

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 15, 2015

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., A Work Session was held regarding Short-Term Vacation Rentals.

I. CALL TO ORDER

At 7:00 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (via conference call), Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Linda DiBernardo led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Introduction of George Bald as the new Chairman of the Peace Development Authority

Mr. Bald provided the City Council with a handout entitled Pease 25 Years After Its Closing. He outlined his history of employment with Municipal and State Government and with the PDA. He said he is pleased to return to the PDA to serve as the new Chairman of the PDA.

2. Taxi Commission – Lawrence Cataldo

Taxi Commissioner Cataldo provided an outline of the new proposed Taxi Ordinance for consideration by the City Council. He stated that this ordinance is more of a standard versus a regulation. He said they would need to register as a business but not as drivers. He stated the ordinance will apply to all companies equally. Mr. Cataldo said there would be no changes in insurance and background checks for everyone and both are subject to the Police Chief and City Attorney approval.

V. ACCEPTANCE OF MINUTES – MAY 18, 2015; MAY 20, 2015; JUNE 1, 2015 AND JUNE 8 2015

Councilor Spear moved to approve and accept the minutes of the May 18, 2015; May 20, 2015; June 1, 2015 and June 8, 2015 City Council meetings. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

VI. PUBLIC COMMENT SESSION

Charles Griffin said he is opposed to having a bicycle way between Lafayette Road and Middle Street because of the high level of traffic in that area. He said that he has seen 2 incidents where the walking lights have been ignored and feels that this is a recipe for a disaster.

Margo Doering said she likes the direction of the new ordinance and where it is heading for short term rentals. She said there needs to be a definition for BNB with public versus private and the number of rooms.

Steve Little spoke in favor of expanding the AIRBNB. He said the neighbors want appropriate measures put in place to preserve the neighborhoods. He feels the ordinance needs to be broader and strictly enforced.

Elayna Bosen spoke to the ordeal she has been experiencing with the Police Department and stated her case is very similar to the Geraldine Webber case. She said the Police Department needs to take accountability on this matter.

Ralph DiBernardo spoke on the ride sharing ordinance and matter. He said background checks should be done as a minimum requirement. He said that UBER background checks prove to be inadequate due to incidents in other States such as Texas.

Merle White, Anchor Taxi, said that UBER is not insured and they will not follow the requirements. He spoke in favor of keeping the current Taxi Ordinance in place rather than adopting a Transportation Service Ordinance.

Arthur Clough spoke regarding the Webber case and said ignorance of the law is no excuse.

Jim Merrill, Manchester, NH, UBER Representative, said what is being proposed is a collection of work between the Taxi Commission and UBER. He said UBER is operating in multiple cities and countries and should be allowed to operate here in the City.

Jane Zill spoke to the differences in the 2 Webber Reports. She said that this is a painful matter and spoke in favor of the recommendation under Assistant Mayor Splaine's name on this evening's agenda. She stated the recommendation by Councilor Spear to have the Police Commission cease to exist is a major change to the Charter which is only allowed every 10 years. She said there needs to be a community wide discussion on this matter.

John Palreiro said UBER does not abide by the laws and asked why we are allowing UBER to violate the current Taxi Ordinance. He said UBER does not have insurance as required by the Taxi Ordinance.

Paul Mannle congratulated the City for receiving the bronze level for bicycle friendly community. He thanked City Manager Bohenko and Finance Director Belanger for refinancing the Library bonds to a lower rate.

Richard Gamester spoke regarding the abolishing of the Police Commission. He said there have been many times that the City Departments and City Council have made some errors in judgment or goofed and cost the City money. He said the idea to solve the problem should not be to abolish the Police Commission. He said the Commissions are to keep politics out of the Departments. The Commission should be allowed to complete the work on the Roberts Report.

Councilor Lown moved to suspend the rules in order to allow additional speakers for the public comment session. Seconded by Councilor Kennedy.

On a unanimous roll call vote 9-0, motion passed.

Beth Mosley said she does not know what an organization chart of the Police Department, Police Commission and City Manager would look like and spoke to the Webber case and the Roberts Report.

Bob Hassold said the Roberts Report is in and right on. He said it is embarrassing to the City and the Police Officers that are not involved. He said do not let this get swept under the carpet.

James Sirrell, Kensington, NH, said he is known as Mr. UBER and spoke to his operation. He said he shows the rates for his services and operates in this City. He said instead of having multiple platforms you should have people bid for one platform.

VII. APPROVAL OF GRANTS/DONATIONS

Councilor Shaheen moved to suspend the rules in order to take up Grants and Donations that are not listed on the agenda. Seconded by Councilor Spear.

On a unanimous roll call vote 9-0, motion passed.

A. Wentworth Lear Historic Houses' (Not on Agenda)

Councilor Spear moved to support the Wentworth Lear Historic Houses' application for Land and Community Heritage Investment Program funds. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

B. Approval of Police Department Grants/Donations (Not on Agenda)

- NH Highway Safety Agency Join the NH Clique Seat Belt Campaign Grant - \$2,574.00
- NH Department of Safety Emergency Preparedness Exercise Grant - \$110,000.00

- Donation from Mr. & Mrs. David Brown to the Portsmouth Police Explorer Cadet - \$300.00
- Donation from retired Chief David “Lou” Ferland to the Police Explorer Cadets - \$79.48

Councilor Kennedy moved to approve and accept the grants and donations to the Portsmouth Police Department, as presented. Seconded by Councilor Morgan.

On a unanimous roll call vote 9-0, motion passed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (*New Proposed Amended Language*)

Councilor Lown moved to amend the original Transportation Services Ordinance, and, further, to establish a public hearing on this matter at the July 13, 2015 City Council meeting. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said the Taxi Commission during the last 8 months were asked to level the field with taxi cabs and ride sharing. He said this is the Taxi Commission’s best effort to do this. He is looking forward to the public hearing and hearing people speak on this matter. He said UBER has operated for the last 8 months with no incidents.

Councilor Dwyer said it seems that UBER is not operating under the employment laws according to various speakers. She brought forward several typographical errors in the ordinance which will be corrected by the Legal Department. She expressed concern under the insurance provision that it did not extend to the passenger. She also said there should be a definition to a Transportation Services Agreement.

Deputy City Attorney Woodland said they will make sure that is looked at. She said that the drivers are not employees like taxi drivers. She further stated that we want to make sure that passengers are covered under the ordinance.

Councilor Morgan asked if the background checks are by social security number versus finger prints. She said a previous speaker indicated that background checks were forged by using social security numbers but could not be done with using finger prints.

Councilor Kennedy wants to make sure that the fees are appropriate for the time spent by employees to administer the ordinance and its requirements.

Assistant Mayor Splaine said that this is not in the hands of the Taxi Commission any longer. He said it is now in the hands of the City Council and this was the last attempt by the Taxi Commission to handle this matter.

Councilor Lown thanked the Taxi Commission for their work on this matter. He said this is an experiment from the way it operated prior. He stated this is a free market proposal.

Councilor Thorsen said the proposal gets better each time.

Councilor Shaheen thanked the Taxi Commission for all the time and effort spent on this matter. She said she started thinking about entirely deregulating the provisions but feels we need to provide protection for individuals and have regulations in place.

On a roll call vote 9-0, motion passed.

- B. Third and final reading of Ordinance the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14;
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10;
- and including Cate Street between Hodgson's Brook and Bartlett Street; and amending the Zoning Ordinance as follows:
- Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
 - Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

Councilor Lown said he has a professional conflict of interest that he just learned of and will need to recuse from voting. He left the Dias to sit in the audience.

Councilor Spear moved to pass third and final reading on the proposed Ordinance amendment, as presented. Seconded by Councilor Shaheen.

Councilor Morgan said she wants to hear back on the Charrettes before taking action on this matter.

Councilor Thorsen said he agrees with Councilor Morgan. He said if the City is looking to purchase the property we should postpone the action on this matter. He would like to have the City Manager look at purchasing the property and report back to the City Council.

Councilor Kennedy said she agrees with the comments made by Councilors Morgan and Thorsen. She said we owe it to the residents to look at the outcome of the Charrette before moving forward.

Assistant Mayor Splaine thanked Councilors Morgan, Thorsen and Kennedy for speaking and suggesting the lot to be used for parking, a Police Department and a Transportation Center. He likes the idea of workforce housing being included as well.

Councilor Dwyer spoke in favor of moving forward with the ordinance and going to gateway zoning.

Councilor Shaheen said she is concerned if we do not move forward then the current zoning stands. She asked if there is anything that prohibits selling the property to U-Haul and expanding their building. Planning Director Taintor said they could do warehouses on the property. Councilor Shaheen said if we do not pass the ordinance we are allowing the owners to sell and have warehouses developed on the lot.

Councilor Spear said Councilors Dwyer and Shaheen made some good points on the ordinance. He said third reading you move it forward for this and the conversation will continue regarding Charrettes by voting down third reading they are saying they like industrial and office research zoning better than gateway zoning.

City Manager Bohenko said he suggests the City Council table the ordinance. He said the City Council is putting him in a difficult position to vote down the ordinance and asking him to negotiate on the property it could be an issue. He would like to discuss this further with legal counsel.

Councilor Kennedy moved to table the ordinance. Seconded by Councilor Thorsen.

City Manager Bohenko said you should table to a time certain. He said he would need to be directed by the City Council.

Councilor Kennedy moved to table the ordinance until the July 13, 2015 City Council meeting. Seconded by Councilor Thorsen.

Councilor Lown returned to the Dias.

On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Shaheen voted opposed. Councilor Lown abstained from voting on this matter due to a professional conflict.

Councilor Kennedy moved to direct the City Manager to investigate the purchasing of the Frank Jones property. Seconded by Assistant Mayor Splaine.

Councilor Spear said he does not feel this is a good use of funds. He does not feel it is a worthwhile endeavor.

Councilor Shaheen said the process feels disingenuous and we owe it to the people to preserve options. She said we have tied the City Manager's hands by not moving forward with third reading and she is in favor of preserving options.

Councilor Lown explained his professional conflict. He said there are 3 City Councilors that voted against the budget because they did not want to spend that kind of money and now they want to spend a great deal of money to buy a piece of property that is not an idea with legs. He said he would vote against the motion.

Councilor Kennedy said all they are doing is asking the City Manager to investigate the property for possible purchase.

Councilor Morgan said we heard from the Police Department and their needs for a new department and said that this is a good location to have the Police Department. She said we are only asking the City Manager to report back on how much it would cost.

Councilor Thorsen said the property may address our many needs.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he would vote against the motion. He is concerned with spending the money.

Councilor Dwyer said she would also vote against the motion as well. She does not feel it is good to send the City Manager on an exploration when we have not looked at a use for the parcel.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 4-5, motion failed to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

IX. CONSENT AGENDA

- A. Approval of Donations to Portsmouth Police Explorer Cadet Post:
- Ms. Cheryl Halepis - \$19.95
 - Mr. & Mrs. Richard Salicito - \$20.00
 - Ms. Beth Wagner - \$20.00

(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)

- B. Letter from Donna Hepp, Granite State Wheelmen, Inc, requesting permission to hold the Seacoast Century Ride on Saturday, September 26, 2015 and Sunday, September 27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Thomas Martin & Thomson Riley, Race Directors for Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium event on Sunday, September 13, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Spear.

On a unanimous roll call 9-0, motion passed.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no Items under this Section of the Agenda this evening)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Approval of Superintendent-Elect Steve Zdravec's Employment Agreement

Councilor Spear moved that the City Council approve the Employment Agreement between the Portsmouth School Board and Superintendent-Elect Steve Zdravec for a 34 month term running from September 1, 2015 through June 30, 2018. Seconded by Councilor Shaheen.

Councilor Spear congratulated Steve Zdravec and thanked him for staying here in the City when there were many opportunities outside of the City.

Councilor Lown said there is an open market for Superintendent of Schools right now in the State. He said Steve has been here for 10 years and we are lucky to have him.

Assistant Mayor Splaine said Steve can offer a great deal of leadership to the City.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he is pleased that Steve Zdravec will be the new Superintendent of Schools and he has done a great deal of work.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a unanimous roll call vote 9-0, motion passed.

2. Request for First Reading Re: Proposed Ordinance for Eliminate Irrigation Meters from City Ordinance

City Manager Bohenko stated that the City's Ordinance currently allows single-family residential water customers on the City's water and sewer system to have separate irrigation meters which are only billed for water usage. He stated as part of the recent water and sewer rate study, the City's rate consultant, Municipal and Financial Services Group, Inc. reviewed various policy options for changing the City's rate structure. He reported that the consultant recommended that the City not expand irrigation meter availability to multi-family and commercial customers as this would be inconsistent with the City's sustainability goals.

City Manager Bohenko said there are currently 300 irrigation meters in our water system. He said these customers paid the cost to re-plumb their irrigation systems from their existing water plumbing to provide a separate water line for this usage. In addition, they paid the City for the meter, radio and labor to install the meter, at a total cost of \$258.00 per customer.

Further, if the City Council votes to eliminate irrigation meters from the system, it would be recommended to reimburse each customer \$300.00 for the cost they paid to the City for the installation and not remove the meter from the property, however, charge both meters for water and sewer usage and charge only one monthly service fee.

Deputy City Attorney Woodland said she recommends making the change.

Councilor Lown moved to authorize the City Manager to bring back for first reading a proposed Ordinance to eliminate irrigation meters at the July 13, 2015 City Council meeting. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

3. Establish Work Session Re: Wastewater Treatment Facility Permit Compliance

Councilor Spear moved to establish a Work Session at 6:00 p.m., on Monday, June 29, 2015 regarding the Wastewater Treatment Facility Permit Compliance and a Special City Council meeting, if needed. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

4. Request for Sale of Surplus Water Meters

City Manager said the water meters are outdated, and their only value is as scrap metal.

Councilor Spear moved to authorize the City Manager to proceed with the sale of the surplus water meters, as recommended. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

5. Request of Eversource Energy (fka PSNH) for Easements and Licenses on Hanover and High Streets and City Property

City Manager Bohenko had Public Works Director Rice come forward to speak on this matter.

Public Works Director Rice said that this request is for easements and licenses on Hanover and High Streets around the High Hanover Parking Garage. He said this project will increase reliability of the electric distribution system in this area of the downtown, and will also enhance aesthetics.

Councilor Spear moved to grant the easements and licenses to Eversource Energy as recommended by the Planning Board and Department of Public Works, and, further, authorize the City Manager to execute all necessary documents. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

6. Renewal of Boarding House Permit Re: 21 Brewster Street

Assistant City Attorney Ferrini spoke to this matter and reported to the City Council that the consent decree, rental agreement and code of conduct have been approved by the judge. She stated that the law suit was based upon code violations and said there has been a great deal of work by various departments in the City. Assistant City Attorney Ferrini said the summary of eviction process would allow the owners to remove tenants for conduct. She stated that the consent decree is dependent upon the granting of the permit.

City Manager Bohenko said a great deal of hours have been spent on this matter by staff and recommended proceeding forward.

Councilor Spear moved to approve the Boarding House Permit for 21 Brewster Street from the date of issuance until March 31, 2016, incorporating the Consent Decree and accompanying documents approved by the Court. Seconded by Councilor Lown.

On a unanimous roll call vote 9-0, motion passed.

7. Land Donation to City of Portsmouth

City Manager Bohenko spoke to the land donation and its location.

Councilor Spear moved to refer this request to the Planning Board and Conservation Commission for a report back to the City Council. Seconded by Councilor Lown.

Councilor Thorsen said he would like to know if the taxes have been paid on the property.

On a unanimous roll call vote 9-0, motion passed.

Councilor Spear voted to suspend the rules in order to continue the meeting briefly beyond 10:00 p.m. Seconded by Councilor Lown and voted.

On a unanimous roll call vote 9-0, motion passed.

B. MAYOR LISTER

1. Appointments to be Considered:
 - Vincent Lombardi to the Historic District Commission as a regular member
 - John Mayer to the Historic District Commission as an alternate member

The City Council considered the appointments listed above that will be voted on at the July 13, 2015 meeting.

C. ASSISTANT MAYOR SPLAINE

1. Consideration of Matters Relating to the Roberts Investigatory Panel Report
 - a. Police Commission Structure
 - b. Attorney General Monitoring
 - c. Whistle blowing Protections
 - d. Legal Options and Obligations Re: Roberts Investigatory Panel Report

Assistant Mayor Splaine said he sent a letter to the Attorney General as a citizen asking for more review of this matter.

Assistant Mayor Splaine moved that the City Council request our City Manager and legal staff review whistleblower protections and laws which currently exist, and offer their recommendations by September 1st on how we can better encourage and protect those who speak up in good-faith for the public good about wrongdoing. Seconded by Councilor Spear.

On an 8-1 roll call vote, motion passed. Assistant Mayor Splaine, Councilor Shaheen, Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Lown voted opposed.

Assistant Mayor Splaine moved that the City Council request City Attorney Sullivan or an independent counsel to determine the legal options, rights, remedies and obligations that we have concerning the findings of the Roberts Investigatory Panel Report, and the Police Commission come and present their findings to the City Council with a review and discussion and that such information be provided prior to the City Council meeting of Monday, July 13, 2015. Seconded by Councilor Morgan.

Councilor Lown said as long as we have a Police Commission this is in their purview.

Councilor Kennedy said she agrees that the Commission should act on the report but she feels that the Commission owes a report to the City Council as well.

Councilor Shaheen said we need as much light on this situation, in general, on this matter. She is concerned with higher personnel decisions made by Commissioners behind closed doors.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said that we would speak with the Police Commission on this once the report came back.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Kennedy asked if the Police Commission has a time frame for when they will come to the City Council to discuss this matter.

Mayor Lister said the Police Commission has not come to him but if we come up with a date for the Police Commission to meet with the City Council he is sure they will meet with the Council.

Councilor Kennedy moved that the Police Commission meet with the City Council prior to the City Council meeting of July 13, 2015. Motion received no second.

Councilor Dwyer said we need to know our role with the Police Commission before we meet with them.

Assistant Mayor Splaine said that is the intent of the motion.

Councilor Shaheen said we should not wait until July 13th, we should meet with them right away and not wait for a report back from the Police Commission.

Councilor Morgan would like the City Council to meet in conjunction with the Police Commission in the Public Hearing on Wednesday evening jointly. She said we need to listen to the public and take it all in. She would support the motion as presented.

On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted in favor. Councilors Lown, Spear and Mayor Lister voted opposed.

D. COUNCILOR SHAHEEN

1. Doble Center

Councilor Shaheen said one of the delays was with the sign off by the Governor and Council. She said she will continue to monitor this matter and said the State is working to move the matter forward.

E. COUNCILOR LOWN & COUNCILOR DWYER

City Manager Bohenko said the Fee Committee brought back a recommendation to raise the parking fees at the High Hanover Parking Garage. He said he would bring back first reading of an ordinance at the July 13th City Council meeting and address the high occupancy areas as well.

Councilor Dwyer said the intent is to evaluate a discount through the easy park device. She said the price for residents would not change if the person had an easy park device.

Councilor Spear said you need to look at the proposal to see if it is going in the right direction. He said we can do things better in the area of parking. He stated we could charge for the meters after 7:00 p.m. and set rates by utilization. He asked the Fee Committee to continue to meet and think of the other things discussed to see if there is something the City could create.

Councilor Lown moved to bring back for first reading at the July 13, 2015 City Council meeting a Proposed Ordinance amending Chapter 7, Article I, Section 7.1. Seconded by Councilor Spear.

On a roll call vote 8-1, motion passed. Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed.

F. COUNCILOR MORGAN & ASSISTANT MAYOR SPLAINE

1. Proposed Resolution Re: Civility

Councilor Morgan said she will have a motion for the next City Council meeting for action on this Resolution.

G. COUNCILOR SPEAR

1. Election of Mayor

Councilor Spear moved that the City Council schedule a Public Hearing on July 13, 2015 to hear from the public on the proposed charter amendment regarding the Election of Mayor and vote on the matter at the July 13, 2015 City Council meeting. Seconded by Councilor Lown.

Councilor Kennedy said she would oppose the motion because anything you separate out you will end up with partisanship and more money in the race for Mayor. She said she has heard that people want to have the City Council representatives elected by wards.

Councilor Shaheen said she would support the motion because any opportunity to let the public weigh in on the process is important.

Councilor Morgan said she does not have a problem but there is a desire to discuss several issues in the Charter. She said she would support this for the purpose of a public hearing.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.

2. *Charter Amendment Re: Police Commission
 - The Police Commission would cease
 - The Police Department would become a department under the City Manager
 - The Charter Amendment would become effective January 1, 2016
3. Schedule a Special City Council meeting between June 29, 2015 – July 1, 2015
Re: Police Commission Charter Amendment

Councilor Spear said the recommendation of the Roberts Report said we should follow through on the last recommendation that the public should have a discussion on the elimination of the Police Commission. He said Charter changes have to happen now if we want to have the change on the ballot, we would follow the recommendation of the Roberts Report. He said the City Council needs to vote in affirmative three times to put this on the ballot. He said this is the beginning of the discussion on this matter not the end.

Councilor Spear moved to ask the Legal Department to report back with the proper wording for a Charter Amendment with the following objectives: the Police Commission would cease, the Police Department would become a department under the City Manager, the Charter Amendment would become effective January 1, 2016, in addition, that we schedule a Special City Council meeting on June 29, 2015 regarding Police Commission Charter Amendments. Seconded by Councilor Lown.

Deputy City Attorney Woodland said she would like direction from the City Council on the matter and schedule a public hearing on July 13, 2015 City Council meeting.

Councilor Spear said we need to get on the schedule.

Councilor Lown discussed the Police Commission and reported that we are the only City with a Police Commission elected as every other community operates without a Police Commission. He said it is important to hear from the public on this matter.

Councilor Kennedy said she is not going to vote in favor of the motion. She said the Police Commission came in place because of corrupt Police Departments and Fire Departments back in the 1930's. She said we should be talking about both the Police Commission and the Fire Commission. Councilor Kennedy said we need to look at the entire picture.

Councilor Morgan said she is not in support of the motion. She does not feel this is the time to have this discussion. She said this is not what the public wants. She said what is needed for the public to come forward and speak plainly on the matter. She said the haste of doing this is wrong, it is not in the benefit of public government.

Assistant Mayor Splaine said Councilor Morgan is right we need to have discussion with the Police Commission and soon. He said lets not do something that is a knee jerk reaction. He said he has been as critical as any City Councilor on this matter. He said almost all of the employees and officers are hardworking, good individuals. He said the City Manager already has enough to do without having to govern the Police Department.

He said there needs to be a Charter Commission on this and we could keep the three members of the Commission and add a City Councilor to only serve one year terms and include the City Manager in some kind of role in the Commission.

Councilor Thorsen said maybe we need to change the size of the Commission. He said it is not a good idea for the City Council to be the Police Commission it could cause the City Council to become less focused,

Councilor Shaheen said that this is an important issue. She said that this was not a mishap; this is one of the most egregious acts of mistrust. She said we have to act. She said this is not a knee jerk reaction and the report recommended we eliminate the Commission. She said the City Council is obligated to create a process to allow people to weigh in and set them up for success. She said we need to move forward now, it is not fair to the officers.

Councilor Shaheen moved to amend the motion to ask the City Attorney to come back with an additional recommendation for what we might consider as greater civilian oversight of the Police Commission. Seconded by Councilor Spear.

Councilor Dwyer said she agrees with parts of everything that has been said. She said there is a need for greater authority and she wants something immediate to allow greater oversight on this matter.

Deputy City Attorney Woodland said because you are faced with a time issue you would need to make a public hearing and vote no later than the July 13th City Council meeting. She said the Legal Department could bring back a proposed Charter amendment for the June 29th Special City Council meeting.

Councilor Spear said in terms of governance and having a blended Commission or more oversight it would be amiss if it ended oversight and only leads to more flexibility. He said we could have a Police Commission change in place by January, 2016. He said we are asking for a report back for more action at the June 29th City Council meeting. He asked if it would be burdensome to create a hybrid Commission and to also have that drafted for the June 29th meeting and only 1 would be scheduled for a public hearing.

On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Councilors Kennedy and Morgan voted opposed.

On a roll call 5-4, voted to pass the main motion as amended. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted opposed.

To ask the Legal Department to report back with the proper wording for a Charter Amendment with the following objectives: the Police Commission would cease, the Police Department would become a department under the City Manager, the Charter Amendment would become effective January 1, 2016, to create greater civilian oversight of the Police Commission, in addition, that we schedule a Special City Council meeting on June 29, 2015 regarding Police Commission Charter Amendments.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

At 11:00 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Shaheen and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK