

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Monday, April 15, 2013**

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, April 15, 2013 at 6:30 p.m. in the Public Works Office.

**ROLL CALL**

**PRESENT:** Bruce Sophie, Karen Jones, Terry Helfrich, Chris Luz, Jeff Bellah

**ABSENT:** Stan Bartell, Carolyn Bartell

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

**PLEDGE OF ALLEGIANCE**

Mayor Bellah asked for a moment of silence for those impacted by the Boston Marathon incident.

**CONSENT CALENDAR:**

- 1) Approval of Minutes of the March 18, Regular City Council Meeting
- 2) Approval of Minutes of the March 19, 2013 City Council Study Session
- 3) Approval of Minutes of the March 26, 2013 City Council Study Session
- 4) Approval of Minutes of the April 2, 2013 Regular City Council Meeting. **MOVED BY JONES, SECONDED BY SOPHIE**, TO APPROVE THE CONSENT CALENDAR. There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, Jones, Luz, and Helfrich**

**MOTION APPROVED WITH FOUR AYES**

Appoint Annegret Topel to PHURA Board. Mayor Bellah noted Urban Renewal has requested council's confirmation of Annegret Topel. **MOVED BY SOPHIE, SECONDED BY JONES**, TO APPOINT ANNEGRET TOPEL TO THE PHOENIX URBAN RENEWAL BOARD.

**ROLL CALL VOTE AS FOLLOWS:  
Ayes: Jones, Luz, Helfrich, and Sophie  
MOTION APPROVED WITH FOUR AYES**

**STAFF REPORTS:**

- 1) City Attorney's Report:
  - a) Attorney Knudsen had nothing to report.
  
- 2) City Engineer's Report:
  - a) Mr. Ballard reported the leak detection work is scheduled for May. Further discussion followed, as he announced there will be a presentation in Central Point regarding the testing of the pumps.
  - b) Council inquired about the cost of replacing the TAP meters. Mr. Ballard responded the cost would be in the range of \$15,000 to \$30,000. Further discussion followed, as he reported he plans to prepare documentation regarding suggested changes to the pump station. He further added that the changes would save the City money overall. Additional discussion followed.
  - c) He supplied a brief update on the Water Conservation Group.
  - d) Councilor Sophie inquired about the job description of the Public Works Supervisor position that was discussed at a prior City Council Study session. Mr. Ballard noted that he would have this information for council at the Budget discussion.
  - e) Councilor Jones inquired about the progress made thus far at Blue Heron Park regarding the irrigation project. Mr. Ballard responded that the City is close to going out for bid for this project.
  - f) Mayor Bellah inquired whether the street maintenance plan will be included in the capital improvement plan Mr. Ballard is preparing. Mr. Ballard confirmed that this information would be included in the plan. Further discussion followed.
  
- 3) Police Department's/Public Safety Report:
  - a) Chief Bowker had nothing to report.
  
- 4) City Manager's Report:
  - a) Mr. Naffah announced he has contacted Jeff Jackson from the Housing Authority of Jackson County regarding funding Phoenix would need to spend by the end of April on specific uses. Further discussion followed, as Mr. Naffah suggested adding this item to the agenda for the meeting to be held on April 22, 2013. Council's consensus was to add this item to the agenda for that meeting.
  - b) He announced the study session for the following night will be on transient tax.
  - c) He commented that the Statement of Economic Interest was due today.
  - d) He announced there will be a meeting on Wednesday, April 17, 2013 at the Jackson County Fire District regarding the City of Sutherlin, as they are interested in a similar arrangement completed by the City of Phoenix when the fire department merged with the county.
  - e) Mr. Naffah commented there will be a meeting with ODOT regarding the Jurisdictional Transfer shortly.

- f) He gave a brief update on the subcontractor's case against the City regarding the waterline that was punctured by the subcontractor. Councilor Sophie raised his concern regarding the subcontractor attempting to evade an insurance increase. Attorney Knudsen reported he was not familiar with the case; however, he would look into it.

**CITIZEN'S COMMENTS:**

- 1) Joan Smith, Phoenix, came forward to address Council regarding marijuana. She reported that the odor is too overpowering to go outside in her backyard, and she suggested having the marijuana growth be enclosed for all medical marijuana growers, which would benefit both the growers and their neighbors.
- 2) Chuck Smith, Phoenix, came forward to request the Attorney have a stipulation that requires that all medical marijuana growers notify the police department. Additionally, he inquired whether some of the growth sites could be classified as a farm and whether it was legal to have a farm in a residential area.
- 3) Denette Sellers, Phoenix, expressed her concerns regarding the use of the concession stand and the key. Mr. Naffah replied that he would check with staff regarding reservations for the stand and the availability. Additionally, he commented he would find out if there are more keys at the City.
- 4) Marilee Stainbrook, Phoenix, inquired about the city ordinances regarding medical marijuana growers in the City. She further inquired about what qualifies a grower as a farmer. Attorney Knudsen clarified that the state law states medical marijuana growers can be reimbursed for their reasonable expense for growing and does not allow selling the marijuana for profit. He further stated the idea is there can be up to four individuals per growth site provided for by the grower.

Further discussion followed, as Attorney Knudsen confirmed he will be attending a conference in the following month that will discuss the degree to which Oregon cities can or cannot regulate features of this subject, such as distances from schools and characteristics of where it is grown. He further commented California has regulated the growth in many cities; however, Oregon has not had any significant ordinances in the individual cities. Further discussion followed, as Councilor Sophie recommended concerned citizens write to the state to be heard.

Ms. Stainbrook additionally asked about the height of the growth of marijuana plants. Mayor Bellah commented that this will be taken into consideration, as the City of Phoenix is the first municipality that is attempting to pass an ordinance regarding marijuana growth in the State. He added that there are many considerations, as the City's intent is to offer protection to citizens with reasonable parameters, while not discriminating against medical marijuana growers.

- 5) Jason Zanni, Phoenix, came before council to express he is the high school baseball coach, and he is concerned with attempting to keep the field clean, as public works employees requested he not drive a vehicle onto the field. He added that he came

forward to inquire what type of equipment would be acceptable. Further discussion followed, as Mayor Bellah recommended he work with Mr. Naffah to resolve the issue.

**UNFINISHED BUSINESS:**

- 1) Update Issue Tracking Log. Mayor Bellah expressed Council has decided to review the tracking log in a different manner. He added that beginning at this meeting, the updates will be made by exception only; meaning only significant changes to the log will be discussed. Additionally, he noted that this item would be on every agenda.

Mayor Bellah briefly updated council on some of the items in the log and inquired whether any council member had any significant changes to be made. Councilor Jones asked the audience for their input regarding the newsletter the Mayor mailed out to every member of the community. Further discussion followed, as a more interactive website for the City was discussed. Additional updates were discussed.

**NEW BUSINESS:**

- 1) Marijuana Grow/Odor (general discussion). Mayor Bellah inquired whether Attorney Knudsen had more information regarding this topic. Attorney Knudsen replied that he did not have anything to add to the earlier discussion. Mayor Bellah expressed the City would discuss this topic further, once Attorney Knudsen has returned from the conference on this subject.
- 2) Transient Tax (general discussion). Mayor Bellah requested Attorney Knudsen address the council with the changes he is recommending to the ordinance regarding transient tax. Attorney Knudsen explained this was largely motivated by the City's desire to expand its remedies for nonpayment of the tax. Further discussion followed, as he reviewed the information he submitted in the agenda packet. Council pointed out this item will be discussed in further detail in the following night's study session.
- 3) Cal Ripken League Use of Cover Park. Mayor Bellah expressed in the prior year, the Council's decision was to modify the ordinance to allow the Cal Ripken team to use the field at no charge. He added a request has been submitted to the Parks Commission for the same conditions set for the current year. Mayor Bellah announced the Parks Commission's recommendation was to extend the resolution temporarily suspending certain sections of the Phoenix Municipal Code through June 4, 2013. Mr. Naffah added some information regarding the request for the use of the concession stand as well. **MOVED BY SOPHIE, SECONDED BY JONES, TO EXTEND RESOLUTION NO. 854 THROUGH JUNE 4, 2013.** Further discussion followed, as Mayor Bellah raised concern regarding conflicts with others wanting to use the baseball field.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Luz, Helfrich, Sophie, and Jones**

**MOTION APPROVED WITH FOUR AYES**

- 4) Recreational Immunity and Park fees. Mayor Bellah requested Mr. Naffah address Council regarding this item. Mr. Naffah explained the current charges for use of the horseshoe pits and baseball field at Colver Park. He added the City's liability insurance carrier has

suggested the City not charge a fee for the use of recreational areas in the City's park. Further adding, that by charging a fee, the City loses its recreational immunity and liability insurance would not cover the event. Further discussion followed regarding the charges for the concession stand. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE A RESOLUTION TO DO AWAY WITH FEES FOR RECREATIONAL USES IN THE PARKS.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:  
Ayes: Helfrich, Sophie, Jones, and Luz  
MOTION APPROVED WITH FOUR AYES**

**COUNCIL ITEMS, INCLUDING MAYOR'S COMMENTS/REPORTS:**

- 1) Councilor Helfrich commented that Urban Renewal is looking into whether there is a building available for a Community Center in the short-term.
- 2) Councilor Sophie suggested Council respond to the surveys sent out by the League of Oregon Cities. Further discussion followed.
- 3) Councilor Jones reported the most recent donations in the Green Bag project were approximately 2800 pounds of food.
- 4) Councilor Jones noted there was an article in Sunday's newspaper on the Ashland Home Network and suggested this might be something for the City to look into.
- 5) Councilor Luz commented Cal Ripken is good for the kids in the community.
- 6) Mayor Bellah reported he met with department heads and the Executive Director of RVCOG to discover whether they have something more to offer Phoenix, and one of the suggestions RVCOG made was to have their planner facilitating the next study session on strategic planning. Additionally, the subject of MPO came up in the meeting, and RVCOG suggested holding a study session with a RVCOG expert in that area.
- 7) Mayor Bellah expressed he met with both the Elementary and High School Principal to promote the Mayor's Association contest and requested the focus for the contest be on what would students like to have in a Community Center in the City. He added that he invited Orchard Hill to be involved. Further discussion followed.
- 8) Mayor Bellah announced the first Water Commission meeting will be held Wednesday, April 17, 2013.
- 9) Councilor Jones inquired about the ordinance regarding temporary signs and the length of time they can be up. Mayor Bellah added that the signs for the water issue are not permitted by the City's ordinance; however, the City would like to be fair and allow the opportunity for the public to get their point of view advertised. He added the question then becomes how long the signs should be allowed to be posted. Mayor Bellah suggested he or Mr. Naffah request the signs be taken down voluntarily.

Respectfully submitted,

Attest:

Janette Boothe  
Deputy City Recorder

Eli Naffah  
City Manager/Recorder