



Mesquite City Council

Regular Meeting

Mesquite City Hall

10 E. Mesquite Blvd.

Tuesday, July 26, 2016 - 5:00 PM

Minutes of a scheduled meeting of the City Council held on Tuesday, July 26, 2016, at 5:00 P.M. at City Hall. In attendance were Mayor Allan S. Litman, Council members W. Geno Withelder, Rich Green, George Rapson and Cynthia "Cindi" Delaney. Also, in attendance were; Finance Director David Empey, Development Services Director Richard Secrist, Public Works Director Bill Tanner, City Attorney Robert Sweetin, Executive Assistant Joy Eastwood, other city staff and approximately 16 citizens.

Mayor Litman called the meeting to order at 5:00 P.M. and excused the absence of Council member Kraig Hafen. (NOTE: This meeting has been tape-recorded and will remain on file in the office of the City Clerk for four years for public examination.)

Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Mayor and Council. Additionally, the Mayor and Council may combine two or more agenda items for consideration, and may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Public comment is limited to three minutes per person and may only address items that are not on the meeting's agenda.

Ceremonial Matters

- INVOCATION - Pastor Rick Casebolt, Mesquite United Methodist Church
- PLEDGE OF ALLEGIANCE

Public Comments

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

1. Public Comment

[Minutes:]

Mayor Litman read this item by its title and opened up the meeting to Public Comments.

[Minutes:]

Art Pereida: Candidate for Mayor. I don't know if I have a question or a statement, but as you come into City Hall on your right side as you're coming in, you have a Native American scene waterfall supposedly. It's been like that for over 10 years, and I have to ask is that complete? If it's not complete, when are you going to complete it? If it is complete, to be very honest, that looks incomplete because the water should be coming out of -- sometimes the water comes out when it's running, and there should be some type of a rock façade where it cascades down. Over 10 years now, that's been sitting like that. Very rarely does the water pump. I know it's in a circulating water pump, but if it's funds, maybe you can get some type of a community type thing, do some car washes, order the rock façade so it looks beautiful, because I know it looks beautiful when it's on. Just a thought. Just a comment. I don't know what the status of it is, so if you would enlighten us, I would appreciate it. Thank you.

[Minutes:]

Mr. Tanner: The waterfall has been shut down mainly for the conservation of water. This time of year the water evaporates out of there, and we use a tremendous amount of water. As far as the inside of it, we put a pebble finish on the inside. The statues have been maintained and repainted. I'm not sure what he's talking about with the rock façade, but it was finished and it's actually been improved. We spent a few thousand dollars redoing the inside of it with that pebble finish, and you know I think Mrs. Withelder has suggested several times that she'd like to see it on. It's just a matter of when do you turn it on? We can run it a couple of months in the fall, a couple of months in the winter, and then shut it down; otherwise, we're using a tremendous amount of water, so we'd be more than happy to switch the operating procedure if the Council and Mayor so desire.

[Minutes:]

Council member Rapson: I got a say, art is in the eye of the beholder. I mean, you commission a piece of art, they do their art work, and I don't think it's appropriate to take it and start modifying it. It's like getting the Mona Lisa and start putting a mustache on her. I mean, it is what it is, and I think we spent a lot of money on it. It's a beautiful piece of art, and it's in the eye of the beholder. We could talk to 100 people and get 100 different opinions. So you know, I'm fine.

[Minutes:]

Mayor Litman: We will see what we can do about having water turned on other than in the summer months.

[Minutes:]

Mike Benham: Candidate for City Council. Next Monday, August 1st at 6:30, we are giving a 72-hour preparedness class and also talking about the Zika Virus, so I would suggest to the citizens of Mesquite to come and learn something. Hopefully you will never need it, but if you do, you will be prepared. 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

Council member Withelder moved to approve Items 2 and 3 of the Consent Agenda. Council member Rapson seconded the motion.

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

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

THIS ITEM APPROVED WITH ITEM NUMBER 2 OF THE CONSENT AGENDA.

Resolutions & Proclamations

4. Consideration of Approval of Resolution No. 902, adopting Amendment No. 2 to Inter local Agreement (NM068-15-015) between the City of Mesquite (COM) and the Nevada Department of Transportation (NDOT) for the Construction of Exit 118 located on I-15 within the City of Mesquite, Nevada.

- Public Comment
- Discussion and Possible Action

[Minutes:]

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

[Minutes:]

Mr. Tanner: This is just an amendment to the Interlocal agreement, second amendment. This is an agreement that NDOT will reimburse the City for the asbestos testing that was needed to be done on Exit 118 in the amount of \$16,392.51. This is just an Interlocal Agreement with NDOT for that refunding, and I'd be glad to answer any questions.

Council member Rapson moved to approve Resolution No. 902, adopting Amendment No. 2 to Inter local Agreement (NM068-15-015) between the City of Mesquite (COM) and the Nevada Department of Transportation (NDOT) for the Construction of Exit 118 located on I-15 within the City of Mesquite, Nevada. Council member Withelder seconded the motion.

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

Department Reports

5. Mayor's Comments

[Minutes:]

Mayor Litman: I have a brief item to mention here. I received an email from the office of Cresent Hardy, and it says Cresent Hardy has asked me to reach out to inform you the City of Mesquite has been awarded a federal grant from the Department of Transportation, Federal Aviation Administration for the engineering design of a 16,600 foot parameter fence at the Mesquite Airport. This grant award provides \$153,750 for the project. The notice of the award and additional information can be found in etc., etc. The Congressman is thrilled that the City of Mesquite has been awarded this grant and intends to further assist in

securing grants like this for important projects that benefit the people of Mesquite. If you have any questions, contact Crescent Hardy. I think that's a real nice thing to get in our City.

The other quick comment I'll make was how successful the opening of the exit was, and for those of you that attended, I think it was phenomenal. It's a little bit uncomfortable out there for the heat, but people weathered it pretty well. I drove it today going down to Las Vegas and back, and it is absolutely beautiful. They're still working on it, by the way, on some of the landscaping, so it will even look nicer in the future.

6. City Council and Staff Reports

[Minutes:]

Mayor Litman: Comments from City Council? Staff?

[Minutes:]

Mr. Tanner: Mayor, I do have one comment. We do have a couple of things with Exit 118 that we are working with NDOT on. We are looking at possibly some type of barrier rail or guardrail to be put in the median to deflect vehicles away from the arches, and then NDOT is also wanting to look at some type of landscaping, so there could be some additional work going on there for another month or so. Those will be things that weren't really part of the original contract. There's going to be some extras that NDOT is working out with City of Mesquite and RTC on some additional work.

Zoning Items

7. 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 and asked Council for any questions or comments.

Council member Delaney moved to approve 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 and to set the date for Public Hearing for Tuesday, August 9, 2016 at 5:00 PM. Council member Withelder seconded the motion.

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

Administrative Items

8. Consideration of the Introduction of Bill 504 (as Ordinance 504) amending Title 1 of the Mesquite Municipal Code "Administration"; amending Chapter 8 "Elections and Districts"; amending Section 19 "Primary and General Elections"; and other matters properly related thereto 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: I would note at the Tech Review where this first came up, there was a public comment made regarding Section B of the ordinance or of the proposed ordinance. It would be actually Part B of the ordinance, if it were enacted, Primary Election Results. We defined the phrase majority of voters as one half the total voter turnout number as determined by the Statement of Vote released by Clark County. I spoke with the person that made that comment to try to clarify. There were no proposals made. The concern was just that that language was ambiguous.

I went back to the County, and in fact, the Statement of Vote is specific to the type of vote. I think his concern was that a presidential election could occur. People would walk in and vote for president and then walk out. That practically could not happen, because the primaries are not run at the same time as the general presidential election, and we're a caucus state. But I understand his concern. That Statement of Vote is specific. so the Statement of Vote is a term of art. It's a specific document that comes from the County. I will amend the language. I am proposing I'll amend the language for the public hearing to say applicable statement of vote. That might allay some of his concerns. I don't know. But other than that, I don't think there were any concerns with the bill, and I'll move it forward as proposed.

[Minutes:]

Council member Delaney: If there are no further questions or comments, I would just like to say, Bob, I am real pleased with this. I think it does speak to the idea that we are talking about voters and not having to – it's a very simple, clear-cut way to define, you know, what the majority of the voters is, and we don't have to use any other system other than that. I know that some people complained about the fact that there weren't going to be a lot of people here in June, now that we're going to be always in June, but I believe that the people that want to vote on those elections find a way to vote. If you're going to be out of town, you vote by absentee. So if there are no other comments from Council.

[Minutes:]

Council member Rapson: So, this has been beat up by Council member Delaney a few times. I'm just going to add my two cents, and I'll tell you this to me is procedural deal. If voters may have been what was intended, voters may have been what was the right answer, but when you have an ordinance and it says votes, that's the answer, and to change it retroactively is -- I don't even know if it's really legal. I mean, the bottom line is we passed an ordinance, whether we knew what we were passing at the time or not is irrelevant. It was passed. It's like if you have a stand your ground law and there's a confrontation and somebody is shot, then you go, whoa, I don't think I like the outcome of that one. Well, let's change it. So you change the law and you say let's make it retroactive so it covers that incident. Charge him with murder. That is not how government works. Philosophically what we did was wrong, and I just want to comment because we have gotten loads of comments from the other end.

Council member Delaney moved to the Introduction of Bill 504 (as Ordinance 504) amending Title 1 of the Mesquite Municipal Code "Administration"; amending Chapter 8 "Elections and Districts"; amending Section 19 "Primary and General Elections"; and other matters properly related thereto and to set a date for Public Hearing for Tuesday August 9, 2016 at 5:00 PM. Council member Withelder seconded the motion.

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

Public Comments

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9. Public Comment

[Minutes:]

Mayor Litman opened up the meeting to Public Comments. There were no speakers.

Adjournment

10. Adjournment

[Minutes:]

Mayor Litman Adjourned the meeting at 5:17 PM.

Allan S. Litman, Mayor

Tracy E. Beck, City Clerk