

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Tuesday, January 21, 2014**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, January 21, 2014 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, RH2 Engineering

PLEDGE OF ALLEGIANCE

PRESENTATION:

- 1) Conor Delaney, Pauly Rogers, will present the Audit Report for Fiscal Year ending June 30, 2013. Conor Delaney presented the audit report summarizing the three documents provided by the audit firm. He added the City of Phoenix received the highest level of opinion an auditor is able to provide. Additionally, he reviewed the bullet points in the documents that were recommendations to the City as preventative measures for internal controls. Mr. Delaney took questions from Council as he explained the process of his audit findings. He added staff assisted very well during the audit and noted the office was well organized. Further discussion followed, as Council inquired about the purchasing process at the staff level. **MOVED BY LUZ, SECONDED BY HELFRICH, TO ACCEPT THE 2012/2013 AUDIT REPORT AS PREPARED BY THE FIRM OF PAULY, ROGERS AND CO., P.C.**

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 noted the City Council is facing some challenges recently, one of which is how the medical marijuana dispensary law applies to cities within Oregon, as there are a couple of interested parties in this type of business within the City limits. Additionally, there have been

several discussions recently regarding communication issues with Urban Renewal. He added that on a positive note, the City Council approved the purchase of hanging flower baskets for the downtown area along Main Street. Mayor Bellah also noted that the Capital Improvement Plan is in the process of application to the streets in the near future.

He announced the Parks Commission is discussing having two parades annually. Further discussion followed regarding the process required to move forward with this project. Mayor Bellah directed Mr. Dahl to request a list of projects from the Parks Commission for the upcoming agenda to allow City Council the opportunity to assist in prioritizing the list of projects.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the January 6, 2014 City Council Meeting.
- 2) Approval of the Minutes of the January 14, 2014 City Council Workshop. **MOVED BY SOPHIE, SECONDED BY LUZ, 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) Re-appoint a Member of the Budget Committee. Mayor Bellah noted Annegret Topel has expressed her interest in re-appointment on the Budget Committee. Further discussion followed. Council's consensus was to re-appoint Ms. Topel.
- 2) Approval of the Capital Improvement Plan Ranking. Mayor Bellah requested Jeff Ballard to review the modifications made to the capital improvement plan with suggested revisions from Council. He briefly explained the changes. Further discussion followed regarding the projects projected through the upcoming fiscal year. Mayor Bellah clarified this document is intended to be continuously reviewed on an ongoing basis, to ensure the necessary projects can be accomplished. Further discussion followed, as Mr. Ballard took questions from Council. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE RESOLUTION NO. 886, CREATING AND APPROVING THE CAPITAL IMPROVEMENT PLAN FOR 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

- 3) Approval of Motion to Enter into Mediation with La-Z-Boy. Mayor Bellah noted he and Mr. Dahl met with the manager of La-Z-Boy and discussed the possibility of mediation between the City and La-Z-Boy to avoid going to court. He further stated the manager of La-Z-Boy seemed to be in favor of this option. He added Attorney Knudsen drafted a letter to their attorney for Council's approval to send out requesting mediation. As discussion progressed, Councilor S. Bartell stated before deciding to move forward, he is

requesting staff contact ODOT to discern whether ODOT will be satisfied with the outcome of the mediation, should the City go to mediation. Further discussion followed, as Council's consensus was to involve ODOT in the decision of whether to proceed with the mediation. **MOVED BY S. BARTELL, SECONDED BY SOPHIE, TO OFFER MEDIATION TO LA-Z-BOY AS AN ALTERNATIVE TO GOING TO TRIAL TO SETTLE THE DISPUTE AS LONG AS ODOT IS INVOLVED IN THE MEDIATION AND IS IN AGREEMENT WITH THE OUTCOME.**

ROLL CALL VOTE AS FOLLOWS:

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

NEW BUSINESS:

- 1) Purchase of a City Road Sander. Kevin Caldwell, expressed the City of Phoenix currently does not have a 4x4, and the estimated value of the truck with the equipment is more than twice the asking price. Further discussion followed regarding the sander and plow attachments. Additionally, Public Works plans to add the truck to the daily fleet, it is not going to be a purchase based solely on the equipment, the truck is of the greatest value to the City and the equipment is an additional benefit. **MOVED BY JONES, SECONDED BY S. BARTELL, TO APPROVE RESOLUTION NO. 887, APPROVING THE PURCHASE OF A 2000 F350 4X4 DIESEL WITH SANDER AND SNOW PLOW ATTACHMENTS FROM THE CITY OF ASHLAND FOR \$7,500.**

ROLL CALL VOTE AS FOLLOWS:

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

- 2) Resolution Setting Rules for Renting Hydrant Meter/Backflow Device from the City. Mr. Caldwell explained the City currently does not have a policy in place to charge for the use of the hydrant meter/backflow device setup or to charge the customer for water usage during construction. Mayor Bellah inquired why the amount Public Works has suggested for charging for rental of this device is so low. Mr. Caldwell replied that the current consumption charge for water used for this purpose is \$1.00/gallon and he is asking to increase the amount to \$2.39/gallon. Additionally, Public Works assessed the charge for the daily rental at a reasonable rate when compared to surrounding cities. Mr. Ballard further explained the whole intent behind the policy in place is to gain the knowledge of where the water is going. With a moderate daily fee, the contractor is more likely to report this information. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 888 OF THE CITY OF PHOENIX OREGON, SETTING POLICY FOR HYDRANT METER AND BACKFLOW DEVICE RENTAL AND FEES.**

ROLL CALL VOTE AS FOLLOWS:

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

- 3) Resolution Approving Emergency Spending for Road Repair. Mayor Bellah explained that the amount the City spent on this repair exceeded the amount the City Manager is authorized to approve, except on an emergency repair. The resolution is intended to approve the emergency expenditure that was made. **MOVED BY S. BARTELL, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 889 OF THE CITY OF PHOENIX OREGON APPROVING EXPENDITURES FOR ROAD REPAIR WORK ON FERN VALLEY ROAD.**

ROLL CALL VOTE AS FOLLOWS:

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

- 4) Resolution Adopting a Restated Purchasing Policy. Mr. Weber explained the reasons for restating the purchasing policy and noted staff recommends the approval. Further discussion followed, as Mr. Weber took questions from Council. Council inquired about credit card purchases, to ensure proper procedures are performed. **MOVED BY JONES, SECONDED BY LUZ, TO ADOPT RESOLUTION NO 890, ADOPTING A RESTATED CITY OF PHOENIX PURCHASING POLICY.**

ROLL CALL VOTE AS FOLLOWS:

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

- 5) Resolution to Establish a City of Phoenix Municipal Court Amnesty Program. Janette Boothe was requested to give a staff report on this program. Ms. Boothe explained this program has been established for the past three consecutive years. She further explained this program assists both parties, as many defendants that take advantage of this program are those who would otherwise not pay and many of these collections are from citations that are over 10 years old. Council requested a report from staff following the April 30, 2014 closing date to provide statistical information regarding the success of the program. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE RESOLUTION NO. 891, ESTABLISHING A CITY OF PHOENIX MUNICIPAL COURT AMNESTY PROGRAM.**

ROLL CALL VOTE AS FOLLOWS:

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

CITIZEN'S COMMENTS:

Louis Junghans, Phoenix, commented he was happy with the City's accomplishments throughout the prior year. He added that he is in favor of medical marijuana dispensaries within the City limits if it is done properly with the right location. Additionally, he noted he does not have an issue with medical marijuana growers in the community, as long as it does not impose on the surrounding neighbors.

Tere Knight, Medford, commented that OMMP patients, along with their growers and caregivers are required to fight for their rights to have safe access to medicinal marijuana. She further explained that it is a legal, medicinal plant that has been recommended by a qualified physician. She went on to explain the qualifications for an OMMP card and emphasized the rights of these cardholders, along with the beneficial effects of the medical marijuana. Ms. Knight additionally suggested the City of Phoenix would profit from allowing a medical marijuana dispensary within the City limits. Ms. Knight went on to explain her position to fight for her access to a safe facility.

Christopher Marino, Ashland, noted Ashland is discussing a proposal to amend their current city ordinance regarding unlawful activity and business license. He went on to express the City of Ashland is preparing to comply with the State law that will go into effect in March. He further questioned the City's stance regarding federal law, as the City needs to comply with state law, rather than the City complying with federal law.

STAFF REPORTS:

1) City Manager's Report:

- a) Mr. Dahl read aloud Ms. Cates' email to him regarding the Council's suggested items for the upcoming budget year. The email explained that there would be a detailed response prepared for the February 3, 2014 agenda.
- b) He reviewed the annual police report and requested all questions regarding this report include him in the correspondence. Mayor Bellah suggested Chief Bowker's attendance at the upcoming Council meeting to allow the opportunity for questions from the Council once the Council has had sufficient time to review the report.

Councilor Luz inquired about the safety hazard of the pallets that are on the property on South C Street that Associated Fruit formerly owned. Mr. Dahl confirmed he would contact Officer Alexander to look into the issue.

Mayor Bellah noted he and Mr. Dahl were fielding some complaints regarding the construction on Main Street. He contacted Dick Leever of ODOT to resolve the issue and Mr. Leever explained ODOT will not have a response for these issues until a contract is in place. Additionally, he noted the streetlight above the Bolz Road crossing is malfunctioning and the City is looking into addressing the lighting issue.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor S. Bartell commented it is nice to hear the positive feedback on the City newsletter Mayor Bellah sends out.
- 2) Councilor S. Bartell noted that Council appreciated Diana Nelson's efforts with getting feedback from those in her neighborhood regarding medical marijuana.
- 3) Councilor S. Bartell announced he would not be attending the meeting at the Greenery, as he feels he is well educated on the subject of medical marijuana. He further stated he does not feel it is in the City's best interest to attend a function at a business that does not comply with a City ordinance or operating within the State regulations. Mayor Bellah added he sent an email to the owner of the Greenery explaining he will not be attending her facility for the same reason.

- 4) Councilor C. Bartell commented on the packets prepared by Urban Renewal regarding the Market Study, specifically questioning the steps involved in the process, as she finds the steps outlined were not completed properly.
- 5) Councilor Jones announced Thursday is the fourth anniversary of the Community Kitchen and there will be a spaghetti dinner from 5:00 to 7:00 p.m.
- 6) Councilor Jones announced Friday, January 24, 2014, Phoenix Urban Renewal is hosting an open house at the First Presbyterian Church from 12:00 to 1:00 p.m. and then 5:30 to 6:30 p.m.
- 7) Councilor Sophie announced the first meeting of the year for RVCOG will be held the following day.
- 8) Councilor Helfrich reported Urban Renewal has a new website.
- 9) Councilor Helfrich reported the owners of the building Roscoe's previously occupied are making improvements on the property and Urban Renewal is working with them to assist with the improvements. Further discussion followed regarding Urban Renewal projects.
- 10) Mayor Bellah gave an update on the Medford Water Coalition and the Medford Water Commission contract. Further discussion followed.

The meeting adjourned at 8:44 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder