Notice and Agenda
Regular City Council Meeting
City Council Chambers - City Hall
10 E Mesquite Blvd.
TUESDAY, JULY 25, 2023 - 5:00 PM

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.

Ceremonial Matters

- INVOCATION
- PLEDGE OF ALLEGIANCE

1. Public Comments

During the Public Comment portion of the agenda, comments are to be limited to matters not appearing on the agenda or do not provide for specific public comment under another agenda item. Public Comment will be provided on each agenda under each specific item of business. Any public comment shall be addressed to the Mayor, moderator, or chair of the public body and shall be direct so as to form a viewpoint of an issue. All public comments shall be limited to three (3) minutes, unless specifically extended upon request to the Mayor, moderator, or chair of the public body. Derogatory comments of non-public individuals or another public commenter shall not be permitted. The Mayor, moderator, or chair of the public body may limit the individual's comment period if proper decorum is not observed. 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 at this time, please step up to the podium, and clearly state your name.

1.1. Public Comment
Cover Page

2. 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.

2.1. Consideration for approval of the Tuesday, July 25, 2023 City Council Meeting agenda; the June 13, Regular City Council Meeting minutes and the July 5, 2023 Technical Review Meeting minutes

- Public Comment
- Discussion and Possible Action

Cover Page

m06-13-23 RCC.docx

m07-05-23 TRM.docx

2.2. Consideration of approval of:
a) Notification of Budget Transfers
b) Notification of Budget Amendments
c) Notification of Bills Paid
d) Purchase Orders.

- Public Comment
- Discussion and Possible Action

Cover Page

City Council - Budget Trsfrs & POS 2023-07-25.pdf

2.3. Monthly Financials.

- Public Comment
- Discussion and Possible Action

Cover Page

3. Department Reports

3.1. Mayor's Comments and Reports
Cover Page

3.2. City Council and Staff Comments and Reports
Cover Page

4. Administrative Items

4.1. Consideration for approval of the Parking Lease Agreement made and entered into by and between The Dixie and Anne Leavitt Family Foundation, and IRC Section 501(c)(3) charitable foundation and the City of Mesquite, a Nevada municipal corporation.

- Public Comment
- Discussion and Possible Action

Cover Page

Mesquite Centre Parking Lease BPack 23.0712 (version 4).docx

4.2. Discussion regarding the need to Bond for Capital Projects.
- Pros/Cons
- Possible Direction from Staff regarding paying of the debt.
- Possible Sources

- Public Comment
- Discussion and Possible Action

Cover Page

5. Public Comments

After all council business has concluded, the final Public Comment portion of the agenda shall be open to all viewpoint comments, including agendized items. Any public comment shall be addressed to the Mayor, moderator, or chair of the public body and shall be direct so as to form a viewpoint of an issue. All public comments shall be limited to three (3) minutes, unless specifically extended upon request to the Mayor, moderator, or chair of the public body. Derogatory comments of non-public individuals or another public commenter shall not be permitted. The Mayor, moderator, or chair of the public body may limit the individual's comment period if proper decorum is not observed. 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 at this time, please step up to the podium, and clearly state your name.

5.1. Public Comment

Cover Page

6. Adjournment

6.1. Adjournment

Cover Page

Note: Please be advised that the Standing Rules of the City Council are available for your information and posted in the bulletin board on the first floor of City Hall. The Standing Rules govern the conduct of City Council Meetings. These Standing Rules may be acted upon and utilized by the Mayor and City Council at any City Council Meeting.

To obtain any or all supporting materials for this Agenda, please contact the Clerk's Office at 702-346-5295.

Members of the public who are disabled and require special assistance or accommodation at the meeting are requested to notify the City Clerk's Office -City Hall in writing at 10 E. Mesquite Blvd., Mesquite, NV, 89027 or by calling 346-5295 twenty-four hours in advance of the meeting.

THIS NOTICE AND AGENDA HAS BEEN POSTED ON OR BEFORE 9:00 AM ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

1. *Mesquite City Hall, 10 E. Mesquite Blvd., Mesquite, Nevada*
2. *Mesquite Community & Senior Center, 102 W. Old Mill Road, Mesquite, Nevada*
3. *Mesquite Post Office, 510 W. Mesquite Blvd., Mesquite, Nevada*
4. *Mesquite Library, 121 W. First North, Mesquite, Nevada*

The agenda is also available on the Internet at http://www.mesquitenv.gov and http://nv.gov

RULES OF PROCEDURE

1. Authority:

1.1 The Mesquite City Charter Article II, Section 2.060(2), Provides that the **City** Council may adopt rules for the government of its members and its meetings; These Rules of Procedure shall be in effect upon their adoption by the Council and until such time as they are amended or new rules are adopted in the manner provided by these Rules of Procedure.

2. General Rules:

2.1. **PUBLIC MEETINGS**: All meetings of the Council shall be open to the public, expect those provided in NRS 241 and 288. The agenda and backup material shall be open to public inspection in the City Clerk's Office.

2.2 **QUORUM:** A majority of the members of the Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

2.3 **MINUTES:** A written account of all proceedings of the Council shall be kept by the City Clerk and shall be entered into the official records of the Council.

2.4 **RIGHT TO FLOOR:** Any member desiring to speak shall be recognized by the chair, and shall confine his remarks to the item under consideration.

2.5 **CITY MANAGER**: The City Manager or his/her designee shall attend all meetings of the Council. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote.

2.6 **CITY ATTORNEY**: The City Attorney or Deputy City Attorney shall attend all meetings of the Council and shall, upon request, given an opinion, either written or verbal, on questions of the law.

2.7 **CITY CLERK**: The City Clerk or Deputy City Clerk shall attend all meetings of the Council and shall keep the official minutes and perform such other duties as required by the Council.

2.8 **OFFICERS AND STAFF:** Department heads of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings upon request of the City Manager.

2.9 **RULES OF ORDER:** "Roberts Rules of Order Newly Revised" 11th Edition shall govern the proceedings of the Council in all cases, provided they are not in conflict with these rules.

3. Types of Meetings:

3.1 **REGULAR CITY COUNCIL MEETINGS**: The City Council shall meet in regular session at 5:00 p.m. on the second and fourth Tuesday of each month. The City Council may, as it deems necessary, schedule a regular meeting on a date other than the second and fourth Tuesday of each month, in accordance with Article II, Section 2.040 of the Mesquite City Charter and the provisions of Nevada Revised Statutes ("NRS") chapter 241.

3.2 **TECHNICAL REVIEW MEETINGS**: Pursuant to Article II, Section 2.040(2) of the Mesquite City Charter, the City Council shall hold Technical Review Meeting at 1:30 p.m. on the first and third Tuesday of each month. The purpose of Technical Review Meetings shall be to establish the business to be heard for only the next relevant Regular City Council meeting and other matters properly related thereto.

3.3 **ROLE OF MAYOR**: The Mayor shall preside over both Technical Review Meetings and Regular City Council Meetings. The Mayor may decide in what order to take business from the Agenda. In the Mayor's absence, the Mayor Pro Tem shall fulfill the role of the Mayor. If both the Mayor Pro Tem and the Mayor are absent, the City Council shall choose by majority vote a temporary chair who shall fulfill the administrative duties of presiding over the City Council Meeting. Nothing in this provision shall either abridge or delegate the duties of the Mayor, Mayor Pro Tem or the City Council as provided in Article III of the Mesquite City Charter, except as to the sole issue of fulfilling administrative duties and conducting and directing business during a meeting.

3.4 **PLACE OF MEETINGS**: The City Council herewith designates as its Council Chambers, for the conduct of all regular meetings, the Council Chambers in City Hall located at 10 East Mesquite Boulevard, Mesquite, Nevada, or such other place as the City Council may from time to time determine.

3.5 **SPECIAL MEETINGS**: Special meetings of the City Council include any meeting other than its regular meetings of a quorum of the City Council not exempted from the requirements of NRS Chapter 241. Special meetings of the City Council may be called by the Mayor or a majority of the City Council in compliance with Article II, Section 2.050 of the Mesquite City Charter and the provisions of NRS chapter 241.

3.6 **ADJOURNED MEETINGS**: Any meeting of the City Council may be continued or adjourned from day to day by a call of the Mayor or Councilmember and ratified by a majority vote, and in accordance with an agenda noticed pursuant to NRS chapter 241, but not beyond the next scheduled regular meeting.

3.7 **EXECUTIVE SESSIONS**: Executive sessions, closed meetings or non-public meetings may be held in accordance with the provisions of NRS chapters 241 and 288.220.

4. Duties of Presiding Officer and Meeting Decorum

4.1 **PRESIDING OFFICER:** The Mayor, when present, shall preside as Chairman at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tern shall preside; in the absence of the Mayor and Mayor Pro Tern, the quorum of present Councilmembers shall choose a presiding officer. The Presiding Officer of any meeting of the City Council shall have the same right as any other member of the City Council to initiate a motion, question or debate. The

Presiding Officer shall preserve order and decorum, and confine Councilmembers in debate to the question under discussion.

4.2 **COUNCIL VOTE**: Unless a roll call vote is requested or necessitated due to a malfunction of the electronic vote system, the vote on any motion, resolution or ordinance shall be cast electronically and displayed for public view.

4.3 **DECORUM OF THE DAIS:** During meetings, all persons present shall assist in preserving order and decorum by limiting conversation and the use of cellular devices that may delay or interrupt the proceedings.

4.4 **POINTS OF ORDER:** Any Councilmember may at any time raise a point of order objection as appropriate by stating the phrase "Point of Order." The Councilmember shall be afforded the opportunity to explain his or her point of order objection to the Mayor. The Mayor shall rule on the point of order. The Mayor may seek advice from the City Clerk in ruling upon any point of order. If the Mayor's ruling is against the Council member's call for the Point of Order, a vote of the Council may be requested.

5. Order of Business and Agenda

5.1 **AGENDA:** The order of business of each meeting shall be as contained in the agenda in accordance with NRS 241 prepared by the City Clerk and approved by the City Manager. The agenda shall be delivered to members of the Council at least three (3) working days preceding the meeting to which it pertains.

5.2 **SPECIAL INTEREST/PRESENTATION ITEMS**: Unless otherwise approved by the City Manager, and in order to provide for the effective administration of City Council business, a maximum of four (4) items of special interest or presentation shall be scheduled on one agenda. Special Interest/Presentation items must appear on the agenda and it is not appropriate for presentations to be made during the public comment portion of the meeting.

6. Voting

6.1 All voting procedures shall be in accordance with Parliamentary Authority.

6.2 **POINT OF INFORMATION:** This is a request by a Council member, directed to the Presiding Officer or appropriate individual for information relevant to the pending item. A Point of Information takes precedence over a main motion, is not debatable, is not amendable, is not superseded by other motions, and is ruled on for appropriateness by the Presiding Officer.

6.3 **ABSTENTIONS:** A member may abstain from voting for any reason s/he deems appropriate.

6.4 **FAILURE OF AFFIRMATIVE MOTION:** The failure of a motion calling for affirmative action is not the equivalent of the passage of a motion calling for the opposite negative action. The failure of such affirmative motion constitutes no action.

6.5 **FAILURE OF NEGATIVE MOTION**: The failure of a motion calling for a negative action is not the equivalent of the passage of a motion calling for the opposite affirmative action. The failure of such a negative motion constitutes no action.

6.6 **LACK OF PASSAGE OF A MOTION:** In some instances (maps in particular, per NRS) lack of passage of a motion may result in the item being "deemed approved." In other instances no action may result in confusion and complication for the applicant. In all cases the City Council will strive to achieve a decision or action.

7. Citizens' Rights

7.1 **ADDRESSING THE CITY COUNCIL:** Any person desiring to address the Council by oral communication can do such during Public Comments (at the beginning and closing of the meeting), or on a particular item on the agenda.

7.2 **TIME LIMIT:** Each person addressing the Council shall step to the microphone, shall give his/her name in an audible tone of voice for the record and, unless further time is granted by the Presiding Officer, shall limit the time of his/her comments to three (3) minutes.

7.3 **PUBLIC COMMENT CONTENT***:* The presiding officer or the majority of City Council may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

7.4 **DISRUPTIVE CONDUCT:** Any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical may be removed from the meeting by order of the Presiding Officer or majority of the City Council. A person willfully disrupts a meeting when s/he (1) uses physical violence, threatens the use of physical violence or provokes the use of physical violence, or (2) continues to use loud, boisterous, unruly, or provocative behavior after being asked to stop, which behavior is determined by the Presiding Officer or a majority of the City Council present to be disruptive to the orderly conduct of the meeting, or (3) fails to comply with any lawful decision or order of the Presiding Officer or of a majority of the City Council relating to the orderly conduct of the meeting.

7.5 **WRITTEN COMMUNICATIONS:**

a. In General: Interested parties or their authorized representatives may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail to Council members, email, or by addressing it to the City Clerk and copies will be distributed to the Council members.

b. At City Council Meetings: Except as provided in subsection c, written communications will not be read at City Council meetings, but will be attached to the item as part of the record, tallied, and reported by the City Clerk as generally in favor of or against the proposition.

c. Exceptions: A written communication to the City Council may be read by City staff at a City Council meeting when (1) the person making the written communication has asked it be read aloud, (2) the person is unavailable to be at the meeting due to emergency or illness, (3) the written communication can be read in an ordinary cadence within three minutes, and (4) the person's name appears on the written communication and will be read into the record.

8. Suspension and Amendment of These Rules

8.1 **SUSPENSION OF THESE RULES**: Any provision of these rules not governed by law may be temporarily suspended by a majority vote of the City Council.

8.2 **AMENDMENT OF THESE RULES:** These rules may be amended, or new rules adopted, by a majority vote of all members of the City Council, provided that the proposed amendments or new rules have been introduced into the records at a prior City Council meeting.

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Clerk

Public Comments

Public Comment

PETITIONER: Tracy E. Beck, City Clerk **DEPARTMENT:** City Clerk

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RECOMMENDATION:

Background:

Fiscal Impact: None

Budgeted Item: No

Attachments:

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AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Clerk

Consent Agenda

Consideration for approval of the Tuesday, July 25, 2023 City Council Meeting agenda; the June 13, Regular City Council Meeting minutes and the July 5, 2023 Technical Review Meeting minutes

- Public Comment
- Discussion and Possible Action

PETITIONER: Tracy E. Beck, City Clerk **DEPARTMENT:** City Clerk

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RECOMMENDATION:

Approve the Tuesday, July 25, 2023 City Council Meeting agenda; the June 13, Regular City Council Meeting minutes and the July 5, 2023 Technical Review Meeting minutes

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Background:

Fiscal Impact:

Budgeted Item: No

Attachments:

- m06-13-23 RCC.docx
- m07-05-23 TRM.docx

Mesquite Regular City Council Meeting Minutes
City Hall – Council Chambers – 2nd Floor
10 E. Mesquite Blvd.
Tuesday, June 13, 2023; 5:00 PM

Minutes of a scheduled meeting of the City Council held Tuesday, June 13, 2023 at 5:00 PM at City Hall. In attendance were Mayor Allan S. Litman, Council members Wes Boger, Karen Fielding, Pattie Gallo, Paul Wanlass and Brian Wursten. Also in attendance were City Manager Peter Jankowski; City Attorney Bryan Pack; Finance Director Nikki Thorn; Public Works Director Travis Anderson; Development Services Director Richard Secrist; City Clerk Tracy E. Beck, y) other city staff and approximately 72 citizens.

Mayor Litman called the meeting to order at 5:00 PM. (Note: This meeting was recorded and will be retained in the City Clerk's Office for one year).

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Ceremonial Matters

Invocation was offered by Rabbi Arthur Zuckerman and followed by the Pledge of Allegiance.
Proclamation - June is Pride Month
Mayor Litman: June 20, 2023 is Pride Month in Mesquite

1) Public Comments

1.1 Public Comment

Minutes:
Mayor Litman opened up the meeting to Public Comment.

Minutes:
Sherry Howie: I represent the Mesquite United Methodist Church. We had our first church service in Mesquite on November 6, 1994, and in 2019 we celebrated our 25th anniversary. The anniversary committee asked me to have the honor of writing the history book of the 25 years. So, I did so and it took a few years because of the pandemic to publish the book. I am here today because I want to present this history of the Mesquite United Methodist Church to Mayor Litman and to the City Council, and the reason is because our history is a history of the town of Mesquite and so it becomes quite interesting. Let me give a couple of examples. I have three minutes or two more minutes. When the church building committee started looking for a plot to build a church, one of the committee members, Jane McKenzie was working for

Oasis Resort, and so when Si Redd died, his daughter and son-in-law donated 3 plots of land on Pioneer Boulevard for churches, and the Mesquite Methodist Church was built on one of those designated plots. There were three churches at the time that we began having services in the building. The three churches were the Mormon church building, the Catholic church building, and then the Methodist church, so this was 1999. I did some research in the History Museum and the newspaper of the day was the Desert Echo, and it carried an announcement on August 18, 1995, one year after we began our church, that there were negotiations in the City for 20 acres for a future hospital and for a community college, so we were all starting all at the same time. Also, it announced that the Nevada State Bank was opening its doors at that time. In 1994, the population of Mesquite was 2500 people, and I looked it up, today, 2023, it is about 22,322 people. In 1995, the Desert Echo quoted Mayor Ken Carter predicting a population of 22,000 to 25,000 people by the year 2006. I think what I have read is that we have increased population about 2.7% each year, and who knows, it will probably shoot up a bit as we go ahead, but I want to present this history because it shows how the connections are made and that was my major aim, was to show the connections; and I think you will find it quite interesting. I did inscribe it here to Mayor Litman and City Council and I put the date.

Minutes:
Christopher Walt: I am a local pastor here in Mesquite. I am the Pastor of Mesquite Baptist Church, and there has been an issue brought to my attention that I simply, as a minister of the gospel, cannot sit by idling and let it happen without me clearly and decisively standing up to condemn it and plea with you not to allow it to happen. It is my understanding that there will be a family drag show performed on Friday, June 30th, at the Mesquite Community Theater. First, I would like to state that I have a very strong feeling that this doesn't necessarily represent the interest of the community broadly speaking, but rather may be done to cater to a small but vocal sect, and we should care enough about the well-being and innocence of the children in this community that we do not allow this to happen, and there are real threats to children in this. Dr. Debra Soh, a sex neuroscientist wrote this in a June 27, 2022 article in the Washington Examiner and titled why drag queen performances are not appropriate for children. "Let us be clear, the injection of drag queens into children's consciousness goes beyond innocently sitting in a classroom reading story books. Kids are being brought to performances that are marketed as kid friendly, despite being in many cases sexually explicit. For example, at an event in Dallas, Texas, earlier this month, drag queens accepted cash tips from young children while riding suggestively in front of a particularly memorable neon sign that read, it is not going to look itself. An additional extension of this is children themselves partaking in drag and performing for adult audiences." This is where it leads, moreover, I have a greater authority than this body or any person here to answer to and that is God himself and his precious word. I condemn Pride and all things because God does. Pride goes before destruction and a haughty spirit before fall, Proverbs 16:18; and the fear of the Lord is hatred of evil, pride, and arrogance in the way of evil and perverted speech I hate, Proverbs 8:13. It is a shame that we go about celebrating Pride in any form throughout this month, especially when we could celebrate life as Roe v. Wade was overturned last year at this same month, but I digress. I will not be fulfilling my role as a pastor to not take a firm stand and say that sin is not okay and should be repented of, and before anyone brings the objection, yes, that goes for the sin in my own life, just as much as anyone else. This has nothing to do with the desire for more power or on my part or any sort of animosity towards any person or any group of people. As a matter of fact, I say what I say with nothing but love. There is nothing more loving that I can do than to tell people that they have been wonderfully made in the image of God and they can have a personal relationship with Him through the Lord Jesus Christ. So, it is with love, grace, and humility that I plead with all of you to turn to Jesus Christ as Lord and Savior, for he is truly a wonderful savior and I also ask this

Council to seriously consider not allowing this event to take place as it flies directly in the face of scripture itself and is not in the best interest of this community. Thank you.

Minutes:
Elaine Hurd: As reported by Vern Robison in today's Progress, Wolf Creek Golf Club won a jury trial against the Virgin Valley Water District last week. You can read the legal details. I am not going to recount them here. Basically, it is that the Southern Nevada Water Authority entered our valley's water market exploding the price of river water shares, which is a boon to water share owners, but became a problem for those who lease shares. SNWA does not run a business here, nor does it hire people, pay taxes, bring tourists, or give to our local charities. Wolf Creek's co-owner, Cory Clemetson, exposed some unethical tactics of the district at trial, which I would like to tell you about. Water District manager, Kevin Brown, admitted under oath, that the district was double dipping that is receiving money from SNWA for water shares that Wolf Creek paid for, but did not use. He admitted the district did not disclose this. Some of that 811,000 dollars in damages awarded to Wolf Creek is reimbursement for the double dipped money. In addition to a disinformation campaign against Wolf Creek, the district sent a letter to its lenders, claiming Clemetson was in breach of contract. That is a government entity messing with the financial underpinnings of a private business. There were no breaches. Also, during the chaos of the COVID shutdown in March and April of 2020, Wolf Creek's water was cut off over a disputed contractual issue. It took a ruling from the judge to keep the water flowing to the golf course. The Nevada Golf Course Owners Association determined that Mesquite is the only golf course community in Nevada with a Water District with no regulatory oversight. VVWD was set up in 1993 as an entity unto itself. The association lobbied for legislation to protect the golf industry, but the city's lobbyist, who also worked for the Water District, lobbied against it proving once again that Mesquite needs its own lobbyist who doesn't have a conflict of interest. What can the City do? Support legislation that puts a regulatory body over the Virgin Valley Water District, help facilitate a proper study of Basin 222, so we know how much water is there instead of estimating, and put a water conversation plan into place. Change the composition of the Water Board to Mesquite 4 Bunkerville 1. Bunkerville is over-represented with two board members for 1200 residents, Mesquite has 22,000. In other words, I am asking the City to put guard rails on an out of control monopoly that is controlling our most vital resource besides air, which is our water. I also want to thank Cory Clemetson for his commitment to protecting his world class golf course and for caring about the issue of water in our community.

Minutes:
Adam Leverenz: I had recently quoted some remarks from the March 28th Regular Council Meeting, those were by Mayor Allan S. Litman, and since it has been a while, I am going to quote them again. He says, "I will state for the public record that the incident that this gentleman is speaking about took place in the year 2010, well before any of us were here, when he was arrested and charged and pled out and that was the end of his story. He then filed an appeal with the District Court, they threw it out. He also filed an appeal at the same time with the State Supreme Court, which they threw out also. Thank you very much." Again, the Mayor was speaking about me as he occasionally does and oftentimes when he does speak about me, there is a lot of factual inaccuracy, tactful admission, and selective oversight. Being able to fully address these issues during three minutes of opening public comment on April 25th and with that meeting having gone over four hours and with Mayor Litman not having been in attendance at the last two regular meetings, I will continue now. Mr. Litman's statements that cases were thrown out I think deserves some context. I have pointed out that in hindsight, the appellate judge in district court, Donald M Mosely, having been found to have violated multiple codes of

conduct, having been censured, having been required to attend ethics training at his own expense and furnish proof thereof, and having been fined 5000 dollars for his ethical lapses, was probably not a judge someone could have expected to fairly address documented instances of corruption in Mesquite. My sense was much like Mayor Litman; he wanted to hear none of it and sought to try to keep things quiet. Online, I have also found an entry for Judge Mosely from a place called the committee to expose dishonest and incompetent judges, attorneys, and public officials. I think that warrants some consideration as well. And around the same time, there was an article in the Las Vegas Sun citing an exhaustive 1.5-million-dollar yearlong investigation by a partnership of public integrity organizations that determined Nevada was the ninth most corruptible state in the union. The court cases Mr. Litman talks about, I will quote from them. One says, we conclude that we lack jurisdiction to consider this appeal. To me, that sounds like they concluded that they lack jurisdiction to consider this as appeal. Mayor Litman calls that being thrown out, which I think might be a little different. Another one says, " we have reviewed the documents submitted in this matter and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction." To me that sounds like without deciding on the merits, they decided not to exercise original jurisdiction, which again maybe a little different than something being thrown out, and I see I have run out of time again, so this will continue. Thank you very much.

Minutes:
Karen Rogina: On the drag show thing, I just feel, if parents don't want their kids there, don't take them. It may not be something for everybody, but I don't think as a City we should tell people not to go. That's their decision and I don't agree with that they will indoctrinate our kids or treat our kids. I grew up in the era where catholic priests got away with what they did. We see in the paper every day, bus drivers, teachers doing things to our children. So, I don't like it being said that just because they dress different than us, that they are bad for our children, and I just wanted that said that, that's not how you judge somebody, you judge them by the person, and I don't feel we should tell people who and what entertainment they can go see. If the acts are inappropriate, the language is inappropriate like a movie, fine; but that's a parent's decision, not ours.

Minutes:
Duke Tabor: Mesquite Worship Center. I have prayed for you, I have stood here and encouraged you, and I have tried to understand the tough job that you have. I have some questions for you. I hope they will cause you to think this through. Is a minor allowed to buy tobacco products in the state of Nevada? Is a minor allowed to purchase alcohol in the state of Nevada? Is a minor allowed to loiter in a casino in the state of Nevada? Why? Are public acts of lewdness allowed in the state of Nevada? Not talking about private, public, why? For the last 20 years, we have had two sides of this divide politically and the left has told the right, keep the church and the government out of our bedrooms. Well, the right now is asking for the left to be civil and keep their bedrooms out of the public square. Many years ago, I don't know the exact dates, this town was faced with a similar issue. License was given for a strip club. Over the next year and a half, it was picketed 24x7 until it went out of business. You might be opening the door for something similar. Thank you very much.

Minutes:
Dana Long: I am the President and cofounder of Love Family; I am responsible for the all ages drag show, just so you guys know. We are also linked with the Hope Squad, who is pushing for more suicide preventative matters, which in case you guys didn't know, not allowing a child to

be who they are and express who they are, and trying to suppress that actually causes more suicidal ideations than supporting them in who they are. There is a 2% reverse of people who would choose to be, let's say non-binary transgender, those who want to revert back to who they are, and of those 2%, the majority of them is because of suicidal pressure. So, when you guys say these things, when you guys assume that because of what we identify as, when you assume that that has any type of sexual connotation, when you guys are basically projecting your thoughts and your lewd thoughts onto us, I just want to let you know that it is very apparent to us that this is the age-old argument that we have always fought. We have always fought for our right to exist. In my lifetime as a child, I didn't think that marriage was a reality. I have been persecuted for how I feel and who I love and how I chose to look in the land of the free, where people like Mayor Al Litman have fought for our freedom and fought for equal rights. There is a reason there is a separation of church and state. We are nonprofit in the state of Nevada and I just want to let you guys know that we do have a performer registration, as far as our requirements for the show, in order to involve yourself in the show. We are doing a prescreening of all songs that are included in the show, and we have a mandatory performance pre audition the day of the show, so that we have the opportunity to pull anything that we think that anybody might feel inappropriate. This is simply performers getting on stage doing singalongs. The only reason that you guys are twisting it in my opinion is because it has the LGBT umbrella in it, during Pride month, the one month we get to try to feel accepted. So, as for the requirements of the show, they are listed in our performer registration, which is available on Facebook through our page, Love Family NV. A G-rated performance contains no themes of exploitive language, nudity, sex, violence or other matters that in view of the hosting organization would offend parents whose younger children view the performance. Depictions of violence are minimal. No nudity, sex scenes, or drug use are present in the performance. Some snippets of language may go beyond polite conversation, but they are common every day expressions. No stronger words are present in G-rated performances, and we have gone out of our way to hire the security for anybody who wants to show up and protest.

2) Consent Agenda

2.1 Consideration for approval of the June 13, 2023 Regular City Council Meeting agenda; the April 25, 2023 City Council Meeting minutes; the May 2, 2023 Redevelopment Agency Meeting minutes; the May 9, 2023 Regular City Council Meeting minutes; the May 16, 2023 Technical Review Meeting minutes; the May 16, 2023 Redevelopment Agency minutes and the May 24, 2023 City Council Meeting minutes.

- Public Comment
- Discussion and Possible Action

2.2 Consideration of approval of:
a) Notification of Budget Transfers
b) Notification of Budget Amendments
c) Notification of Bills Paid
d) Purchase Orders.

- Public Comment
- Discussion and Possible Action

Minutes:
Mayor Litman asked Council if they had any comments or questions regarding Items 2.1 and 2.1 of the Consent Agenda. There were no speakers.

Minutes:
Mayor Litman opened up Items 2.1 and 2.2 of the Consent Agenda for Public Comment. There were no speakers.

Council member Boger moved to approve Items 2.1 and 2.2 of the Consent Agenda Council member Gallo seconded the motion.

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

3) Special Items

3.1 Presentation from Developer John Usher to show what the project looks like; concern about the drainage from the airport onto the property, and his intentions.

- Public Comment

Minutes:
Mayor Litman read this item by its title.

Minutes:
Steve Kamlowsky: I am with Brown Consulting Engineers; I work with the Usher Group and represent them on this project. We just want to present just some of the issues as far as drainage and some of the challenges on this project, and just kind of bring the sense of a spirit of an open conversation about what could be done. This slide you are looking at right here, this is just a general overview of the project, it is for the Sycamore Glenn project, single family home project, just below the airport here. This project has been through City reviews. It started grading, but however, there are just a few issues still to resolve. Really there is two issues that we want to talk about. Subject 1 being the most important. There is some airport drainage water coming down through this property that is currently being held in temporary detention ponds, and the second subject we would like to talk about is further down on the west side of the project, which is sort of a low spot in the area, which is taking drainage down from the Wolf Creek Golf Course area. It is a natural flowing area, but we want to discuss the flows that are happening there. Next slide, please. This is a video of a recent storm. We just wanted you to see the sheer amount of water that is coming down in a pipe off the airport here, just to give you a sense of scale of what we are looking at there. As an engineer, I look at drainage laws, we look at engineering drainage, and this comes from the Clark County Drainage manual. I just wanted to highlight one passage on this first page. We understand water does not respect arbitrate, jurisdictional boundaries. Water flows where it wants to go, we know that. So, we are not asking to block off any flows or try to prevent any flow from coming through our sites. Next slide, please. The second page of this Nevada Clark County drainage law states that the upper owner has no right to change the natural drainage system or to increase the burden on the lower parcel. Right now, the airport drainage that comes down to us is more than what has

been naturally coming down through there, since it has been developed out obviously, the impervious areas have increased, and so the owners feel like there may be an increased burden here that they wanted to make the City aware of to try to work through if there could be any sort of cost share in upsizing storm drain infrastructure to carry these flows through our project. Next slide, please. This is a simple as I could put together map. What you are looking at is a topography map from 1985. This is before the airport was built and I highlighted this red area, this is the airport drainage based on the way it sits right now, and this green area is the project that we are looking at. This blue line represents the historical flow path. We are not arguing that the flow never came through us or came through the property. You can see these – I mean, it is right there, it just barely skims the edge and it continues down to the Oasis Golf Course here. That's where it goes now. However, at this point in time obviously it wasn't developed. There was no asphalt to increase the run-off, so I kind of wanted to give you a basic sense of that upstream situation that's happening. Next slide, please. This is the current conditions. Again, this red area is the Mesquite airport, and the yellow area here is the Wolf Creek Golf Course. These areas combined bring flows down to our site. Again, to give a sense of scale, we are taking 82 acres of airport, 30 acres of golf course, and our property is right here where I am pointing. Again, naturally everything has drained down to here. The next slide please, shows you kind of a zoomed in picture here. This is a basic non-engineered picture, it just shows what is existing. The airport down at the southern end has two large inlets that are picking up nearly the entire airport, that pipe that flows down to our property here. We have prepared drainage studies for this area and we are working through the engineering with the City Staff to finalize all this, but this is what we are seeing currently. There is an existing 30-inch pipe that carries all of the flows down to the Sycamore Glenn project. These holes, little detention ponds you see here were dug, we believe by somebody, not the owner, so they are currently functioning as a storm water detention device, holding back the flows. When this develops out, those won't be there anymore. There are no easements in place to keep those there. So, the water needs to continue through here; however, we believe that there is some cost sharing potential there with the City to increase the pipe size, to help carry these flows through here, because if this pipe wasn't here, we wouldn't need such a large infrastructure to carry this water through. This 24-inch pipe you are looking at, this is from the Wolf Creek Golf Course. It just again outlets to the property. This is where it is naturally flown. We are not arguing that, it has all flown through here in the past; however, just the increased flows due to impervious areas and the concentrated flows are what we are just trying to point out here. There are some channels down on the further southern end here of the airport that take a little bit of flow. I don't know the history behind the airport development and the grading on the road that went in. It almost seems like the airport could have solved its own problem if it just brought this storm drain pipe down the road instead of out-letting it into this private property, but we want to talk about working on a solution that works for everybody. Next slide, please. This is subject area 2 that I briefly talked about, and I apologize, this is an engineered drawing. I don't want to talk about technicals here. I do just want to point out north is down on this picture here. So, this is Ivy Lee Drive and this is Paradise Parkway, would go up the backside to the Wolf Creek Golf Course. The Wolf Creek Golf Course has a significant amount of drainage that flows through our project and we plan on carrying that in a pipe. It comes down to this corner, though. This is the low spot of the subdivision, at the corner of Ivy Lee and Paradise Parkway. We have gone back and forth with some ideas of letting it flow into an open detention pond and that was the plan originally; however, as the subdivision to the south of us, Montrose has developed, they have stubbed some storm drain pipes to our project; however, they are much deeper than we anticipated, meaning we need some additional storm drain infrastructure to connect those two together. We would like to work with the City, if there is any kind of cost sharing, to bring in this additional infrastructure to connect these two pipes as opposed to bringing it into just an open

channel the way it was before, we would like to discuss that and be open to conversations with the City on potentially that area there. Next slide, please. This is the same video, again, and now that we have talked about it, these are those ponds that are filling up and it is functioning as a temporary storm drain system out there; however, we need a permanent solution out here and we think we have one, but we would like to work with the City on some cost sharing on increasing our storm drain infrastructure on this project. At this time, I would like to invite the owners up to give their final closing thoughts, if I may.

Minutes:
Jarad Usher: In closing, this has been an ongoing problem for years and years. There have been some Band-Aids put on it and that's not a criticism, I understand how that needs to happen. We have come up with what we think is a permanent fix, practical, and we just want to work together to implement this solution to solve the shared problem that we have got. You know, we have got other projects, other ideas for projects in land that we have, that we are going to be doing in the future. So, we are going to be working together a lot, whether it is multi-family or other stuff that we have options for. We always feel that it is better to work together and have a long-term working relationship than have a contentious adversarial relationship inside or out of court, obviously. That wastes everybody's time and money and we get a lot more done correctly when we do it together. Thank you.

Minutes:
Mayor Litman: Again, the reason I brought this up before Council to hear this presentation is so that everybody hears exactly the same thing and it is far more transparent as well as the general public. If you have questions, certainly can ask them, but again we can have no discussion.

Minutes:
Mayor Litman asked Council if they had any comments or questions.

Minutes:
Council member Wanlass: I have one question, Travis. What size storm drain would this project be required to have, just on its own merit?

Minutes:
Mr. Anderson: I would direct that to Steve. When you looked at this, what was the storm drain size that this project, just for its own use needed.

Minutes:
Mr. Kamlowsky: If there was no upstream pipe stub to us, we would only need an 18-inch pipe, if there was nothing flowing down to us, to carry those flows, pick them up in the street and then out let it where is goes now down through that golf course area.

Minutes:
Council member Wanlass: I got one more question. What size pipe would you need to control this water if you took all of your 18-inch pipes and fed them into that same pipe.

Minutes:
Mr. Kamlowsky: We would just need an 18" pipe at the outlet side of our project to carry our own flows. With these increased flows, we need a 48" pipe to carry all the flows.

Minutes:
Council member Wanlass: Even though it's just a 30" pipe coming in?

Minutes:
Mr. Kamlowsky: Correct. We also have a 24" coming from the other subdivision coming down that. That zoomed in slide I showed, showed a 30" coming down and a 24".

Minutes:
Council member Wanlass: If you ran that pipe straight from the golf course to Ivy Lee Crest, how far is that?

Minutes:
Mr. Kamlowsky: Straight out, it' s-

Minutes:
Mr. Anderson: Are you asking on the one from the airport or the second one where he is talking about down at the second part.

Minutes:
Council member Wanlass: If they could get those two to tie in quick, and just bring one pipe down through and have all of your feeder lines feed into that same pipe -

Minutes:
Mr. Kamlowsky: That is what we want to do. We want those two pipes to tie together.

Minutes:
Council member Wanlass: So, I am asking, how long would that run be from the golf course, the airport, where you would have to put them together.

Minutes:
Mr. Kamlowsky: Where they tie together to the outlet side of the project? It is a couple of hundred feet, maybe 400 feet.

Minutes:
Mr. Anderson: That would not go to Ivy Lee Crest. That would go to the Oasis Golf Course, hole number 17, is where that's draining right now. The second one that he is talking about, that's down at Ivy Lee Crest and going through the Montrose subdivision.

Minutes:
Council member Wanlass: I live right above that in Royal Vista, so I understand there is a problem there. I am not sure how we fix it, but it has been a problem for a lot of years.

Minutes:
Mr. Anderson: Right. Most of the things, and I am right there with these guys as far as, we have had a good working relationship. I do think that there are some, with their subdivision, the Laurels and the Orleans, which go down to that subject site number 2, there are obligations with that, there are obligations for that 60-inch storm drain to the drain, the Wolf Creek Golf Course, just like we required Montrose subdivision to put in those to take that to the – because that was the natural flow path and doing that. so, there are some items in there, and I don't know if tonight would be the best to kind of, I do have some slides on looking at the airport and thing and I would be more than happy to go through those tonight, or possibly next council meeting on any questions that you might have, we can write them down and we can go through them next time too, or if you would like to do them tonight, but there are different situations with each of the drainage coming off the airport and the drainage down there at Ivy Lee Crest.

Minutes:
Council member Wanlass: As we learn more about that, I think I would like next week or next meeting and we can kind of maybe internalize this a little bit more.

Minutes:
Mr. Anderson: Sure, absolutely.

Minutes:
Mayor Litman: That is why I scheduled this strictly as presentation this evening.

Minutes:
Council member Wursten: Just a couple of things I have that you can bring back with you next week, but is it my understanding that we are draining the water from the airport onto their property. We have piped it right to the property and that's where it ends?

Minutes:
Mr. Anderson: Correct. This is where there is a lot of discussion, because when the airport was created in '93, that was BLM property that drained down through a natural existing channel and so that's one of the items that I would like to discuss next week, because as the City created the airport, it drained that material down through, had an approved drainage study drain that through the BLM property that was there at that time. There was nothing else up there. When the City took down the property with the second and third takedown, that's when the development started to happen, so there is some items that I would definitely like to discuss as we look at this, just to make sure that it is not like, hey, we built the airport and we are draining it right onto their property. We built the airport in '93. All the rest of that development started to happen in 2004 and that was coming up. So, there are some things that I would like to show that why the City did that, what the City purpose was, and how that goes.

Minutes:
Council member Wursten: And the other thing, and I don't need you to answer this tonight, but I understand, I am told there were some discussions that we would help them as far as the costs involved in this, as we went along and I am hoping that is the case.

Minutes:
Mr. Anderson: So, one of the things, and I will 100% stand up, they are correct when they came to me and we looked at it, and to be honest this was done before I got here and I said there may be a situation to where we can help you guys out, let me take a look at it. They had Steve work on the drainage and at that time it was like, I don't think that's right, let me look at this again and so I came back after looking at it and I said unfortunately from our perspective, the City doesn't have an obligation to run that storm drain through your property and that's what I would like to go through in our next meeting to show why it is my understanding that the City does not have an obligation to run that and why there are other instances within the City of Mesquite that follow this same pattern with the drainage law and just to go through, but I absolutely will stand up and say, yes, I did talk to them and at the beginning, I thought maybe there was, as I researched the drainage, I never like to say, no right off the beginning, but as I looked at it, that's when I came to that conclusion and said I do not believe that there is any obligation with the City to participate in this.

Minutes:
Council member Fielding: Thank you for that presentation. I did go up and drive around the whole project yesterday, so I would know exactly what they were talking about. I met with them, I saw some pictures, I went and met with Travis today and I agree that this is something we need to bring back to Council so we can see Travis' pictures and a few things that you brought up that, cost sharing, what does that look like? Work on a solution, what does that look like. So, these are things that I think that we need to see the big picture, so we can move forward, completely, but thank you for that presentation.

Minutes:
Council member Boger: I agree mostly with what Council member Fielding was saying, but I do have some more questions about it. When the airport was built, this property that you own now, that wasn't BML, that was private ownership at that point, wasn't it?

Minutes:
Mr. Anderson: No, it was not. The airport was constructed in '93. That was still BML property. It wasn't taken over until, I believe, '96, it might have even been '99 when the formal documents were signed to take that down. It was part of the Mesquite Vistas takedown. The original that the airport was on was done in, I believe '86, and so, no that was absolutely BLM property, the property that they were at, that was BLM; and even where the outlet is, the outlet was on City of Mesquite property and it drained into an existing wash and that's what I would like to, because it makes it clear once you go back and look at the pictures of what all was happening, and I am not saying right, wrong, or indifferent, but it gives a better picture of – it is not the situation of we built the airport and put it right on somebody's property line, that was absolutely not the case.

Minutes:
Council member Boger: So, it was put on BLM's land. So, was that approved by BLM to do that?

Minutes:
Mr. Anderson: I believe it was.

Minutes:
Council member Boger: Because they were the property owner at the time? Is that documented somewhere.

Minutes:
Mr. Anderson: That is one of the things that I will have to go back and try to dig up, as I have been researching this issue. It has been a little bit difficult finding a lot of those old documents in our – as we scan.

Minutes:
Council member Boger: The ownership of that property and the way that it was done, engineering on the retention basins and things like that. Those are a lot of questions that I have revolve around basically who owned the property and agreements that are in place for it.

Minutes:
Mr. Anderson: That's another item with the detention basins. This property has actually gone through multiple hands throughout, as it started, there is a big thing in 2008 when everything dropped down and went through bankruptcy and the detention, there was actually the original property owner built a riprap swale, because it was understood that that water was to be conveyed through that parcel and it is shown that way and then what happened is through the bankruptcy, my understanding, and again I wasn't here at that time, but I was here in town, my understanding is that when that went bankrupt, the bank was not taking care of that riprap swale, it was creating some, you could see the erosion that it was creating down onto the Oasis Golf Course and it was my understanding that it was the City went in there to try to help the Oasis Golf Course by putting in those temporary basins at that particular time because the bank would not come out and take care of the property that they had taken back, and then when the Ushers bought it in 2010, there is pictures that were shown between 2006 of that riprap swale, the detention basins were there prior to when they purchased the property, but that's some of the history that we can go through and we will go through those images and kind of give a timeline and what's happened in going through there, and as I look at that big picture that's where I am coming up with that the City, we haven't added, we have added hangars to the airport, but we have not added any additional asphalt to the runways, we have repaid them and we just did that, but the runoff that is happening in '93 is the runoff that you are seeing today.

Minutes:
Council member Boger: And in that picture it wasn't even raining and there was flow.

Minutes:
Mr. Anderson: Because it is almost a mile long, so as it is raining, it takes a while to get down to there, and the reason that you are seeing, it is going from that 30" pipe, they are able to get that flow into there because it is pretty steep coming down that slope, and when you are going to need the bigger pipe, which I agree with, that 48" because it goes flatter through their subdivision, and you can't get as much flow through that 30" pipe when it is on a flap slope. We have been working on these and there is many issues, but this is, like I said, a situation that has happened throughout town that I would like to point out, this isn't an isolated situation that it would be pointing at this one making them do anything that's not been done in the past.

Minutes:
Council member Boger: What I am just getting at, is I just want to make sure that everything that was done with the City of Mesquite and that property that isn't about aerials and when this was put there and all that, it is when the legal documents say that we can do this, or that was done.

Minutes:
Mr. Anderson: Absolutely.

Minutes:
Council member Boger: That I would like to see along maybe with your aerials, but the aerials don't mean as much as the legal documents do and that's what I would want to have Council research with you.

Minutes:
Mr. Anderson: Actually, last night I was here looking those up. I have got the parcel maps from '93 showing the property lines, the documents from the BLM takedowns when all that property transferred hands. You can look that stuff up in the Clark County assessors page and it is pretty followed to see that the City of Mesquite actually owned that property in 2003, then it was sold and sold and sold, and so there is a whole bunch of things like that.

Minutes:
Council member Boger: If the City owned it at one time and then sold it without having that in the documents, then that's what I really want to see, but that's all I – I don't want to get into a discussion, but just questions.

Minutes:
John Usher: I wanted to clear something up, the 30" joins a 24" pipe from the housing, then on top of that is what ours is going to run off at that location. The one coming down from Wolf Creek and Bourdeux, those are two 60" pipes. Those are pipes like this, that's a whole different deal, and that's one that Travis and us agreed that there would be some sharing going on somewhere, because that's a whole different deal, two 60" pipes are a lot more, so anyway, thank you.

Minutes:
Mayor Litman opened up this item to Public Comment. This will be brought back to Council of course for much further discussion as time goes on.

Minutes:
Trent from Wolf Creek: We just want to make sure on that two 60", those are still in place and still going, so they are not going to back you? We have talked and that's one of my biggest and our biggest, so we just want to make sure those are going. Okay, perfect.

Minutes:
Mayor Litman: All right. I can put it on or whatever, for the next Tech Review for further discussion. This doesn't require a motion, I don't believe, does it?

Minutes:
Bryan Pack: There is no motion to accept the presentation that's needed. If you want to have this move forward to next week, I know Tracy has already posted the Tech Review agenda, as I understand it, so it may be appropriate for a motion to add it to the agenda for the next cycle.

Minutes:
Council member Fielding: I would like to add this to Tech Review to be on our next City Council meeting with a discussion and possible action.

Minutes:
Council member Boger: It is two weeks. Just to clarify, this is two weeks, right? The next Council meeting is two weeks from today.

Minutes:
John Usher: My daughter is getting married and I can't miss it.

Minutes:
Council member Boger: That is a priority. Yeah, you don't want to miss that.

Minutes:
Council member Fielding amended the motion to have for Regular City Council on July 11, 2023.

Council member Fielding moved to revisit this item on the Technical Review Meeting, Wednesday, July 5, 2023 and the Regular City Council Meeting on Tuesday, July 11, 2023 with Discussion and Possible Action. Council member Gallo seconded the motion.

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

4) Resolutions

4.1 Consideration for Resolution R23-025 of the Zone Change Master Plan Amendment Case No. ZCM-23-002 (The Prestwick Apartments) to approve the rezoning of 2.98 acres of land at 691 Hardy Way, from Industrial –Light (IR-1) to High-Density Multi-Family (MF-4). The applicant is also requesting that the City Council affirm the redesign of the project as consistent with the original CUP approval.

- Public Hearing
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title and deferred to Richard Secrist.

Minutes:
Mr. Secrist: The applicant's architect wants to start the presentation off and then Dan Catron will follow up with our recommendation.

Minutes:
Eric Swendseid: Nice to be back and I am presenting this project as a slightly expanded project. So, what we have here is earlier in the year, we had a presentation and reduced parking was kind of the big hang up and so in an effort to squash that fear, the client acquired 3 acres to the east of the MF-4 property you see on your map right there. It is the pink one here. I think you all are pretty familiar with what that parcel is, three acres. That allowed us to expand the parking necessary and we increased the workforce housing that was on the eastern side of that that kind of Block C we are calling it, increased that by 11 units. We did not increase the size of the Western Horizon Boulevard fronted apartment buildings; we simply provided more land for parking. So, yeah, the western two buildings did not increase in size. The work force housing to the east increased to 88 from 77. That has afforded us the space to get all the parking we need for the zoning code. Otherwise, aesthetically the projects remain the same. This was really an effort to really give some breathing room to this project.

Minutes:
Mayor Litman opened up the meeting to Public Hearing. There were no speakers.

Minutes:
Mayor Litman asked Council if they had any comments or questions.

Minutes:
Council member Fielding: I think you took our suggestion for parking because it was lacking a lot of parking and I think this going to be an advantage for you and you added 11 more apartments and three hundred and something more parking spaces.

Minutes:
Mr. Swendseid: I don't remember the Delta, but we went from providing 632 to now 730, so almost 100.

Minutes:
Council member Fielding: Right, okay. I have to tell you thank you and I truly appreciate that because I would have not liked to see this project move forward, so thank you.

Minutes:
Council member Gallo: My issue certainly was with the parking as well. So, you have added 100 parking spots, but we were several hundred short originally. So, 100 parking spots is not going to cover.

Minutes:
Dan Catron: The C buildings, they park themselves, they got enough parking built into there that they park themselves. As far as building A goes, they have added enough parking so that they meet all the requirements for Building A, plus 11 extra spaces; however, building B is still problematic. We are recommending that we keep the original condition in there that says that we will work on the parking for Building B more before we issue building permits for that phase,

but Building A and building C, should be parked according to code as proposed with the additional three acres.

Minutes:
Council member Gallo: Okay. So, that remains the same. So, Buildings A and C, which we had talked about last time, and B was not going to be built until -

Minutes:
Mr. Catron: B needs some more massaging on the parking, but the hope is that -

Minutes:
Council member Gallo: Are you more comfortable with enough parking for A and C, because a lot of it was tandem and that was also an issue.

Minutes:
Mr. Catron: Yeah. A and C they have eliminated any tandem parking for A and C, and they still are proposing some for B, like I say, I think that one will get massaged in the future.

Minutes:
Mr. Swendseid: To clarify from the last meeting, A and C, those buildings are proposed to be built first in the phasing, so we will have that time to really analyze this and work with your staff on B..

Minutes:
Mayor Litman opened up this item to Public Hearing.

Minutes:
Jim Frump: I am the manager at the Mesquite Self Storage. Our biggest concern is - we welcome the housing we need it for bigger businesses, but our biggest concern is security. When you start bringing in your high-density multi-family homes, you start bringing a lot of people, the crime rate goes up. We, as a smaller business, can only afford so much for security measures. We have the mesa to the east, the north, and the west that protect that property, but now that's going to be coming down on the side for the facility to be built. Is there going to be any security measures put into place? Is there is going to be a wall? Are you guys going to put something in there to stop people from entering the storage facility? We can only do so much, and we got $200,000 motor homes in there, you bring in the crime, you get catalytic convertors, I hate to throw that out there, but there is something that needs to be done and be brought to the attention, I don't know if that was put into the planning or not.

Minutes:
Mr. Swendseid: Neighborhood C is the workforce housing. Those are two-story townhomes. So, those aren't really taking advantage of the high-density necessarily that the buildings on the west side are. Also, we are proposing that that whole neighborhood of workforce housing is gated, and so we will be providing a perimeter gate for those workforce houses.

Minutes:
Mayor Litman closed this item to Public Hearing.

Minutes:
Council member Boger: My questions, a lot of them were answered in earlier questioning, but I think, Richard, did you have more to say on this, are you good then or -? Not to put you on the spot, but it looked like when you introduced it, there was more to it. I didn't mean to catch you off guard.

Minutes:
Mr. Secrist: Thanks for the opportunity. No, I don't have anything else to add. I think it is a novel solution, stepping the parking up the slope and getting the additional land, I think they have addressed some issues in a significant way, so it should be a better project.

Minutes:
Council member Boger: I really like the project as well, it is looking better and better every time. I like the fact that you will work with the neighbor and make sure that they have – you each have security, really. It really sounds like you're going to have a good neighbor.

Minutes:
Mr. Swendseid: We worked on storage facilities in Vegas and so we understand the needs.

Council member Fielding moved to approve Resolution R23-025 for the Zone Change Master Plan Amendment Case No. ZCM-23-002 (The Prestwick Apartments) for the rezoning of 2.98 acres of land at 691 Hardy Way, from Industrial –Light (IR-1) to High-Density Multi-Family (MF-4) in order to append this land area to the original Prestwick project site. Staff further recommends that the Council affirm this revised design as consistent with the original approval. Council member Wanlass seconded the motion.

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

4.2 Consideration of Approval of Resolution R23-026, adopting an Interlocal Contract (No. 3101) between the City of Mesquite and the Regional Transportation Commission of Southern Nevada for Traffic Signal Improvements - Pioneer Boulevard.

- Public Comments
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title.

Minutes:
Travis Anderson: The item before you, if you remember, the Public Works Department initiated a traffic signal warrant study at three intersections to see if they warranted traffic signals. Those intersections were Horizon and Pioneer, the main entrance to Walmart and Pioneer, and then also Hardy Way and Falcon Ridge Parkway. From that study, two of the intersections came back that they did warrant a traffic signal, those intersections being Horizon and Pioneer, and the main entrance of Walmart and Pioneer. So, the item before you is an Interlocal agreement

requesting funding from RTC for the engineering of those two intersections to put traffic signals. It is our recommendation to approve this and go from there.

Minutes:
Mayor Litman asked Council if they had any comments or questions.

Minutes:
Council member Fielding: These two locations are truly needed. The Walmart is horrible, so I am glad that the studies came back, they must have did them in the winter. I mean to say it, because a lot of people start doing their studies in the summer when we don't have that many people, so they must have done that. So, if the study says it warrants those lights, then I couldn't agree more.

Minutes:
Mayor Litman opened up this item to Public Comment. There were no speakers.

Council member Boger moved to approve Resolution R23-026, conditional upon RTC Board approval on June 8, 2023. Council member Gallo seconded the motion.

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

4.3 Consideration of approval of Resolution R23-027, an Interlocal Agreement with Regional Flood Control District (CCRFCD) for the maintenance of Mesquite Flood Control Facilities for FY 23.24.

- Public Comments
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title and deferred to Travis Anderson.

Minutes:
Mr. Anderson: Yes, this is the yearly item. So, every year we have to work out a budget with Clark County Regional Flood Control. They grant us maintenance dollars to take care of the detention basins and the existing washes and so this Interlocal contract is for that budget amount $420,265, that we get 100% reimbursed from Regional Flood Control with that. So, our recommendation would be for approval.

Minutes:
Mayor Litman asked Council if they had any comments or questions. There were no speakers.

Minutes:
Mayor Litman opened up this item to Public Comment. There were no speakers.

Council member Boger moved to approve Resolution R23-027, conditional upon RFC Board approval on June 8, 2023. Council member Fielding seconded the motion.

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

4.4 Consideration of approval of Resolution R23-028 for the Interlocal Agreement between Clark County and the City of Mesquite for Housing and Urban Development Community Development Block Grant Urban County Program FY 2024-2026.

- Public Comment
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title and deferred to Nikki Thorn.

Minutes:
Nikki Thorn: This is something that comes up every three years, and in order for Mesquite to partner with Clark County to get CDBG dollars, we go into the consortium with them and sign an Interlocal agreement. So, this is for the years 2024 through 2026.

Minutes:
Mayor Litman asked Council if they had any comments or questions. There were no speakers.

Minutes:
Mayor Litman opened up this item to Public Comment.

Minutes:
Jeff Reynolds: In reading the actual agreement I found something which looked kind of strange in section 5. It would be page 4, and I will read this, and it was something that apparently was dropped in that has nothing to do with the actual agreement. It says section 5, the county and the city have adopted an shall enforce a) A policy prohibiting the excessive use of force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and b) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location, which is a subject of such nonviolent civil rights demonstrations within its jurisdictions. So, long as they are nonviolent, they are not throwing Molotov cocktails, according to this as I read it, we can't stop them from going into a public building. To me this is just kind of woke that slipped in, and then that we are responsible for it. I asked the Chief, I don't necessarily want to bring his name up, but he didn't know anything about it, and I don't know if you guys knew anything about it being in there ether, but it doesn't fit with the rest of this. It is standing on a separate paragraph, that has not referenced anything else, and to me, I think that some of this is wrong. The Police Department is not going to use excessive force; if they do, then they can be fined, anything else can happen, but it specifically says they can't use excessive force against nonviolent civil rights demonstrations. Who determines what excessive force is? is handcuffing somebody that comes and sits in and disrupts this meeting, is that excessive force. If they resist and they are pepper sprayed? Is that excessive force? Maybe. Who determines that? Is it the county? So,

I think that the City should read this and I don't see why it is in there. It is all by itself, not referring to anything else. I don't like to hold up the money, and I tried to read this and there is so much legalities in here and acronyms and three-letter abbreviations. I couldn't really understand half of it, but hopefully the City Attorney has read verbatim what this says and we don't have things hidden, thank you.

Minutes:
Peter Jankowski: Two points. I think we don't have a whole lot of options on the cause because it is a federal contract, and if you try to take that or negotiate it, I think we lose the funding on that. I'm going to be honest with you, I think the excessive force is determined at the local level, Police Chief, or who is ever at the incident, commander at that time. But I don't think we have a whole lot of leverage or opportunity here to change the language in that particular contract.

Minutes:
Mayor Litman: I might say, I have sat through these Block Grant Urban Developments for the last 11 years and I have never heard the issue brought up even. To me it is a non-issue.

Minutes:
Bryan Pack: I just wanted to make a comment quickly that yes, we did review it and I didn't note anything of concern there, because I think what it does is it just kind of preserves what we are already obligated to do anyway. A policy preventing the use of excessive force, which excessive force is illegal anyway, so we are just saying we are going to follow the law there and then (b) A policy enforcing applicable state and local laws, so we are already obligated to enforce state and local laws anyway. So, as I reviewed it prior to this issue being raised, I didn't see anything of concern there, and in my experience Mr. Jankowski's comments are accurate too that often there is not a whole lot we can do to – if we want the money, we have to agree to this.

Minutes:
Council member Boger: Jeff brought this up to me, I have an email from June 9th, where I forwarded it to Council and it is completely irrelevant to have this kind of stuff in these sort of agreements, it doesn't make any sense at all. I don't know why it is in there, but by the same token, other than being irrelevant, it doesn't change anything that we are already doing. I mean, we don't use excessive force as it is, our Police Department it is very good at making sure that we are following policies that don't put us in a situation where it looks like we are using excessive force, so it is kind of, again ridiculous that it is in there, but it is not, in my opinion, going to change anything or hurt anything.

Council member Wursten moved to approve Resolution R23-028 for the Interlocal Agreement between Clark County and the City of Mesquite for Housing and Urban Development Community Development Block Grant Urban County Program FY 2024-2026. Council member Fielding seconded the motion.

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

5) Department Reports

5.1 Mayor's Comments and Reports

Minutes:
Mayor Litman: Several years ago, if you recall, I did a video in the morning on COVID. This was asked for by the Fire Department, if I would do a morning video as an update to keep people informed, because as you will know, we don't make Channel 8 too often or Channel 3 or anything else. We do have a newspaper, but it does come out weekly, not daily and sometimes we will miss some of the activities in Mesquite and usually it does not, but I was asked if I would do a morning video on a weekly basis, very brief, about five minutes, just bringing people up to date as to what is going on in the community, and it would be called, we think. Monday morning with the Mayor, and that should be starting fairly soon and that will go up on, I believe, YouTube and Public Access and then our website. So, just bringing that up, we have not formalized anything at this point. It will be just an information type of letting you know what is taking place in Mesquite in a very short time-frame.

5.2 City Council and Staff Comments and Reports

Minutes:
Council member Boger: So, at the Tech Review, I am going to be adding an item and I think it is great to announce it now because we have quite a few here in the audience. We have about 200 volunteers that put in long hours for the City of Mesquite and I am going to at least have a discussion about kind of rewarding our volunteers with having Rec Center passes the way our employees do. Our volunteers put a lot of hours. I look at a lot of you, you guys put a ton of hours in and I think it is a great way for the City to thank you for what you do and the amount of money you guys save the City of Mesquite, so I would be putting that on the Tech Review, I missed it today to get it on there for that agenda, but I will add it next, I guess that will be next Tuesday. The other thing I wanted to mention, Tyson has a couple of posters for me. This weekend, the Mesquite Community Theater, they are putting on, this is the Little Mermaid Junior. This is the older of the two age groups, but these are just kids that spend about three weeks. It only takes them three weeks to come up with a wonderful production. If you guys went to the Beauty and the Beast or the 101 Dalmatians last year, you will see how amazing these kids and the production crew that puts this together, directors and choreographers, how awesome they are, but I invite you each to come grab some tickets and go to see the Little Mermaid Junior, Friday night at 7 o'clock, Saturday at 1:00, and Saturday at 7:00 p.m. You can go to the museum to order tickets and not pay a convenience fee or you can order it online as well, and I spent all of my extra money this month on tickets already. And then the following weekend will be Annie Junior, and that will be same thing, Friday and Saturday nights at 7:00 and Saturday at 1:00 p.m. at the Mesquite Community Theater. So, I would be shocked if it didn't sell out, so get your tickets. No other comments.

Minutes:
Mr. Jankowski: I have given you an update, Nikki Thorn, the Finance Director was kind enough to update the American Rescue, so that's the long one. I did a little short one, summary of the same numbers. I just want people - so you can see how the money has been allocated in the future. Shortly, we are going to have a discussion about whether it is Animal Control or some of the other funds. Right now, we have about 1.7 million that is unassigned. I caution that though, because we haven't got the final pricing for the Fire Station and for the Justice Court Building. So, I just want to give everybody an update and that's where we are.

Minutes:
Council member Wanlass: I noticed on here you are showing 10 million, but we have been talking about 11 million for the Fire Station for some time.

Minutes:
Mr. Jankowski: Yes. I've included the RDA money for the furniture. I just want to give the whole cost. Right now, Travis can correct me if I am wrong, I think we are looking at about 12 million, we haven't got the final pricing, but my last understanding we were at 12.5 and now we're at 12 million on that particular project, and we haven't really had a cost analysis other than a very broad range from 36 million on the Justice Building.

Minutes:
Council member Wanlass: I was just thinking maybe that 1.7 is not quite 1.7 when we get all right down to it.

Minutes:
Mr. Jankowski: It won't ever. No. That's optimistic of me.

6) Introduction of Bills

6.1 Consideration for Introduction to Bill as Ordinance B23-010 amending Title 1 "Administration", Chapter 7A "Advisory Boards", Section 3 "Mesquite Public Arts Commission"; Sub -Section I.1 "Funding" .

- Public Comment
- Discussion and Possible Action

Minutes:
Mayor LItman read this item by its title.

Minutes:
Tracy Beck: This amendment for the Mesquite Public Arts Commission, because they need to raise money for funding, so this is what we are putting in as an amendment for their funding, and they will have to bring it to the City Manager for approval and so that's just that. So, they can start doing their own - getting donations.

Minutes:
Mr. Jankowski: It is really allowing them to do their own events to raise funds.

Minutes:
Council member Boger: I do have a question on this, how does this affect, it probably doesn't affect the other advisory boards like CEAB, for example, and could we do the same thing with that, so they can raise money for the stuff that we are already doing, with the City owning more of it. There is a lot of private owners like that.

Minutes:
Mr. Jankowski: Just the first ones to ask, but yes.

Council member Wanlass moved to Introduce Bill as Ordinance B23-010 amending Title 1 "Administration", Chapter 7A "Advisory Boards", Section 3 "Mesquite Public Arts Commission"; Sub -Section I.1 "Funding". Council member Gallo seconded the motion.

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

6.2 Consideration of Introduction Bill as Ordinance B23-012, amending Title 1, Section 10, Part 14, Community Development-Payment of Committed Funds.

- Public Comment
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title.

Minutes:
Mr. Jankowski: It is the RDA allowing the folks who take out the RDA loans to pay them in thirds, instead of all at once. So, I believe I have at 30,000 and below they have to pay the 100%, and over 30,000 they can do it in thirds, so it improves their cash flow and it less stress on the businesses.

Minutes:
Mayor Litman asked Council if they had any comments or questions. There were no speakers.

Minutes:
Mayor Litman opened up this item to Public Comment. There were no speakers.

Council member Fielding moved to Introduce Bill as Ordinance B23-012, amending Title 1, Section 10, Part 14, Community Development-Payment of Committed Funds. Council member Gallo seconded the motion.

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

7) Adoption of Bills as Ordinances

7.1 Consideration for Adoption of Bill as Ordinance B23-009 amending Title 7, "Building and Development." Chapter 1 "Building and Related Codes," "Administrative Code" to (1) Recodify Adoption of the 1997 Uniform Administrative Code and (2) Increase certain fees to reflect current economic conditions.

- Public Hearing
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title.

Minutes:
Mr. Jankowski: This is probably the fourth time we have talked about this. It is the building department fees we are looking at. So, the first chart was approved prior. So, in the Ordinance itself we are just adjusting the last two charts, the evaluation cost factors and, I forget what is the name of the other chart, square foot construction cost. These are fees that have been not raised for a very long time, so I think it goes anywhere from 2% to 5%. The average home, if I am looking at 2500 square feet needs roughly about a $200 impact for all the fees on that, maybe a little bit more, but it is around $200. Right now, for example, when we send out the building official for inspection or re-inspection it is like $45. The actual cost for us, for the City is somewhere in the neighborhood of 75 to 100. So, trying to bring these fees up to cover the cost of the building, planning departments and the work they do.

Minutes:
Council member Boger: I was against this before and I'm still against it. It is one thing that I kind of agree with though if it is costing us more money for a re-inspection then we should be looking at that fee, for example, fees that cost us that we are actually losing money on. I don't agree with the fact that just because it hasn't been raised in x amount of time, that we need to do it again, because it is based on valuations, and so the houses cost more than they cost then, so you are getting more money out of it. I am against this for many reasons, multi-family homes. We want people to come and build, we just had these two big developments come in and we want people to do that, and does this affect them? Does it affect multi-family?

Minutes:
Mr. Jankowski: So, this will affect everybody on the chart.

Minutes:
Council member Boger: Multi-family included?

Minutes:
Mr. Jankowski: Multi-family included. We got to remember, we don't make widgets, so we don't make anything. We do provide some of the tax. Taxing fees, legal differences, but yes, it is how we raise our money, but at the same time we have personnel costs, and inflation. And we have had just service cost that we use third party, like the software providers, right? Their costs have all gone up. So, we need to adjust those fees. We haven't done it in a long time. It slipped a long time. I am not looking to be doing this every year, but at the same time we do need to make the step to cover some of this cost because we are falling behind in that.

Minutes:
Council member Boger: So, continuing. I just don't think that we are - we want to build multi-family, we want to build housing for people that go to work, to live in. We have all these jobs coming in and this is counterproductive to me. I always feel, I guess this is just more of a – for me I'd buy into the doctrine that you expand your tax base, you don't raise taxes and fees and assessments, which is what we are doing. I also don't see on there the documentation of how we compared to others' jurisdiction -

Minutes:
Mr. Jankowski: I gave that out before to the other cities. When I first introduced this probably two months ago, I gave you that six different cities just so -

Minutes:
Council member Boger: That is not on the agenda, it is not on the attachments, and that's why I am asking about it, because I don't have it, I didn't get.

Minutes:
Mr. Jankowski: I'd be honest with you. I didn't reapply to this group. I had given it to the Council before, we looked at the six cities in the county, because there are only five cities in the county itself and we gave you that information two months ago.

Minutes:
Council member Boger: It's not on here for the public to see it.

Minutes:
Mr. Jankowski: It was on for the public at that time.

Minutes:
Council member Boger: I remember it being a handout.

Minutes:
Mr. Jankowski: I tend to do paperwork -

Minutes:
Council member Boger: We're not on the attachment. And this is another item. I am not trying to argue with you, Pete.

Minutes:
Mr. Jankowski: I know you aren't.

Minutes:
Council member Boger: I know you are trying to do your job. I just disagree with how we are doing this. I don't also see any projected income on this. Was that on some other attachment or handout that I didn't get?

Minutes:
Mr. Jankowski: I was looking at per unit cost. That was my concern.

Minutes:
Council member Boger: If we were to have had this three years ago, how much money we would have made or how much money are you projecting this to bring into the coffers.

Minutes:
Mr. Jankowski: I don't look back three years. I look at it now because I know my costs are now. It is roughly 200 home, and looking at projections, we are building somewhere between 300 or 400 homes a year. It goes up and down with the economy, right? So, using that for projection, we are looking at right now, I still have to cover those costs, you know? It has been, one was what 14 years ago and one goes back to 2013.

Minutes:
Council member Boger: But they are based on the value of the homes.

Minutes:
Mr. Jankowski: I understand, but I still have to provide payroll benefits, cost of services of vendors, all of that, we run a business here, and all of that costs money, right? And we can't just survive on growth because growth goes up and down all the time. So, we need to have a more steady income for those periods when we have the lower growth.

Minutes:
Council member Boger: Well, I feel like we run a monopoly on this because we can't go to a different section of town and get it cheaper for the same permit. I'm just saying that I am totally against it before, so that's what I want to say.

Minutes:
Mr. Jankowski: If you can go anywhere in Clark County it is going to cost you more money. We are one of the more -...

Minutes:
Council member Boger: We don't know that because they don't have it on here.

Minutes:
Mr. Jankowski: I did give it to you before, and I am sorry you didn't have it this time. I'm sorry. But we did have those numbers before.

Minutes:
Jeff Shafer: I work for the building department. What I did was is I brought an actual permit that I issued about two weeks ago, up in Sun City. Here is the permit. So, in the pink, because I didn't have a different color, so I had yellow, green, and pink, sorry about that, but that is the total cost of the permit, $6098, okay. In the yellow, that is the actual cost of a permit, the building permit, and that cost is $2000. In the green, that's the added fees to the permit cost, which the building department has no control over those, that's the park fees, they get $1000, RTC fees get $1000, sewer impact fees get $1900, transportation structural impact fees is another $198, which is a total of $4000. So, out of this $6000, only 2 of it goes to the building department for our costs, the rest are fees that are for the City, for transportation, for other things.

Minutes:
Mr. Jankowski: The Tortoise for example.

Minutes:
Mr. Shafer: The Tortoise fees I didn't even put on there because at the Crown facility up there they were astronomical, those Tortoise fees. So, that doesn't even include those. So, yes, when we look at a building permit fee at the beginning, we are like, oh, my gosh, it is $6000, but only 2 of them actually go to the building permit or the building department, okay? So, that's one of the things. So, the transportation structural impact fees in 2015 were $50, now they are $198, that's a 75% increase. Okay. Regional Transportation Commission, back in 2015, they were $700, now they are $1000, that's a 30% increase. We are only asking for a 5% increase to cover our costs. I don't think that's too astronomical. Okay. So, I did do some calculations on another permit and the actual cost for a 2520 square foot home, the additional cost for that total permit for building permit fees only was going to be $280. The sale of that house for $446,990. There was a total increase of 0.06% of the cost of that home. That's not very much. Okay? At the same time, I would like to point this one out, I'm going to back up a little bit. Those fees that cost $4000, if you have a 500 square foot home, that is a one-bedroom, one-bath cracker box. Your impact fees are still going to be $4000. You have a 5000 square foot home, your fees are going to be $4000, but what changes is the building permit fees, because they are done off a square foot, okay? So, 500 square feet, well times the multipliers is going to be a whole lot less than a 5000 square foot home, but those fees that are built in stay the same. So, I don't think we are being out of line for asking for a couple of shekels to be added to a – yeah, Wes got that one, to a building permit.

Minutes:
Mr. Jankowski: And the 500 square foot home still has to go through the same process review as a 5000 square foot home, still spending hours and yeah…

Minutes:
Mr. Shafer: We do 26 inspections on a home. It doesn't matter if it is 500 square feet, it doesn't matter if it is 1000. Doesn't matter if it is low income, high income, whatever, it is still we do that many inspections. I would also like to point out that the building department is not heartless at all. So, on my first example that permit fee, for the plan review, they are usually about $970, but we do cut a break to the builders when they reuse a set of plans. We only charge them $75 for the plan review, which is a very substantial savings. So, I did a little bit of math up there in Sun City. They do probably about 300 homes. So, in the last five years that I have been here, 300 x 5 is 1500 homes. Multiply that by the $975, well that's $1,465,500, okay, that they saved just on using plans on file. So, we are cutting them a pretty good deal on that. Okay. Over there for the Hafen village apartments, they did eight buildings. They reused the plans on four of them, so they were able to take advantage of that. They saved $10,500, just by reusing the same plans. So, the building department is taking into consideration the expense of permits, I am sure the City could really use that $1,400,000 that we gave to the builders. That's my comment. I just wanted to explain a little bit about the permits.

Minutes:
Council member Wursten: Yeah, I don't know that I am 100% warm and fuzzy with – in taxing growth either. I have a question for you though. On re-inspections, what percentage of time do we have re-inspections and what is the charge for the re-inspections.

Minutes:
Mr. Shafer: A lot of houses do have comments, they will fail inspections. We don't usually charge for the first time, it is usually the second and third time that they have been out there to

do the same inspection and they are about $40 or $45, I am not 100% sure. How long does it take to do an inspection depends on what it is. if they are out there doing a framing inspection, depending on how many correction items they did have, I would say maybe 30 minutes.

Minutes:
Council member Wursten: And the re-inspection is a lot less...

Minutes:
Mr. Shafer: Yes, because they are only out there to look at the correction items. They are not out there totally looking at the whole, the house one more time. If there is five corrections on there, that's what they are looking at. The other thing is you got to take into consideration the drive time getting there and the drive time going to the next house. That's all part of the re-inspection fees.

Minutes:
Council member Wursten: Is it usually the same groups that have their inspections or is it everybody that has re-inspections?

Minutes:
Mr. Shafer: Sun City they are doing a lot more homes, so there is a lot more callbacks up there. Nobody is exempt from comments or re-inspections.

Minutes:
Council member Wursten: I am not opposed to seeing us re-inspect a home once, but I am wondering if maybe some of the increases come on the second and third inspections for the same thing as far as where we can pick up some of that revenue when they are not doing things the way that they should be and not finishing up the inspections that you are giving them to – the things you have been giving them to re-inspect. I know that we did that in another group that I was working with and it worked out very well. The re-inspections went way down in a real hurry, and that saved a lot of money from you having to go out and re-inspect. We looked at the possibility of maybe making that part of a way that we could increase some of that revenue back.

Minutes:
Mr. Shafer: I think it is showing flexibility on the building department side. We are not out there to be the bad guys. We are out there to make sure they get a nice safe home.

Minutes:
Council member Wursten: And that is why said the first inspection, yeah, I agree with you 100%, but if we are doing the same thing two or three times is what you've said, then yeah, I think we need to make that a little bit harder on people if that's what they are going to do, if they are not going to finish the inspections that we have asked them to do.

Minutes:
Mr. Shafer: So, that's the thing.

Minutes:
Council member Wursten: In some regards, I'm on board with Mr. Boger as far as taxing growth. I just don't know. We are trying to get homes at a lower price right now and I don't know that this is going to help that situation. Maybe it won't hurt just raising it $200, but we say that all the time, it is only going up this much, it is only going up that much, and it seems like that happens constantly, so I struggle with that and just trying to saying that I don't know that I am 100% board on this.

Minutes:
Mr. Shafer: I did look at cost comparison with the other jurisdictions. I have a stack of paper this tall with the other jurisdictions. Okay. We are pretty much on the low end. You know, we are middle to low end on some of these items. Re-inspection fees for the other jurisdictions could be $100-$150 depending on which jurisdiction. Extra time for plan reviews. They are over $100. Okay? We are only asking for 75. They are over $100. Boulder City is probably the most expensive for a new home permit, but they are limited, I think they have a restriction of 10 houses a year, that's all, whereas the other jurisdictions, I think there is one that is less than ours, but at the same time they are building 2 million square foot warehouses.

Minutes:
Mr. Jankowski: North Las Vegas, in Apex and all that, they have all that commercial growth. They don't rely on residential.

Minutes:
Mr. Shafer: So, up at the Crown facilities their permit fees were over a million dollars, that's for 500,000 square feet. So, they are going to build in North Las Vegas 26 new warehouses with 2 million square foot footprints, so that would be 4 million dollars for a warehouse. That's what their permit fees are going to be for 26 of them. So, where they are getting volume, Mesquite doesn't have that volume. They are building 3000 homes a month and wait sorry, I'm exaggerating that one. In a year, the City of Mesquite will issue about 3500 permits, not necessarily new homes. They are issuing that many permits each month, that they are getting money off of. We just don't have the volume.

Minutes:
Council member Wursten: I would just like to see where it is costing us the extra money for you to have to go back out two or three times, whatever it is ;and those type of situations that you're just talking about, I would like to see it picked up there so that you don't have to go out two and three times, or that's definitely paid for and it pays for the extra inspections, which is costing us the extra money. I really would like to see us look at that.

Minutes:
Mr. Shafer: Okay. As the building department, we can do that. If they fail inspection, we will go out one time, look at it again, okay, you get hit with your re-inspection fee. Is that what you are saying?

Minutes:
Council member Wursten: I am saying if it takes two or three times, I said one time I am okay with.

Minutes:
Mr. Shafer: We'll go out, we will do the inspection, they have a correction list, if they are not done, they get a second one they will have to pay for re-inspection fee. But we are trying to be flexible, we are not trying to be the hard guys out there beating them up.

Minutes:
Council member Wursten: We are trying to continue with growth is what we are trying to do and make it warm and fuzzy.

Minutes:
Mr. Jankowski: No, that's not where we are losing money. It is the new builds that it costs us money because we have to go out there and he said 26 times, it is not the one time or the second time for the re-inspection. It is actually the new build that we put all the time and the man hours in; and he is right, plan on files, I forgot to mention that. What we charged initially for the full home, because the other one is holding the same plan, they only get charged $75. So, I mean these are huge savings there. It is not the one time re-inspection that I didn't realize we are not charging for, but that's okay. So, the second and third I agree with Mr. Wursten, we should be definitely charging for that, but it is really the new build that requires that 26 inspections out there. That is labor intensive. We have two inspectors now, can't hire a third inspector because they don't have the money for that and right now I am putting those people on overtime, so they can get out there and do that. Now all of this costs money and we are trying to do it within certain state regulations requiring when those inspections happen.

Minutes:
Council member Fielding: I do have a few questions. I have been contacted by a few builders and developers who aren't happy with this. I am truly not warm and fuzzy about increasing the fees for the people who are developing Mesquite, not at all. There was one comment that was made when we put this on Tech Review, and I am not sure if it was Council member Gallo or Council member Boger who said that, they are not happy about these fees and if they were going to be affordable housing, and we were going to put some amendment in there that if they were going to build affordable housing, these fee increases wouldn't affect them. Because again, we want people to come in and build affordable, and if we increase their fees, it is not going to be too affordable, so that was one thing reading this was not in there. So, that you said you would put that in there, so that's one thing. And I was contacted by somebody who built a 10,000 square foot wall at the $6 rate, $60,000 for a permit would now be $65,000 for a wall. So, I know we haven't increased it since 2015, but this not really an introduction to people wanting to come into Mesquite if we are going to raise fees on them, so… Jeff, thank you for everything you've said, but I have to agree I am not happy on these fee increases because sitting here, I don't have it to compare what it was or the other municipalities that you're speaking of that you've looked at and those are things that I need a clear picture of what other municipalities, I mean, I trust you, what you are saying, but I need to see the numbers and the clear picture and then also the graphs that you had before, I would have liked to see those again. You did give them to us in paper and I have those at home somewhere, I didn't bring those, so those are my comments. Thank you.

Minutes:
Council member Wanlass: As I look into what is going on, if there is any way we can say if a property, whether it is an apartment building, if the livable size is less than 1200 square feet, the fee structure doesn't change. Over 12,000 square feet, it does. As we grow, we are already

looking at another Fire Station. Police has already said they are men short. Fire has already said they are men short. Building department is saying they are short of inspectors. Where are we going to get this money from? And the only way we are going to get this money is if we take people that are moving into this community that are causing the need for that and increasing their impact fees to the City and that's exactly what they are doing, they are impacting the City, and the City is going to have a need for that, it already does and I think this is a good thing. I understand what everybody is saying and I don't want to see fees go up. I guess the other thing we could do is raise taxes and that would affect all of us, whereas these impact fees are just affecting new people coming in.

Minutes:
Mr. Jankowski: Correct. You know the small building permits for doors, those affect existing homes.

Minutes:
Council member Gallo: So, we have had a lot of discussion on this. I too have heard from a lot of the builders and I have a real concern because I don't feel educated enough to make a decision tonight on where to go, and I agree with the panel here tonight. I don't think tonight is the night we are going to make that decision. So, I think rather than constantly going back and forth, we need more backing, we need more information, I know I do, before I make a decision on something that is this important, because we are raising fees, we are talking about bringing businesses in and bringing lower income housing in for our workforce and this is not going to help. So, I would like a little bit more information. So, I say let's table it.

Minutes:
Mr. Shafer: Council member Karen, this wall permit that we are talking about, we have never had a wall permit that costs $60,000, I wish, okay. What that does, I can explain on a wall permit, pretty simple. So, $6 and we moved up to $6.50 a square foot, okay, 10,000 square foot wall would be a valuation of $6500. We take that valuation of $6500 to our valuation chart, which tells us how much that permit is going to cost. I had this discussion with John Shepherd up there is Sun City. I think the total cost was like $3.50 difference and he goes ah. And I hate to say it, but I had that same conversation with the guy building the wall today. It was from Rim Rock Construction, and I had to explain to him also how that works, because he was asking me, hey, are the permit fees going to go up this much and I said, no. So, I showed him the multiplier, we did a real quick calculation, he goes, oh, I totally misunderstood.

Minutes:
Council member Fielding: I appreciate you saying that, because the way it looks on the chart, it just says, you know, 1000 square foot or whatever and it is 6.15, it is going to be 6.50, so that makes more sense to me looking at the chart, but without you standing here explaining that to me, I am still thinking in my head $60,000 because that's the way it is written. So, it is confusing that it doesn't have the chart for me.

Minutes:
Mr. Shafer: Everybody always forget the second part of the permit. The way we calculate our permit fees. The first one is our multiplier, that's what we multiply by square foot, so for a home, it went from $78 to $82. So, that gives us our multiplier. So, we take that multiplier to the valuation chart and that tells us how much the permit is going to be.

Minutes:
Mayor Litman opened up this item to Public Hearing.

Minutes:
Steve Clutterham: I am going to bring up what I brought up before. Three years ago, we couldn't get anybody to come here and build anything for any amount of money. Today, we have builders standing in line asking to buy property and build. That's a fact. We are about to build one and maybe two more Fire Departments. We are footing the bill 100%. We are not putting any of it on any of these new buildings. It is ridiculous, it is unheard of. These people are coming in here, building multi-family homes and what have you, lots of – hundreds of them, sell them off and they are gone, and they have contributed nothing to the infrastructure of the City. Somewhere, money has to come to pay for these things. It is that simple. If we are not going to actually give them an impact fee of what our City is going to be impacted by their new construction, then we have to raise fees somewhere. Money has to be generated. Like Peter said, we don't sell widgets, we don't have a product. Frequently we give away or severely discount land to get builders to build. Where do you think the money is coming from for all things you have paid for? I have seen this Fire Department, our new Fire Department go from three or four men to eight, to twelve now. Where is that eight million dollars coming from if you are not making any of these people coming into town pay for it. They are the ones it is for. They should be helping pay for it. Mr. Wursten said, $200 a year, $300 a year, no this is the first time in 25 years they wanted to the raise fees. One time in a quarter of a century. Name me one more thing in your life that hasn't had the price raised in the last 25 years, anything, and anywhere. This is a ridiculous argument in my point of view. Sure, realtors are going to say keep the building as cheap as they can so they can get more homes to sell, of course. Builders are going to say, make it as cheap as we can to build here, so we make more money, of course. But what used to be this little City of mesquite is getting big fast and we are not changing the infrastructure enough to handle it. I keep hearing about don't affect low-income housing. The bulk of what we are building isn't low income, we keep talking about it, but the bulk of what we are building isn't. The bulk of what we are building is market value. Somebody has got to pay for all these things. You need to raise the fees, and you need to start telling them that they need to start contributing towards our Fire Department funds and our Police Department funds. Thank you.

Minutes:
Elaine: We are new to the community and we recently just bought a house here, it took us 10 months to build. When this gentleman was talking about the fees, I don't think it is necessarily the fees that we need to worry about; I think it is the builder accountability that we need to worry about. When we built our house, we had several superintendents that they went to, this developer, and I think we need to hold them accountable in regards to the homes. When we moved here, we had a little bit of a challenge to get employment because it is not affordable to live here. You might say the listed price is 300,000, but you are not including the lot premium. Lot premiums can go anywhere from 5000 to 150,000, add that on top to your base price and then all of your add-ons on top of that, which you've got to include that, so now you are looking at almost $600,000 home, that's not affordable. So, what I am saying is, I don't necessarily think it is the fees that we need an increase, we pay enough in home prices as it is, I think it is accountability that we need to worry about. The other thing is is that there are not enough jobs here to sustain a mortgage for $600,000. You guys got a lot of retail jobs here, a lot of jobs in the casino, they pay an average of 15-16 bucks an hour. You can't make a mortgage payment

on 15-16 bucks an hour. What I would like to know is what the community is going to be doing to have some higher job qualities besides Crown and what is in community, so other people can pay a mortgage based off of a $600,000 or a $400,000 home. That what I would like to know what you guys are doing in the community besides Crown and other big manufacturers that might be coming in the community. Thank you.

Minutes:
Jeff Reynolds: I think most of you ran on the platform of being a conservative when you ran. Sometimes it sounds more like the democratic program. When you raise money and not cut costs, right now, economically, I think we are struggling out there. I don't know. Maybe Ms. Fielding can tell me the housing market out there if it is booming like it was a couple of years ago or if it is kind of hard to sell homes. The interest rate is 6.5% - 7%. I know where I live, they have a number of houses for sale that's been like that for a long time, not that many people are buying. When you raise impact fees, first of all the $6000 for all these stuff other than the building permit, I think is ridiculous. I don't know if, are you guys responsible for those fees or is that something that comes through the county or the state.

Minutes:
Mr. Jankowski: State and county. It has nothing to do with the town.

Minutes:
Jeff Reynolds: Well, it just seems like we are getting ripped off by a lot of that stuff. And who pays these fees? We do. We buy the house and then every month on our mortgage payment or our taxes, we pay fees to maintain the streets and the Water District and all that kind of stuff. I just think that any time that you raise fees is the same as raising taxes. So, maybe the building department needs to reevaluate, see what it actually costs them to do business and see what their expenses are. Do they need new trucks every year? I don't know. I am not saying that, but we need accountability and just not blanket raises, we need raises because we haven't had them for a while. That's all I got to say.

Minutes:
Mr. Jankowski: Just for a point of reference, I have one building commissioner and two inspectors, and one administrative support.

Minutes:
Mayor Litman closed the Public Hearing.

Council member Fielding moved to table this item so I can make an honest decision of how to vote because right now, I don't have a clear picture in front of me. Council member Wursten seconded the motion.

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

8) Administrative Items

8.1 Consideration for approval of a Conditional Use Permit Case No. CUP-23-004 & Architectural and Site Plan Review Case No. ASR-23-002 (Casablanca Temporary

Storage Tent), to permit a new temporary storage tent containing 16,000 square; generally located at 950 West Mesquite Boulevard.

- Public Hearing
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title and deferred to Richard Secrist.

Minutes:
Mr. Secrist: This is a request from Mesquite Gaming for another temporary tent. They are considered temporary buildings under the code and temporary buildings are a conditional use and that's why it is before you tonight. A little bit of the history. Again, here is the, this location map shows the property. The Casablanca Resort Hotel here; The old tent that has now been taken down, but when that was originally built in 2006, it was to temporarily host events while they build a permanent convention center back here by the loading docks behind the Casino. The intent was that after two years this would come down and they would have this built. Well, that didn't happen and when the Conditional Use Permit for this expired, they came to the City and asked to extend that out for three years and that was approved and then several times over it was approved until just recently. They did begin this project on the convention center and they put in footings, they put in a pad for the would-be building, and that remains there now. So, basically what Casablanca is doing, they took out a demolition permit, they have now taken down the big event tent and they plan to build a new tent over here on this old pad for the convention center. It is only going to be half as big and it is not for live events, it is basically for storage, from what I am told. They have got a bunch of furniture that is being stored in the parking structure that is getting damaged every year and they want to have it stored in a semi-permanent tent over here behind the casino. So, this is the pad for that convention center and outlined in yellow is where this new temporary tent will go, and it is just right across from where their loading docks are, kind of in the southeast corner of the site. And this is what the new tent would look like. Anyway, so it is a temporary building, it is a conditional use. The reason that conditional uses are reviewed is because their typical use is that maybe appropriate at certain locations, but not every location, and so the Council reserves the right to make a discretionary approval. In this case, it is kind of near the center of the resort property, it is not close to the neighboring subdivisions around it. There is not going to be any noise, it is basically for storage. The only noise would be from trucks occasionally coming and going, but they come and go at the docks anyway. So, we don't really see a big impact, and staff recommends approval.

Minutes:
Mayor Litman asked Council if they had any comments or questions.

Minutes:
Council member Wursten: I believe I am going to have to exclude myself from this where I work for Mesquite Gaming, Mr. Pack, correct? But I am able to make a couple of comments and I would like to ask a question.

Minutes:
Mr. Pack: I would agree with you; that's probably a good idea.

Council member Wursten: What makes a temporary building as opposed to something that's – what makes the difference? That's just the one question I had.

Minutes:
Mr. Secrist: It can be taken down, taken apart, dismantled. Usually, a permanent building is permanently affixed on foundations and it isn't. I guess, I am not sure if that answers the question.

Minutes:
Council member Wursten: That is part of the problem that we ran into the last time we were discussing the Virgin River tent, is what was permanent as opposed to what wasn't. We had that discussion. I don't know if you remember that or not. That doesn't really have a whole bunch to do with this, but I was just kind of curious. The new tent, I will be honest with you, I am really, really sad to see that big tent go, as are you, I know. We are losing some events that have been here for a long time, that have been so important to the City, and one of them was – I am heavily involved in the Golf for Kids, and we don't know what we are going to do with that now, because there is no place in town that is able to seat that many people. I know we can do a lot of them at the Virgin River tent, but I was sad to see that go. It has been really, really good for Mesquite for so many years and I don't see a problem with we are moving that one now off of the boulevard and we are just going to put half of it back behind the casino. I don't see a problem with that. It is not going to affect anybody. It is not going to be negative in any way for anybody other than the people that are in the RV park. They are about the only ones that will see it, so I don't see a problem. We just recently, not that long ago approved the tent of the Virgin River, so I would suggest it would be hard to turn around and say we are not going to allow this one, so those are my comments and I will leave you till this vote is over.

Minutes:
Council member Wanlass: I actually am going to miss the old tent too. I have watched Golden Gloves in there, had lunch in there after Golf for Kids. It was actually a nice facility. It was where you could see it from the boulevard. If this one is behind the casino where the loading docks are, you are not going to be able to see it, but they have a need for it. I see no reason why we should tell them no, whatsoever.

Minutes:
Mayor Litman: Before I give it to anybody else. The new area where the tent was before is going to be utilized for parking, because they were grossly inadequate on their parking facilities. We are growing, and there are more people and more people and more people going out.

Minutes:
Council member Boger: This is going to be great to clean up some of the stuff they have going on there and to see the foundation that they poured to actually be put to use. I remember they built that thing and I remember it being a temporary structure with some pretty cool concerts back then, but – so I hate to see it go and I hate to see what it has done for the community, but it is their property, it is their prerogative, so I am all for it.

Minutes:
Council member Fielding: So, Richard, is this a three-year permit, every extension? I know the other one that you've written down in our notes, that the original was done in 2006 and

extension was granted 2009, 2011, 2014, 2017, so this is a three-year. So, is that normal what they ask for or what we give them?

Minutes:
Mr. Secrist: Yeah. That is normal for what we have being doing here over the past 20 or something years almost. They initially had – it was approved for two years and they hoped to have the convention center built, it wasn't, and then it went to three-year increments and it did almost become a permanent building, but it is up to the Council to decide how long. There is nothing that says what the time limit is. They do have to do – every year they have to come in and have a structural engineer inspect it and make sure that it is wearing well, that it is not the components aren't becoming corroded and damaged to the point that they are unsafe. So, every year they do that as long as they are using it and make sure that it passes muster, passes inspection, and it is safe and habitable, but if you wanted to limit it to a certain number of years, I think the Council certainly could.

Minutes:
Council member Fielding: I am following suit with the time and it has been three years, so I wasn't sure if there was actually a specific year that they have asked for, one year, three-year, five-year.

Minutes:
Mr. Secrist: They didn't specifically ask. If somebody from Mesquite Gaming is here.
Mayor Litman: They do have their engineer here.

Minutes:
Council member Fielding: And therefore, we have them come up and he can answer that. I as well am going to miss that large tent for events and I do think that the smaller one being back off the road is nice as well, it is going to be awesome.

Minutes:
James Bartlett: I am the Director of Engineering for Mesquite Gaming. Question is three years or -

Minutes:
Mr. Secrist: Are you asking time limit to have it or -?

Minutes:
Mr. Bartlett: I would imagine we would want as long as possible, three to five years if possible, to start.

Minutes:
Council member Fielding: With an extension after that if – like we have done with the extension on the big tent? Okay.

Minutes:
Mayor Litman opened up this item to Public Hearing.

Minutes:
Steve Clutterham: I certainly have no depths in this. I just have a little question based on something I thought Mr. Wursten said. Is this a completely new tent or is this is a partial rebuild of the old one?

Minutes:
Mayor Litman: I believe a new.

Minutes:
Mayor Litman closed the Public Hearing.

Council member Fielding moved to approve Conditional Use Permit Case No. CUP-23-004 for five (5) years & ASR-23-002 (Casablanca Temporary Storage Tent), to permit a new temporary storage tent containing 16,000 square, subject to Staff recommendations. Council member Wanlass seconded the motion.

Minutes:
Council member Boger: I have more discussion. I was just noticing it was like 2009, 2011, 2014, 2017, those were two to three years every time and I feel the motion should be more consistent with what previous councils were doing with the previous buildings in my opinion. If you guys are heart set on five years, then go for it, but I would vote for if it was revised to be closer to what is consistent with what the other tent was.

Minutes:
Paul Wanlass: If they are building it brand new and it is being structurally – or structural engineer is going in and inspecting it every year, while it's new, I don't see five years being a problem. If we increase it longer, we can certainly go to a smaller step at that time.

Minutes:
Council member Fielding: I am not going to change my motion. The motion is five years.

Passed For: 4; Against: 0; Abstain: 0; Recuse: (Wursten)

Minutes:
Council member Wursten: I took the opportunity to look at the score on the Golden Knights Game and they are winning six to one. (cheers and clapping!!)

8.2 Discussion of the expansion of the Animal Control facilities to compensate for the explosion of population of citizens with pets from the time built and today.

- Public Comment
- Discussion and Possible Action

Minutes:
Mayor Litman read this item by its title and deferred to Council member Gallo.

Minutes:
Council member Gallo: Besides being the most biggest, hardest working people that I have ever had the pleasure to work with, you guys are very patient tonight, being last on there, I just want to say thank you. Animal control, the ACOs, the volunteers. They are the people that care for the unwanted, the unloved, the sick, the lost and, oh, I'm getting emotional, sorry, but it is time and there have been some backup documents, so this building is over 20 years old, just a real quick point of why we need to do this. We have one room there right now, it is where we euthanize, it is where mamas with babies go, it is where the sick and contaminated go, it is where our pocket pets go, and we definitely need more room. The population has grown, the pets have grown, the amount of animals that are in our City, the building is old, and there has been a couple of opportunities for this to expand and different things have happened and that's okay, we are moving forward. So, my deal tonight is really to get this on, so that the Council can decide to give Peter permission and direction to start getting some quotes on what it would cost to not only add a building, but also to upgrade where we are because the roof is leaking, there is all kinds of things happening. Something really interesting I just wanted to point out. So, 60 minutes the other night had, I don't know if anybody saw the piece on it, it was talking about wolves, how dogs came from wolves and how they have changed and they have found, this is just really a quick little note, that the sixth genome is what dogs have now, which is the same things that humans have, which – anyway that genome is the love genome which humans have, so when they were speaking with the doctor and the scientist, she said when you say that my dog loves me, yes, absolutely, your dog loves you because he does have the capability to do so. So, I just, I don't know if anybody has anything to say, because I know we have the police chief here and we have the ACOs here, but really this is just to move this forward, so that we can go ahead and thank you all so much for your dedication, what you do, and the lives that you make an impact on.

Minutes:
Mayor Litman: I don't believe personally that there is a person sitting up here or in the audience that would be opposed to providing the best possible facilities that we can for our animals. I have visited the shelter many, many times over the years and it is truly inadequate. It was inadequate when I got here 19 years ago. It was already showing signs of abuse. By the way, I am a cat fan; I don't have any right now, but – see that's the problem. When you go to visit them, you want to bring them home, that a big problem. For those of you that are not aware of it, the cats at our shelter are under tremendous stress, because they have got the dogs right next to them, and I love dogs, but dogs are very verbal as a rule and cats are a little quieter, and it must personally raise havoc with the cats having to put up with all that noise. And as you are aware, some years ago, we did have a lady come here with good intentions, we thought, to donate a million dollars for cattery. Unfortunately, it didn't come about, through no fault of our own, but the fault of the lady that was at that time, I think starting to go downhill to say something about it, and it was no longer that rational that we could deal with the situation. So, we were kind of back to ground zero at that point, because that's something I had expected to happen maybe a few years ago and it didn't. We need to do something.

Minutes:
Council member Wanlass: When the three of us were elected to City Council beginning of this year, we put names in for a capital improvements committee. Have they even started meeting yet?

Minutes:
Mr. Jankowski: I think we have the first meeting scheduled. I don't have my calendar. I think this month....

Minutes:
Council member Wanlass: But the budget has been done for this fiscal year and so the money is not there, but I think if we could put this top of mind to our capital improvement committee, have them look at it, ways to make this happen in the future, rather it is our next budget cycle or the budget cycle after that, ASAP, but there is not money I don't think to do it today, but to get it going I think that's a great place to start, is to get that committee online and present it to them. Pattie, you could go present to them, it would be a public meeting, let them know exactly why this is needed, and I think if we start there, that's certainly going to be the best place to start.

Minutes:
Council member Boger: What I have down for that group, by the way, meeting is the 29th, does that sound right?

Minutes:
Mr. Jankowski: Sounds about right. We have had because of vacations and people traveling or whatever, it has been difficult to put them together.

Minutes:
Council member Boger: It is like herding cats, right?

Minutes:
Mr. Jankowski: Right. Even this first meeting, I am going to have one member missing. Otherwise, I will never get it off.

Minutes:
Council member Boger: One thing that really wasn't added to this was the fact that when this was built, we didn't have a no-kill shelter, now we do I would expect we would have more animals because of that. Is that not true? Or they get shipped away so much.

Minutes:
Council member Gallo: So actually, we were always within the tent. There was no such thing as no-kill, it is 10%. So, we are always within the limit, but we do have a lot more animals coming in. COVID was an issue because everybody wanted pets, and as soon as everybody went back to work, they showed up at the shelter; and again to this group of people so dedicated to making sure that those animals feel loved and appreciated and one of the things we also talked about that's a possibility and this is an amazing group, because they are really good at fundraising. So, we also want to put out to the community that there may be people that would like to be part of this program, donating money. We might also talk about and we again, I think the shelter will get together and decide how they can do that, but at one time we were talking about selling

bricks with peoples' names on it, people dedicating rooms for the shelter. So, there are things that we can also to not only just have the City pay for, but people love to participate and people do love their animals and I think we can help support with that as well.

Minutes:
Council member Boger: That would be good too and this keeps getting kicked down the road. Since I have been on Council they have talked about having this and even before that, is this extension or a second building or whatever, so I would hope that the direction we can give to Pete would be to talk to the architects about it, but also the idea of the public kind of putting into this and that's doing some sort of a match on it, whereas if we raise x amount of dollars from the public and they get some naming rights on certain things like the bricks, the pathways, benches or shade structures, whatever, and then we match a bunch of it, because it is a City expense, but it does show interest when the public is donating for it, and it shows how imminent, how much of an issue this is to them. We saw it with Bark. People came here not really knowing, I don't think 100% what the issues were, but they love their dogs, they love their cats, and well Bark was dogs, but I think we have a community that would pull together for this and so I do feel that we should give you more of a direction, not just wait a year or two years for the next couple of budget cycles, but to get what the numbers are now. Because the last time was only a million bucks and that was only a couple of years ago and now it is probably three for the same building.

Minutes:
Mr. Jankowski: Paul's correct. We don't have money for the big project, and we do have a charitable trust that people can donate for the animal-. But the direction I would like to have is to at least have Travis engage with the engineers or the architects and at least figure out what that costs, because that's probably affordable and you got to do that step anyhow, and that will give a clear picture to the capital improvement, but right now Paul's right, we don't have enough money to do the brick and mortar and all that stuff, but maybe we can get some engineering done and maybe that might be affordable, and there is a mechanism to donate to that particular, those funds would be earmarked, and correct me if I am wrong, Tracy, they would go to the charitable trust and we could use it for that purpose.

Minutes:
Council member Fielding: I have been also to the animal shelter so many times in the last 20 years. Half of the times was on a tour, the other half was to pick up my little shih tzu, Delilah, so some of you might know her. So, I went through on a tour last week and I could not believe how bad it has deteriorated, so we are truly in need of another shelter, whenever we can do that. Start talking about it, discussing it so this time it can progress and get done, and thank you Pattie for bringing this to everybody's attention at the budget. She is very admirable about bringing it up and very emotional. My other comment was, just to start looking for funds, and start the steps, like everybody has said, you know, we got to start somewhere and so we are starting, so thank you.

Minutes:
Council member Gallo: The one thing I do want to point out is as we are going forward and we are getting quotes and things, first of all, are we going to be able to stay in the same area, same building, redo that building and add a building or there was that one time when you first came into Hardy Way, that land that was there was originally we were looking at that for the animal

shelter and got sold to the Water Company before we knew what was going on. So, we lost all that land. So, there might be a couple of options.

Minutes:
Mr. Jankowski: So, in my mind we have two conceptual plans right now. I think I saw one of the plans up there now. I think that's what we focus on – because one is a separate build and one is like a rehab, but I kind of like the second build only because it separates the cats and the dogs and it kind of makes more sense, and you can do that and at the same time maintain the current facility, then move over and then do some rehab, but that's in my mind.

Minutes:
Mayor Litman opened up this item to Public Comment.

Minutes:
Karen Rogina: I like the plan. One of my suggestions would be, just like you said, have him draw up the plans, what it would cost, because I think you would get more people if you said this is where the money is going. A lot people like to donate, but they want to know what it is going for, and then you have like a goal thing and you can say we are getting close, we are getting close, I think it would help push people more to help, is just a thought, but they would want to know what the end cost is that you are working for.

Minutes:
Mr. Jankowski: I do think that the design part can't be that expensive, I think that's something we can lift, but the construction and foundation and all that, that's the real heavy weight lifting.

Minutes:
Rocio Trujillo: I have been a resident of Mesquite since 1991 and a pet lover forever. So, I hope I don't get emotional here, and I have this written down, so bear with me. I am here to support the animal shelter and not only in favor for a bigger facility, but also to get better staff training, equipment, and resources. On August 30, 2022, Mesquite had an extreme heatwave and sadly we lost two of our fur family members that day. By error, our gate was left open and our dogs went out running loose. One had just been rescued from the Mesquite Shelter around one month prior. She did have some aggressive behavior issues, but still adoptable, and husband and I were working very hard to fix it. While on the loose, she unfortunately attacked another neighborhood dog and thanks to the response from the Animal Shelter, both dogs were detained without any further damage or danger. Due to the circumstances, our dogs were left a longer time than what they can handle in the hot metal vehicle. Right at the moment that our dogs were going to be released back to us, we sadly discovered they both had passed away from heat exhaustion inside the Animal Control vehicle. To our acknowledgement, after the investigation report came in, we found out that the climate control on the animal control vehicle was not out to max working condition for the severe Mesquite weather. Protocols were also changed after our incident, but I do not believe they are up to standards for our high heat climate. To prevent this tragedy to happen again, I am desperately screaming for major upgrades like new protocols, new working vehicles that have the right cooling system and staff, from higher management down to volunteers properly trained. I strongly believe that if that was all in place, my tragedy would not have occurred. This has taken me to very sad times and things do happen, but I haven't moved on. And for our sanity, we as a Trujillo family have some personal requests that I will be emailing to you and hopefully you guys will consider. I just appreciate your time and thank you.

Minutes:
Mr. Jankowski: One point of reference. We have ordered new animal control vehicle, the old one had a swamp cooler, which really did not function well in this heat. So, we have ordered and it is actually on the American Rescue sheet, but it is ordering vehicles and the chips, it is just taking us a while.

Council member Gallo moved to go ahead and get some pricing and what would be the cost would of the expansion animal control and one of those things to that point that was made tonight, a comment was made, I believe one of the ACO or the Police Chief that when we are looking at the building and seeing the plans, that area between the two buildings should probably be covered, because where the garage where the trucks were originally kept to keep them a little bit cooler is now being used for everything else. So, there might be a little bit of adjustments to the plans and I think that the Chief would like to say something. Council member fielding seconded the motion.

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

Minutes:
Chief Chesley: I'll be brief. I want to thank you for bringing this up. This is something very important to us and I also want to thank all of our volunteers and our Animal Control Officers. To put it simple, there is no way we could provide the service that we do the animals here in Mesquite without our volunteers and our amazing Animal Control Officers. They do a phenomenal job with the shelter. We really appreciate this being brought up today because it is something that we just don't want to get kicked on the road for too long and it has happened in other cities where it does result in liability issues and we have done well with what we have currently with this shelter, but we know that there are improvements that need to be made, and we appreciate each of you Council members that have come down and looked at the shelter and invested that that time into our animals and our volunteers and also our Animal Control Officers. We appreciate the opportunity to bring this up and we know how long it takes to get a building. The Fire has been trying to get a new building for a really long time, and so we just appreciate the discussion, the opportunity to fix the problems that we have and so there aren't any further problems. So, that's all I have to say. If there are any other questions, I would be happy to take any questions.

9) Public Comments

9.1 Public Comment

Minutes:
Mayor Litman opened the meeting to Final Public Comment.

Minutes:
Bethany Green: I am a mom of seven beautiful children here in Mesquite. I am here to talk about Mesquite's Got Family that is creating a little bit of a ruffle. I want to talk about an event that I went to at our beautiful community theater a few months ago, called Edward Brothers Impersonator show. I went to this show not knowing what it was. There were families there. There were people of all ages there. It was sold out. Both shows sold out. It was a drag show. It were these two brothers impersonating Barbara Streisand, beautiful strong women, and in one part, one of the brothers actually stripped down to his underwear. Did this have a label on it? Did it have a warning? No, it did not. Did it sell out? Will it sell out again? Yes, it will. We as parents have to uphold our values, but we also as a community need to uphold values, trusting that other people are upholding values. My children are very involved in the theater. They put on wigs, they put on makeup. They change their voices. They are dedicated to their parts. They put their hearts and soul into it and just because there is a word, the word drag before a performance does not change that it is a performance and it is not influencing people's minds. Just because my daughter is dressed up like an octopus in this upcoming Little Mermaid does not mean that she is hoping everyone goes out and becomes an octopus. She is not an octopus. She is still a girl. So, I think that putting any label on anything is crazy and I think we should just love and be kind, and that's what it is all about. And the theater is all of those good things, all of those good things, and I am proud of our theater, I am so proud of Dana, I am just in awe of her strength and she has gotten my family through some amazingly difficult times, and I am thankful to be on her side and I will stand and continue to rally, and I thank you all that will continue to stand with me.

Minutes:
Astrid and Alexi Green: We are both in the community theater. I am the octopus that my mom was talking about and I am seagull. The thing I loved most about the theater is that they are inclusive to everyone and they don't exclude like any - it's just a great place to be.

We have a guy at the theater, who had a preferred name and just because their name was legally another name everyone still calls him by the preferred name, no one –
yeah, no one questioned it.

- no one questioned it and it was – it is nice to know that some people can go there and be able to be accepted. Because it doesn't feel like always that there is a place you're at, which sucks. We just – me and my sister are both in the LGBTQIA + and it is hard sometimes to feel accepted, and we like being able to find somewhere where we can be accepted, because it can be hard and it can be especially hard if you think you are accepted somewhere and then it turns out they are not like very accepted, and it is hard.

It is. And like coming out is just the most hardest thing like just you not wanting to like make anybody angry or anything, you're just trying to like say this is who I am and you want to be accepted and loved for that.

Walking on eggshells basically.

Yeah, like you never know like how anybody is going to be react
It's scary. And we are glad that we have such supportive people in our lives that we were able to come out, but some people sadly don't have that, and the theater is like one of those places where you can be accepted.

Yeah. It is a beautiful place and like we just want everybody to be kind to each other and like inclusive, because that's really like – that's really all that matters. Like you should just love everybody.

So, Little Mermaid is premiering this Friday, the first performance is at 7:00, and then we have a performance Saturday at – I should know this, I'm doing the play – 1:00 p.m. 16th through the 17th is at 7:00 p.m., and then the 17th is at 10:00 p.m. You can buy tickets at mctnv.com or at the art gallery. Thank you.

Minutes:
Mayor Litman: Before you ladies leave, let me give you some advice from somebody who has been around a long, long time. You do what you feel is right in this world and don't worry about what anybody thinks about it. You will get by just fine.

10) Adjournment

10.1 Adjournment

Minutes:
Mayor Litman adjourned the meeting at 7:39 PM

Allan S. Litman, Mayor

Tracy E. Beck, City Clerk

Mesquite City Council
Technical Review Meeting Minutes
Mesquite City Hall
10 E. Mesquite Blvd.
Wednesday, July 5, 2023 – 2:30 PM

Minutes of a scheduled meeting of the City Council held Wednesday, July 5, 2023 at 2:30pm at City Hall. In attendance were Mayor Allan S. Litman, Council members Brian Wursten, Pattie Gallo, Karen Fielding and Paul Wanlass. Also in attendance were City Manager Peter Jankowski; City Attorney Bryan Pack; Finance Director Nikki Thorn; Deputy City Clerk Julie Goodsell, other city staff and approximately 1 citizen.

Mayor Litman called the meeting to order at 2:30pm. (Note: This meeting was recorded and will be retained in the City Clerk's Office for one year).

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.

1) Public Comments

1.1 Public Comment

Minutes;
Mayor Litman opened the meeting to Public Comment. There were no speakers.

2) Consent Agenda

2.1 Consideration for approval the Tuesday, July 11, 2023 Regular City Council Meeting agenda; the June 6, 2023 Redevelopment Agency Meeting minutes and the June 20, 2023 Technical Review Meeting minutes.

- Public Comment
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

2.2 Consideration of approval of:
a) Notification of Budget Transfers

b) Notification of Budget Amendments
c) Notification of Bills Paid
d) Purchase Orders.

- Public Comment
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments on Items 2.1 or 2.2. There were no speakers.

Minutes;
Mayor Litman opened Items 2.1 & 2.2 to Public Comment. There were no speakers.

Minutes;
Mayor Litman requested that an item be added; a Resolution finding that the sale of approximately 1.25 acres of City owned property commonly known as 435 W Old Mill Rd economic development purposes is in the best interest of the City of Mesquite. So that is to just find out if the Council is interested in selling that property. The second item will be a presentation by Mr. Jeff Andrus of Andrus Development expressing interest in purchasing the 1.28 acres located at 435 W Old Mill Rd for economic development multi-family housing.

Council member Fielding moved to Approve adding the Resolutions to the agenda. Council member Gallo seconded the motion.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1 Boger

Minutes;
Mayor Litman excused Council member Boger.

Minutes;
Peter Jankowski: Just bringing back the building fees, but I am going to divide the question. So for the next meeting I just want to do the one on the walls, doors, and the windows and the accessories. Two weeks from now bringing back the one on the affordable housing. It's just hard to fit that into the chart we have because you don't make a separate workforce housing. So, Simon Kim the Deputy Filing Director has been working on it. I have given you some language. I am just trying to find a better way to fit that in. Any projects that come before the Council regarding workforce housing will not be affected. We are using the IBC and it just; we have got to find our own way to work that in.

Minutes;
Tracy Beck: Actually it will be the adoption of the ordinance.

Minutes;
Mayor Litman: It would be the adoption of the ordinance?

Minutes;
Tracy Beck: Yes it is the adoption of the ordinance. We already had the introduction it was good but the adoption needs to be done, it is 009.

Minutes;
Council member Wanlass: You will have the backup?

Minutes;
Peter Jankowski: I have been giving it to Tracy. Yes I have been working on it.

Council member Wursten moved to Approve adding this item to the agenda. Council member Fielding seconded the motion.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1 Boger

3) Special Items

3.1 Presentation from Warren B. Hardy, II, the Hardy Consulting Group, Legislative Consultant for the City of Mesquite and consideration for approval of Mr. Hardy's contract effective July 1, 2023.

- Public Comment
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments.

Minutes;
Peter Jankowski: Mayor I believe that also is going to include an update and presentation on legislation that just ended.

Minutes;
Mayor Litman: So he will be here for that?

Minutes;
Peter Jankowski: That is my understanding.

Minutes;
Mayor Litman opened this item to Public Comment. There were no speakers.

3.2 Presentation for an Arts and History District.

- Public Comment
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments. There were no speakers.

Minutes;
Mayor Litman opened this item to Public Comment. There were no speakers.

3.3 Presentation and Discussion regarding storm water runoff between the City of Mesquite Airport and Sycamore Glen Subdivision.

- Public Comments
- Discussion

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments. There were no speakers.

Minutes;
Mayor Litman opened this item to Public Comment. There were no speakers.

4) Resolutions

4.1 Consideration of Approval of Resolution R23-024 - Zone Change Master Plan Amendment Case No. ZCM-23-001 (The Retreat at Mesquite) to approve the rezoning of 8.63 acres of land at 951 Oasis Boulevard, from PUD Low-Density Multi-Family Residential (MF-2) to Medium-Density Multi-Family (MF-3).

- Public Hearing
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments.

Minutes;
Council member Wanlass: Richard will we have the development agreement in our hands before that meeting comes up?

Minutes;
Richard Secrist: We hope so, the applicant sent us draft agreement together with the City Attorney and we sent back a revised draft and haven't heard back from them yet. So we are waiting but I expect we will before the meeting.

Minutes;
Council member Wanlass: So if we don't, we are just going to remove it from the agenda?

Minutes;
Mayor Litman: We can't, I believe because it has already been listed as a Public Hearing Item.

Minutes;
Bryan Pack: We might have to move forward with the Public Hearing and we would have to do the Public Hearing next time for the development agreement once it is finalized. Probably the way to do it would be to continue the Public Hearing and give anybody the chance at that meeting to say what they want to say even though we will have to do it again once we have the development agreement anyway. Rather than push everything off and having to re-notice the Public Hearing and all of that. We do it twice essentially.

Minutes;
Council member Wanlass: I hope we get it then.

5) Department Reports

5.1 Mayor's Comments and Reports

Minutes;
Mayor Litman read this item by its title.

5.2 City Council and Staff Comments and Reports

Minutes;
Mayor Litman read this item by its title.

6) Adoption of Bills as Ordinances

6.1 Adoption of Bill B23-011, as Ordinance B23-011 amending Mesquite Municipal Code Title 9 “Unified Development Code” Chapter 7, by amending Table 9-7:9 Height and Area Regulations for the Single Family zone.

- Public Hearing
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments. There were no speakers.

Minutes;
Mayor Litman opened this item to Public Comment. There were no speakers.

7) Administrative Items

7.1 Consideration for approval of Contract: FY 2023-24 Insurance Program Renewal and other matters properly related thereto.

- Public Comment
- Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments.

Minutes;
Peter Jankowski: I believe the insurance broker will be making a presentation.

Minutes;
Mayor Litman: Do we know if there is any changes to that?

Minutes;
Peter Jankowski: There is about a 5% increase.

Minutes;
Mayor Litman: Gina will fill us in on that.

Minutes;
Gina Mendez: There will be an increase, expected. The major part is Workers' Compensation. So stop having accidents please. But overall it is going to be a 5% increase.

Minutes;
Mayor Litman: Thank you. That way we are prepared for it.

Minutes;
Gina Mendez: Joel Ellis from Leavitt Insurance to be here in case there is any questions that are insurance related in depth that I cannot answer. But other than that I have the answers.

Minutes;
Mayor Litman opened this item to Public Comment. There were no speakers.

7.2 Consideration for approval of Variance Case No. V-23-004 (Chipotle Mexican Grill) for a height variance for a pole sign to be 75', where the existing height limit is 25', located at 145 S Falcon Ridge Parkway in the Hotel Tourist (HT) Zone.

- Public Hearing
- Discussion and Possible Action Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments. Mr. Secrist can answer any questions. I don't want to step on your toes but this goes along with the Sinclair sign change that we have had because the way the thing is rounded.

Minutes;
Richard Secrist: Yeah it is sitting down in a hole is the problem.

Minutes;
Council member Fielding: How tall is the Panda Express sign?

Minutes;
Richard Secrist: 75ft

Minutes; Council member Fielding: And we did a variance for that one when they requested it correct?

Minutes;
Richard Secrist: Yes

Minutes;
Mayor Litman: And Sinclair, anything down there because the potography is so strange. It is below the freeway.

7.3 Consideration of Conditional Use Permit Case No CUP-23-003 (Busy Bee Academy) to allow a preschool to operate at 641 Valley View Drive in the Single Family (SF) Zone.

-Public Hearing
-Discussion and Possible Action

Minutes;
Mayor Litman read this item by its title.

Minutes;
Mayor Litman asked Council if they had any questions or comments. There were no speakers.

Minutes:
Mayor Litman opened this item to Public Comment. There were no speakers.

8) Public Comments

8.1 Public Comment

Minutes;
Mayor Litman read this item by its title. There were no speakers.

9) Adjournment

9.1 Adjournment

Minutes;
Mayor Litman adjourned the meeting at 2:40 pm.

Allan S. Litman, Mayor

Julie Goodsell, Deputy City Clerk

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Nichole Thorn
Submitting Department: Finance

Consent Agenda

Consideration of approval of:
a) Notification of Budget Transfers
b) Notification of Budget Amendments
c) Notification of Bills Paid
d) Purchase Orders.

- Public Comment
- Discussion and Possible Action

PETITIONER: Nikki Thorn, Finance Director **DEPARTMENT:** Finance

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RECOMMENDATION:

Approve a) Notification of Budget Transfers; b) Notification of Budget Amendments; c) Notification of Bills Paid; d) Purchase Orders.

Background:

Fiscal Impact: See attached

Budgeted Item: Yes

Attachments:

- City Council - Budget Trsfrs & POS 2023-07-25.pdf

CITY OF MESQUITE
PURCHASE ORDERS REQUIRING COUNCIL APPROVAL
DATE OF COUNCIL MEETING: 7/25/2023

A. P.O's for Not Previously Budget-Approved Items...amounts exceed $5,000

Vendor	Description	Requested By:	Department	G/L Account #	Account Description	PO's to be Approved	For Fiscal Year 2023-2024 Original Budget (Budget)	Current Budget Balance (Budget Remaining)	Remaining Budget (Over) / Under

B. P.O's for Budgeted Items...amounts exceed $25,000

Vendor	Description	Requested By:	Department	G/L Account #	Account Description	PO's to be Approved	For Fiscal Year 2023-2024 Original Budget	Current Budget Balance	Remaining Budget (Over) / Under
COMPUNET,INC. (PO24027)	CITY HALL SERVER REFRESH	W. RASMUSSEN	IT TECHNOLOGY	97-40-047	INFORMATION TECH	$ 109,448.67	$210,000.00	$ 210,000.00	$ 100,551.33
SADA SYSTEMS INC (PO24030)	GOOGLE WORKSPACE ANNUAL RENEWAL	W. RASMUSSEN	IT TECHNOLOGY	10-47-310	PROFESSIONAL & TECHNICAL SERVICES	$ 35,343.60	$616,134.00	$ 424,175.21	$ 388,831.61
MOTOROLA SOLUTIONS (PO24031)	ANNUAL MOTOROLA SUA RENEWAL	W. RASMUSSEN	IT TECHNOLOGY	10-47-310	PROFESSIONAL & TECHNICAL SERVICES	$ 25,026.60	$616,134.00	$ 388,831.61	$ 363,805.01
VEGAS ELECTRICAL SUPPLY CO. (PO24032)	LED STREET LIGHTING UPGRADES	M. BRAMLAGE	PUBLIC WORKS	11-65-700	STREET MAINTENANCE	$ 92,760.00	$600,000.00	$ 600,000.00	$ 507,240.00
HELENA AGRI-ENT LLC (PO24034)	GRASS SEED FOR CITY FIELDS, PARKS, AND LANDSCAPING	N. MONTOYA	ATHLETICS & LEISURE SERVICES	10-76-610	MISCELLANEOUS SUPPLIES	$ 25,800.00	$170,000.00	$ 170,000.00	$ 144,200.00
GRANICUS (PO24035)	MEETING MANAGEMENT ANNUAL RENEWAL	W. RASMUSSEN	IT TECHNOLOGY	10-47-310	PROFESSIONAL & TECHNICAL SERVICES	$ 28,888.32	$616,134.00	$ 363,805.01	$ 334,916.69
LAS VEGAS METRO (PO24036)	ANNUAL RADIO MAINTENANCE RENEWAL	W. RASMUSSEN	IT TECHNOLOGY	10-47-310	PROFESSIONAL & TECHNICAL SERVICES	$ 52,353.00	$616,134.00	$ 334,916.69	$ 282,563.69
DIXIE LEAVITT AGENCY (PO24038)	ANNUAL INSURANCE RENEWAL LIABILITY AND WORKERS COMP	G. MENDEZ	HUMAN RESOURCES	VARIOUS 10-14000, 52-14000, 10-22250	PREPAID INSURANCE, WORKERS COMP PAYABLE	$ 1,181,176.00	$1,260,505.00	$ 1,260,505.00	$ 79,329.00
STAKER & PARSON COMPANIES (PO24040)	RESURFACE 1.1 MILES OF ROADWAY ON MESQUITE HEIGHTS ROAD REIMBURSABLE BY RTC	T. ANDERSON	PUBLIC WORKS	45-40-818	MAINTENANCE SLURRY/STRIPING	$ 160,300.00	$500,000.00	$ 500,000.00	$ 339,700.00
CLEARGOV (PO24041)	ANNUAL BUDGET SOFTWARE RENEWAL	N. THORN	FINANCE	10-49-310	PROFESSIONAL & TECHNICAL SERVICES	$ 26,522.50	$25,750.00	$ 25,750.00	$ (772.50)

CITY OF MESQUITE

NOTIFICATION OF BUDGET TRANSFERS

DATE OF COUNCIL MEETING: **7/25/2023**

TRANSFERS FROM:				TRANSFERS TO:			
Fund	**Account #**	**Account Description**	**Incr.<Decr>**	**Fund**	**Account #**	**Account Description**	**Incr.<Decr>**

NRS 354.5980005

Budget appropriations may be transferred between functions, funds or contingency accounts in the following manner, if such a transfer does not increase the total appropriation for any fiscal year and is not in conflict with other statutory provisions:

(a) The person designated to administer the budget for local government may transfer appropriations within any function.

(b) The person designated to administer the budget may transfer appropriations between functions or programs within a fund, if:

(1) The governing body is advised of the action at the next regular meeting and

(2) The action is recorded in the official minutes of the meeting

(c) Upon recommendation of the person designated to administer the budget, the governing body may authorize the transfer of appropriations

(1) The governing body announces the transfer of appropriations of a regularly scheduled meeting and sets forth the each amount to be transferred and the accounts, functions, programs and funds affected;

(3) The action is recorded in the official minutes of the meeting.

CITY OF MESQUITE
NOTIFICATION OF BUDGET AMENDMENTS AND BUDGET AUGMENTS
7/25/2023

BUDGET AMENDMENTS FY 2023-2024

Revenues Increase <Decrease>			Amended Amounts		Expenditures Increase <Decrease>			Amended Amounts	
Fund	Account #	Account Description	Incr.<Decr>	Budget	Fund	Account #	Account Description	Incr.<Decr>	Budget

BUDGET AUGMENTS FY 2023-2024

Revenues Increase <Decrease>									
Fund	Account #	Account Description	Incr.<Decr>	Budget	Fund	Account #	Account Description	Incr.<Decr>	Budget

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Nichole Thorn
Submitting Department: Finance

Consent Agenda

Monthly Financials.

- Public Comment
- Discussion and Possible Action

PETITIONER: Nikki Thorn, Finance Director. **DEPARTMENT:** Finance

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RECOMMENDATION:

Approve the Monthly Financials

Background:

Fiscal Impact:

Budgeted Item: Yes

Attachments:

-

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Clerk

Department Reports

Mayor's Comments and Reports

PETITIONER: Tracy E. Beck, City Clerk **DEPARTMENT:** City Clerk

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RECOMMENDATION:

Background:

Fiscal Impact:

Budgeted Item: No

Attachments:

-

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Clerk

Department Reports

City Council and Staff Comments and Reports

PETITIONER: Tracy E. Beck, City Clerk **DEPARTMENT:** City Clerk

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RECOMMENDATION:

Background:

Fiscal Impact:

Budgeted Item: No

Attachments:

-

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Manager

Administrative

Consideration for approval of the Parking Lease Agreement made and entered into by and between The Dixie and Anne Leavitt Family Foundation, and IRC Section 501(c)(3) charitable foundation and the City of Mesquite, a Nevada municipal corporation.

- Public Comment
- Discussion and Possible Action

PETITIONER: Peter Jankowski, City Manager **DEPARTMENT:** City Manager

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RECOMMENDATION:

Approve the Parking Lease Agreement made and entered into by and between The Dixie and Anne Leavitt Family Foundation, and IRC Section 501(c)(3) charitable foundation and the City of Mesquite, a Nevada municipal corporation.

Background:

Fiscal Impact:

Budgeted Item: No

Attachments:

- Mesquite Centre Parking Lease BPack 23.0712 (version 4).docx

PARKING LEASE AGREEMENT

THIS PARKING LEASE AGREEMENT (alternatively, the "Lease**"** or "Lease Agreement") is made and entered into by and between The Dixie and Anne Leavitt Family Foundation, an IRC Section 501(c)(3) charitable foundation, with headquarters in Cedar City, Utah (**"**Leavitt**"**), and Mesquite City, a Nevada municipal corporation (the **"**City**"**).

Recitals

A. Leavitt and the City are parties to a Development Agreement (the "Development Agreement") under which Leavitt is presently constructing a walkable, historical-themed, mixed-use development called the Virgin Valley Heritage Park (the "Project"). A site rendering (the "Project Site Plan") of the Project is attached as Exhibit "A". The parties understand and agree that for purposes of this Lease, the Project will be as constructed, including any variations to the Project Site Plan.

B. As part of the Development Agreement, the City agreed to provide all required parking for the Project from both existing and newly constructed parking areas. Leavitt agreed to engineer and construct parking areas in the eastern portion and in the northwestern portion of the Project on land owned by or to be deeded to the City by Leavitt under the terms of the Development Agreement. The City has agreed to reimburse Leavitt the cost of engineering and constructing the parking, and to perpetually maintain the parking required for the Project and associated lighting and landscaping, including the parking areas constructed by Leavitt.

C. Notwithstanding the City's agreement to provide the required parking for the Project, in order to enable Leavitt to restrict, enforce, and limit parking within the boundaries of the Project itself to residential and commercial tenants in the Project and their guests and clients, Leavitt desires to lease from the City, under the terms and conditions herein, the parking areas serving the Project which are located within the Project bounded by Mesquite Boulevard on the south, Yucca Street on the west, First North Street on the north and Willow Street on the east.

Terms of Agreement

For the reasons set forth in the above Recitals, which are hereby incorporated in the terms of this Lease, and in consideration of the mutual covenants and obligations set forth herein, the parties agree as follows:

1. **Leased Premises.** The City does hereby agree to lease to Leavitt and Leavitt hereby agrees to lease from the City all of the parking areas within the Project bounded by Mesquite Boulevard on the south, Yucca Street on the west, First North Street on the north, and Willow Street on the east (the "Premises").

2. **Lease Term/Annual Renewals/Termination.** The initial term of this Lease shall be for one (1) year, commencing on the date the City issues a certificate of occupancy for the first mixed-use building completed within the Project (the "Lease Commencement Date"). So long as Leavitt continues to pay rent due hereunder, this Lease shall automatically renew for successive periods of one year during the lifetime of the Project on each anniversary date of the Lease Commencement Date, for a maximum of 99 years. This Lease shall terminate before the end of the 99th year if Leavitt fails to pay rent plus any applicable late fees and interest within thirty (30) days after the due date thereof, provided the City delivers to Leavitt at least fifteen (15) days prior written notice of the past-due rent and of the resulting Lease termination if not paid as aforesaid.

3. **Rent/Late Charges and Interest.** Leavitt shall pay rent to the City for the exclusive use of the Premises in the amount of Ten Thousand Two Hundred Dollars ($10,200.00) each year, payable monthly on the first day of each month in the amount of $850.00 per month. Leavitt will pay a late fee equal to five percent (5%) of any rent payment not received by the City within five (5) business days after the date due. In addition, Leavitt shall pay interest at the rate of ten percent (10%) per annum on any rent payment not delivered to the City within thirty (30) days after the due date. Commencing on the date that is two years after the Lease Commencement Date and recurring every two (2) years thereafter, the rent amount identified herein shall increase by three percent (3.0%).

4. **Exclusive Control of Premises' Parking.** At all times while this Lease is in effect, Leavitt shall have exclusive rights to control the use of the Premises' parking and may restrict, enforce, and limit parking within the Premises to residential and commercial tenants of the Project and their guests and clients (and otherwise as Leavitt may determine in its sole discretion).

5. **Repairs and Maintenance.** This Agreement does not in any way alter the City's duties to maintain all parking for the Project, including the Premises' parking areas, and to make all repairs as provided in the Development Agreement. Leavitt will not impede the City in the performance of those duties.

6. **Commercial Liability Insurance.** Leavitt shall maintain commercial liability insurance on the Premises at all times during the term of the Lease, with limits of not less than $1Million per occurrence and $2Million in the aggregate. Leavitt's liability insurance policy shall be primary and non-contributory with respect to the Premises, and shall name the City as an additional insured.

7. **Property Taxes.** If during the term of this Lease, Clark County assesses real property taxes against the Premises as may be authorized by state statute in the future, Leavitt shall timely pay such property taxes.

8. **General Provisions.**
    a. Successors. All terms, covenants, and conditions of this Lease shall be binding upon and inure to the benefit of the heirs and successors in interest of the parties. If Leavitt sells one or more buildings within the Project to a third party and as part of the sale thereof desires to enter into an assignment or partial assignment of this Lease, any such assignment or partial assignment shall be subject to the City's prior written consent, which consent the City shall not unreasonably withhold.
    b. Effect of Section Titles. Titles of sections are placed in this Lease for convenience only and shall not have the effect of modifying or amending its express terms.
    c. Amendment. This Lease shall only be amended in writing signed by both parties.
    d. Waiver. No waiver of any provision of this Lease is valid unless in writing and signed by the party against whom charged.
    e. Applicable Law. This Lease is subject to and shall be governed by the laws of the State of Nevada.
    f. Attorneys' Fees. If any party hereto shall bring suit as a result of any alleged breach or failure by any other party to fulfill or perform any covenants or obligations under this Lease, the prevailing party in such action shall, in addition to any other relief granted or awarded by the Court, be entitled to judgment for the reasonable attorneys' fees that it incurred, including at both trial and appellate levels.
    g. Mediation. Prior to either party commencing litigation, any unresolved dispute arising under this Lease shall first be submitted to mediation. The parties will jointly appoint a mutually acceptable mediator and will share equally in the cost of the mediation.
    h. Partial Validity. If any provision of this Lease is held invalid, inoperative, or unenforceable, then so far as is reasonable and possible, effect shall be given to the intent manifest by the provision held invalid, inoperative, or unenforceable, and the remainder of the Lease shall remain valid and operative.
    i. Notices. Any notice required or permitted to be given under this Lease shall be sufficient if hand delivered, or if sent by certified or registered mail, postage prepaid, to the party to be given notice.
    j. Statute of Frauds. No statement or representation as to the Lease terms not embodied herein shall have any binding effect upon the parties. This Agreement supersedes all prior writings between the parties.

    So agreed.

9. **Signatures**:

This Agreement is approved by the City, and is executed by the parties on the dates set forth on the following page.

MESQUITE CITY:

_____

By: _____

Its: _____

Date: _____

THE DIXIE AND ANNE LEAVITT FAMILY FOUNDATION

_____

By: _____

Its: _____

Date:_____

Exhibit "A"

PROJECT SITE PLAN



AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: Mayor & Council

Administrative

Discussion regarding the need to Bond for Capital Projects.
- Pros/Cons
- Possible Direction from Staff regarding paying of the debt.
- Possible Sources

- Public Comment
- Discussion and Possible Action

PETITIONER: Allan S. Litman, Mayor **DEPARTMENT:** Mayor & Council

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RECOMMENDATION:

Background:

Fiscal Impact:

Budgeted Item: No

Attachments:

-

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Clerk

Public Comments

Public Comment

PETITIONER: Tracy E. Beck, City Clerk **DEPARTMENT:** City Clerk

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RECOMMENDATION:

Background:

Fiscal Impact: None

Budgeted Item: No

Attachments:

-

AGENDA ITEM
City Council Meeting
Meeting Date: July 25, 2023
Submitted by: Tracy Beck
Submitting Department: City Clerk

Adjournment

Adjournment

PETITIONER: Tracy E. Beck, City Clerk **DEPARTMENT:** City Clerk

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RECOMMENDATION:

Background:

Fiscal Impact:

Budgeted Item: No

Attachments:

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