



**Mesquite City Council
Technical Review Meeting
Mesquite City Hall - Training Room
10 E. Mesquite Blvd.
Tuesday, July 19, 2016 - 1:30 PM**

Minutes of a scheduled meeting of the City Council held on Tuesday, July 19, 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 and George Rapson. Also, in attendance were City Manager Andy Barton, Public Works Director Bill Tanner, Development Director Richard Secrist, City Clerk Tracy Beck, other city staff and approximately 6 citizens.

Mayor Litman called the meeting to order at 1:30 p.m. Council members Cindi Delaney and Rich Green were 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.

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

Public Comments

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

1. Public Comment

[Minutes:]

Mayor Litman opened up the meeting to Public Comments.

[Minutes:]

Mike Benham: I am here for the CERT program, just giving you a quick update. We are doing our 72-hour prepared class at the Baptist Church on August 1st at 6:30 p.m. We are going to be talking about the Zika Virus. A lot of people don't understand it. They think only pregnant women can get it, and that's absolutely not true. In fact, a gentleman just died up in Salt Lake from it. He'd been abroad. We have a new flier on smoke detectors. We will be doing classes on those at the same time up there, and we also have some new applications for new members who want to join CERT. So that's where CERT is at the moment. Thank you.

Consent Agenda

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

2. Consideration of Approval of the July 26, 2016 Regular City Council Meeting agenda; the June 22, 2016 Special Primary Canvass Meeting minutes; the June 28, 2016 Regular City Council Meeting minutes and the July 5, 2016 Technical Review 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.

[Minutes:]

Ms. Beck: We need to add Mr. Tanner's Item amendment number 2 to Exit 118 to the agenda. SIRE received it, and then sent it out to cyber space, and we don't know where it went.

Mayor Litman: So we need to add the administrative item then?

Ms. Beck: We are going to add the administrative item to --

[Minutes:]

Mr. Tanner: Consideration of approval of the Resolution 902.

Council member: That will get into the public backup soon?

Ms. Beck: Yes.

[Minutes:]

Mayor Litman: With that, we would need a motion on the floor to approve.

Council member Hafen moved to add the additional item - Resolution 902, to the July 26, 2016 Regular City Council Meeting agenda; Council member Rapson seconded the motion.

Passed For: 3; Against: 0; Abstain: 0; Absent: 2 (Delaney and Green)

3. 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 and asked if there were any questions or comments. There were none.

Department Reports

4. Mayor's Comments

[Minutes:]

Mayor Litman stated he had nothing at this time.

5. City Council and Staff Reports

[Minutes:]

Mayor Litman read this item and asked if Council or Staff had anything.

[Minutes:]

Council member Withelder: Probably.

Zoning Items

6. Consideration of the introduction of Bill No. 502 (Medical Marijuana Separation Requirements) to amend Mesquite Municipal Code Section 9-15-8 Location Restrictions and Section 9-8-8 Separation Requirements by inserting language to exempt schools, community facilities, and residential zones, from the separation requirements if they knowingly choose to locate closer to existing medical marijuana establishments.

- Discussion and Possible Action

[Minutes:]

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

[Minutes:]

Council member Rapson: So this is putting it into conformity with liquor licenses and so forth that have the same opportunity?

[Minutes:]

Mr. Secrist: Right.

Administrative Items

7. Consideration of the Introduction of Bill 504 (as Ordinance 504) amending the MMC 1-8-19 Primary and General Elections and to set a date for Public Hearing.

- Discussion and Possible Action

[Minutes:]

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

[Minutes:]

Mr. Sweetin: So that was added today. I'll just go through it. There are copies there for the public. This has gone through multiple drafts already, so I'll send more documents out to Council members so that you guys can send them back to me with any changes that you might have, and then those can be discussed in a public meeting. I can prepare for that meeting.

Basically what it does it creates a type of election called a multi-seat or multi-office at large primary City election. What that does is makes it so that there is no question as to who's running for office, who's eligible to win at the primary phase, and who would move on to the general City election, and then we define those items, what goes through there. I'll leave it to you guys to review that. If you have any questions today, I'm happy to answer them.

One thing I will note is that the majority of voters, we never had language on that. Everyone has always said 50% plus 1. I'm not sure exactly what that means. What I did was the best I could to affect that intent. So if you say 51%, the difference between 50% and 51% in this last election would have been about 50 folks. It's actually a pretty substantial margin. So what I did is that the majority of voters is one half of the total voter turnout number as determined by the Statement of Vote released by Clark County, round it up, so you take that number, and then you take one half of the number, then you round it up, and then you add one. And that would be majority of voters that is proposed here, which is what I believe people mean when they say 50% plus 1, not 51%. So I could be wrong on that. This is just a draft. So I'll submit it to Council, and I recommend next week if you have any adjustments you want to make before we set for Public Hearing, let me know, and I can get those on before the Council meeting.

[Minutes:]

Council member Hafen: I believe that Council member Rapson mentioned last meeting that as a perfect example, if there's 3,001 voters that there is ---

[Minutes:]

Mr. Sweetin: So here is the issue with that. I looked up and we don't really have a mechanism to do an example. What we can do is an example by way of resolution. It could accompany the ordinance, and we can refer to it, but we can't do an example that would be binding law, and the way our ordinances are, because we do have footnotes, and we can do it as a footnote. That's another way to do it. So however you want, but it gets sticky and it's too difficult. We can't do an example in the ordinances, though.

[Minutes:]

Council member Hafen: Then do it as a footnote, because if we don't we are going to have the same problem.

Mr. Sweetin: Okay, sounds good.

[Minutes:]

Council member Rapson: I agree, and I think you are right. The majority is 1 plus, 1 over the 50%, so I agree with that.

[Minutes:]

Mayor Litman: OK, moving on to Public Comment.

[Minutes:]

Mr. Tanner: On the one item that we did add on Resolution 902, that's simply an Inter-local Agreement with NDOT. They asked us to do an asbestos study on Exit 118, and they've agreed to reimburse us that \$16,000. So it's simply an Inter-local Agreement with NDOT to reimburse us \$16,000 for an asbestos study.

[Minutes:]

Council member Hafen: What? An asbestos study on 118?

Mayor Litman: Now that we're done, right?

[Minutes:]

Mr. Tanner: Well, we did it before, because in order to keep the project going, we paid that through the RTC funding that was allocated for Exit 118. We paid for it, and then we've argued with them for this.

[Minutes:]

Council member Rapson: What do they test for asbestos?

[Minutes:]

Mayor Litman: The rocks.

[Minutes:]

Mr. Tanner: The ground.

Council member Rapson: Are you kidding me?

Mr. Tanner: What really happened is on the Boulder City bypass, it created such a fiasco that for \$16,000, we cleared it of asbestos. We didn't have to worry about anything coming up after that. So it was a matter of investing that money to move forward and stay on schedule.

[Minutes:]

Mayor Litman: Just as an aside to that, Mayor Woodbury down in Boulder City is being driven nuts with this, still. They had him on the hot seat two weeks ago.

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8. Public Comment

[Minutes:]

Mayor Litman opened up the meeting to Public Comment.

[Minutes:]

Dave West: I am a candidate for council, and on this ordinance, I thought Mr. Sweetin alluded to this in the last meeting about defining what that voter number is is the number of voters participating in an election, because here in Mesquite we could have people voting in Mesquite voting for Mayor, but not vote for a City Council seat. So I see some ambiguity there in that language in Section B that we could have a situation where a whole bunch of people could vote in one election, a Council election, and then choose not to vote in a mayoral primary election, and we would skew the numbers a little bit.

[Minutes:]

Mr. Sweetin: So, and just to answer that, defined below one half if the total voter turnout, so total voter turnout as determined by the County. That's the number that you base it on.

[Minutes:]

Mr. West: I did not see that language in there for that. I take it that's specific race or is it by all City races.

[Minutes:]

Council member Rapson: Position.

[Minutes:]

Mr. Sweetin: We can talk after and answer that. Yeah, that's a good comment.

[Minutes:]

David Ballweg: Candidate for City Council. I've petitioned the Mayor to please

start allowing public comment on each item, even if it's an introduction to a Bill, which we got this time. We got 6 and 7, which don't have the ability for the public to make comment on each item, and I think it was highlighted in one of the last meetings when we had the liquor's gross receipts tax, and I think public could have made some good comments in there. It was tabled even before we introduced it, so I think there's valid reason to allow the public to make comment to even convince the Council not to even introduce a Bill when it's a waste of time.

[Minutes:]

Mayor Litman: Mr. Sweetin, would you care to answer to that? After the discussion we had on that. There is time to comment on that both before and after.

[Minutes:]

Mr. Sweetin: There is, right. I think what Mr. Ballweg is asking for, if I'm not misunderstanding, is that as public comments are allowed on every item, that it be allowed on that as well. And I may be misunderstanding that one.

Mr. Ballweg: No, that's exactly right. Because the before and after, it restricts the Council or anybody on the Council to respond to a question or comment and/or the public be part of the discussion on that particular item. So we do it on other things. I don't quite understand the logic of why we restrict it on introductions of Bills. And I just ask that we carry it through on everything.

[Minutes:]

Council member Hafen: And we can do that legally. Even on the introduction of a Bill. I've been told by past legal Council that we can have no discussion.

[Minutes:]

Mr. Sweetin: We can always allow more public comment. There's no rule in the State of Nevada that inhibits public comment in any way, shape or form. So you are actually encouraged to provide more, if that's possible.

[Minutes:]

Mike Benham: We have up in our storage this emergency tool, and this was long before my time and Chief's time, that we must have 50 to 75 of these emergency tools. So what I'd like to do is give the Police Department a half of dozen, give Animal Control a couple of them. They're good at breaking windshields, opening the doors, shutting off water, shutting off gas. They're just sitting up there. I couldn't believe it when I opened up the boxes and found all these things in there. I don't know who bought them, but they're there, so that's what CERT would like to do, so that's what we'll do.

[Minutes:]

Keith Capurro: Just one general comment about the zoning item Bill No. 502. I met with Richard yesterday, and we discussed it. Since we are the medical marijuana that's essentially being referred to, at least the only one at this point, we don't have a problem with it. Our only concern would be that some type of community facility or something moves in there, and then people start complaining because there's a medical marijuana. Maybe not the people that built the facility, but somebody that is a participant in the facility. So our only request would be that perhaps there could be some type of waiver or something that whoever decides to develop that property and go there, they have a clear understanding that we are here.

[Minutes:]

Council member Rapson: I think there's something in there that actually mandated that they sign a –

Mr. Tanner: Yes, they sign a Disclosure Agreement that states they are willingly moving in, close to within 1000 feet.

Mr. Capurro: Yeah, we just wanted to reiterate that. Thanks.

Adjournment

9. Adjournment

[Minutes:]

Mayor Litman adjourned the meeting at 1:44 PM

Allan S. Litman, Mayor

Tracy E. Beck, City Clerk