

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

CALL TO ORDER

Mayor Jeff Bellah called the Executive Session of the City Council to order on Monday, June 17, 2013 at 6:00 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
Kurt Knudsen, City Attorney

Called under ORS 192.660 (2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Discussion followed and no decisions were made. Executive Session recessed at 6:35 p.m.

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, July 15, 2013 at 6:40 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

MAYOR'S COMMENTS:

- 1) Mayor Bellah commented the band shell looks great.
- 2) He reported on executive sessions that have been held in the past, as Steve Schulman filed an ethics charge to the Ethics Commission. He explained there are situations that require an executive session and he has notified the public adequately regarding each meeting and reported out of the sessions as needed. He further explained the City of Talent has had to cut back the reporting out of executive sessions to simply stating the ORS code the meeting is held under and the City of Phoenix may be headed in that direction. Mayor Bellah further stated he does not feel the City has committed an ethics violation, as the City has been as open about the meetings as possible. Additionally, he noted the earlier executive session was held due to Urban Renewal considering a possible purchase of land and no decisions were made. In addition, he explained the executive session following the regular City Council meeting is to discuss a proposal for the two bargaining units for labor negotiations.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the May 14, 2013 Special City Council Meeting/Executive Session
- 2) Approval of the Minutes of the May 16, 2013 Special City Council Meeting/Executive Session
- 3) Approval of the Minutes of the May 21, 2013 Special City Council Meeting/Executive Session
- 4) Approval of the Minutes of the May 23, 2013 Special City Council Meeting/Executive Session
- 5) Approval of the Minutes of the June 11, 2013 City Council Study Session
- 6) Approval of the Minutes of the June 12, 2013 Special City Council Meeting/Executive Session
- 7) Approval of the Minutes of the June 17, 2013 Regular City Council Meeting/Executive Session
- 8) Approval of the Minutes of the June 18, 2013 Special City Council Executive Session/Study Session
- 9) Approval of the Minutes of the June 24, 2013 Special City Council Meeting/Executive Session
- 10) Reappointment of Chris Henry to Urban Renewal. **MOVED BY S. BARTELL, SECONDED BY SOPHIE**, 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 he still has not heard anything regarding the RVS litigation.
 - b) He reported ODOT has agreed to assist with mediation in the La-Z-Boy case.
 - c) Councilor S. Bartell inquired whether Council did something wrong regarding the ethics complaint. Attorney Knudsen responded the discussion of management salary during an

executive session has come into question regarding whether it is appropriate. He added he did not find any information that could support the complaint, as there is only the Attorney General's opinion that states the discussion may be inappropriate during an executive session. He further added this does not hold a lot of weight, considering it does not have the support of a statute that addresses this issue. He further explained the next step would be to prepare a detailed response to the complaint, as the Ethics Commission is currently determining whether they have jurisdiction and Attorney Knudsen is confident they do.

2) City Engineer's Report:

- a) Mr. Ballard reported Tyler Crawford began his project the prior Thursday and he has completed his work for the project. Further discussion followed regarding Blue Heron Park.
- b) Councilor Sophie inquired about the construction performed at the Home Depot property. Mr. Ballard explained RVS was relocating the sewer line.
- c) Councilor Sophie inquired about South Stage Road construction. Mr. Ballard replied he did not know about the work performed.

3) Finance Director's Report:

- a) Mr. Weber reported Mechell Frazier turned down the position of administrative clerk and the City has hired another temporary clerk from Personnel Source. He further added the position is based on a 90-day probationary period.
- b) He reported the rural development loan was paid in full; adding that the balance owed was less than budgeted.
- b) He gave an update on the motel tax payments paid by the motel in arrears.

4) Planner's Report:

- a) Mr. Schulze reported on the demolition inquired about at 814 and 816 Bolz Road.
- b) He reported that the approval of the business license for *Joe's Restaurant* is nearly complete, along with the business license for *My Deli and Sushi*. Further discussion followed.
- c) He commented that there will be public hearing at the Planning Commission on Monday, July 22, 2013 regarding the property at 95 Houston Road. He added that he has spoken with the Planning Commission Chair regarding the resignation of a member and they are attempting to resolve the situation.
- d) He reported he has issued the final order for the Verizon Wireless facility for the modification of a site plan review under AT&T Wireless.
- e) He noted he will be requesting the assistant planner send the June building permit report to Council via email. He further reported there is a pre-application in process for a new church at 150 S Main. Councilor Helfrich inquired whether the church meets the downtown standards. Mr. Schulze replied that it will be a challenge; however, a church is a permitted use in the City Center under the Land Use District. Further discussion followed.
- f) Mayor Bellah inquired about the letter to The Greenery. Mr. Naffah reported the letter has been sent.

5) Police Department's/Public Safety Report:

- a) Chief Bowker reported Officer Richmond was injured on duty and was unable to work the prior week.
- b) He reported he is continuing to gather statistics from 2012 regarding the dispatches outside City limits. He added the report should be ready by the following Council meeting.

6) City Manager's Report:

- a) Mr. Naffah announced he received a letter from Charter Communications inviting the City to contact the director with any question or concerns regarding operations.
- b) He suggested the City have a working microphone system for the City Council meetings again, as it may be difficult for citizens to hear everything in the audience.
- c) He reported the City has received five applications for the Public Works Superintendent position thus far.
- d) He gave a more detailed update on The Greenery.
- e) Mayor Bellah inquired whether commercial buildings can be used as a residential home, as he has noticed a few buildings along Main street that appear to be occupied by households, rather than a business. Mr. Naffah replied that if the building is zoned for commercial use, it is not permitted for residential use. He requested Mayor Bellah let staff know about the addresses in question and the City will investigate.
- f) Mr. Naffah announced the City has received an invitation to attend an event in Medford called *On the Veranda*, July 26, 2013 with art, wine and appetizers.
- g) He gave an update on the City County Manager's Association conference he attended.
- h) Mayor Bellah requested Mr. Naffah update Council on the meeting with the Coquille tribe. Mr. Naffah reported they met with the Economic Development Coordinator of the Coquille Tribe, along with the representative for this area to establish a cooperative relationship between the City and the tribe. Further discussion followed.

UNFINISHED BUSINESS:

- 1) Issue Tracking Log. Mr. Naffah noted the changes to the tracking log. Councilor C. Bartell requested the expansion of City Center be added to the action log. Council suggested moving the employee insurance to a high priority. Further discussion followed, as additional items were noted that needed to be added to the Blue Heron Park item on the log. As discussion progressed, Councilor C. Bartell asked for items from the June 17, 2013 minutes to be added to the tracking log.
- 2) Disposition of Excess Bikes. Chief Bowker commented he did not have anything to add to the information given at a previous meeting when this item was on the agenda; however, the issue is becoming a problem, as it is difficult to keep the bikes obtained in the new fiscal year separate from the bikes that require disposition. As discussion followed, Council recommended requesting a formal proposal from the Boys & Girls Club to take all of the bikes from the previous fiscal year.

NEW BUSINESS:

- 1) Vehicle Donation. Chief Bowker expressed the Phoenix Police Department started an elder abuse investigation in the prior year. He added that the suspect in the case was found guilty on all charges and the family of the victim in the crime would like to donate one of the items

recovered to the Phoenix Police Department. He further explained that the item they would like to donate is a 2003 Toyota Avalon. Chief Bowker further expressed the Police Department would like to accept the donation, lawfully dispose of the vehicle, and take the proceeds from the sale of the vehicle and place them into the “Restricted Equipment and Supplies” line item in the budget for the future purchase of Police Department equipment. Councilor Sophie recommended preparing a resolution for the donation. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE RESOLUTION NO. 872, TO ACCEPT THE DONATION OF THE VEHICLE AND FOR THE MONEY RECEIVED FROM THE DISPOSITION OF THE VEHICLE TO BE PLACED INTO “RESTRICTED EQUIPMENT AND SUPPLIES” BUDGET LINE ITEM FOR FUTURE PURCHASE OF EQUIPMENT AND SUPPLIES.** 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

- 2) Cooperative Agreement with ODOT – Fern Valley Interchange Water Lines. Mr. Ballard came forward to describe the proposed agreement. He further expressed the document is a formal agreement for the cost sharing of the work completed within the project on City waterline facilities. Further discussion followed, as Mr. Ballard expressed some of the wording in the document may not be in the City’s best interest. Discussion followed regarding other suggested changes, as Council’s consensus was to request staff make the discussed changes to the agreement, discuss the changes with ODOT and bring this item back to the council at the next council meeting. Further discussion followed, as Mr. Ballard expressed that ODOT may need a signed agreement before August 5, 2013, to which Council responded they could hold a special meeting to approve the agreement before that date if required. Additional discussion followed.
- 3) Proposal to Form Cities Water Cooperative. Mayor Bellah expressed the coalition has reached a point that requires a formalized group. Mr. Ballard reiterated Mayor Bellah’s thoughts and added that this formalization would give the coalition a voice at the Medford Water Commission meetings. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY LUZ, TO SUPPORT THE RECOMMENDATION TO FORM A FIVE CITY WATER COALITION AND AUTHORIZE THE MAYOR TO INDICATE OUR SUPPORT FOR THE FURTHER DEVELOPMENT OF A FORMAL CHARTER AND BYLAWS.** Mayor Bellah commented this is the time to form this cooperative.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH SIX AYES

- 4) Expansion of City Center District to Church Street. Mayor Bellah expressed the City Council is interested in attempting to hold the City Center design to some of the same design standards currently in place. Mayor Bellah described this agenda item as the Council’s opportunity to discuss whether to direct the Planning Commission to study the potential expansion of the City Center District to Church Street. As discussion followed, Councilor

Luz clarified that Council needs to decide whether to request the Planning Commission to make a recommendation to City Council whether to expand the City Center District. Mayor Bellah explained he does not know enough about this area and whether the public would like the land use change or not; adding that the Planning Commission can complete this study then come back to the council with a recommendation. **MOVED BY SOPHIE, SECONDED BY HELFRICH, TO DIRECT THE PLANNING COMMISSION TO STUDY POTENTIAL EXPANSION OF THE CITY CENTER DISTRICT TO CHURCH STREET AND OTHER POTENTIAL AREAS, AND REPORT TO CITY COUNCIL.** Further discussion followed, as Councilor Sophie mentioned that with bicycles and children, there becomes an issue with safety as traffic begins to increase in the City Center as well.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH SIX AYES

ORDINANCES:

First Reading on an Ordinance Amending the City of Phoenix Municipal Code, Chapter 3.16, Clarifying the Language Concerning the Collection of Transient Room Tax and Establishing a Transient Tax on RV Parks. Mayor Bellah explained the intent of the City of Phoenix is to clarify language and procedures related to the collection of and enforcement processes related to uncollected Transient Taxes within the City. He further noted the expansion of the facilities to collect Transient Taxes to include RV parks. Further discussion followed, as Council noted some minor corrections to the drafted ordinance. Attorney Knudsen clarified the corrections and agreed to make the necessary modifications before the second reading.

COUNCILOR ITEMS, COMMENTS/REPORTS:

- 1) Councilor C. Bartell announced the Parks Commission will be holding a meeting on Tuesday, July 23, 2013.
- 2) Councilor Helfrich gave an update on Urban Renewal.
- 3) Councilor Jones reported on the food pantry. She added there is a need for donations of canned beans, except for green beans.
- 4) Councilor Jones reported the band shell is complete.
- 5) Councilor Jones reported the next Ford Leadership Class has been postponed, as there were not enough volunteers signed up at this time.
- 6) Councilor Sophie reported the LOC's recent Local Focus magazine has some articles that pertain to issues the City is currently facing that are very informative and encouraged Council to read the articles.
- 7) Councilor Luz reported the Water Commission unanimously agreed to a water rate recommendation and there will be a formal recommendation to the City Council following the next Water Commission meeting.
- 8) Councilor S. Bartell inquired about scheduling an ODOT meeting regarding an update on the Fern Valley Interchange Project. Mayor Bellah responded that one of the initial meetings that will be scheduled, once the new City Manager is on board. Further discussion followed, as Council's consensus was to invite ODOT to come to a meeting to update the City in August.

The open meeting recessed at 8:52 p.m.

EXECUTIVE SESSION:

Called under ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Discussion followed and no decisions were made.

The Executive Session recessed at 9:23 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Eli Naffah
City Manager/Recorder