Mesquite City Council

Technical Review Meeting

Mesquite City Hall - Training Room
10 E. Mesquite Blvd.
Tuesday, June 21, 2016 - 1:30 PM

Minutes of a scheduled meeting of the City Council held on Tuesday, June 21, 2016, at 1:30 P.M. at City Hall in the Training Room. In attendance were Mayor Allan S. Litman, Council members W. Geno Withelder, Kraig Hafen, George Rapson, and Cynthia "Cindi" Delaney Also, in attendance were City Manager Andy Barton, City Attorney Robert Sweetin, Development Director Richard Secrist, Public Works Director Bill Tanner, City Liaison Aaron Baker, City Clerk Tracy Beck, other city staff and approximately 27 citizens.

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

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

Public Comments

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

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1. Public Comments

[Minutes:]
Mayor Litman opened up the meeting to Public Comments.

[Minutes:]
Mayor Litman: I want to remind everybody that at a Tech meeting, we make no decisions on any item. So everything we do here is just to introduce the item, and if there's questions from Council about them, we try to answer those questions. So there's no debating. If you are going to comment on, obviously item #13, you might want to wait until we get to that item rather than general, but that's up to you.

Consent Agenda

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

Additional items to be added:

[Minutes:]
Dirk Marshall: One is the Consideration of Approval for an Agreement with Granicus. We are looking to replace our agenda management application, and this is a contract to do that. This will also include streaming video and all of that. The second one is an extension of our Google Apps agreement, which will also move us to Google Apps Unlimited, which gives us unlimited storage on there.

2. Consideration of Approval for the June 28, 2016 Regular City Council Meeting Agenda; the May 11, 2016 Budget Work Session #1 Meeting Minutes; the May 12, 2016 Budget Work Session #2 Meeting Minutes; the May 17, 2016 Special Tentative Budget Meeting Minutes and the May 24, 2016 Regular City Council Meeting Minutes.

   - Public Comment
   - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments. There were none.

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

   - Public Comment
   - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments.

[Minutes:]
Mr. Empey: I would like to add some budget amendment changes to the budget. They are not in your Council pack, but we got that review concluded after the filing day. So there are some previously unbudgeted revenues that I would like to adjust the budget and reallocate some of the outgoing transfers from the General Fund to address interest that the Council has in paying down some debt that will save the General Fund $125,000 over the next 9 years.

Mayor Litman: So we will add that in to the Consent Agenda.

Resolutions & Proclamations

4. Consideration of Approval for Proclamation "General Aviation Appreciation Month"

   - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments. There were none.

5. Consideration of a Proclamation declaring the month of July 2016 as “Flash Flood Awareness Month” in the City of Mesquite.

   - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked this there were any questions or comments. There were none.

[Minutes:]
Mayor Litman: They have come out with a quite a big ad campaign this year that you will see on media, and there's going to be, more so for the City of Henderson and Las Vegas and North Las Vegas, a new app for the iPhone that you can find out where there is a flash flood taking place, so you don't drive there, but they haven't put that on for Mesquite.

6. Consideration of Approval of Resolution No. 900 of the City of Mesquite designating public buildings for use to collect or gather signatures on petitions.

   - Public Comment
   - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments.

[Minutes:]
Ms. Beck: This is an annual, same place every year.

[Minutes:]
Mayor Litman: Same place every year.

Department Reports

7. Mayor's Comments

[Minutes:]
Mayor Litman: I have nothing at this time.

8. City Council and Staff Comments and Reports

[Minutes:]
Mayor Litman read this item and asked Council and Staff if they had anything.

[Minutes:]
Council member Withelder: Maybe.

Zoning Items

9. Consideration of Extension of Time Case No. EOT-16-001 (Sun City Communication Tower) requesting additional time to construct the communication tower approved under Conditional Use Permit No. CUP-13-003. The proposed tower will be located at 1499 Falcon Ridge Parkway in the Planned Unit Development Park, Recreation and Open Space (PROS) zone.

   - Public Hearing
   - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item be its title and asked if there were any questions for Mr. Secrist.

[Minutes:]
Mr. Secrist: This is just another extension for the tower.

[Minutes:]
Mayor Litman: Is this the third extension?

Mr. Secrist: Yeah.

10. Consideration of Conditional Use Permit Case No. CUP-16-002 (Eureka / Rising Star) to change the face of an outdoor billboard sign to a full color LED display, at 600 Eldorado Road, in the General Commercial (CR-2) zone.

    - Public Hearing
    - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments.

[Minutes:]
Council member Rapson: That is the same as what is up there on the old 19th Hole. It looks great.

[Minutes:]
Mr. Secrist. Yes.

11. Consideration of Conditional Use Permit Case No. CUP-16-003 (Eureka / Rising Star) to change the face of an outdoor billboard sign to a full color LED display, at 333 Sandhill Boulevard, in the Hotel Tourist (HT) zone.

    - Public Hearing
    - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked there were any questions or comments.

[Minutes:]
Mayor Litman: I take it that's the one right at the hotel.

[Minutes:]
Mr. Secrist: The hotel is behind it, right next to I-15.

12. Consideration of Variance Case No. V-16-001 (Eagles Landing Signs) to consider sign height and area variances for pole signs on the various properties of the Eagles Landing commercial subdivision, located generally at 1950 W Pioneer Boulevard in the Light Industrial (IR-1) Zone.

    - Public Hearing
    - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments. There were none.

Administrative Items

13. Consideration of Approval of a proposed dog park/runs (off leash areas) at Redd Hills Park located on Fountain View Lane and Redd Hills Parkway.

    The City of Mesquite Department of Athletics & Leisure Services has a vision for these parks and the community where dogs can run free and socialize safely at our parks for our K-9 friends and owners.

    Proposed 4 areas of fenced facilities, approximately 26,500 square foot area (2 small dog areas) (1 Large Dog area) and (1 open off leash area).

2 large dog underground waste receptacles and 2 water stations to clean animals.

- Public Hearing
- Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments.

[Minutes:]
Carol Livingston: I live in Lake Ridge II. I went door to door to Lake Ridge I, Lake Ridge II, Santa Barbara, Villa La Paz and Vista Heights. Out of 110 people who answered their door, about 3 to 4 did not sign the petition against this park, and it's because several of them didn't quite understand. First of all, this park is one-fourth to one-third the size of other parks in our City, and you want to take 26,000 square feet out of it for these chain link fenced in areas.

Second of all, people come before dogs. My grandchildren play soccer over there before their soccer tournaments. Other people have played soccer and baseball before their tournaments. My grandchildren also throw boomerangs, and they also launch rockets over there. We have a dog park, which is an eye sore. I think you have all been to 2nd South and seen the dog park there. The grass is no longer there. The urine from the dogs has killed the grass, and it's not been kept up. It looks horrible. When I think of what you are trying to do to our neighborhood, it makes me sick. I hope somebody else speaks up.

[Minutes:]
Dwayne Carrier: I live in La Scala, which is right above the dog park.
Right above the park. It is not a dog park yet.

Dwayne Carrier: Well, right above the park. I am sorry. The trouble right now with La Scala, there are 34 lots, 14 of them are not built. There are 2 or 3 that are going to be overlooking the proposed park. One of them has already submitted plans which are directly above the park, and most of the people are out of town this time of year, so there is probably only 10 people in La Scala that could be here if they could. The few people I talked to in La Scala are totally against this. They think that having that dog park, especially for the people that live overlooking it, is going to be an eye sore. I would think that if you are bound and determined to have a dog park, Maryland Park doesn't have houses. One side is the road, the other side is the field, and it would be to me if you needed another dog park, which I don't think we need, that would be a more suitable area, because there isn't going to be residents right around it, and that's it. Thank you.

[Minutes:]
Fredrick Evans: Good afternoon. My name is Fredrick Evans. I am a 12-year homeowner here in Mesquite. I am also a 20-year veteran of service to the United States Military. I think it is important that we have a park that is dedicated to our service animals and to our pets. I am a pet owner. I think it is very important that we have a place to enjoy with our pets, for them to socialize with other animals and to get exercise and what not. I do believe in responsible pet ownership and maintaining after our pets is a very important thing to do. I understand that there is some opposition to the park, but I think it is an important addition to the City of Mesquite. There are little enough grassy areas in order to take your pet to exercise here in the City, and it is certainly a good addition, and I hope that the City moves forward with it. Thank you.

[Minutes:]
Del Brown: My name is Del Brown, and I am a Lake Ridge II resident, and I live right across the street from that park, the proposed park. We already have a dog park in town, and we monitor the usage of it. On May 26th, 11:10 p.m., there were only 2 people, and there were 2 dogs. At 2 p.m., there was 1 person with 1 dog. Then again, on May 27th, 11:30 at the dog park there was 1 person there with 1 dog, and May 28th, at 1:00 p.m., there was one 1 person with 1 dog, and on May 29th, 2:00 p.m., there was nobody there. So we have a dog park that is already in the City. Why do we need another one when we have one that is not being used or maintained very well? Now, you have a bunch of very expensive homes around that park area, and to put that in the middle of it, because right now it is a nice green belt area; it is a passive park; it is also a very tranquil park. We have people go out there, and they sit there and read books under trees and stuff like that. You throw it in with a bunch of dogs with chain link fence, they won't have any place like that, because it is about the only park in town you can do that where you can have a nice tranquil place. So to put the dog park in there, you are not only running the risk of devaluating the properties around it, which we are having a hard enough time getting the price back up now the way it is, so to put any kind of detriment in there like that and mess up the park. Because it's beautiful, but it won't be that way long if we compare it to what the current dog park looks like. Take the money that you have which you are going to put on this one, upgrade the other one that you already have that nobody seems to be using much, and make it where it is enticing for people to come to and use, because you have got plenty of room in there. You don't need to take and mess up another park with a dog park. Thank you.

[Minutes:]
Nancy Chamis: Nancy Chamis, Lake Ridge I. I, too, am a dog lover. We have dogs all the time. My children have dogs. They come and visit me, and I can tell you from my daughter's very large yellow labs what happens to grass. My backyard is polka dot, and I work on it constantly, and I have not seen the City

take care of the dog park that is already in existence. So why would you want to destroy a park that has been designated a City park, which means it is for people, responsible dog owners that walk their dogs on leashes, which is a City Ordinance, and pick up after themselves. I have been to Redd Hills Park, and I have walked through there with my big dogs, picked up their excrement, and thrown it in the receptacles or taken it home and thrown it in my trash. I have found numerous piles of dog excrement, and I am wondering about putting up chain link fence when the water that goes onto that grass is not fully treated water. The chain link will eventually look cruddy, because of all of the crud that is in the water that is used, which is understandable. I also want to know why the City has not taken care of the park they have, the dog park. Why was that not done? Why is the City even thinking of lowering property values in the area of Redd Hills Park putting in numerous different dog parks for a few people, when the majority of your residents are against it? Please consider that. I greatly appreciate it. Thank you.

[Minutes:]
Terry Sodder: My name is Terry Sodder, and I live in Lake Ridge II. I guess my main thing on this is that when this is put in, will all the residents in a certain area of the park and so forth be notified before this, so there would be any public comment on this as far as what is going to happen and what it is going to look like? And also I guess my main thing is that I don't know who is going to pay for it or where that money comes from. As far as from what I have read, the City does not have an over abundance of extra money, I guess I would say, and I am thinking of the maintenance going forward on it also, because once this is done, it is all well and good, it is fine, but you are going to have maintenance on it from now on, and I think that is all something that should be considered when this thing is put in, and that everyone understands. I mean, I don't know how what of a rush thing this is, but what I am saying is I would hope that everyone in the area would receive notification and kind of know what is going on with the whole situation before this is done, because from what I gather, most people in our area are not -- I would say the majority, I couldn't go wrong by saying the majority, do not want it. Also I think people, the main reason they are using this park is it has mature trees. It's one of the nicest little parks. It has got mature trees. They use it in the more extreme weather, and that is the only reason they want to put it there. Thank you.

[Minutes:]
Mike Demetridge: Mayor, Council members, I am Mike Demetridge, 545 Greens Way, and I hope that I am not repetitive, but I couldn't quite hear back there. So anyway, that is one of the nicest parks in this community, and it's not the fact that you are going to make it ugly, which I think it will if it is fenced, but the main concern that I have is the traffic that it is going to create at the most dangerous intersection in town, in my opinion, on Pioneer Road, and there is a lot of traffic there now. The park is well utilized by all people.

I would just like to add one thing. I have sat where you guys for 40 years in the Utah Legislature, so I know what you are going through, and I know when you have to locate something like a halfway house or some kind of house or something unpopular in the neighborhood, it's probably tried to be located in the place of least resistance. That's a small area, 22 members in that HOA up there, and in my particular case, it's one of the best-run HOA in the country, because you got 22 members, and they get along. So anyway, I just urge the Council to consider a couple of things. First of all, the cost of maintenance of that thing and the dues, and just however it is going to look when it is finished. You can't make a fence look pretty. No way to do it. So anyway, I urge you to reject this and find a better location. Thank you for your time.

[Minutes:]
Vern Vitry: I am Vern Vitry from 780 Villa La Paz Drive. I just live up the street from the park. After hearing the discussion both for and against and whatever, my thought is it is a nice park. I use it every now and then. I don't take my dog down there, but I walk my dog around the Wash. But after hearing the discussion, I was thinking maybe the City could go across Hardy Way to where the City Shop is and the animal shelter, and there is a nice chunk of land there that there using for storage of sand and rock and gravel. There's a possibility they can put the park there, because we have people that come from over by Horizon and so forth in their golf carts and haul their dogs down to this park, and I see them going down the Wash, because somebody has blocked our drive off up there so they can't come down the sidewalk with their golf carts.

So my thought is, I like the park. I use it every now and then. I am not a regular member. I walk my dog down there, but I turn around and I come back. I carry plastic bags in my pocket with me, because at one time they used to have plastic bag dispensers. Whatever happened to them, they disappeared. So we got people that do not or are not responsible for their dog. This is my main complaint. We have even got it in our HOA up there. I would say that the City would take a look, and if they can't put it in that park there, I think they got a little land over there by the City Shop, which is just next to the animal shelter, and I think they could put a nice dog park there. I use the one down here, and when the snowbirds are here, I have been over there, and there have been as many as 14 dogs in that at one time, and that is a lot of dogs in there. The snowbirds are the ones that use it the most. If you take that away, you will probably have the snowbirds going further south or going someplace else and not stopping here. So what it is is basically a convenience for dog owners, and I take care of my dog. I have got grass in my back yard. I kept it. I am about the only one in the HOA that still has got grass in the backyard, and that is for my dog. So I think you have to look at it both ways and make a good decision. Thank you.

[Minutes:]
Norm Forburse: My name is Norm Forburse. I live in Villa La Paz just up the street from the park. What we have is not broke. My grandkids go down there and play. I am a pet owner. We go down there. We carry plastic bags. Our dog is on leash all the time. Unfortunately, there are those that just let their dogs run loose. I don't frequent that area, because I am tired of dogs jumping up and down on me and chasing after our dog, who is timid, and not to be crude, but she don't like other dogs sniffing her butt. We have already got a dog park. If you got money burning holes in your pocket, fix it. Our area doesn't need to be fixed. Thank you.

[Minutes:]
Harry Grey: Harry Grey, Lake Ridge II. I am going to go back to the morning meeting a month or so ago when a bunch of residents were there and people wanted the dog park. A handful of them were there, and the thing that stuck out in my mind was during the questioning, the ones making the most noise are from Sun City, and I have no problem with Sun City, but the question was why don't they have a dog park up there? And the answer was, well, they will raise our association rates. We can't have one up there. We don't want to raise rates. Another one said, well, they don't – or they enforce the leash law up there, and apparently we don't. We have a leash law. We talked about it, Mayor, in that meeting that morning. If the people would put the dogs on the leash, some guy's stretching the issue with a tether, a 120-foot rope that he thinks is a leash, well, obviously, it isn't, so that City needs to address that. And then just because they have a leash, they aren't holding onto it. They let the dogs run. Well, my dog has a leash, there's nothing about dog on leash under my control. So if we would enforce the rules and regulations we have, we wouldn't necessarily need this dog park, and I agree with a couple of other people back here. We have a dog park. Let's make it a dog park. Let's improve it. Why put good money after bad and ruin what a nice tranquil park we have? It is a beautiful green belt that is used by regular people, and people that like to have their dogs in there on a leash to pick up after them, but to totally destroy it for a handful of people I think is incorrect for our area. So I appreciate your time, and I appreciate you considering this. And in fact, I would like to think after all the information today, it doesn't even come up in a Council meeting, because I think we have enough people and enough signatures to say not in our park. Thank you.

14. Consideration of approval of a Automatic Aid Agreement (AAA) between the Beaver Dam / Littlefield Fire District (BDLFD) and Mesquite Fire Rescue (MFR)

    - Public Comment
    - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments. There were none.

15. Consideration of the introduction of Bill No. 495 Amending Mesquite Municipal Code Title 2 Chapter 1, Section 2-1-5 Entitled "Payment of License Fees," Subsection Entitled "Liquor License Fees;" And Chapter 4, Section 2-4-23 Entitled "Origination Fees and License Renewal Rates;" and other matters properly related thereto.

    - Discussion and Possible Action

[Minutes:]
Mayor Litman read this item by its title and asked if there were any questions or comments.

[Minutes:]
Council member Rapson: Have we reached out to anybody in Staff? I know somebody said in the backup material that we haven't heard anything from Mr. Lee. We haven't heard anything from the Retail Association. Have we affirmative reached out to them?

[Minutes:]
Mr. Secrist: Yes, we did, and we did get a letter from Mr. Lee and his attorney, and we have uploaded that to Council. Anyway, that was some research they did looking at liquor prices primarily in St. George and Cedar City comparing it to Mesquite. We have been talking to Amanda at the Nevada Retail Association trying to get information from some of the client businesses that are affected by this. I haven't received anything yet. If we do before the meeting, we will certainly give it to the Council.

[Minutes:]
Council member Rapson: Has Ms. Kroger been in contact at all? Allan over there said that they were doing their own research on the impact.

[Minutes:]
Mr. Secrist: No, I talked to Allan Rasmussen the first time around; they weren't going to get involved. Then somebody there at corporate got the second or third notice that we sent and got concerned and made some calls to Jesslyn about it. We explained what the Ordinance did and so forth. I expect that they will do something, come to the meetings, send a letter.

[Minutes:]
Council member Delaney: And we haven't heard from Wal-Mart?

[Minutes:]
Mr. Secrist: Haven't heard from Wal-Mart, Walgreens. Only 6 of the 18 affected businesses gave us concrete numbers on their gross receipts due to liquor sales. The other 12 haven't responded, so just have an estimate of how this will impact them.

[Minutes:]
Council member Hafen: Just another question. On here on the back it says the desires to increase the fee that can passed through to the consumer without unduly burdening the business. I read Mr. Kent for Mr. Lee's letter. They have some major concern if that is imposed and it's a tax. It's not a fee. Let's call it what it is. It could jeopardize the business. And on the face of it, they are presenting a case, and they have been here, and they have been actively involved. So I think that is something that we do need to consider if we look at this.

[Minutes:]
Council member Rapson: I would like to see that in the backup.

[Minutes:]
Council member Hafen: It needs to be put in with the material, so everybody can go online and get it, but they do have some legitimate concerns, and they brought them up last meeting as well. They compared the numbers based on St. George and Cedar. They did a comparison with gas and time, and they do have some legitimate concerns that are founded.

Public Comments

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16. Public Comments

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

[Minutes:]
Dave Ballweg: I am concerned that letter was not part of the public backup that the Council has. The Council has it now for this meeting, and the public doesn't have it. I am concerned about that. It could have been uploaded for the public to also make it available.

[Minutes:]
Carol Livingston: I just have a question. I thought that at Technical Review you were supposed to explain what you are doing, and what about these water stations to clean animals? How much water would it take to clean one animal? Where are these fenced in facilities going to be? Isn't that what you are supposed to tell us at a Technical Review?

[Minutes:]
Council member Rapson: No, the purpose of the Technical Review Meeting is for Council to ask Staff to clarify any issues that they don't have a clear understanding of the agenda. The meeting on Tuesday night will have public comment. It will have every opportunity to ask questions, to get details. We will be discussing in an open forum this whole item, this whole issue, and we will come to a decision. So this is just simply to get us prepared for the meeting, if we have any questions from Staff. As opposed to what they used to do before we got elected. Every guy would go to every Staff, and it was shot gun approach. You did not hear what was said. The public didn't what was said. The press didn't hear what was said. It felt like the people were making decisions behind closed doors. This was a process to open this up to the public, but it was not a forum for discussing or deciding anything. It's simply an informative for us, principally.

[Minutes:]
Council member Delaney: And then they went to two by two's, which it was just very time consuming for Staff, but if you'll go to the City website and look under Agendas, it's got all the information that we have. It's also available to you on the City website under Agendas and Meetings.

[Minutes:]
Carol Livingston: Okay, because there are some questions about how often would they remove waste from these receptacles.

Mayor Litman: These would be questions that would be answered at the Tuesday night meeting, if they are asked.

[Minutes:]
Linda Faas: Cindi, could you clarify? Are you saying that that information is available right now?

[Minutes:]
Council member Delaney: The information we have currently, not necessarily the answers to her question about how often they would empty the poop receptacles or whatever. All the information that we have is currently available on the City website. It says Meetings and Agendas. You find today's date and then all that information and the backup information that we had at the time that Tracy uploaded all the information.

[Minutes:]
Council member Hafen: And that petition is on there, too.

Council Member Delaney: Your petition is on there and everything.

[Minutes:]
Linda Faas: So then people who are interested can go to the website and be better informed before the meeting.

[Minutes:]
Council member Delaney: Correct, and any additional information that's been received will also go on, because she will upload information for the actual Council meeting by Thursday, and it will also be available. I am sure the letter from Mr. Lee and all that will go on with this next meeting.

[Minutes:]
(Unknown male): How many people will the Council Chamber hold?

[Minutes:]
Ms. Beck: 290.

Adjournment

17. Adjournment

[Minutes:]
Mayor Litman adjourned the meeting at 2:07 PM.

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Allan S. Litman, Mayor Tracy E. Beck, City Clerk