

CITY OF POCATELLO REGULAR CITY COUNCIL MEETING

April 18, 2019 · 6:00 PM
Council Chambers | 911 North 7th Avenue

Any citizen who wishes to address the Council shall first be recognized by the Mayor, and shall then give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Council, he/she shall first seek permission from the Mayor. A three (3) minute time limitation is requested for Council presentations.

City Hall is accessible to persons with disabilities. Program access accommodations can be provided with three (3) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, Idaho.

The purpose of the agenda is to assist the Council and interested citizens in the conduct of this public meeting. **Citizens should examine the agenda for the item of their interest. However, citizens are advised that only Public Hearings allow for public comment during the discussion/consideration process.**

Citizens have an opportunity to be heard by the Council if the item meets the criteria as described in the agenda item called "DISCUSSION ITEMS." You must sign in at the start of the meeting to be recognized.

RECESS: In the event the meeting is still in progress at 7:30 p.m., the Mayor may call a ten-minute recess to allow Council members and participants a brief rest period.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. INVOCATION

The invocation will be offered by Lieutenant Tami Moore, Salvation Army.

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. **(ACTION ITEM)**

(a) MINUTES: Council may wish to waive the oral reading of the minutes and approve the minutes from the Clarification meetings and Regular City Council meetings of March 7, 2019 and March 21, 2019.

(b) TREASURER'S REPORT: Council may wish to consider the Treasurer's Report for March showing cash and investments as of March 31, 2019.

(c) PARKS AND RECREATION ADVISORY BOARD APPOINTMENT: Council may wish to confirm the Mayor's appointment of David Pacioretty to serve as a member of the Parks and Recreation Advisory Board, replacing Dakota Bates whose term expired. Mr. Pacioretty's term will begin April 19, 2019 and will expire April 19, 2021.

(d) POCATELLO ARTS COUNCIL APPOINTMENT: Council may wish to confirm the Mayor's appointment of Cameron Dey to serve as a member of the Pocatello Arts Council, replacing Robin Lindbeck who resigned. Mr. Dey's term will begin April 19, 2019 and will expire August 17, 2021.

(e) POCATELLO DEVELOPMENT AUTHORITY REAPPOINTMENTS: Council may wish to confirm the Mayor's reappointments of Matt Bloxham, Thomas Ottaway, Scott Smith and Terrel Tovey to continue their service to the Pocatello Development Authority Board. Mr. Tovey will continue his service as the Bannock County representative. All terms will begin May 1, 2019 and expire May 1, 2023.

(f) RESOLUTION—HISTORIC PRESERVATION PLAN: Council may wish to adopt a resolution providing the adoption of the Historic Preservation Plan. A public hearing on this matter was held on April 4, 2019.

Documents:

[**AGENDA-ITEM-3.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. PUBLIC HEARING—NORTHGATE URBAN RENEWAL AREA PLAN

This time has been set aside for the Council to hear comments regarding the proposed Urban Renewal Plan for the Northgate Urban Renewal Project (“Plan”) of the Pocatello Urban Renewal Agency, a/k/a Pocatello Development Authority (“Agency”). (Quasi-Judicial Public Hearing)

The Plan proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding, pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2019, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan.

Documents:

[AGENDA-ITEM-6.PDF](#)

7. PUBLIC HEARING—RECONSIDERATION REQUEST OF HEARING EXAMINER’S DENIAL OF AN ELECTRONIC BILLBOARD AT 507 EAST CENTER STREET

This time has been set aside for the Council to hear comments from the public regarding a reconsideration request of the Hearing Examiner’s decision to deny an electronic off-premises (billboard) sign at 507 East Center Street. The applicant is Performance Outdoor (mailing address: P.O. Box 4983, Pocatello ID 83205), represented by Blaze Sign Company (mailing address: 7175 South 5th Avenue, Pocatello, ID 83204). **(ACTION ITEM)** (Quasi-Judicial Public Hearing)

Documents:

[AGENDA-ITEM-7.PDF](#)

8. EXCEPTION REQUEST—SALE OF FIREWORKS JUNE 24 THROUGH JULY 4, 2019

Council may wish to consider a request from Brad Winters for an exception to the following: a) City Code 15.10.100 (Time of Sale of Fireworks) to allow the sale of fireworks June 24, 2019 through July 4, 2019; and b) City Code 15.10.120 (sale only at temporary fireworks stands) to sell from a tent that is slightly larger than 200 square feet. **(ACTION ITEM)**

Fire Department staff recommends denial of the request. Staff is concerned that multiple problems will arise by allowing a business to sell fireworks that cannot be legally used for several days - City of Pocatello discharge dates for fireworks are June 28 through July 6.

9. DECLARATION OF SURPLUS PROPERTY

Council may wish to declare the following items as surplus. The items to be considered as surplus are not needed by any departments within the City: **(ACTION ITEM)**

a) INFORMATION TECHNOLOGY DEPARTMENT: Items identified that were once used in the City's Video Services Department which closed September 30, 2018. If declared as surplus, staff recommends donating the property to the not-for-profit group Portneuf Valley Access Media, as previously discussed at the September 13, 2018 Council Work Session.

b) PUBLIC TRANSIT DEPARTMENT: 2005 Optima Bus, 2005 Starcraft Bus, and 2010 Arboc Bus. The vehicles are no longer capable of being put into service. If declared as surplus, staff recommends selling the buses to Pacific Recycling.

c) 2019 CITY AUCTION: Council may wish to declare items identified as surplus property to be sold at the City's Annual Auction on May 11, 2019. City departments submitted lists of items that they considered surplus and these were reviewed by other departments. The items to be considered as surplus are not needed by any other departments within the City.

Documents:

[AGENDA-ITEM-9.PDF](#)

10. UTAH TRANSIT AUTHORITY DONATION OF BUSES— TRANSIT

Council may wish to accept Public Transit staff's recommendation to acquire the donation of five (5) 2006 Optima transit coaches from Utah Transit Authority, subject to Legal Department review. Staff anticipates the acquisition will extend the current fleet minimally for five years. If approved, the intended use will be for parts or if staff determines the buses are an improvement over the existing fleet, such will be replaced. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-10.PDF](#)

11. 2405 GARRETT WAY BUILDINGS PROJECT—PHASE 2

Council may wish to accept the recommendation of Sanitation Department staff for Phase 2 of the 2405 Garrett Way buildings remodel project. The recommendations are: **(ACTION ITEM)**

a) Authorize the Mayor to execute a change order contract between Construction Services, Inc. and the City of Pocatello in the amount of \$380,487.00, subject to Legal Department review and; if approved

b) Authorize the amount of \$24,502.00 (project budget deficiency) from Sanitation Department reserves to be part of the May 2019 amendments.

Phase 2 remodel costs has been budgeted by Sanitation and the building will be used to wash and repair Sanitation carts, containers and vehicles.

Documents:

[AGENDA-ITEM-11.PDF](#)

12. COOPERATIVE PURCHASING PROGRAM CONTRACT— FLEET MANAGEMENT

Council may wish to approve a contract with Houston-Galveston Area Council Cooperative Purchasing Program (H-GACBuy) to allow the City to participate in a cooperative purchasing program in which they can piggyback competitively bid contracts in an effort to increase efficiencies in procurement. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-12.PDF](#)

13. PIGGY BACK BIDS—STREET/SANITATION/WATER VEHICLES

Council may wish to consider the following piggy-back bids and if they are accepted, authorize the Mayor to sign the necessary documents, subject to Legal Department review. The piggy-back bids are: **(ACTION ITEM)**

a) STREET: National Joint Powers Alliance (“NJPA”) /Sourcewell contract with Kenworth Sales Company for the purchase of a 2020 Kenworth T800 “heavy haul” truck in the amount of \$145,124.29;

b) SANITATION: National Joint Powers Alliance (“NJPA”) /Sourcewell contract with Rush Truck Centers/Rush Enterprises for the purchase of a roll-off truck, comprised of a 2020 chassis and 2019 hoist in the amount of \$175,645.66; and

c) WATER: 2014 City of Pocatello Street Department bid with Western States Equipment for the purchase of a 2019 Caterpillar 289D, Compact Track Loader in the amount of \$72,983.76.

Funds are available in each department’s 2019 Fiscal Year budget.

Documents:

[AGENDA-ITEM-13.PDF](#)

14. PIGGY BACK BID—IDAHO ASPHALT SUPPLY, INC

Council may wish to consider the following piggy-back bid from Idaho Asphalt Supply, Inc. and if accepted, authorize the Mayor to sign the necessary documents, subject to Legal Department review. **(ACTION ITEM)**

Sealing oil for the 2019 paving program: 40 tons CRS-2 sealing oil at \$475.00 per ton (\$492.15 FOB jobsite); 11 tons CSS-1H-DIL 50/50 \$390.00 per ton (\$407.15 FOB job site); and 14 tons Quickseal 50 at \$390.00 per ton (\$407.15 FOB job site). Total price is approximately \$28,750.00. Funds are available in the Street Operations Fiscal Year 2019 budget

Documents:

[AGENDA-ITEM-14.PDF](#)

15. FAA GRANT—AIRPORT IMPROVEMENT PROGRAM

Council may wish to approve, and authorize the Mayor to sign, subject to Legal Department review, documents related to a grant from the Federal Aviation Administration (FAA) under the Airport Improvement Program: **(ACTION ITEM)**

- a) FAA grant application in the amount of \$4,687,500.00; and if approved
- b) complete the listed projects according to FAA specification and regulations on a cost reimbursable basis.

A required match of 6.25% for the total project cost (\$312,500.00) will be funded using airport passenger facility charge funds. Projects under the grant will be rehabilitation of the FBO apron, terminal apron and heavy aircraft parking apron, as well as electrical vault upgrades, replacement of the rotating beacon, and rehabilitation of the north end of Taxiway "A."

Documents:

[AGENDA-ITEM-15.PDF](#)

16. TRADE AND PURCHASE OF FIREARMS—POLICE

Council may wish to consider the Pocatello Police Department's (PPD) recommendation and accept the quote from Salt Lake Wholesale (Blue Label Glock Dealer for Law Enforcement) for the following firearms. The firearms will be used by members of the Pocatello Police Department. **(ACTION ITEM)**

- (a) Trade-in 11 older Glock 21 firearms; and if approved
- (b) Purchase 12 new Glock 17 handguns.

Staff can purchase the new Glock handguns at a discounted rate of \$262.26 per gun. Funds are available in the Police Department's Fiscal

Year 2019 budget.

Documents:

[AGENDA-ITEM-16.PDF](#)

17. TRADE IN AND PURCHASE OF VEHICLE REQUEST— POLICE

Council may wish to consider the Pocatello Police Department's (PPD) recommendation to trade-in a 2013 SMART car to Phil Meador Toyota for \$3,000.00. And, if approved, authorize the purchase of a 2018 Toyota Yaris in the amount of \$13,703.00 (includes trade-in). The vehicle will be used by the City's PPD Parking Attendant. **(ACTION ITEM)**

Funds are available in the Police Department's Fiscal Year 2019 budget.

Documents:

[AGENDA-ITEM-17.PDF](#)

18. ORDINANCES

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.

The Council has the following options for reading ordinances. If the Council makes no motion, the ordinance will be read on three (3) different days, two (2) readings of which may be by title only and one (1) reading of which shall be in full and placed on final passage for publication. **(ACTION ITEM)**

EXAMPLE MOTIONS:

Option 1: 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."

Option 2: FOR THREE SEPARATE READINGS: "I move the ordinance, Agenda Item # , be read on three separate days. First and second readings will be by title and in full on the third reading. The ordinance shall then be placed on final passage for publication, and only the ordinance summary sheet be submitted for publication."

Before the ordinance can be read under Option 1, the Council must pass said motion by a vote of one-half plus one (4) of the full Council.

An ordinance ready for reading.

18. An Ordinance amending Pocatello Municipal Code Title 15, Chapter 42, "Wireless Communications Towers and Facilities", by amending Sections 15.42.030 "Definition", 15.42.040 "Types of WCF Permits Required", 15.42.050 "Wireless Facility Permit Process", 15.42.060 "Permit Review Time Periods", 15.42.070 "Modifications of Collocations of Antennas, DAS and Small Cells", 15.42.080 "Tower Sharing, Collocation, Preferred Tower Locations and Standards" and 15.42.090 "Zoning Districts and Land Use" to incorporate current Federal communications standards. **(ACTION ITEM)**

Documents:

[AGENDA-ITEM-18.PDF](#)

19. 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.)**

20. ADJOURN

PUBLIC HEARING PROCEDURE

1. Explanation of hearing procedures by Mayor or staff.
 - o Ten (10) minute time limit on applicant presentation.
 - o Three (3) minute time limit on public testimony.
 - o Names and addresses are required from those presenting/testifying.
 - o Questions/comments should be addressed to the Mayor and Council.
 - o 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.
 - o 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.