

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Tuesday, June 4, 2013**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, June 4, 2013 at 6:30 p.m. in the Public Works Office.

ROLL CALL

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

ABSENT: Bruce Sophie

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

Mayor Bellah announced the City Council held executive sessions regarding hiring a City Manager. He added there were 20 applications received and 5 interviewed for the position. Mayor Bellah further announced the top 3 applicants as Steve Weber, Ed Angeletti, and Steve Dahl, and gave a brief background of each.

Mayor Bellah explained all three applicants will be meeting staff members at each of the departments followed by an extensive final interview by the Council. He invited all interested citizens and committee members to come meet the top 3 applicants for a social hour on June 12, 2013 at 6:00 p.m.

Mayor Bellah announced there are several important dates set to meet with Urban Renewal. The following dates are set:

- June 11, 2013
- June 13, 2013
- June 26, 2013
- July 17, 2013

PRESENTATIONS:

Branding Logo for Phoenix. Mayor Bellah introduced Shelly Brown by expressing he had the opportunity to view the results of her class project and requested a presentation to Council. Ms. Brown gave a brief background and explained her class project was to construct a branding logo for the City of Phoenix. Her project required a visual display of the materials designed with the branding logo. She explained her perception from the discussions with different citizens in the City was that the City of Phoenix is a historical City. Ms. Brown expressed one of the requirements was to develop a slogan for the City and she came up with “Rise and Thrive.” She further described the idea behind the slogan was that the citizens of Phoenix wake up in the morning and greet the day with a sense of small town community with the availability of many opportunities just a short distance away.

Ms. Brown further explained the colors of the logo are from the Phoenix Rising, which originated with gold, burgundy, and plum. She further explained part of the project included coming up with a way to encourage commerce within the City, and she developed “Phoenix Freebies.” Ms. Brown expressed the “Phoenix Freebies” would be cards that community members could purchase and use at various businesses in the City that would offer discounts of some kind.

Mayor Bellah requested to hold onto the display to put up at City Hall for others to view. Further discussion followed, as Councilor Helfrich inquired whether the purpose of the presentation was to potentially rebrand the City logo. Mayor Bellah replied that he would like to rebrand the City logo with something everyone can agree on and he liked the materials Ms. Brown developed for her project. Council thanked Ms. Brown for her presentation.

PUBLIC HEARINGS:

1) Public Hearing and Resolution Adopting the FY 2013/2014 Budget. Mayor Bellah declared the public hearing. Mr. Weber expressed the Budget Committee approved the proposed budget on May 14, 2013. He further reported the public notice was published in the Mail Tribune. Further discussion followed.

Mayor Bellah opened the Public Hearing at 7:00 p.m.

THOSE IN FAVOR OF THE FY 2013/14 BUDGET:

No one spoke in favor of the FY 2013/14 Budget.

THOSE IN OPPOSITION TO THE FY 2013/14 BUDGET:

No one spoke in opposition to the FY 2013/14 Budget.

Mayor Bellah closed the public hearing at 7:01 p.m.

MOVED BY JONES, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 868, ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND AUTHORIZING FUND TRANSFERS AND LEVYING AND CATEGORIZING TAXES FOR FISCAL YEAR 2013/2014 FOR THE CITY OF PHOENIX. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

2) Public Hearing and Resolution Declaring the City's Election to Receive State Shared Revenues. Mayor Bellah declared the public hearing. Mr. Weber explained the requirements to receive state shared revenue.

Mayor Bellah opened the Public Hearing at 7:03 p.m.

THOSE IN FAVOR OF THE RESOLUTION:

No one spoke in favor of the Resolution.

THOSE IN OPPOSITION TO RESOLUTION:

No one spoke in opposition to the Resolution.

Mayor Bellah closed the public hearing at 7:04 p.m.

MOVED BY C. BARTELL, SECONDED BY HELFRICH, TO ADOPT RESOLUTION NO. 869, DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES.
There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

CONSENT CALENDAR:

- 1) Approval of the Minutes of the May 6, 2013 Regular City Council Meeting.
- 2) Approval of the Minutes of the May 20, 2013 Regular City Council Meeting.

Councilor S. Bartell requested the May 20, 2013 minutes be discussed. **MOVED BY JONES, SECONDED BY S. BARTELL, TO APPROVE THE MINUTES OF THE MAY 6, 2013 CITY COUNCIL MEETING.** There was no further discussion.

MOTION APPROVED WITH FIVE AYES

Councilor S. Bartell requested the minutes reflect Council's request to purchase a new meter for the water being pumped into Phoenix. **MOVED BY S. BARTELL, SECONDED BY JONES, TO APPROVE THE MINUTES OF THE MAY 20, 2013 CITY COUNCIL MEETING WITH THE NOTED ADDITION TO THE MINUTES.** There was no further discussion.

STAFF REPORTS:

- 1) City Engineer's Report:
 - a) Mr. Ballard expressed the meter in question is Medford's meter and Medford had concern regarding the testing that was performed and verified the pressure gauges are accurate. Medford's testing proved the gauges are working properly. Further discussion followed,

as Mayor Bellah expressed Joe Strahl has drafted a letter to the Water Commission asking this matter be resolved, as the City of Phoenix has lost approximately 15% of what the City charges its customers for many years. Additionally, the City is requesting Medford Water Commission purchase the new meter. In addition, the City is sending a letter to both Talent and Ashland, requesting a meeting between the three cities to discuss replacing the water meter at the other end. Further discussion followed, as Mayor Bellah commented that if it is discovered the City has been overcharged for many years, then the City will need to figure out how to get reimbursed.

- b) He reported he met with ODOT regarding the Fern Valley jurisdictional exchange of North Phoenix Road. He added the Department of Justice ruled against the jurisdictional exchange. He further explained that ODOT is seeking to remedy the monetary loss by the City by paying 100% of the cost for the improvement on South Phoenix Road, rather than splitting the cost as discussed prior. Further discussion followed, as Mr. Ballard expressed that the offer is monetarily comparable, along with one other part. He continued to explain the other part as being the State Utility Coordinator will be making the decision as to what is reimbursable for the North Phoenix Road project, and he is confident that much of the pipe on the North Phoenix section is reimbursable. He added the City may end up even or possibly ahead. Additionally, he explained an agreement will be created regarding ODOT's offer. He further explained this Agreement does not tie to the jurisdictional exchange; it sets a monetary value for the offer being made to the City.
- c) He reported he spoke with Tyler Crawford earlier in the day and he does not have an exact time frame on when he plans to perform the work at Blue Heron Park.
- d) Mr. Ballard expressed there is a tree that needs to be removed at Otto Caster Park, and Public Works is currently in the process of making that happen.
- e) Councilor Jones inquired about the houses at the end of Fern Valley that are being purchased by ODOT, regarding whether ODOT is responsible for the yard work until construction begins. Mr. Ballard stated he was unaware of where the responsibility lies at this point; however, the City can involve code enforcement, should the weeds become a fire hazard. Mayor Bellah suggested meeting with ODOT again to answer questions such as this one by council, along with a more definite timeline. Mr. Naffah replied that he would set up a meeting when he is given a date to inquire about. Further discussion followed, as Mr. Naffah was requested to set up a meeting for the first week of July.

2) Finance Director's Report:

- a) Mr. Weber distributed a handout for the Public Works Superintendent discussion later on in the agenda.
- b) He reported there was an error on the recent water bills that were mailed out, due to the City's software company. He added the City will not be mailing out corrected bills; instead, there will be a credit on the water bills for those paying the amount on their bill.

3) Planner's Report:

- a) Mr. Schulze commented the Carlos DeBritto sign is ready and inquired about the dedication. Further discussion followed, as Councilor Helfrich stated Jan DeBritto would like to have her daughters attend the ceremony as well. Councilor C. Bartell commented the Parks Commission is waiting for a date from Jan DeBritto.

4) Police Department's/Public Safety Report:

- a) Chief Bowker reported Officer Janet Bailey is back to full duty as the School Resource Officer.
- b) He reported Officer Alexander is back to work after his leave.
- c) He extended his gratitude to Bear Lake Estates for their breakfast held the prior Saturday benefiting the Police K9 program.
- d) He reported the department will issue code violation citations beginning the following day to the Motel that owes the City of Phoenix for back taxes.
- e) Chief Bowker reported the department will be contacting the Greenery the following day, as they are operating a business without a business license. Further discussion followed, as it appears that the business license may not be issued, due to the nature of the business not being in line with federal law. He further explained that the process takes time, but the issue is being looked into. Further discussion followed.
- f) Councilor Jones requested the department look into the motel next to the RV park, as citizens have complained about code violations occurring on the grounds of the motel. Chief Bowker replied he would have Officer Alexander look into it.

5) City Attorney's Report:

- a) Attorney Knudsen reported there is still no word regarding the RVS appeals case.
- b) He commented Mr. Naffah requested he look into other marijuana ordinances. He added he found an article on an odor ordinance that was used to issue a citation for the odor of marijuana. Further discussion followed, as Mayor Bellah commented that some citizens are inquiring about regulating the growth of marijuana, rather than eliminating the growth. As discussion followed, Council's consensus was there is much more research that needs to be completed before moving forward with regulating the growth; however, there is time, as the planting season has passed.
- c) Mayor Bellah inquired about the La-Z-Boy case regarding contacting their attorney to discover whether there is a proposal for the City. Attorney Knudsen replied that he has contacted their attorney several times before and the response has been there is a proposal on the way; however, a proposal has not been produced. Further discussion followed, as Councilor Jones suggested Attorney Knudsen prepare documentation detailing how much time and fees have been spent thus far on attempting to recover the \$87,000 to submit to ODOT to find out whether the City has met its obligation to recover the amount owed. Attorney Knudsen replied that he would prepare this documentation.

6) City Manager's Report:

- a) Mr. Naffah announced he received an email from the League of Oregon Cities requesting support for senate bills regarding economic development by contacting the legislatures. He inquired whether council would like to give consensus to support the bills and he would contact the legislatures. Council's consensus was to support the legislature.
- b) He reminded council the Small Cities Region 5 meeting will be held in Rogue River on June 14, 2013.
- c) He announced that a calendar is prepared by the League of Oregon Cities with pictures of different cities, and this year the City of Phoenix has received a request for a high resolution photo of the City. He inquired whether council had any ideas for a photo to submit.

UNFINISHED BUSINESS:

- 1) Status of 210 N. Rose St. Property. Attorney Knudsen commented he did not have much to add beyond the staff report he prepared. He stated he had a good conversation with the individual who administers the County program. Additionally, Attorney Knudsen requested any ideas from council to support the argument for transfer of the property. Further discussion followed, as uses for the property were discussed.

- 2) Discussion of Possible Transient Tax Ordinance Expansion. Mayor Bellah prepared a document (on file) outlining the reasoning behind suggesting expanding the transient tax to cover RV parks and the actions to consider. Mayor Bellah reported the potential increase in revenue to be over \$60,000 a year. He continued to relay the information he gathered and requested that Council take action regarding the Transient Tax Ordinance and decide to expand the ordinance to include RV parks or decide not to, but to go on record with a decision.

Councilor C. Bartell spoke in support of the transient tax expansion; however, she would like the expansion to be implemented after the interchange project is complete. She added that many businesses benefit from the transients that visit the City, which benefits the City. She further added that there is not a business that she is aware of that could survive being supported solely by the citizens of Phoenix. She added that many businesses will be impacted greatly by the interchange project and she does not want to implement an added fee that may deter possible transients at this time. Mayor Bellah responded that he calculated the amount of surcharge required would be \$2.50 for every water meter in the City to produce the same amount of revenue anticipated with the transient tax. He further added that the citizens of Phoenix should not have to pay for transients. Additionally, he stated he could not support a surcharge for the citizens unless the City has done everything possible to receive the revenue fairly from everyone.

Councilor S. Bartell noted he did not agree with profit of 30% nationally. He added that the parks in Phoenix have a profit margin of closer to 3%. He added that he supported the transient tax being placed on RV Parks; however, he felt the City may be over zealous when estimating the profit margin of these types of businesses in Phoenix. Further discussion followed, as Councilor Helfrich noted that travelers are used to this type of tax and now is the time to introduce the tax, as Phoenix is in need of increased revenue. Councilor Luz expressed the City could move forward with making changes to the ordinance with a delayed implementation date. Further discussion followed, as Mayor Bellah proposed drafting an ordinance to include the expansion of transient tax.

Councilor S. Bartell suggested giving three ordinance scenarios, to include the option of waiting to implement the tax until the interchange project is complete. Council's consensus was to bring this item with options, along with confirmation of the suggested potential revenue for the City.

CITIZEN’S COMMENTS:

Louis Junghans, Phoenix, commented he previously owned a fifth wheel and traveled often. He added that many places charged a 12% transient tax. Additionally, he did not feel that adding a transient tax to RV parks would deter any travelers, as many are used to paying the tax.

NEW BUSINESS:

- 1) Resolution Certifying that the City of Phoenix Provides Four or More Municipal Services. Mr. Weber reported this is the final piece to the budget process. **MOVED BY JONES, SECONDED BY C. BARTELL**, TO ADOPT RESOLUTION NO. 870, CERTIFYING THAT THE CITY OF PHOENIX PROVIDES FOUR OR MORE MUNICIPAL SERVICES. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 2) Public Works Superintendent/Supervisor. Mr. Ballard expressed the intent for this position is to employ an individual that would be 75% in the field and 25% in office. He added that there is difficulty in finding an individual with these types of qualifications, as many supervisors are not primarily completing fieldwork. Discussion continued, as Mr. Ballard expressed that the goal of this position would be the potential of running the whole department and acting as Director. Further discussion followed, as the job qualifications were addressed, as the job description is from 2009. As discussion continued, the salary range was discussed. Council’s consensus was to set the salary range at \$58,000 to \$70,000. Further discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL**, TO APPROVE THE JOB DESCRIPTION FOR PUBLIC WORKS SUPERINTENDENT AND TO MOVE FORWARD WITH ADVERTISING AND HIRING OF THE POSITION. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 3) SRO Contract 2013/14. Chief Bowker explained the contract is exactly the same as prior, with the exception of the dates. Further discussion followed, regarding police department staffing for this position. **MOVED BY S. BARTELL, SECONDED BY JONES**, TO APPROVE THE MAYOR TO SIGN THE AGREEMENT, REGARDING THE SCHOOL RESOURCE OFFICER FOR THE 2013/2014 SCHOOL YEAR, WITH THE PHOENIX-TALENT SCHOOL DISTRICT AS PRESENTED. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Helfrich commented Urban Renewal approved an engineer to perform a traffic study report for Highway 99. Further discussion followed.
- 2) Councilor C. Bartell had nothing to report.
- 3) Councilor Jones gave an update on the Green Bag pick up and commented the items in need are household cleaning supplies, personal hygiene supplies, and diapers.
- 4) Councilor Jones announced the Community Kitchen has received a grant to redo the kitchen, so the cooking will take place outside for a while and the Community Kitchen is planning an event in August in Blue Heron Park. She added that this would be a good time to hold the dedication as well.
- 5) Councilor Jones announced the painting of the band shell is scheduled for Sunday, July 14, 2013 at 2:00 p.m. and asked for any volunteers. Further discussion followed.
- 6) Councilor S. Bartell commented he felt the interviews should be longer than 30 minutes. Further discussion followed, as council agreed on holding the interviews at 45 minutes.
- 7) Councilor Luz gave an update on Colver Park and reminded everyone of the Park Cleanup Day to be held June 15, 2013.

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Eli Naffah
City Manager/Recorder