

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Monday, November 18, 2013**

**CALL TO ORDER**

Mayor Jeff Bellah called the Executive Session of the City Council to order on Monday, November 18, 2013 at 6:00 p.m. in the Public Works Office.

**ROLL CALL**

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

**Staff Present:** Steve Dahl, City Manager/Recorder  
Kurt Knudsen, City Attorney

Called under ORS 192.660 (2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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, November 18, 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:** Steve Dahl, City Manager/Recorder  
Janette Boothe, Deputy City Recorder  
Derek Bowker, Chief of Police  
Steve Weber, Finance Director  
Kevin Caldwell, Public Works Superintendent  
Jeff Ballard, City Engineer  
Kurt Knudsen, City Attorney

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING:**

South Phoenix/North Grove Road Street renaming appeal. Mayor Bellah requested Mr. Dahl present a staff report on this subject. Mr. Dahl explained the Planning Commission decided to rename North Phoenix Road as North Grove Road; however, South Phoenix Road is suggested to stay the same, per the request of Ed Bemis, who is acting on behalf of 301 South Phoenix Road. He further explained that based on comments from Fire District 5 and other agencies, the Oregon Department of Transportation is appealing the decision.

Janelle Stratner, ODOT, came forward to elaborate on ODOT's position. She explained ODOT has been in contact with Ed Bemis, along with multiple emergency agencies in the area. She further expressed the most recent conclusion is the original suggested name for South Phoenix Road during the renaming discussion at the Planning Commission level was to rename the road South Grove Road. Further discussion followed.

Ed Bemis, 301 South Phoenix Road, expressed he has attended the meeting regarding the new overpass over the years and the recent changes have made the business property in a less than desirable location. He further explained that signage for the business is 301 South Phoenix Road and he went to the Planning Commission requesting the name of the road stay the same, so as to not replace all of the business associated material with that address on them. However, since then, Mr. Bemis has discovered a problem with staying with the name, as South Phoenix Road would be difficult to find, as North Grove Road would turn into South Phoenix Road, once the overpass construction has been completed. He reiterated that he felt it was more important that the road be renamed the same all of the way through, whether or not North and South was used. He additionally mentioned that he would like to see the road be renamed South Phoenix Road. Further discussion followed.

David Lewin, Vice Chair Planning Commission, addressed council to explain the decision made by the Planning Commission. He further explained the Planning Commission was not in agreement with renaming a larger part of the road South Phoenix Road.

As discussion progressed, Council debated the renaming of the road and expressed their confusion with North and South. Councilor Sophie suggested renaming the whole road Grove Road. Additional discussion followed. **MOVED BY SOPHIE, SECONDED BY JONES, TO MODIFY THE EXISTING ORDINANCE TO REFLECT THE NAME CHANGE.**

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

**MOVED BY S. BARTELL, SECONDED BY SOPHIE, TO APPROVE THE MODIFICATION OF THE ORIGINAL STREET NAMES CREATING GROVE ROAD, RATHER THAN NORTH AND SOUTH PHOENIX ROAD.**

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

**CONSENT CALENDAR:**

- 1) Approval of the Minutes of the November 4, 2013 City Council Executive Session/Meeting.
- 2) Approval of the Minutes of the November 4, 2013 City Council Workshop. **MOVED BY SOPHIE, SECONDED BY JOENS, 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**

**UNFINISHED BUSINESS:**

1. Resolution amending Resolution 875, authorizing the City Manager to seek issuing an irrevocable letter of Credit to ODOT for the City's estimated cost associated with the Fern Valley Interchange Project. Mr. Dahl explained the City did not budget for the payment to ODOT, leaving the City with two options: obtain an irrevocable letter of credit or gather the budget committee to amend the budget. Council approved a resolution to seek the letter of credit; however, the City's estimated cost to obtain the letter of credit outweighed the benefit to the City. Mr. Dahl further explained he met with ODOT and made an agreement to place this item in the upcoming budget. **MOVED BY SOPHIE, SECONDED BY LUZ ,TO ADOPT RESOLUTION NO. 881, REVOKING RESOLUTION NO 875, WHICH AUTHORIZED THE CITY MANAGER TO SEEK ISSUING AN IRREVOCABLE LETTER OF CREDIT TO ODOT FOR THE CITY'S ESTIMATED COSTS ASSOCIATED WITH THE FERN VALLEY INTERCHANGE PROJECT.**
2. Revision of Jackson County Agricultural Extension Service Resolution. Mr. Dahl expressed the Jackson Agricultural Extension Service was requesting a revision of the resolution for proper clarification.

Meredith Reynolds, Vice President of the Friends of Research and Extension Service, came forward to express the reasons for the clarification was to show Council's approval of placing the vote for initiating formation of a Jackson County Agricultural Extension District on the ballot.

As discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO APPROVE RESOLUTION NO. 882, AMENDING RESOLUTION NO. 876, SUPPORTING THE FORMATION OF A JACKSON COUNTY AGRICULTURAL EXTENSION SERVICE TO BE PLACED ON THE MAY 2014 BALLOT.**

**ROLL CALL VOTE AS FOLLOWS:**

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

3. Resolution accepting the recommended price and tier changes to water rates as offered by the Water Committee. Mr. Dahl gave a staff report, explaining the resolution prepared for the agenda packets was performed due to Council's request at the prior City Council meeting;

however, since that time, the Water Commission has suggested changes to the proposed resolution, as stated in the attached documents in the agenda packet.

Jim Snyder, Vice Chair of Phoenix Water Commission, came forward to clarify the suggested changes to the prior recommendation from the Water Commission. Further discussion followed.

**MOVED BY S. BARTELL, SECONDED BY JONES, TO APPROVE RESOLUTION NO. 883, SETTING WATER RATES PURSUANT TO ORDINANCE NO. 639 AND SUGGESTED MODIFICATIONS BY THE WATER COMMISSION AND SUPERSEDING RESOLUTION NO. 805.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

**NEW BUSINESS:**

- 1) Resolution approving the amending of Jackson County Application LRP2008-00012 to conform to the Regional Problem Solving Plan and follow through on the process to annex more property into the City of Phoenix. Mr. Dahl gave a staff report expressing Harry and David submitted an application to expand the Urban Growth Boundary in 2008; however, the process was not completed. He further explained Harry and David would like to reapply for this expansion and requests the City approve the reapplication process by supporting a resolution.

Mike Montero, 4497 Brownridge Terrace, Medford, explained this process started before the RPS project was completed and now since the adoption of the plan, Jackson County was ready to proceed with the process of the application; however, because of the RPS process, the application is pending, as it is incomplete. He further explained the intent of the attached letter is to put the City of Phoenix on notice that the County cannot process the application in its current form; however, the County is willing to work with the City of Phoenix to allow for a revision of the application to coincide with the RPS plan. Further discussion followed, as Mr. Montero further explained Harry and David is requesting the City of Phoenix affirm the prior position, regarding annexing the area requested into the City of Phoenix. Further discussion followed regarding possible development of PH-5 land.

**MOVED BY SOPHIE, SECONDED BY HELFRICH, TO APPROVE RESOLUTION NO. 884, AMENDING JACKSON COUNTY APPLICATION LRP2008-00012 TO CONFORM TO THE REGIONAL PROBLEM SOLVING PLAN AND FOLLOW THROUGH ON THE PROCESS TO ANNEX MORE AREA INTO THE CITY OF PHOENIX.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

- 2) Resolution authorizing the City Manager to sign an agreement with ODOT, Phoenix Urban Renewal Agency and the City of Phoenix, titled Walkway/Bikeway Project Agreement OR 99 @ Oak Street: Sidewalk and Pedestrian Crossing. Mr. Dahl noted the Urban Renewal Board has approved this project, and the Urban Renewal Agency is seeking the City's approval to move forward with this project. Further discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO APPROVE RESOLUTION NO. 885, AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AN AGREEMENT BETWEEN OREGON DEPARTMENT OF TRANSPORTATION, PHOENIX URBAN RENEWAL AGENCY, AND THE CITY OF PHOENIX TITLED WALKWAY/BIKEWAY PROJECT AGREEMENT OR 99 @ OAK STREET: SIDEWALK AND PEDESTRIAN CROSSING.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MAYOR'S COMMENTS:**

Mayor Bellah announced the City is scheduled for March 25, 2014 for a potential jury trial involving La-Z-Boy for the collection of approximately \$90,000 for the development charges for the interchange. He inquired whether Council would like to proceed with meeting with La-Z-Boy to counter their offer of \$10,000 to avoid going to court with a counteroffer from the City for \$25,000. He further questioned who the City would like to meet with La-Z-Boy. Council's consensus was to direct the City Manager and Attorney Knudsen to set up a meeting with La-Z-Boy to discuss the City's counteroffer.

**STAFF REPORTS:**

1) City Manager's Report:

- a) Mr. Dahl announced all of the requirements to sell the property at Pear Tree Storage have been met to move forward.
- b) He commented the temporary staff assisting in the planning department, along with extending the assistant planner into a full time position is no more cost to the City than having the prior planning director's salary and benefits. He further added he will begin the hiring process for a new planning director in January 2014.
- c) He reported he received the latest population report from Portland State University and Phoenix has a population of 4,570.
- d) Councilor S. Bartell inquired about developing a packet available for the public concerning the different development charges and fees. Mr. Dahl responded that the planning department is currently working on putting this item together.
- e) Mayor Bellah requested an up to date action log for the upcoming meeting.

**MAYOR'S COMMENTS:**

Mayor Bellah discussed the recent ethics complaint from a citizen received regarding a dialogue that may have come up during a prior executive session. He added there will be a hearing held on Friday to determine whether the Ethics Commission would like to pursue this as a violation. He noted he would like the opportunity to offer his acknowledgement that a procedure may have not been followed correctly, and now the City is aware and the City will not make this

procedural mistake in the future. Additionally, Mayor Bellah informed Council they may have the opportunity to make a statement regarding this subject if they would like to, he will have more information he will pass along on the following day. Further discussion followed.

**COUNCIL ITEMS, COMMENTS/REPORTS:**

- 1) Councilor Luz noted Carolina from Ray's will MC the tree lighting ceremony on November 30, 2013.
- 2) Councilor Luz noted the pallets in front of the old Associated Fruit property are hazardous and wanted to know how the City can resolve the issue. Mr. Dahl reported that this is a code enforcement issue and he would be sure to look into it.
- 3) Mayor Bellah commented on the property with tanks of liquid propane on it. Further discussion followed, as Mr. Dahl commented that the Railroad Corporate Office owns this property, which may be a long process to try to resolve.
- 4) Councilor Sophie announced a new building inspection fee will go into effect in January.
- 5) Councilor Sophie announced the next MPO meeting will be held Tuesday, November 26, 2013 and the new manager will be introduced.
- 6) The final 99 Corridor Study TAC meeting is scheduled for November 21, 2013 at noon at Fire District 5.
- 7) Councilor Jones reported the final delivery of food was made regarding the CDBG grant and 45 volunteers assisted at the First Presbyterian Church.
- 8) Councilor C. Bartell reported the next Parks Commission meeting is scheduled for November 19, 2013 and they will be discussing the Community Garden expansion.

The meeting adjourned at 8:43 p.m.

Respectfully submitted,

Attest:

Janette Boothe  
Deputy City Recorder

Steve Dahl  
City Manager/Recorder