

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, May 6, 2013**

CALL TO ORDER

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

ROLL CALL

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

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

PRESENTATIONS:

Project A presentation regarding City Website. Bob Schropp, sales manager of Project A, gave a brief background of the company and followed up with a PowerPoint presentation and displayed examples of the website design Project A has completed for many cities in the valley. Additionally, Mr. Schropp expressed key concepts to keep the website for the City relevant and attractive while being user friendly.

CONSENT CALENDAR:

1) Approval of the Minutes of the April 15, 2013 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, Jones, S. Bartell, Chris Luz, and Helfrich
MOTION APPROVED WITH SIX AYES**

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Knudsen reported the court of appeals is running behind, so the RVS case could take longer than anticipated.

2) City Engineer's Report:

- a) Mr. Ballard reported the softfall was delivered to Blue Heron Park. He added the bid he received for the Blue Heron Park project was much higher than anticipated. Consequently, the City's Public Works department was tasked with the labor for the project, along with two temporary personnel to assist in completing the project. Further discussion followed.
- b) He reported the leak detection work has been completed, and there were only 3 leaks detected. Additionally, the leaks are not significant. Discussion moved toward testing the meters at Medford Water Commission for the water being pumped into Phoenix, as Mr. Ballard expressed the meter testing has not been performed recently. Mayor Bellah clarified the situation for the public by expressing the City of Phoenix has consistently been losing a large amount of water. He further explained the leak detection performed has indicated a large amount of loss is not occurring within the City, adding that one of the possibilities to explain this occurrence is that the City is not receiving the amount of water Medford Water Commission has been charging the City. Further discussion followed, as Mr. Ballard explained additional ways to uncover the issue causing the loss.

3) Finance Director's Report:

- a) Mr. Weber expressed the City is redesigning the water bills.
- b) He reported the water bills went out later this month, due to the readings being performed later in the month.
- c) He expressed the bond refinancing has been delayed due to rising interest rates as of late. Additionally, Mr. Weber explained everything is being prepared, should the interest rate move back down.
- d) He reported America's Best Inn is paid up to date in the current year, and is working on paying off the amount in arrears.

4) Planner's Report:

- a) Mr. Schulze reported he attended a meeting with other planners in the valley to discuss the next steps to take following the adoption of the regional plan by the State. Further discussion followed as he briefly updated council. He added that RVCOG is discussing holding monthly meetings until the plan is complete.
- b) He commented on the demolition of the property on 1st and Main Street. Additional discussion followed.
- c) He reported the owner of the property for the building formerly used by the Old Farmhouse Restaurant has inquired about the removal of the front patio, as the Fern Valley Interchange project requires more area for the sidewalk.
- d) He reported a public hearing is scheduled for the following Monday regarding Verizon Wireless equipment being added to a cell tower.
- e) He commented the City has received an application from ODOT regarding street renaming, due to the Fern Valley Interchange project

5) Police Department's/Public Safety Report:

- a) Chief Bowker reported the Code Enforcement Officer has two new additions to his family. He further reported Officer Alexander will be out on leave through at least the following week.
- b) He reported Officer Bailey has not returned to full duty as of yet; however, she has a doctor appointment later in the week.
- c) He announced the car show being held at Heritage Motors on Sunday, May 19th to support the Down Syndrome Association of Southern Oregon.

6) City Manager's Report:

- a) Mr. Naffah announced a Ride of Silence put on by the Siskiyou Velo club held in Phoenix at Blue Heron Park on Wednesday, May 15, 2013 at 7:00 p.m.
- b) He announced the annual yard sale sponsored by the Chamber of Commerce will be held on Saturday, May 18, 2013.
- c) He reported he had a conference call with the Public Utilities Commission involving the December 5, 2012 incident where the TAP line was struck. The conclusion was to dismiss the case.
- e) He commented the CDBG funds in the amount of \$69,000 were spent on May 2, 2013. Mr. Naffah added that the funds will assist for local food banks. He additionally went on to commend Councilor Jones for her efforts, stating she was instrumental in coordinating everything to make this possible. He added the other program money that will be coming in as part of the program funds will be addressed at the following meeting with a Resolution to consider. Mayor Bellah announced he and Councilor Jones met with ACCESS regarding assistance for the City of Phoenix, and another meeting is scheduled for May 22, 2013. Further discussion followed.

CITIZEN'S COMMENTS:

- 1) Joan Smith, Phoenix, came forward to restate her concerns she had mentioned at a prior meeting, regarding her suggestion of requiring marijuana growth be restricted to an enclosed space.
- 2) Chuck Smith, Phoenix, addressed the council with the same concerns, adding the Officer Alexander could smell the odor 175 to 200 feet from the growth site of the Smith's next door neighbor.
- 3) Marilee Stainbrook, Phoenix, inquired about the field behind the rail road tracks along Arana Drive and the plans for disking or mowing the field, as the grass appears to be approximately 4 feet tall. Mr. Ballard responded by informing Ms. Stainbrook the City attempts to time the landscaping correctly, so as not to have contracted personnel come out to Phoenix and perform the job twice in one year. Additionally, he expressed if the weather remains dry, it job will be done sooner rather than later.
- 4) Louis Junghans, Phoenix, came forward to commend the City for the cleaning up of Colver Park along the east side. Additionally, he mentioned on the branches of the trees on the north side are coming down. Councilor Luz commented he had seen the work crew taking care of the north side earlier in the day.

UNFINISHED BUSINESS:

- 1) DeVinney – Steadman Historical House Demolition. Mr. Schulze expressed he and George Kramer had met with Jerry Moore to discuss the options regarding the Steadman house. Further discussion followed, as Mr. Schulze expressed the three options outlined in the agenda bill.

Jerry Moore, the property owner, came forward to express his desire to demolish the house in September if nothing can be done to move the property by that time. Further discussion followed, as council debated whether it was necessary for council to act. Mr. Kramer noted that council is required to take action per the City of Phoenix Municipal Code. Mr. Kramer further expressed the only reason to suspend the issuance to demolish for an extended period of time would be to have a formal time frame in which the City has to possibly save the house from being demolished.

Marla Cates, Phoenix Urban Renewal Director, expressed the details that would need to be accomplished and the timeframe involved if Urban Renewal were to get involved with saving the house, stating that the Urban Renewal would need six to eight months to complete the work needed to move the house. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY S. BARTELL, TO APPROVE THE DEMOLITION PERMIT.** Councilor Luz inquired whether additional wording should be in the motion, to provide for the stipulations requiring the building materials of historical value be salvaged and that significant trees on the site be saved for new development. Council's consensus was that this was not necessary, as the Planning Commission has outlined these stipulations and the Moore's are willing to work with the City regarding the property.

ROLL CALL VOTE AS FOLLOWS:

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

- 2) Update Issue Tracking Log. Mr. Naffah expressed the tracking log was updated May 1, 2013, noting the major changes. Council discussed possible additions to the log. Further discussion followed.
- 3) Discussion of Odor Ordinance. Attorney Knudsen discussed the odor issue of marijuana, while Mr. Naffah distributed a copy of the PowerPoint presentation Attorney Knudsen attended, as well as a copy of the news article referring to the California Supreme Court Case. Attorney Knudsen explained the issue is whether to regulate the odor of marijuana through land use codes. He further expressed, to date, there has been no ordinance passed in Oregon regarding the regulation of marijuana. Further discussion followed, as council debated the types of regulation for marijuana growth. Attorney Knudsen point out marijuana can be deemed a nuisance and not have any regulation or highly regulated or banned.

Mayor Bellah expressed he is concerned with being the first City in Oregon to adopt a marijuana ordinance; however, he suggested the possibility of adding stipulations to ordinances already in place, rather than developing an ordinance solely based on marijuana growth. Further discussion followed, as Councilor Luz requested Attorney Knudsen's

opinion on an ordinance regulating marijuana growth. Attorney Knudsen explained that in comparison to California, cities in Oregon are in better position to defend any type of restriction the City wishes to impose, the problem is that the City of Phoenix would be the first to adopt this type of ordinance in Oregon.

Chief Bowker suggested enforcing outdoor growth to be set back 25 feet from the property line and the plants cannot be visible over a fence. Councilor Luz suggested that if the odor is an issue, then it would not matter how far set back the growth is from the property line. Further discussion followed, as Chief Bowker explained that if the council wishes to pass an ordinance of this nature, the major concern would be whether the wording is contradicting state law. Additionally, Chief Bowker suggested having MADGE present at a city council meeting to educate the City further on this topic. Further discussion followed, as the subject of handling the complaints with mediation on a case by case basis. As discussion progressed, Mayor Bellah suggested holding off on ordinance revisions for now and requested Chief Bowker contact MADGE to schedule a presentation.

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: Chris Luz, Helfrich, Sophie, C. Bartell, Jones, and S. Bartell

MOTION APPROVED WITH SIX AYES

NEW BUSINESS:

- 1) Resolution for Meter Installation. Mr. Ballard explained the cost to the City for meter installations has not been updated for the past few years, and the cost has increased substantially. He added that the resolution is simply to update the cost for meter installation. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE A MODIFICATION OF CONNECTION FEES, RESCINDING RESOLUTION NO. 707.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH SIX AYES

- 2) Community Garden Expansion. Mayor Bellah explained the Parks Commission has formally recommended that the City Council allow the Community Garden to expand along the fence line to within 10 feet the bike path. Further discussion followed, as Councilor C. Bartell explained this expansion would include an additional 8 plots. The members of the Community Garden in attendance explained there is a waiting list, and these additional plots would be used by members in the community. Further discussion followed regarding the Blue Heron Park Master Plan. As discussion progressed, the Community Garden's water use was questioned. Councilor C. Bartell expressed she met with Mr. Ballard to discuss the area behind the band shell and the discussion suggested this area would not be a good space for additional parking. She added that the expansion

of the community garden would benefit members of the community and this would need to be done before the master plan is finished so they may have sufficient time to qualify for the grants to develop the area for garden use. Further discussion followed, as Councilor Jones expressed she was in agreement with the idea that the community garden is the best use for that piece of land. **MOVED BY JONES, SECONDED BY C. BARTELL, THE COMMUNITY GARDEN BE EXPANDED ALONG THE FENCE LINE TO WITHIN 10 FEET OF THE BIKE PATH.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

COUNCIL ITEMS, INCLUDING MAYOR'S COMMENTS/REPORTS:

- 1) Councilor Sophie had nothing to report.
- 2) Councilor Jones requested volunteers to help with the food that will be donated on May 18, 2013.
- 3) Councilor Helfrich had nothing to report.
- 4) Councilor S. Bartell had nothing to report.
- 5) Councilor C. Bartell commented the City is required to make a proclamation to keep the Bike Friendly status achieved and requested the issue be on the following meeting's agenda. She volunteered to find out what exactly needs to take place to keep the status.
- 6) Councilor Luz gave a brief update on the water commission, adding they have one vacancy.
- 7) Mayor Bellah mentioned he and Mr. Naffah met with the Coquille Tribe regarding the desire to construct a casino in Medford, adding he felt it would be a positive relationship between the tribe and the City.
- 8) Councilor Jones mentioned there is a new business in town that had not received any traffic from the council. Further discussion followed.

The open meeting recessed at 9:30 p.m.

EXECUTIVE SESSION:

Called under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent.

Discussion followed and no decisions were made.

The Executive Session recessed at 10:12 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Eli Naffah
City Manager/Recorder