold course, and Lots #4 and #5 could be developed for future commercial uses. At this point in the development, the Lee family said they can close up this driveway down here if need be, if it became a problem with conflicting traffic between the two drives. Again, we think this solves a number of issues. It helps Virgin Valley Water District. It helps Urban Land with the future development of their property, and will make some of the traffic issues better off than they are now.

So what's the issue? Well, the issue is in the transportation element of the master plan, we have access management standards, and these standards have to do with moving traffic or mobility and to getting access to the system. Accesses, intersecting streets or driveways where vehicles can enter the arterial streets. The access management standards only apply to what are termed high access arterials, both Pioneer and Oasis at this location are, and those standards that we have adopted are based on future capacities of those streets, not necessarily existing conditions. The idea being you want to preserve capacity so that when we have another 25,000 people in the City, we don't reach grid-lock. We can still be able to move traffic quickly and safely and so forth without constant interruptions and in conflicts. As you increase access, you have more driveways, mobility slows down the speed and the volume. So a couple of those standards are in conflict with what they are trying to do. One of them says there shouldn't be any left turn movements onto our high access arterial unless it is at a signalized intersection. Well, none of these intersections are signalized, at least the ones that are being proposed. Existing intersection at the bank is not signalized. Existing intersection coming into the well up above on Oasis is not signalized. One of the other policies says that driveways should be spaced minimum 500 feet apart on high access arterials. The driveway #1, the first driveway put into the well, is only 234 feet from the bank driveway, and this one is about 243 feet from the existing one up above it. So they don't meet the 500 foot requirement.

I guess the first thing that I would say as far as these policies are that they are in fact just policies. They are not hard and fast rules in the way that adopted code standards and requirements are. They're their guidelines, and it requires I guess the wisdom of governing body to apply them in a way that makes sense. We think that in this case, what's being proposed is probably the best way to handle

future development of this site, the best way to alleviate some of the existing circulation issues of those driveways even though they don't conform to the letter of the policies and the master plan.

So with that, my recommendation is to approve the relocation of the well as it is proposed and to also approve the variance or deviation I guess from access management policies contained in the master plan regarding driveway spacing and left turn movements, at unsignalized intersections as depicted on their future site development plan for this property.

[5:46 PM] Minutes:

Mayor Litman: When this is built out and they have their gate there, what sort of traffic do we anticipate going in and out of the well site, not during construction, but when it is all finished up?

[5:47 PM] Minutes:

Mr. Secrist: Just the well site or the—

Mayor Litman: Yes, because you will have a driveway going in there, but is it ever going to be used?

Mr. Secrist: It would only be used by Virgin Valley Water Staff, and I wouldn't think there is too much in the way of daily traffic. Maybe they can speak to that.

[5:47 PM] Minutes:

Mayor Litman: My second question would be does it impact the driveway going into Summit Court, not that there are a lot of houses there?

[5:47 PM] Minutes:

Kevin Brown, Virgin Valley Water District: There are two proposed accesses into the well site, one directly off of Pioneer Boulevard. I think what you are showing on that one artist's depiction. That one we don't anticipate using except for when we need to do longer-term maintenance on the well itself, and that hopefully, knock on wood, it would be once every 5 years or so or more. The other access off the road that were talked about just to the east of the facility would be accessed on a daily basis from our staff just to go in and open up the door on the well, make sure everything is running okay, and there are no problems. So that is kind of the plan for that.

[5:48 PM] Minutes:

Mr. Secrist: As far as any issues with Summit Court, I mean you have the same issue, the distance separation there that you do from the bank driveway. It's only a couple hundred feet away, 200 something feet. So there could be some potential conflicts as right turns are made out of the Urban Land Property, and if

people are trying to turn left out of Summit Court, there could be some potential conflicts. The new driveway that goes into the well facility is right in right out. No left turns there and there would be kind of a tack on island strip put in Pioneer Boulevard with signs that say no left turns so people won't be trying to turn left into or out of that driveway.

[5:49 PM] Minutes:

Council member Green: We are also looking at extending that drive alongside that on north right?

[5:49 PM] Minutes:

Mr. Secrist: Yes.

[5:49 PM] Minutes:

Council member Green: And then a right to go back out to Oasis.

[5:49 PM] Minutes:

Mr. Secrist: That's correct.

[5:49 PM] Minutes:

Council member Green: So that would aid in the development of those lots, I would think. So it's a twofold purpose, not only for access to the well, but for Urban Lands to actually potentially – and that area is zoned C, commercial, where Lots #4 and #5 are.

[5:49 PM] Minutes:

Mr. Secrist: It is zoned for hotel tourist/commercial.

Council member Hafen moved to approve the access issues and options adjacent to the intersection of Oasis Boulevard and Pioneer Boulevard on property owned by Urban Land. Council member Rapson seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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

[5:50 PM] Minutes:

Mayor Litman ready this item by its title and deferred to Andy Barton.

[5:50 PM] Minutes:

Mr. Barton: The City Staff for some time has been looking into the practicality of changing our liability and worker's comp. insurance. We are currently insured through the State Insurance Pool, otherwise known as Pool Pact, for both types of coverages, and we have been for many years, I believe since the mid 90's. The question that Staff was attempting to answer was whether or not we were getting the best value in dollars that we have been spending. To answer that question, Staff looked into the coverage provided by three insurers. Pool Pact which is currently offered through Valley Leavitt Insurance Brokerage, Beacon One which is prospectively offered through Valley Leavitt Insurance Brokerage, and Travelers which is offered through Alan Kaercher Insurance Brokerage. Each of these entities has spent significant time and considerable effort in preparing good materials and answering the many questions that Staff had, and we're most appreciative for all of their efforts on our behalf. I believe we have representatives from Pool Pact, Valley Leavitt and Kaercher Insurance Brokerages here. Maybe we will need to rely on them to answer questions that Council may have a little bit later on.

After considerable review and analysis, the Staff is recommending that the City purchase both liability and worker's comp insurance through Travelers. Travelers has an excellent track record with other municipalities, and it's my understanding that the Virgin Valley Water District recently contracted for their services. If the Council likes to go with Travelers, the new contract would commence on July 1st. Per our existing contract with Pool Pact, we would have to give the State Insurance Pool notice no later than June 30th. The level of service provided by Travelers is roughly equivalent to what we are receiving from Pool Pact, and I say roughly because there are some grants and a few services available through the Pool that Travelers does not offer. Nevertheless, the savings realized by electing Travelers would more than offset those grants. Compared to our original budget numbers, the City would be saving \$49,000 in liability insurance and \$287,000 in worker's comp. The aggregate saving for the City would be \$337,000. Overall, we believe that Kaercher Insurance/Travelers providing the most comprehensive proposal with the greatest value to the City, and that's the reason the Staff is recommending choosing them for the coming fiscal year. If the Council approves, we will transmit a letter to Pool Pact informing them of the Council decision. So my recommendation is Travelers.

[5:53 PM] Minutes:

Council member Rapson: I am not sure I have any questions, but I just want to explain for the public's iteration that we did spend a lot of time interviewing and going through the materials, and all three of the companies are quality companies, and there is very little to distinguish them. I will say there are some

distinguishing features, but nothing that is so blaringly repulsive that it is an easy decision, except I will say the Leavitt Group and One Beacon was of great presentation. I am disappointed that they couldn't come up with a worker's comp component, and I know they have offered to say, hey, Alan Kaercher, let's bifurcate yours and we will take that piece of yours and you give us this. I don't think it works that way. You bring a package or you don't bring it. So I am disappointed with that. I think One Beacon would have been a very good alternative. Pool Pact, they are more expensive. They do offer some alternative services and some opportunities for staff and so forth for training or for education purposes, but frankly I think that the savings is important, and we have had some issues with respect to claims and disallowances, and I think it is time for a change.

So I am on board with Mr. Kaercher and Travelers. I will caution, however, on the worker's comp piece, I know we can't guarantee rates, and I know we can't because it is a moving target in certain respects, but if this starts creeping, this is going to go to bid again. It is just the way it is. The loss leader is going to work for a minute, but if the loss leader is no longer a loss leader, I am willing to do this every year, so it doesn't bother me. So I just want to caution you guys, be careful with the worker's comp, no creep. Thanks.

[5:55 PM] Minutes:

Council member Green: I just want to ask if Mr. Sweetin could explain what happens to any claims that are in process that might have occurred under the coverage with Pool Pact.

[5:56 PM] Minutes:

Mr. Sweetin: They will stay under Pool Pact. So they will continue to cover those claims, and we have access that those claims be covered because they occurred during the coverage period, so right now there are two claims that will continue on with Pool Pact. One of them has been going on for several years. I have attempted to contact the Pool Pact's attorney that they have assigned us on that a half of dozen times, and I haven't heard back from them. That case is still ongoing. And then Highland Hills that we have received a reservation of rights letter on. So that is currently covered.

[5:56 PM] Minutes:

Council member Green: So we don't lose any coverage by making the change?

Mr. Sweetin: Correct.

[5:56 PM] Minutes:

Council member Hafen: I, too, appreciate the presentations and the time that everybody has put in. Just going forward, if this thing is bid every year I would hope that we learn something when we went through this process that I know

there was some shared information that in my opinion shouldn't have been shared, and I hope that that is eliminated in the process going forward; I don't think that is right, and I think it needs to be a fair process, so I would caution staff and whoever was involved that way that that does not happen in the future, that when we get bids, those bids are kept to the City, not with other competitors.

Council member Rapson moved to approve the selection of an insurance carrier for the City of Mesquite and other matters properly related thereto. Council member Hafen seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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.

15. Public Comments

[5:57 PM] Minutes:

Mayor Litman opened up the meeting to Public Comments.

[5:58 PM] Minutes:

Alan Kaercher: Hello, I am Allan Kaercher, President of Kaercher Insurance. It is amazing. I am a native born in Las Vegas. I have got Tim Bishop here who is a native born of Moapa, so your sister city there. We wanted to say thank you, because it was a lot of work involved in this, believe me. I do know that we have to hold everything. George, I think you saw that down at the convention center, so we will do that, but we want to thank you all. I delivered a great book to Andy this evening on the services we do. You have got safety manuals; you have got IT manuals; you have got everything now. We will now be sitting with Travelers to sit here and set up a risk management program for the City of Mesquite and work on a plan going forward that I think you will like the services that we provide. I want to thank you very much for your vote. Thank you.

[5:58 PM] Minutes:

Dustin Witworth, Leavitt Group Insurance: I think it is unfortunate. I think what – frankly, I think it is disappointing. I think the way the whole insurance thing went down, and I am not even talking to you guys right now, just for the public comment. At this point the public so they understand kind of how the whole thing went down. The Leavitt Group has worked as the broker, the insurance for

the City of Mesquite since they incorporated, I believe. Correct me if I am wrong. The interesting thing about this whole situation is the Leavitt Group actually introduced Travelers to the City originally. Maybe you know that, maybe you didn't. Maybe a little miscommunication on our part of when you were expecting a quote from us, but the fact of the matter is that Leavitt Group brought Travelers into the equation, so for us to ask for a change of broker to Travelers on our behalf, it's really not a change from them to us, it's a change back to us, because we originally introduced Travelers to the City if I am not mistaken. Craig Hatterly set that meeting up. Maybe some of you were in it.

Just for the record, too, I am born and raised in Mesquite, Bunkerville actually, but went to high school here, and let me think, every single one of our staff members works here in the town, so it's too bad, because those commission dollars would have stayed in the City, and unfortunately now they will probably drive down the highway to either Moapa it sounds like or Vegas, which is a substantial amount, I think around \$30,000 of commission on this account. So it's unfortunate, I think, that some consideration to the local aspect of this was not taken into consideration, like I think it should have.

Keeping in mind, too, that the Travelers' quote would have been exactly the same as it was under the Alan Kaercher presentation. It would have been the same with the Leavitt Group, so appreciate your time.

Adjournment

16. Adjournment

[6:01 PM] Minutes:
Mayor Litman adjourned the meeting.

Allan S. Litman, Mayor

Tracy E. Beck, City Clerk