

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. “B” Street
Monday, May 20, 2013**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, May 20, 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

Mayor Bellah requested a moment of silence for those affected by the devastating storm in Oklahoma.

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

Director of MADGE, Lt. Brett Johnson, Director of MADGE, began the PowerPoint presentation with the history of medical marijuana. Lt. Johnson explained Oregon law provided for the legal use of Marijuana in 1998, and the law was most recently upgraded in 2006. Additionally, he offered some statistics, stating Jackson County has over 6,500 medical marijuana cards in use and over 3,200 grow sites. Lt. Johnson further explained that with a population of approximately 203,000, the statistics suggest that 1 in 31 people in Jackson County carry this card. He identified the issues he has come in contact within Jackson County with articles and photos of different grow sites. Further discussion followed as Lt. Johnson expressed the largest amount of complaints is due to the odor of the marijuana. Lt. Johnson summarized the presentation by explaining the issues with medical marijuana growth are increasing; however, there is very little that can be done through legislation at this point. Lt. Johnson commented that through a City standpoint, the City of Medford’s Attorney is part of a working group that is looking into developing a code for the City regarding medical marijuana. Additionally, he pointed out that Ashland has a code regarding noxious odors that may benefit the City to look into. Mayor Bellah thanked Lt. Johnson for coming to Phoenix to make his presentation.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the April 16, 2013 City Council Study Session.
- 2) Approval of the Minutes of the April 22, 2013 City Council Study Session.
- 3) Approval of Minutes of the April 29, 2013 Special City Council Meeting.
- 4) Appoint Diana Rasmussen to Planning Commission.

Mayor Bellah removed item 4 from the Consent Calendar to discuss the appointment to the Planning Commission. **MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE THE CONSENT CALENDAR WITHOUT ITEM 4.** 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

Mayor Bellah requested Diana Rasmussen to come forward to address council. Ms. Rasmussen gave a brief background with her prior involvement with the City. Council's consensus was to approve the appointment of Diana Rasmussen to the Planning Commission.

Mayor Bellah welcomed County Commissioner Don Skundrick to the City Council meeting.

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Knudsen reported there is nothing new regarding either of the pending litigation cases. Further discussion followed.

2) City Engineer's Report:

- a) Mr. Ballard reported ODOT held an internal meeting regarding the jurisdictional exchange earlier that day. He should have an update for the council soon. Further discussion followed.
- b) He reported the funding for the pavement improvement on S. Phoenix road prior to the start of the interchange work has increased to 40% from ODOT, leaving 60% for the City. Mr. Ballard further explained the repair is required before the interchange work, because the impact would be too much for the road to handle if the road was left in its existing condition. Additionally, he reported the cost for the maintenance repair is approximately \$150,000. Further discussion followed.
- c) He reported there needs to be meter testing between the City and the Medford Water Commission (MWC). He added the research performed thus far shows the meter inaccuracy is a disadvantage for the City. Additionally, he stated MWC has been contacted and RH2 is examining the best way to move forward with resolving the issue of inaccurate meter reading. Councilor Helfrich suggested purchasing a new meter and to take action quickly. Mr. Naffah distributed a draft of the letter Joe Strahl wrote to MWC regarding this issue. Further discussion followed, as Council voiced concern with moving forward in an expedient fashion to purchase a new meter and requested a recommendation along with cost as soon as possible.
- d) He commented the work to be completed by the City is almost finished at Blue Heron Park. Further discussion followed.

- e) Mr. Ballard inquired about advertising for the Public Works Supervisor position, as he would like to have the position filled by July 1, 2013. Council's consensus was to hold off until the following week.

Councilor S. Bartell inquired about the overlay maintenance work that is supposed to be coming up for the streets in Phoenix and whether there is an amount the City can expect from ODOT to assist in this project. Further discussion followed.

3) Finance Director's Report:

- a) Mr. Weber gave an update on the newly designed water bills. He reported that the software company is running behind schedule, so the new design may not be on the water bills until the billing that goes out at the end of June. Councilor Luz inquired whether the software can produce an averaging bill for water customers. Mr. Weber replied he would contact the software company to find out.
- b) He distributed a list of checks written by the City for accounts payable and reported he would distribute a list monthly.
- c) He reported both the State and Federal accounting office has recently released their fiscal forecast and requested council to contact him via email if they would like an electronic copy. He mentioned Oregon's forecast includes an increase in revenue based on income taxes.

Mayor Bellah inquired whether Mr. Weber plans to attend the RVCOG's presentation by the County Assessor. Mr. Weber replied that he was unaware of the presentation; however, he can attend. Additionally, Mayor Bellah announced the Local Real Estate Board is bringing two economists in two discuss national, state, regional, and local forecasts for housing and economic growth at the Craterian Theatre on Thursday from 9 a.m. to 12 p.m.

4) Planner's Report:

- a) Mr. Schulze reported the planning/building department has received two applications for a single family residence. Further discussion followed.
- b) He reported Ian Horlacher of ODOT attended the recent Planning Commission meeting and expressed the Transportation Plan is moving forward. Further discussion followed.
- c) He commented he attended the second meeting with the local planners for the Regional Plan and gave a brief update.
- d) He reported he sent out the Public Hearing notice for the Planning Commission regarding the street renaming for the streets involved with the Fern Valley Interchange Project. Mr. Naffah inquired when the public hearing will be held, as a joint meeting was scheduled for Planning Commission, Urban Renewal, and City Council the next planning commission meeting night. Further discussion followed, as Mayor Bellah suggested contacting Marla Cates to reschedule the joint meeting.

Councilor Helfrich commented that back in November 2012, the Planning Commission had a discussion regarding downtown parking and inquired whether there has been any further progress since then. Mr. Schulze replied that earlier in the current year, the Planning Commission discussed whether the Transportation System Plan could be

involved. Mr. Schulze added that the issue has not been discussed again on the Planning Commission level and that it may require a study session. Further discussion followed, as Councilor C. Bartell requested clarification on the information that will be given when a new business applies for a permit before the code is addressed. Councilor Sophie suggested requesting the new business owner to come to Council to request permission to go against the code, regarding downtown parking, so as to prevent the Planning Commission from violating their code in the meantime. Councilor S. Bartell requested this item be placed on the tracking log. Additionally, Council's consensus was to wait for a Planning Commission recommendation regarding this issue before taking action.

Councilor S. Bartell commented that he has heard from others in the community that they are waiting too long for the inspection process to be finalized and requested additional wording be added to the building official's contract to alleviate this issue. Mr. Naffah responded that he would like all complaints to be directed to him to be resolved, as he has never heard of any individual or business owner having this issue. Further discussion followed.

Councilor Jones requested an update on the property on Rose Street that was demolished. Attorney Knudsen responded the property should be sold in September or October, and the City will have a credit bid equal to the amount of the City's lien; however, the starting asking price is 70% of the market value, so it is possible the City may lose the investment. Further discussion followed, as Mayor Bellah requested Mr. Naffah to place this item on the tracking log.

5) Police Department's/Public Safety Report:

- a) Chief Bowker had nothing to report.

6) City Manager's Report:

- a) Mr. Naffah inquired when council would be available to meet with Marla Cates before the joint meeting. Council's consensus was to request a meeting on June 11th at 6:30 p.m. Further discussion followed regarding what this meeting would entail.
- b) He announced a Small Cities Region Meeting will be held at Rogue River City Hall on June 14, 2013.
- c) He announced Shady Cove is asking if there is any interest in attending a team building session for small cities to share cost.
- d) He commented CIS has offered funds to reimburse the City for certain allocations regarding improving safety in the workplace.

Mayor Bellah announced the first truckload of food was delivered from the CDBG funds and distributed to the food banks the previous Saturday and there was a great turn out for volunteers that helped. Further discussion followed, as Mayor Bellah reminded council he and Councilor Jones have a meeting with ACCESS on Thursday if anyone on the Council is interested in attending as well.

UNFINISHED BUSINESS:

- 1) Revised Modification of Connection Fees. Mr. Naffah expressed this resolution has the correct wording, as the resolution passed at the prior meeting did not. **MOVED BY C. BARTELL, SECONDED BY JONES TO UPDATE THE WATER CONNECTION FEES AS DESIGNATED BY THE PHOENIX CITY COUNCIL.** There was no further discussion.

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 reviewed the items on the updated tracking log. Further discussion followed, as Mayor Bellah requested a discussion of Transient Tax at RV parks be placed on the following agenda. Further discussion followed, as council requested items be added or removed.

NEW BUSINESS:

- 1) Update on Transient Occupancy Tax Collection Options. Attorney Knudsen expressed Mr. Naffah requested him to look into Medford's practices regarding collection. He further expressed the information in his staff report given on the agenda bill. As discussion progressed, Council requested Attorney Knudsen inquire whether the City's municipal judge would be enforcing a fine for nonpayment. Council's consensus was to request suggested changes to the transient tax ordinance be brought before council at the next council meeting.
- 2) Bike Friendly Phoenix Suggestions. Mr. Ballard expressed the effort that has been made towards keeping Phoenix a bicycle friendly community will assist greatly as the City moves forward. He added that the feedback report outlines actions citizens can take to keep the community bike friendly as it grows and changes. He further added this report will assist those developing the Transportation System Plan to facilitate bicycle friendly streets. Further discussion followed, as a possible resolution or proclamation was discussed regarding focusing on creating a more bike friendly community for Phoenix.
- 3) "If I Were Mayor" Student Contest. Mayor Bellah mentioned the contest is an annual contest by the Oregon Mayor Association, and he requested council approve the donation of the \$50 prize. Additionally, he suggested inviting the contest winner and her family to the following City Council meeting to present the award. Council's consensus was to approve Mayor Bellah's request.

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 (continued):

- 4) Transfer of Responsibility for Administration of Program Income and Future Loan Repayments Generated from the Community Development Block Grant. Mayor Bellah explained the City used the immediate grant money of \$69,000 to purchase food and there is approximately \$250,000 left in a portfolio for the future and the Council would like to turn that over to Affordable Housing Solutions (AFS). Further discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO AUTHORIZE THE TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF PROGRAM INCOME AND FUTURE LOAN REPAYMENTS GENERATED FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT.** Councilor Helfrich inquired how the individuals are selected to receive assistance. Mayor Bellah explained the AFS selects the recipients based on their criteria.

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 mentioned the Local Focus magazine distributed by the LOC contains an article on House & Senate bills that pertain to the City and encouraged everyone to review.
- 2) Councilor Sophie commented that if the City begins receiving more revenue from transient tax, he would like to see the City assist in staffing the Chamber of Commerce. Further discussion followed.
- 3) Councilor S. Bartell voiced his concern for introducing a transient tax on RV parks when the interchange project is set to begin soon, as the construction could have a negative impact on businesses in that area. Mayor Bellah commented that a transient tax would not be a tax on the business; rather, it would be a tax on customers passing through. Mayor Bellah added that the council may decide not to move forward with the tax; however, this is something that should be researched.
- 4) Councilor Luz announced on June 15th the City is holding a Cleanup and Restoration day at Colver Park.
- 5) Councilor Luz announced the Water Commission is not scheduling a meeting until July 15th, as some of the members would like to educate themselves more before meeting again.
- 6) Mayor Bellah announced he and the Mayor of Talent are attending the Rose Parade. Additionally, Mayor Bellah is considering attending the Ashland Parade. Further discussion followed.

The meeting adjourned at 9:39 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Eli Naffah
City Manager/Recorder