

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. 'B' Street
Tuesday, February 19, 2013**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, February 19, 2013 at 6:30 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Stan Bartell, Bruce Sophie, Karen Jones, Carolyn Bartell, Terry Helfrich, Jeff Bellah

ABSENT: William Moore

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

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR:

1) Approval of the Minutes of the February 4, 2013 Regular City Council Meeting/Executive Session. Councilor Jones noted a minor correction in the minutes. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE MINUTES AS CORRECTED.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

2) Reappointment of Peg Stewart to the Budget Committee. Mayor Bellah expressed that Peg Stewart would like to be reappointed. Council's consensus was to reappoint. Further discussion followed.

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Knudsen reported there is still no word from the court of appeals on the RVS decision.
- b) He reported he contacted the Oregon Teamsters Insurance regarding their audit performed in 2010. He gave a brief summary of the situation and explained that the City is liable for the amount stated as prior interest. Further discussion followed.

2) City Engineer's Report:

- a) Mr. Ballard stated he received an inquiry from the Parks Commission regarding replacement of softfall at the parks, as Public Works department is responsible for this replacement. He further reported that the plan is to switch the softfall in the spring, as there is enough room in the current year's budget. Further discussion followed.
- b) He reported he is looking into light duty work for the utility worker that is currently out on Worker's Comp. Further discussion followed.
- c) He reported that he is currently working with ODOT regarding North Phoenix Road.

Mayor Bellah requested an update on the situation with the construction company drilling into the TAP line. Mr. Naffah reported that the construction company has been informed by the City that the locate was performed by the City and suggested they turn over the cost to their insurance. He further stated the City sent correspondence to RVS stating the required cost charged by the Medford Water Commission was \$1630 and that RVS should cover the cost or refer the amount to the construction company. Further discussion followed.

Councilor Jones inquired about whether ODOT was planning to fill in the potholes on Fern Valley. Mr. Ballard replied he would contact ODOT regarding this matter. Further discussion followed.

- d) Mr. Ballard further reported that the area of road between Furry Road and S. Phoenix Road is in disrepair and he is working with ODOT regarding the responsibility for the repair. Further discussion followed.

3) Planner's Report:

- a) Mr. Schulze reported he attended the Parks and Greenway Commission meeting regarding the design for the sign for the band shell at Blue Heron Park in honor of Carlos DeBritto. Further discussion followed.

4) Police Department's/Public Safety Report:

- a) Chief Bowker reported his team won the donkey basketball tournament held for fundraising.
- b) He reported he is gathering information to prepare an ordinance regarding marijuana growth. Further discussion followed.
- c) He commented that the Liberty Tax guy is not in violation of the law or the City's municipal code. Further discussion followed.

- d) Chief Bowker commented that he received a phone call just prior to the meeting regarding the Jackson County sheriff department and reported the layoff being discussed is approximately 60 personnel.
- e) He reported Officer J. Bailey will be on light duty until further notice.
- f) He reported Officer T. Bailey will be submitting his resignation letter in the near future. Chief Bowker inquired whether the furlough days could be suspended until the position was filled, as overtime would be required to cover shifts with the limited staff. Council directed staff to present the impact of the furlough days at the following council meeting. Further discussion followed.

6) City Manager's Report:

- a) Mr. Naffah distributed an agenda for the Strategic Planning Study Session scheduled for the following night at 6:30 p.m.
- b) He requested council set a date for the next presentation on the water rate study. Council's consensus was to hold the meeting March 19, 2013. Further discussion followed.
- c) He reported the agreement between the City and an employee has been signed by both parties.
- d) He announced a meeting called *Preventing Tobacco Sales to Minors* will be held at 7:30 a.m. March 1, 2013.
- e) Mr. Naffah reported all five of the Farmhouse Restaurants are being closed. Further discussion followed.
- f) He reported the City Manager from Talent is requesting interest in an educational training session for council at a cost of \$200.00. Council's consensus was to attend the training session.
- g) He commented that he had staff prepare information regarding the post office bulk rate. Councilor Bartell suggested to research the rate of \$.145 that can be done for mailing within the city to each customer without addressing each letter.
- h) Councilor Bartell requested the openings for parks and water commission be advertised on the City's website. Further discussion followed.

UNFINISHED BUSINESS:

- 1) Duane Dungannon, 209 S "B", Regarding Former Tenants Water Bill. Mayor Bellah gave a brief summary of the situation that arose with this water customer. Mr. Naffah reported he was in contact with Mr. Dungannon and came to an acceptable amount to charge Mr. Dungannon. Further discussion followed, as council agreed that Mr. Naffah's suggestion regarding the amount to charge him was acceptable. Mr. Naffah explained that he informed Mr. Weber that he would like a policy in place that the City would not allow a customer to have utility payments in arrears beyond two months. As discussion progressed, Attorney Knudsen suggested the language in the ordinance regarding the responsibility for the utility bill be updated. In addition, council suggested changing the policy to include notifying home owners when a tenant is behind on their water bill and the water is being shut off.
- 2) Continued Review of Updated Issue Tracking Log. Discussion continued as Mr. Naffah reviewed the remaining significant items in the action log. Mayor Bellah requested Mr. Naffah to place the action log on the City's website.

NEW BUSINESS:

- 1) January 2013 Building Permit Log. Mayor Bellah inquired whether anyone had questions regarding the log. There was no further discussion.
- 2) Update List of Committee Assignments. Mayor Bellah noted he would like council members to email him with the assignments they would like to fulfill. Further discussion followed, as council discussed the various positions available. As discussion progressed, council discussed addressing staff at the City during the budget discussion, as additional administrative support is necessary for each of the committees.
- 3) Accept Resignation of Councilor William Moore. Mayor Bellah reported the City has received his letter of resignation. Discussion moved towards advertising for this position. Councilor Sophie suggested advertising in the Mail Tribune and adding the open positions on the other committees with vacancies as well.

EXTENSION OF MEETING:

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

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

Mr. Naffah clarified the type of ad council desired and when to place the ad in the newspaper. **MOVED BY JONES, SECONDED BY SOPHIE,** TO ACCEPT THE RESIGNATION OF WILLIAM MOORE FROM THE CITY OF PHOENIX CITY COUNCIL EFFECTIVE IMMEDIATELY. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 4) Top Shelf to You, LLC Liquor License Application. **MOVED BY SOPHIE, SECONDED BY C. BARTELL,** TO RECOMMEND TO OLCC THAT TOP SHELF TO YOU, LLC BE GRANTED CHANGE OF LOCATION TO 224 PHOENIX HILLS DRIVE, PHOENIX, OREGON FOR A FULL ON-PREMISE SALES LICENSE AS CATERER. Councilor C. Bartell asked for clarification on the type of business this will be. Further discussion followed.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 5) Consider a Resolution Authorizing the City Manager to Enter into a Contract for Bond Counsel. Mayor Bellah expressed the contract has been discussed at a study session and

requested Mr. Weber to remind council of the cost to the City, should council decide to stop the progress of refinancing the bonds once the process of refinancing has begun. Mr. Weber responded that if the City completed the first two steps of the process, the cost to the City would be approximately \$8,000, if the City decided against proceeding with the process; otherwise, all of the costs to refinance will be rolled into the new loan. **MOVED BY SOPHIE, SECONDED BY C. BARTELL**, TO ADOPT RESOLUTION NO. 859, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LAW FIRM OF MERSEREAU SHANNON LLP TO REPRESENT THE CITY AS BOND COUNSEL IN THE REFINANCING OF THE CITY'S WATER REVENUE BONDS. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

- 6) Consider a Resolution Authorizing the Reduction of Expenditure Appropriations for Fiscal Year 2012/13. Mayor Bellah requested Mr. Weber explain the resolution. Mr. Weber expressed a request was made by council to move \$15,000 from the Police Department overtime into contingency and this resolution would allow the transfer. Councilor Sophie inquired of Chief Bowker if the current personnel situation changes whether the council should move forward with the transfer. Chief Bowker's response was that the outcome for overtime cost will be the same at the end of the year whether the transfer is made or not, as Chief Bowker only assigns overtime when absolutely necessary. **MOVED BY SOPHIE, SECONDED BY C. BARTELL**, TO ADOPT RESOLUTION NO. 860, AUTHORIZING THE TRANSFER OF APPROPRIATIONS TO REDUCE THE EXPENDITURE OF APPROPRIATIONS WITH THE GENERAL FUND FISCAL YEAR 2012/2013. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MAYOR AND COUNCILOR'S REPORTS AND COMMENTS:

- 1) Councilor Helfrich had nothing to report.
- 2) Councilor S. Bartell commented the out of date ordinances need to be addressed.
- 3) Councilor Jones reported the green bag project is doing very well, with approximately 3,000 lbs. of donations.
- 4) Councilor Sophie reported the LOC's recent edition of local focus is commenting on house and senate bills on land and property taxes.
- 5) Councilor Sophie announced a Highway 99 Corridor Study meeting will be held at the District 5 firehouse at 1:30 p.m. the following day.
- 6) Councilor C. Bartell announced the Parks commission is putting together a survey question to submit for the upcoming newsletter to the citizens asking what repair or refurbishing would the citizens like to see at one of the City parks.
- 7) Mayor Bellah reported he met with Access, as they were trying to strengthen the relationship between the City and Access.

8) Mayor Bellah commented on the focused discussion he would like to see at the strategic planning study session to be held the following night.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Eli Naffah
City Manager/Recorder