

CITY OF POCATELLO
CITY COUNCIL MEETING AGENDA

October 6, 2016 · 6:00 PM
Council Chambers | 911 N 7th Avenue

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Tony Seikel, Portneuf Sangha.

3. CONSENT AGENDA

The following business items may be approved by one motion and a vote. If any one member of the Council so desires, any matter listed can be moved to a separate agenda item.

(a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the September 8, 2016 Study Session and the September 27, 2016 Executive Session.

(b) PAYROLL AND MATERIAL CLAIMS: Council may wish to consider payroll and material claims for the month of September 2016.

(c) AIRPORT COMMISSION REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Cesar Salgado to continue his service as a member of the Airport Commission. Mr. Salgado's term will begin October 9, 2016 and will expire October 19, 2018.

(d) GOLF ADVISORY COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Roger Musser to continue his service as a member of the Golf Advisory Committee. Mr. Musser's term will begin October 20, 2016 and will expire October 20, 2019.

(e) HISTORIC PRESERVATION COMMISSION APPOINTMENT: Council may wish to confirm the Mayor's appointment of Paul Sivitz to serve as a member of the Historic Preservation Commission, replacing Jeffrey Jimenez who resigned. Dr. Sivitz's term will begin October 7, 2016 and will expire August 22, 2017.

(f) SISTER CITIES COMMITTEE REAPPOINTMENT: Council may wish to confirm the Mayor's reappointment of Peggy Johnson to continue her service as a member of the African Sister Cities Subcommittee. Ms. Johnson's term will begin October 21, 2016 and will expire October 21, 2020.

(g) RESOLUTION—AMENDING POCATELLO/CHUBBUCK MAYORS' YOUTH ADVISORY COUNCIL PROVISIONS: Council may wish to consider approving a resolution consolidating two resolutions into one and amending the references to local high schools, list of officers, membership number and election process.

(h) COUNCIL DECISION—TUSCAN VIEW SUBDIVISION: Council may wish to adopt its decision approving the Final Short Plat approving the Final Short Plat for the Tuscan View Subdivision, which divides 3.09 acres into 2 residential lots, zoned Residential Estate (RE) density, subject to conditions. The proposed subdivision is a replat of Lot 12 Block 1 of the Tuscan Hills Subdivision 2nd Addition and both lots will have frontage on and be accessed via Siena Drive.

Documents:

[AGENDA-ITEM3.PDF](#)

4. COMMUNICATIONS AND PROCLAMATIONS

5. CALENDAR REVIEW

Council may wish to take this opportunity to inform other Council members of upcoming meetings and events that should be called to their attention.

6. DAY CARE LICENSE DENIAL APPEAL—LLOYD

Amy Lloyd will be present to appeal the decision of Police Department staff which denied Ms. Lloyd a Day Care License.

7. PUBLIC HEARING—COMMUNITY DEVELOPMENT BLOCK GRANT IDENTIFIED NEEDS

This time has been set aside for the Council to accept testimony from citizens and organizations on any housing or non-housing community development needs they have identified. The Council will also review written Statements of Intent to Apply for Program Year 2017 Community Development Block Grant funding and organizations may present their proposals for funding.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM7.PDF](#)

8. SHORT PLAT SUBDIVISION—MARTINEZ ESTATES

Martin Martinez (mailing address: 725 Aspen Lane, Pocatello, ID 83204) and Matt Baker of Summit Land Surveying (mailing address: 366 Washington Avenue, Pocatello, ID 83201) have submitted an application for a short plat to subdivide 725 Aspen Lane into two (2) residential lots. This short plat is to be called Martinez Estates.

Staff recommends approval, subject to conditions contained in the staff report.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM8.PDF](#)

9. THRESHOLD EXCEPTION REQUEST FOR NEIGHBORWORKS POCATELLO

Council may wish to consider a threshold exception request by NeighborWorks Pocatello in the infill housing program, allowing them to apply for Program Year 2017 funds although 50 percent of Program Year 2016 funds are not anticipated to be expended by October 1, 2016.

Neighborhood and Community Services staff recommends approval of the request.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM9.PDF](#)

10. PAINT STRIPING MACHINE SOLE SOURCE EXPENDITURE AND DECLARATION—
STREET OPERATIONS

Council may wish to accept the recommendation of staff and declare the purchase of a 2003 Mack TMT 507P Airless Paint Truck from Traffic Markings, Inc., to be a valid sole source expenditure. The purchase price of approximately \$83,000.00 will include delivery.

Council may also wish to authorize the Mayor to sign any contractual documents related to the purchase, subject to Legal Department review.

Funding for the purchase is available in the Street Operations Department Fiscal Year 2016 budget.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM10.PDF](#)

11. REFLECTION GARDEN PROJECT—CALDWELL PARK

Council may wish to consider the following requests regarding the construction of a Reflection Garden at Caldwell Park:

- a) Approve an agreement with Project Developers represented by Janet Schubert (3578 Wild Mountain Road, Pocatello, ID 83204) for construction of a Reflection Garden amenity at Caldwell park, per outlined agreement terms and conditions; and
- b) Per Project Developer request, direct Parks and Recreation Department Staff to perform needed tree removal and park irrigation retrofits in support of the project, and absorb related costs into general operations; and
- c) Authorize the Mayor's execution of the Agreement between the City of Pocatello and the Project Developers for the Reflection Garden Project.

This project request was presented at the September 8, 2016 Study Session. Council was supportive of the request pending agreement on additional project related items noted in the Study Session Staff report, and preparation of an agreement document outlining terms and conditions for the project. Both items have been addressed and completed.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM11.PDF](#)

12. PROFESSIONAL SERVICE AGREEMENT—JAZZERCISE POCATELLO

Council may wish to consider a request from Angie Dangerfield d/b/a Jazzercise Pocatello (mailing address: 6191 Indian Tree Lane, Pocatello, ID 83204) to use the Community Recreation Center (CRC) facility to conduct a contractual fitness program. The agreement outlines compensation to the City for participants utilizing the program and CRC lease guidelines to allow Pocatello Jazzercise to use the facility.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM12.PDF](#)

13. COLLECTIVE BARGAINING AGREEMENT FOR POCATELLO FIRE UNION LOCAL NO. 187

Council may wish to approve the adoption of the Fiscal Year 2017 – 2020 Collective Bargaining Agreement (CBA) for the Pocatello Firefighters Local No. 187, subject to Legal Department review. This CBA is the new multi-year contract reached during mediation.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM13.PDF](#)

14. ORDINANCES

The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read by title on two occasions and at length on the third occasion and placed on final passage for publication.

EXAMPLE MOTIONS:

FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # , be read only by title on three separate occasions and placed on final passage and ordered for publication, and that only the ordinance summary sheet be submitted for publication."

FOR ONE READING UNDER RULES SUSPENSION: "I move the ordinance, Agenda Item # , be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication." Before the ordinance can be read under Option 1 or 2, the Council, by a vote of one-half plus one (4) of the full Council, must vote to direct how the ordinance is to be read. Ordinances ready for reading.

14a. An ordinance amending Pocatello Municipal Code Title 2, Chapter 14, "Civil Service Commission for Police and Fire Departments", removing all references to the Pocatello Police Department as this Department has elected to provide its own Personnel Administrative Rules that were prepared by a joint committee of City and Union representatives. Said Rules were adopted by the City Council as an attachment to the Collective Bargaining Agreement (effective from October 1, 2016 – September 30, 2017) at the Regular City Council meeting held September 15, 2016. (Ordinance is prepared for reading under the rules of suspension.)

14b. An Ordinance amending Pocatello Municipal Code Title 15, Chapter 42, "Wireless Communications Towers and Facilities" (WCF). The proposed ordinance places the City in compliance with Federal legislation known as the Spectrum Act and contains changes pertaining to the siting and permitting of wireless communication facilities. Said code modifications were presented to the Council at the May 12, 2016 Study Session and a Public hearing before the City Council was held on September 15, 2016. (Ordinance is prepared for reading under the rules of suspension.)

Documents:

[AGENDA-ITEM14.PDF](#)

15. DISCUSSION ITEMS

This time has been set aside to hear discussion items not listed on the agenda. Items which appeared somewhere else on the agenda will not be discussed at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. Items will either be referred to the appropriate staff or scheduled on a subsequent agenda. You must sign in at the start of the meeting in order to be recognized. (Note: Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.)

1. Explanation of hearing procedures by Mayor or staff.
 - Ten (10) minute time limit on applicant presentation.
 - Three (3) minute time limit on public testimony.
 - Names and addresses are required from those presenting/testifying.
 - Questions/comments should be addressed to the Mayor and Council.
 - Council members must make their decision regarding the application on facts already in the record and information presented at the public hearing. Conflicts of interest, site visits and ex-parte contacts by Council members will be acknowledged.
 - Protocol requires that Council and audience be recognized by the Mayor prior to speaking.
2. Mayor opens hearing.
3. Presentation by applicant.

Note: Remember, applicant bears the responsibility for making his/her case. This is also the time for Council members to ask their questions of the applicant.
4. Presentation by staff.
5. Written correspondence submitted for the record.
6. Testimony by those supporting the application.
7. Testimony by those uncommitted on the application.
8. Testimony by opponents to the application.
9. Rebuttal by the applicant.
10. Mayor closes the hearing and initiates motion/deliberations.

Note: The Mayor may choose to require a motion prior to the discussion in order to focus deliberations, or, the Mayor may choose to allow deliberations prior to the motion in order to facilitate wording of the motion.
11. Develop a written and reasoned statement supporting the decision.

READING OF AN ORDINANCE PROCEDURE

1. Council determines which option below will be used to read the Ordinance by roll call vote.
2. The Ordinance is read by City Staff (usually City Attorney).
3. Mayor will declare the final reading of the ordinance and ask "Shall the Ordinance pass?"
After roll call is taken, Mayor will announce whether or not the ordinance passed.