

City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. "B" Street
Monday, November 21, 2016

CALL TO ORDER

Mayor Jeff Bellah called the executive session of the City Council to order on Monday, November 21, 2016 at 6:00 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Stan Bartell, Bruce Sophie, Carolyn Bartell, Terry Helfrich, Chris Luz, Jeff Bellah
ABSENT: Jim Snyder

Mayor Bellah confirmed the absence was excused.

Staff Present: Jamie McLeod, City Manager
Janette Boothe, Finance Director/City Recorder
J. Ryan Kirchoff, City Attorney

Mayor Bellah convened into executive session at 6:00 p.m. under ORS 192.660 (2)(h), which allows the City Council to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session and convened into a general session at 6:30 p.m.

ROLL CALL OPEN MEETING

PRESENT: Stan Bartell, Bruce Sophie, Carolyn Bartell, Terry Helfrich, Chris Luz, Jeff Bellah
ABSENT: Jim Snyder

Mayor Bellah confirmed the absence was excused.

Staff Present: Jamie McLeod, City Manager
Janette Boothe, Finance Director/City Recorder
Matt Brinkley, Planning Director
Ray DiPasquale, Public Works Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS

a. Confirmation of a quorum

Mayor Bellah confirmed a quorum, noting that Councilor Snyder was excused.

b. Report out on closed session

Following the executive session, Mayor Bellah gave an overview of what was discussed. A business in Phoenix has not paid their occupancy tax. Council instructed the staff to draw up an agreement with the business.

c. Introduction of newly elected Council Members

Mayor Bellah introduced three new council members who will be sworn in at the January 3, 2017 meeting: Sarah Westover, Stuart Warren, and Terry Baker. Staff are working with council to plan a December meeting with the current and future councilors to discuss plans and priorities for the upcoming year.

Mayor Bellah also noted the businesses on a section of Grove Road from the freeway to the truck stop do not have adequate street lighting. He asked the Public Works Director to ask the Oregon Department of Transportation (ODOT) if they are willing to pay for streetlights. Council directed staff to talk to ODOT and come back with options for streetlights in the area.

PUBLIC COMMENTS

1. Priscilla Atkin, a member of the Planning Commission and resident of Phoenix, spoke on her own behalf on two items. First, she added to the Mayor's comments about street lights along Grove Road. She stated she lives in that area and visibility is very limited after dark. Second, Ms. Atkin noted her appreciation for the resolution on the agenda which emphasizes that Phoenix will continue to be a safe and welcoming community. She suggested a sign or banner with similar wordage that welcomes people driving off the Fern Valley Interchange into Phoenix.

UPDATES/REPORTS:

1) Phoenix Urban Renewal Agency

Al Muelhoefer, Chairperson of the Phoenix Urban Renewal Agency (PHURA), spoke on four items. First, he thanked everyone who came to the plaza design open house on November 16, 2016 at the Phoenix library. There were 41 attendees. The plaza architects, Kistler, Small, and White (KSW), gathered written responses from the public on the proposed final plaza building design. Mr. Muelhoefer said overall, people were pleased with the design and ready to move forward with the project. KSW will meet with the design committee on Wednesday, November 23, 2016 to discuss the feedback. The next phase of the project is to gather cost estimates. The PHURA is planning to have construction start on the plaza building in February of 2017.

Mayor Bellah confirmed the plaza project was presented to the public as including the plaza itself as well as the building. Mr. Muelhoefer clarified the primary goal is to complete the plaza building, followed by a plaza in the future.

Councilor C. Bartell inquired if the landscaping and other aspects of the project will be bid upon at the same time. Mr. Brinkley responded yes, both the plaza and building will be in the same bidding process.

Second, Taylor Elements, owned by Kyle Taylor, has bought the property at 170 S Main. The PHURA is expecting payment between January and March of 2017. The Planning Commission will see what Kyle Taylor's plans for the development of the property are.

Third, an offer has been received on the Home Power building. The PHURA board will make an offer back after their meeting on Wednesday, November 23, 2016. Mr. Brinkley is contacting the surveyor on November 22, 2016 to process lot line adjustments. Fourth, Mr. Muelhoefer, based on his discussions with the new City Manager, plans to brief the three new councilors on Urban Renewal projects at an appropriate time.

3) Urban Growth Boundary Amendment Work Plan

This item was moved up in the agenda by Mayor Bellah.

Over the past two years, Phoenix has been involved in long range planning projects intended to improve outdated planning documents and decision making capacity as well as prepare an application to amend the City's Urban Growth Boundary (UGB). The City has recently adopted a new Transportation System Plan (TSP) and is drafting updated Housing, Economic, and Land Use Elements for its Comprehensive Plan. Phoenix's conceptual land use and transportation plans were done in conjunction with the Oregon Department of Conservation and Development (DLCD) and 1000 Friends of Oregon.

The housing needs assessment, completed by ECONorthwest in April 2016, focused on population growth, current housing inventory, and other factors. Phoenix will need an additional 100 acres of buildable residential land to expand into as the city grows. This land can be found in PH-5 and PH-10. On December 12, 2016, the Planning Commission and City Council will have a joint meeting to go over the Transportation Growth Management Program (TGP). The buildable lands inventory for residential land within the city has been completed.

A recent first draft of a Local Economic Opportunity Analysis (LEOA) has been completed by ED Hovee and Associates. This LEOA addresses changes in the economy since 1998, historical analyses of local business licenses, regional trends, state trends, national trends, and the anticipated need for additional employment lands. Next steps will include updates to the Comprehensive Plan, with anticipated completion in February of 2017.

4) Parks and Greenway

The Parks Commission has concluded their yearly meetings for 2016. They will present their annual report at the December 5, 2016 meeting.

5) Phoenix Chamber of Commerce Update on Calendar Format

A local business, Summit Brewing, has bought the back page of the calendar. Because of this, there will no longer be a two-inch extension at the bottom of the calendar. Instead, the City of Phoenix will be on the front page of the calendar, not sharing space on the two-inch extension. The goal of the calendar this year is to get as many local businesses involved as possible. Calendars will be printed in the second week of December. The local boyscout group will be delivering the calendars on January 7, 2017. No formal motion was needed as this was an informational item. Further discussion followed.

CONSENT CALENDAR:

1) Approve city support for Holiday Tree Lighting

It was clarified that this event is being co-sponsored by the city. The amplified sound fee of \$25 has therefore been waived. Public works staff time will be used for installing the tree and hanging the lights. The City of Phoenix will waive Rite Aid's November 2016 water bill in exchange for Rite Aid allowing the use of their electricity for the holiday tree. Reserve police

officers will drive Mr. and Mrs. Clause to the event. Council collectively approved the use of resources with the city being a co-sponsor for the event.

2) Approve Council meeting dates for 2017

Council approved the 2017 meeting dates with a clarification on the meetings falling on holidays, including President's Day and Martin Luther King Jr. Day being held on the following day (Tuesday).

3) Confirm situation-specific payout of one week of Finance Director's vacation time

Council confirmed the City Manager's Approval of a situation specific payout of a week of the Finance Director's vacation, reaffirming with the City Manager that this should be an exceptional occurrence.

4) Confirm approval of banner for Science Works event

Council approved the banner and directed the City Manager to bring a proposed process to council at a later date. Mayor Bellah suggested the Public Works Director decide at a later date if having Public Works install and take down banners is more cost effective for the city, taking into account the cost of equipment to do so. Further discussion followed.

5) Update on training available for newly elected Council Members

There will be three training sessions in December for the newly elected council members. One is the joint study session with City Council and the Planning Commission. Two separate staff led trainings will also take place on topics such as legal issues, planning, finance, public safety, and public works. Department directors will provide overviews to the new councilors. On February 16, 2017, the new council members are invited to attend the League of Oregon Cities budget training.

6) Update on City of Phoenix planning grants

Staff provided information regarding grants the city is utilizing in response to a request from council. Councilor Luz asked the City Manager to director staff to update the report to reflect, on a quarterly basis, grants applied for and those in the process of being applied for.

7) Approve City Council minutes for November 7, 2016

8) Acknowledge Planning Commission minutes for September 12, 2016

9) Acknowledge Planning Commission minutes for October 10, 2016

10) Acknowledge Planning Commission minutes for October 24, 2016

In one motion, council approved minutes from November 7, 2016 and acknowledged Planning Commission minutes from September 12, 2016, October 10, 2016, and October 24, 2016.

Councilors C. Bartell and S. Bartell received a recording of the November 7, 2016 meeting from staff and reviewed the written minutes prior to the November 21, 2016 meeting. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE CONSENT CALENDAR AS PUBLISHED.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

MOTION APPROVED WITH FIVE AYES

UNFINISHED BUSINESS:

1) Renewal of Lease Agreement with Fire District 5

City Attorney Kirchoff said the next step will be to meet with the Fire District 5 board chair and discuss details of the lease agreement, working toward a final draft. Mayor Bellah suggested aiming to have the lease agreement in a final form by the end of 2016. Council expects Fire

District 5 will pay for insurance for the property. However, they requested clarification regarding expectations for maintenance of the building and property in the lease agreement. Council concluded this item was more informational than needing a motion.

2) Process for collection of retail marijuana sales tax

On November 8, 2016, Phoenix voters passed a ballot measure enabling a 3% tax on sale of recreational marijuana and providing for administration of its collection. The City Attorney suggested putting this item on the next agenda with a resolution that can draw on the ordinance passed for the ballot measure. The ordinance itself will not take effect until the start of 2017. Councilor Sophie asked when the state disperses the funds from taxes collected. Attorney Kirchoff responded taxes are collected quarterly and funds are dispersed annually.

3) Testing for lead and copper in drinking water

The city has been conducting ongoing, voluntary water testing above and beyond what is required by the state (the Oregon Health Authority's requirement is to test the water in twenty older homes [built between 1982 and 1991] every three years). Recent test results indicate that unsafe levels of lead and copper are not an issue of concern in the city's drinking water. Staff recommended reducing testing to state requirements and testing on an as-needed basis, at the discretion of the Public Works Director. **MOVED BY C. BARTELL, SECONDED BY LUZ, TO REDUCE THE TESTING OF DRINKING WATER TO OHA REQUIREMENTS AND AN AS-NEEDED BASIS, AS DETERMINED BY THE PUBLIC WORKS DIRECTOR.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

MOTION APPROVED WITH FIVE AYES

NEW BUSINESS:

1) Options to update city's Water System Master Plan

The City of Phoenix's Water System Master Plan (WSMP) is ten years old. Updating the WSMP would allow for a plan which more accurately reflects the infrastructure and systems in place today. The project will include but is not limited to reviewing, analyzing, and identifying gaps in Phoenix's existing Water Master Plan, evaluating current drought response plans, analyzing Public Works staffing needs, and evaluating existing and future conservation programs. The city needs to perform a comprehensive analysis of its water distribution system and identify deficiencies and possible future water requirements in order to provide for future system expansion. An update should include an evaluation of the Talent-Ashland-Phoenix (TAP) agreement. There was general discussion of council concerns regarding water supply. The mayor and council suggested wrapping the update to the WSMP into the next budget cycle.

2) Resolution Changing the Signatories for City Checks

In preparation for transition of council members, the Mayor, and the newly hired City Manager, Council was offered two options in regards to changing the signatories on city checks: replacing the Planning Director with the current City Manager and replacing a departing Council member with a current Council Member that will remain on the council in 2017, or only replacing the Planning Director (former interim City Manager) with the City Manager. In order to provide the maximum number of signatories, Council chose to replace both the Planning Director and departing Council Member as signatories. **MOVED BY C. BARTELL, SECONDED BY LUZ, TO APPROVE RESOLUTION NO. 974, REPLACING THE PLANNING DIRECTOR WITH THE CITY MANAGER AND (2) REPLACING COUNCIL MEMBER CAROLYN**

BARTELL WITH COUNCIL MEMBER CHRIS LUZ, ESTABLISHING CITY OFFICIALS FOR THE PURPOSE OF SIGNING CITY CHECKS ON BEHALF OF THE CITY FOR FUNDS.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

MOTION APPROVED WITH FIVE AYES

3) Outstanding water bills from closed accounts

Delinquent water accounts comprise a significant amount of outstanding balance for the city. Pursuant to local ordinance 13.16.020, all water and sewer services charges are liens against the premises served from and after the date of billing and entry in the city lien docket. After council discussion regarding outstanding bill payments on closed water accounts, council directed staff to review the current process for delinquent water accounts and come back with a proposed process after January of 2017. Mayor Bellah suggested checking with other cities to see what their process is regarding delinquent water accounts. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY LUZ, TO DIRECT STAFF TO REVIEW THE CURRENT PROCESS FOR CLOSED WATER ACCOUNTS AND PROPOSE A MODIFIED PROCESS AFTER JANUARY 2017.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

MOTION APPROVED WITH FIVE AYES

4) Resolution on City's Commitment to Being a Safe and Welcoming Community

Mayor Bellah noted he will include this theme in his newsletter. Council proposed a minor modification to clarify the resolution is not intended to be political, changing the last "whereas" from "during a time of political transition at the federal level" to "during a time of transition." Council unanimously expressed support of a reaffirmation of an ongoing commitment to Phoenix being a safe and welcoming community. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE RESOLUTION NO. 975, AND DIRECT STAFF TO SHARE THE SIGNED RESOLUTION WITH COMMUNITY CONSTITUENTS.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

MOTION APPROVED WITH FIVE AYES

STAFF REPORTS:

1) City Attorney's Report:

The City Attorney had nothing to report for the open meeting.

2) City Manager's Report:

The City Manager noted that the Public Works Director indicated that there would be no anticipated lane closures along 1st Street during the week of November 21.

The City Manager noted she is working on a modification to the action log, finalizing a job description for Planning Director, and that recruitment will take place as soon as possible once a

job description has been approved. She also recognized the 123 officers who have been killed nationally in the line of duty.

COUNCIL ITEMS, COMMENTS/REPORTS:

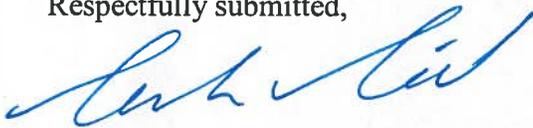
- 1) Mayor Bellah brought up the stop signs at the intersection of Grove Road and Fern Valley Road.
- 2) Councilor Helfrich requested council direct the city manager and staff to request an accident history for the “road diet” from the police chief. It was emphasized that it does not make sense to do data collection until the interchange itself is fully completed. Further discussion followed and this item was referred back to staff to put on the agenda for the next meeting.
- 3) Councilor Luz announced the tree lighting on November 26 by Rite Aid. He reaffirmed the request to staff to look into grants and report to council quarterly on ones applied for.
- 4) Councilor Sophie announced the MPO meeting on Tuesday, November 22, as well as noting the upcoming Oregon Transportation Commission meeting.
- 5) Councilor S. Bartell said he liked the agenda layout for the meeting.

In response to a question from Councilor Helfrich, Lieutenant Price noted the intersection at Bolz Road by the post office has a flashing left turn lane which makes visibility difficult when sitting opposing the other turn lanes. The Public Works Director said that is something which can be petitioned to have changed.

Mayor Bellah requested staff confirm the certification of election results on the next agenda.

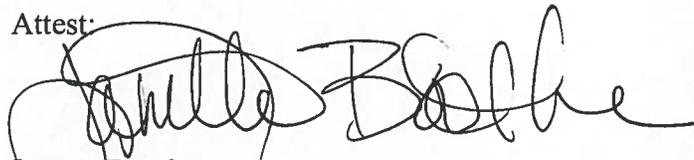
The meeting adjourned at 8:55 P.M.

Respectfully submitted,



Sarah Lind
Administrative Coordinator

Attest:



Janette Boothe
Finance Director/City Recorder