

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Monday, March 3, 2014**

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday March 3, 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  
Kevin Caldwell, Public Works Superintendent  
Kurt Knudsen, City Attorney

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS:**

- 1) Mayor Bellah commented on attending the Hispanic Chamber of Commerce for Jackson County @ the Shoppes at Exit 24. He further noted approximately 18 percent of the Phoenix population has a Hispanic background, and he is looking for ways to involve the Hispanic Chamber of Commerce in City events.
- 2) He announced a Small Cities meeting for region 5 will be held in Myrtle Creek on March 13, 2014 from 11-1 p.m.
- 3) He announced Oregon received a total of 289 MMD applications across the state and noted Jackson County received 18 of those applications. He further noted the OHA is continuing to note there has not been an approval for any dispensary to operate as of yet.

**CONSENT CALENDAR:**

- 1) Approval of the Minutes of the February 3, 2014 Regular City Council Meeting
- 2) Approval of the Minutes of the January 28, 2014 City Council Workshop Minutes
- 3) Approval of February 11, 2014 Special City Council Workshop Minutes. Councilor Jones requested to pull February 11, 2014 minutes from the Consent Calendar. **MOVED BY JONES, SECONDED BY SOPHIE, TO APPROVE THE CONSENT CALENDAR WITH ITEM 3 PULLED.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

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

Councilor Jones noted some corrections regarding a few mistranslations by the preparer of the minutes. Mayor Bellah voiced his corrections to the minutes as well. **MOVED BY S. BARTELL, SECONDED BY JONES, TO APPROVE THE FEBRUARY 11, 2014 MINUTES AS CORRECTED.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**ORDINANCE:**

Second Reading on Medical Marijuana Moratorium Ordinance. Mayor Bellah explained there were some changes in the recitals in the ordinance primarily due to emails received regarding wording in the document. He further noted the intent of the ordinance was not changed. He went on to read aloud the entire ordinance. Mayor Bellah opened the public hearing at 6:49 p.m.

**THOSE IN FAVOR OF THE ORDINANCE:**

No one spoke in favor of the amendment.

**THOSE IN OPPOSITION TO THE ORDINANCE:**

- 1) Steve Schulman, Phoenix, noted the first and second reading of an ordinance wording must be exact unless amended in session. He went on to explain the changes were more than minor, as he read the changes he noted. Attorney Knudsen noted he contacted the Chief Counsel of League of Oregon Cities, specifically for this question and was informed the City is able to amend the ordinance in this manner.
- 2) Melanie Barniskis, Medford, addressed Council with the same concerns she explained at previous meetings and noted her strong opposition to the ordinance.
- 3) Brittney Nottingham, Talent, expressed she did not see the point in the four month moratorium, as she does not feel the federal government will change its stance on medical marijuana in that time.
- 4) Taurie Rubaloff, Ashland, explained that MMFs are going to be regulated as of today by the state. She further stated the ordinance is discriminatory towards individuals choosing cannabis to alleviate their ailments. She went on to argue with much of the wording in the ordinance and closed her argument with stating the moratorium is only effective in stalling the inevitable and is being used as a way to deny patients safe access to medicine, which is not a way to promote the health and safety of the people of Phoenix.
- 5) Andrea Adams, Talent, expressed she is shocked at how much the ordinance changed and while she is comfortable with some of the changes made to the document she is not in agreement with this ordinance. She further explained she felt the ordinance was specifically directed towards her, as she is seeking to open other types of businesses in the building she occupies. As she further explained her position, she claimed that if the ordinance is passed, a group of citizens are prepared to file a referendum the following day and collect signatures.

- 6) Christine Totten, Ashland, noted she believes the Council has had an outstanding opportunity to evaluate and adopt medical marijuana facilities within the City limits and went onto express all the reasons she feels the Council has not taken the opportunities that have been given them over the past year.
- 7) Andrew Shefren, Ashland, expressed anyone who is legally attempting to obtain medical marijuana should be allowed safe access to their medicine. He also expressed he is in disbelief that after a year of individuals coming to the meetings in an attempt to educate the Council on medical marijuana, Council is just now attempting to start the process for whether or not to have medical marijuana facilities.

Mayor Bellah closed the public hearing at 7:06 p.m.

Mayor Bellah noted that only one individual out of the seven who spoke in opposition to the ordinance is a citizen of the City of Phoenix. He further noted that he is unaware of any other city in the valley passing an ordinance that is allowing a business license to be issued as of yet, so he is unsure why everybody seems to be singling out Phoenix. He further explained the reasons for the ordinance. He opened up discussion to Council and requested the comments be held to approximately three minutes.

Councilor Helfrich questioned Attorney Knudsen regarding a court case concerning federal law not trumping state law. Attorney Knudsen replied he did not think the court case applies in this instance. Further discussion followed.

Councilor Luz expressed he solicited information from businesses along Main Street and the majority of the businesses were not in favor of medical marijuana facilities in downtown Phoenix. He offered his conjecture that the moratorium would allow the City time to prepare an ordinance with proper guidance from the State.

Councilor Sophie expressed his concern for proper guidance from the State regarding MMFs. He further noted that the zoning for these types of facilities is also in question, and further research needs to be performed before the City can complete an educated decision on the effects of having a MMF on the citizens and other businesses.

Councilor Jones noted the State has put Cities in a bad position; however, she further noted the Greenery has been operating for a while and does not agree with the idea that this type of business will have an ill effect on the citizens of Phoenix. She further noted she did not agree with the 1,000 feet rule, as children are going to obtain things whether a business is within the feet limit or not. She further expressed Council could have directed staff to complete research before now and does not agree with placing a moratorium on item that needs to be dealt with.

Councilor C. Bartell pointed out that contact with a councilor whether it was at a meeting or not should be considered in the same manner. She further expressed the Council holds office to represent the citizens. She further commented on the actions of other cities regarding this subject and added that the moratorium is not out of line and will allow the City the opportunity to implement rules and regulations properly.

Councilor S. Bartell commented he has noted the concerns voiced at council meetings regarding this topic and he has had numerous conversations with other citizens of Phoenix who are not in attendance. He further stated it is not the few that are the loudest that Council should be concerned with, it is view of the majority of citizens on this subject. He added he is agreement with the moratorium. Additionally, he requested clarification regarding the changes that were made to the ordinance and whether or not it was done correctly. Attorney Knudsen explained that the League of Oregon Cities response was that the City can make changes in substantial substance to the originally proposed ordinance, as long as it is a public process. He further clarified that the City has not changed the intent of the ordinance that was prepared for the first reading. Further discussion followed. Mayor Bellah requested a motion. **MOVED BY S. BARTELL, SECONDED BY SOPHIE, TO ADOPT ORDINANCE NO. 945, PLACING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF PHOENIX OREGON FOR FOUR MONTHS.** Councilor Helfrich added he has completed a lot of research on this topic and he is concerned about the medical marijuana cardholders. Further discussion followed.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, S. Bartell, and Luz**

**Nays: Jones and Helfrich**

**MOTION APPROVED WITH FOUR AYES TO TWO NAYS**

**NEW BUSINESS:**

- 1) Pre-application for Planning Grant. Mr. Dahl explained the City has an opportunity to apply for a TGM planning grant from ODOT. He further explained the purpose of the application for this grant. Further discussion followed regarding this process. **MOVED BY LUZ, SECONDED BY S. BARTELL, THAT THE CITY MANAGER DIRECT STAFF TO APPLY FOR THE OREGON TRANSPORTATION AND GROWTH MANAGEMENT PROGRAM GRANT.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

- 2) PacifiCorp permanent power easement. Mayor Bellah pulled this item from the agenda; however, he wanted to note the purpose of the agenda item is to approve a permanent easement for Verizon, and this item will be addressed fully at a future meeting. Further discussion followed regarding whether this item can be combined with other projects in the City.

**UNFINISHED BUSINESS:**

Consider an Executive Salary Increase. Mayor Bellah commented a performance evaluation was performed at the prior meeting. He further explained he is suggesting a salary increase of \$4,500 for a couple reasons. Mayor Bellah explained there is pay compression at the top, as currently some department heads and the City Manager earn almost the same amount annually. Additionally, he noted the Chief of Police has not received a salary increase in almost four years and the Finance Director has not received a raise in the two years he has been employed with the

City of Phoenix. Further discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO AUTHORIZE THE MAYOR TO SIGN THE ADDENDUM TO THE CONTRACT WITH STEVE DAHL, CITY MANAGER/RECORDER WITH A SALARY OF \$82,000.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

**CITIZEN COMMENTS:**

- 1) Billy Mullin, Phoenix, addressed Council regarding a request for street lights on Independence Circle. He explained the distance from the apartment complex he occupies to the garbage and mailbox. Additionally, he noted the poorly lit area affects citizens that are attending functions at the high school, as many park in the circle at those times. He expressed his concern for providing a precaution towards crime in the area. He further added the safety hazards involved with having a poorly lit street.
- 2) Jeremy Nowku, Phoenix, noted he put together a petition for City Council to request two street lights within the circle. He further explained the reasons for the request and reiterated many of the same statements as Mr. Mullin. Discussion followed, as Mr. Nowku noted he fully supports the moratorium that was approved earlier in the meeting.

**STAFF REPORTS:**

- 1) City Attorney's Report:
  - a) Attorney Knudsen had no new updates as he briefly discussed the RVS case and the La-Z-Boy case.
- 2) City Manager's Report:
  - a) Mr. Dahl announced the engine on the vacuum truck requires immediate replacement and requested temporary authorization to order a new engine. Further discussion followed, as Mr. Dahl confirmed a formal resolution will be prepared for the following meeting for the purchase. Council's consensus was to give tentative approval for this purchase.
  - b) He announced there are two vacancies on the Planning Commission.
  - c) He announced he distributed a packet of RFPs received for attorney services and stated he is hoping interview scheduling can be discussed at the March 17, 2014 meeting.
  - d) Mr. Dahl announced City Council and Urban Renewal are scheduled to have a joint meeting on March 11, 2014. He further commented he has been working on the format for the meeting. Further discussion followed, as Council's consensus was to schedule a special City Council meeting on March 13, 2014 at 7:00 p.m. as follow-up on the joint meeting.

Mayor Bellah inquired about traffic stops he witnessed by the Talent Police Department. Chief Bowker explained the traffic police officers were most likely simply in the area. He further added, there is an understanding between the Phoenix and Talent departments that a police officer from one city may initiate a traffic stop in the other police department's city.

**COUNCIL ITEMS, COMMENTS/REPORTS:**

- 1) Councilor S. Bartell noted he inquired of the City Manager a couple of weeks prior regarding the signage for Liberty Tax that is on the sidewalk and whether it may be removed. Councilor Jones noted that there are signs for the tanning place and a restaurant along the same sidewalk and they are not permitted on the sidewalk. Mr. Dahl confirmed he would look into this.
- 2) Councilor Sophie commented he received complaints concerning trash left behind by homeless individuals gathered behind Petro.
- 3) Councilor Sophie gave an update on MPO.
- 4) Councilor Luz reported there may be a water commission meeting scheduled within a month.
- 5) Councilor Helfrich gave an update on the regional transportation planning meeting he attended.
- 6) Councilor Jones suggested reviewing the mobile home parks to determine whether subsidies can be given toward transient tax for low income households.
- 7) Councilor Jones inquired whether the entrance for the subdivision on Meadow View can be blocked off once the interchange construction begins. She further commented she contacted ODOT and they informed her that the City would be responsible for this action.
- 8) Mayor Bellah announced he met with the regular Chamber of Commerce in the prior week where he was informed they are unable to afford their rent and they are considering installing a couple of kiosks with information.
- 9) Mayor Bellah commented on the maps that were distributed before the meeting regarding the 1,000 foot rule and noted the OMMP website clearly does not take into consideration Armadillo Tech.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Attest:

Janette Boothe  
Deputy City Recorder

Steve Dahl  
City Manager/Recorder