

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. 'B' Street
Monday, January 7, 2013**

CALL TO ORDER

Council President Nelson called the regular meeting of the City Council to order on Monday, January 7, 2013 at 6:15 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Diana Nelson, Bruce Sophie, Karen Jones, Carolyn Bartell, Jeff Bellah, William Moore

ABSENT: Carlos DeBritto

Staff Present: Eli Naffah, City Manager/Recorder
Kurt Knudsen, City Attorney
Steve Weber, Finance Director

Called under ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Discussion followed and no decisions were made. Executive Session recessed at 6:42 p.m.

CALL TO ORDER

Council President Nelson called the regular meeting of the City Council to order on Monday, January 7, 2013 at 6:45 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Diana Nelson, Bruce Sophie, Karen Jones, Carolyn Bartell, Jeff Bellah, William Moore

ABSENT: Carlos DeBritto

Staff Present: Eli Naffah, City Manager/Recorder
Janette Boothe, Deputy City Recorder
Derek Bowker, Chief of Police
Steve Weber, Finance Director
Jeff Ballard, City Engineer
Kurt Knudsen, City Attorney

PLEDGE OF ALLEGIANCE

INSTALLATION OF MAYOR AND NEW COUNCILORS:

Council President Nelson asked for Jeff Bellah, the recently elected mayor, to come forward to take his oath of office. Chris Luz introduced Bob Bangs, a Pearl Harbor Veteran, as the person who will be reciting the oath of office to the newly elected candidates.

Mayor Bellah asked for all recently elected members on the council to come forward to take their oath of office.

PRESENTATIONS:

- 1) Acknowledge Service of Mayor Carlos DeBritto and Council President Diana Nelson. Mayor Bellah announced Carlos DeBritto could not attend the meeting due to health concerns. Mayor Bellah read aloud the inscription on the plaque that honors Carlos DeBritto for his many years of service and extended gratitude on behalf of the Phoenix community for his dedication.

Diana Nelson was presented with a plaque honoring her for her many years of service on the council.

- 2) Kenny Allen, Pauly Rogers, will present the Audit Report for Fiscal Year 2011/12 ending June 30, 2012. Conor Delaney presented the audit report and began my bringing everyone's attention to the SAS 114 letter. He briefly summarized the findings and reported the City of Phoenix received the highest level of opinion that an auditor can provide, additionally, he noted there were no exceptions to the opinion. As Mr. Delaney took questions from council, he noted that improvements have been made towards internal control risk, per the recommendation of the auditors, and the City is on track to implement further recommendations for control procedures.

ELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT:

Councilor S. Bartell nominated Councilor Sophie for Council President. Councilor C. Bartell seconded the nomination. Hearing no other nominations, Mayor Bellah asked for roll call.

ROLL CALL VOTE AS FOLLOWS:

Ayes: C. Bartell, Jones, S. Bartell, Moore, and Helfrich

MOTION APPROVED WITH FIVE AYES

Councilor C. Bartell nominated Councilor Jones for Council Vice President. Councilor Sophie seconded the nomination. Hearing no other nominations, Mayor Bellah asked for roll call.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

CONSENT CALENDAR:

1) Approval of the Minutes of the December 17, 2012 Regular City Council Meeting. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE CONSENT CALENDAR.**

There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, and Jones

Abstain: S. Bartell, Moore, and Helfrich

MOTION APPROVED WITH THREE AYES AND THREE ABSTENTIONS

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Knudsen reported that he had not received feedback from the court of appeals regarding the RVS case; however, he is comfortable suggesting the decision will be given in April. He further gave a brief summary of the case, to bring the new councilors up to date.
- b) He reported that a settlement is going to be proposed by La-Z-Boy for the prior fees that were not paid.

2) City Engineer's Report:

- a) Mr. Ballard reported public works will be under staffed for up to six weeks due to one employee going on vacation and one being out for medical reasons.
- b) He commented the street sweeper is being repaired.
- c) He reported a large water leak discovered on S. Church Street and the line has a large portion of pipe that will need to be replaced in the near future, as the pipe is softer than it should be. Further discussion followed.

3) City Manager's Report:

- a) Mr. Naffah announced the Chamber's monthly newsletter edition came out, adding that the City's employee of the year was recognized, as well as the couple who donated the Christmas tree for the City.
- b) He announced the next regular City Council meeting will be held January 22nd, as January 21, 2013 is Martin Luther King Jr. Day. Additionally, he reminded that January 28th will be a joint session with council, planning commission, and urban renewal.
- c) He handed out the City's response to the LOC's questionnaire regarding the water system and requested council to review and inform him if any changes needed to be made. Further discussion followed, as Mayor Bellah reminded everyone that there are two positions available on the City's water commission.
- d) Mr. Naffah reported that the City's computer server needs to be replaced soon. Further discussion followed.
- e) He briefly discussed the goal setting session and the facilitator that was hired previously. As discussion followed, council's consensus was to hold a study session regarding the goal setting process and what type of facilitator would be beneficial for the City's purposes. A study session was scheduled for January 29, 2013.

Councilor C. Bartell requested an update on the sign honoring Carlos DeBritto for the band shell at Blue Heron Park. Mr. Naffah replied that Mr. Schulze is working on the sign and is having one prepared that is similar to the one prepared for Otto Caster.

Council requested Mr. Naffah research the cost of providing a newsletter for the community, as Carlos DeBritto is no longer able to provide a newsletter. As discussion followed, Councilor C. Bartell suggested posting the agendas in more places throughout the City.

4) Finance Director's Report:

- a) Mr. Weber reported he met with the owner of America's Best Inn to discuss a payment plan to get the motel current with motel taxes that are to be paid to the City. Further discussion followed, as Mr. Weber announced that a draft agreement will be ready for signature by the following Wednesday. Additionally, Mr. Weber noted the schedule that has been agreed upon for payment. Further discussion followed.
- b) He reported that he has received a revised letter from the Oregon Employer's Trust regarding the audit of health insurance. He added that he will be appealing a large portion of the revised payment suggested by Oregon Employer's Trust, as the amount charged was for two prior employees that were under a contract that stated the City would not provide health insurance. Mr. Weber further reported that he would update council with the results of the appeal.
- c) He commented he is continuing to research refinancing the City's bonds and has two different companies sending a proposal. Further discussion followed.

Councilor S. Bartell requested Mr. Weber break out the line item for TAP expenses for the upcoming budget review scheduled for February 5, 2013. Additionally, Councilor S. Bartell inquired how often this expense is audited. Mr. Weber replied that the statements provided by the City of Talent are reviewed monthly by Mr. Ballard and the TAP itself is audited annually by Pauly Rogers.

Mr. Naffah announced that he distributed the building permit log book for the month, as the planning director was not present to give a report. Councilor Sophie inquired about the permit situation involving Ken's Auto. Further discussion followed, as council requested an update by email when further information becomes available.

5) Police Department's/Public Safety Report:

- a) Chief Bowker reported he received a draft form of the EOP and inquired whether council would like to receive it in electronic form via email. Council's consensus was to receive it via email.
- b) He reported that the most recent sworn in reserve officers have completed their bookwork for certification and are now riding along with officers in the field. Fieldwork training of these reserve officers should be completed in approximately eighteen to twenty-four months.
- c) He announced Sergeant Price is well respected in the valley for firearms training and he and Sergeant Price have been requested to lead a training course later this month.

- d) He commented Officer Alexander is completing training for records keeping. He added that Sergeant Price is currently completing an audit of the evidence room. Further discussion followed.

Councilor Moore announced that on behalf of his entire family he would like to extend his gratitude for the actions of Officer Alexander when he arrived on scene when Councilor Moore got burned.

Mayor Bellah requested an update on the reported pit bull situation. Chief Bowker gave a brief update.

Councilor S. Bartell requested Chief Bowker's opinion on gun control. Chief replied that he is a firm believer in good guys with guns are better than bad guys with guns, and as long as a background check is performed correctly he sees no problem with owning a gun. Further discussion followed.

Mayor Bellah announced an update on the bargaining unit contracts. He commented that council had approved the Public Works Bargaining Unit contract and that the union had agreed to the terms prior to council approval. Consequently, the final contract is being prepared for signatures; however, the Police Bargaining Unit contract had not been agreed upon by the police union members. Mayor Bellah further noted that negotiations with the police union are close to reaching an agreement.

Councilor Sophie noted that council had not yet formally approved the 2011/12 audit.
MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ACCEPT THE 2011/12 AUDIT AS PREPARED BY THE FIRM OF PAULY ROGERS AND CO., P.C.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, Jones, S. Bartell, Moore, and Helfrich
MOTION APPROVED WITH SIX AYES

UNFINISHED BUSINESS:

- 1) Summary of City Manager Evaluation. Mayor Bellah briefly highlighted portions of the summarized evaluation document he prepared. Mayor Bellah inquired whether Mr. Naffah had anything to add to the discussion.

Mr. Naffah noted the summary was very good and he wanted to additionally note that the summary that was prepared by Attorney Knudsen of all of the evaluations was in the range of meets expectations and exceeds expectations; whereas, the wording Mayor Bellah chose to summarize the overall performance to be satisfactory rather than meets or exceeds expectations. He further noted he had no other exceptions to the summary and felt that besides the noted exception, the summary accurately depicted the overall evaluation. He added that he appreciated the feedback from council and he felt anyone in his position would benefit from this type of feedback. Further discussion followed.

- 2) Action Log Update. Mr. Naffah addressed the items that have not been added to the action log as of yet. Additionally, he noted the items that have been removed the action log. Mr. Naffah went onto briefly discuss each of the items in the action log. Discussion followed, as council requested some of the items be moved to a higher priority.

During discussion, Councilor S. Bartell suggested Mr. Naffah contact Public Works Management and request they write a letter of apology to the City Council and the City employee regarding the TAP waterline incident that happened in the prior month. Further discussion followed, as council requested clarification regarding authority to reprimand an employee. Mr. Naffah agreed to review the contract with Public Works Management.

EXTENSION OF MEETING:

MOVED BY SOPHIE, SECONDED BY JONES, TO EXTEND THE MEETING UNTIL 9:30 P.M. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: C. Bartell, Jones, S. Bartell, Moore, Helfrich, and Sophie

MOTION APPROVED WITH SIX AYES

Further discussion followed, as council continued to review the updated action log. Councilor C. Bartell requested to have an updated action log emailed to council as soon as it is updated, rather than waiting for the agenda packet. Additionally, Councilor C. Bartell requested to have the agenda packets emailed to council. Further discussion followed, as council's consensus was to discuss this item further at the following meeting.

NEW BUSINESS:

Resolution Establishing City Official for the Purpose of Signing on Behalf of the City of Phoenix. Mr. Weber expressed that Umpqua Bank requires personal information to be added to the signature cards for each of the authorized signers on the City's account.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Jones, S. Bartell, Moore, Helfrich, Sophie, and C. Bartell

MOTION APPROVED WITH SIX AYES

MAYOR AND COUNCILOR'S REPORTS AND COMMENTS:

- 1) Councilor Jones announced she has volunteered to assist in CPR classes.
- 2) Councilor Jones announced Carlos DeBritto is now in hospice care at his home.
- 3) Councilor C. Bartell announced Keziah from the Phoenix Counseling Center will be released from the hospital in the next couple of days.
- 4) Councilor Sophie requested Mr. Naffah inform Darcy at the Chamber of the new Mayor and councilors that are in office.
- 5) Councilor Sophie announced he is attending a regional workshop with Mr. Weber.

The meeting adjourned 9:18 p.m.

EXECUTIVE SESSION:

Called under ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Discussion followed and no decisions were made.

The Executive Session recessed at 9:54 p.m.

There was nothing to report and the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Eli Naffah
City Manager/Recorder