

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, May 19, 2014**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, May 19, 2014 at 6:30 p.m. in the Public Works Office.

ROLL CALL

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

ABSENT: Bruce Sophie, Karen Jones

Staff Present: Steve Dahl, City Manager/Recorder
Jeff Price, Police Sergeant
Steve Weber, Finance Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

URBAN RENEWAL EXECUTIVE DIRECTOR REPORT:

Ms. Cates came forward to present her report and answer any questions from Council. Ms. Cates explained a question has been raised about the possibility of the First Presbyterian Church being used as a temporary Community Center and whether Urban Renewal is planning to bring this property into the Urban Renewal boundary and her response is that the proposed date for this transition will be in the 2014/15 fiscal year.

She further addressed the scheduling for certain discussions, as Council inquired about discussing Blue Heron Park. She noted the Parks Commission should provide a copy of the Parks plan with rough sketches of improvement needs to the Urban Renewal Board as soon as possible so Urban Renewal may be able to implement the acreage needed into Urban Renewal boundary. Additionally, she noted the Parks Commission needs to create a priority list for the improvement needs, so the Urban Renewal board can understand the parks necessities and plan for the next few years of projects.

She further addressed questions regarding the engineering firms that responded to the South Couplet Safe-Crossing project, as she explained the award to OBEC for this project. She expressed how well this firm works in conjunction with ODOT. Further discussion followed, as she addressed the rest of the questions from Council. As she addressed the questions, she

explained the Urban Renewal board is moving forward to locate a replacement for Ms. Cates, as she has announced her resignation.

PRESENTATIONS:

SORED and Enterprise Zones by Ron Fox. Mr. Fox briefly summarized the background information on enterprise zones in the Rogue Valley. He further explained Phoenix has yet to designate property as an enterprise zone, and he suggested Phoenix designate commercial and industrial zoned property in this zone. He further reviewed the eligibility requirements for enterprise zones and that enterprise zones include all designated land use zones not a partial area within a particular zone. He went on to describe the benefits of designating enterprise zones, as he took questions from Council. Mr. Fox finalized his presentation by expressing SOREDI is seeking membership support and noted he would like to see Phoenix become a member of the Jackson County Enterprise Zone.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the April 29, 2014 Special City Council Meeting.
- 2) Approval of the Minutes of the May 5, 2014 Executive Session/City Council Meeting.
- 3) Re-appointment of Al Muelhofer to Urban Renewal Board. Mayor Bellah requested the reappointment be pulled from the calendar. **MOVED BY LUZ, SECONDED BY S. BARTELL**, TO APPROVE THE MINUTES IN THE CONSENT CALENDAR. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: C. Bartell, S. Bartell, Luz, and Helfrich
MOTION APPROVED WITH FOUR AYES

Mayor Bellah requested Mr. Muelhofer come forward to discuss his desire to be on the Urban Renewal board. Mr. Muelhofer expressed his continued support for Urban Renewal. **MOVED BY S. BARTELL, SECONDED BY C. BARTELL**, TO REAPPOINT AL MUELHOFER TO THE URBAN RENEWAL BOARD.

ROLL CALL VOTE AS FOLLOWS:

Ayes: C. Bartell, S. Bartell, Luz, and Helfrich
MOTION APPROVED WITH FOUR AYES

UNFINISHED BUSINESS:

- 1) **Approval of ODOT Contract.** Mr. Dahl expressed this contract is an amendment to the Fern Valley Interchange project, due to the multiple scheduling changes. He further explained the City has agreed to pay the first payment for the project once the project began; however, this was in conflict with the 2013/14 budget. The City of Phoenix requested a delay for the initial payment until the beginning of the 2014/15 fiscal year to comply with the current budget and ODOT agreed to this arrangement. The contract is an amendment stipulating the schedule for payment. Further discussion followed. **MOVED BY LUZ, SECONDED BY C. BARTELL**, TO APPROVE SIGNING AMENDMENT NUMBER 2 OF THE INTERGOVERNMENTAL AGREEMENT I-5 FERN VALLEY INTERCHANGE FUNDING AND POLICY AGREEMENT CITY OF PHOENIX NO. 22485.

ROLL CALL VOTE AS FOLLOWS:
Ayes: C. Bartell, S. Bartell, Chris Luz, and Helfrich
MOTION APPROVED WITH FOUR EYES

ORDINANCES:

First Reading of an Ordinance Adopting Amendments to Title 5 of the City Municipal Code. Mayor Bellah reviewed the proposed changes to the ordinance. He expressed his concern for removing federal from the language of the ordinance and suggested introducing the wording “applicable and enforceable” to federal law in the language of the ordinance, rather than removing the word federal. Attorney Kirchoff agreed with the change, as applicable law would relieve the conflict the City is faced with currently. Further discussion followed, as Attorney Kirchoff addressed council’s questions. **MOVED BY S. BARTELL, SECONDED BY LUZ, TO ACCEPT THE FIRST READING ON AN ORDINANCE TO ADOPT AMNDMENTS TO TITLE 5 OF THE CITY MUNICIPAL CODE.** Councilor Helfrich commented he agreed with some of the changes; however, he did not agree with all of the suggested changes and therefore, does not support the amendments to the ordinance.

ROLL CALL VOTE AS FOLLOWS:
Ayes: C. Bartell, S. Bartell, and Luz
Nays: Helfrich
MOTION APPROVED WITH THREE EYES TO ONE NAY

Mayor Bellah announced a five minute break, the meeting recessed at 8:05 p.m.

NEW BUSINESS:

Consider Master Participating Agreement with Jackson County. Mr. Dahl explained this item is an extension of an agreement with Jackson County for work crews to complete work at the parks. **MOVED BY LUZ, SECONDED BY C. BARTELL, TO AUTHORIZE THE MAYOR TO SIGN THE MASTER PARTICIPATING AGREEMENT BY AND BETWEEN JACKSON COUNTY AND THE CITY OF PHOENIX.**

ROLL CALL VOTE AS FOLLOWS:
Ayes: C. Bartell, S. Bartell, Chris Luz, and Helfrich
MOTION APPROVED WITH FOUR EYES

CITIZEN’S COMMENTS:

- 1) LaDawna Maccarron, Phoenix, expressed her necessity for The Greenery as she does not have transportation to obtain her medicine from somewhere outside of Phoenix.
- 2) Marina Ashrow, Phoenix, explained she is a medical marijuana patient and she understood from Council in the beginning of the discussions regarding medical marijuana that the Council expressed their desire to remain stagnant until the citizens have been heard, and now after several meetings, the Council still remains stagnant. Additionally, she inquired why Phoenix is concerned with federal law if there is not an agency enforcing federal laws regarding medical marijuana dispensaries.

- 3) Mike Milhoan, Phoenix, expressed the medical benefit of medical marijuana to treat his glaucoma.
- 4) Denyce Gavin, Phoenix, noted not all cannabis medicines are the same and without the testing that The Greenery provides, she would not be able to obtain the proper medication. She further explained her ailments and shared her story of how The Greenery has assisted her with her ailments.
- 5) Rebecca Churchman, Medford, expressed how medical marijuana has benefited both her and her husband. She further read literature regarding the need to obtain marijuana safely.
- 6) Melanie Barniskis, Medford, expressed she is not able to produce the concentrated form of medicine that she receives for ailments; however, The Greenery is able to produce this form. She further expressed that there are Phoenix citizens that need safe access that will need to get on a bus to obtain their medicine safely.
- 7) Andrew Shefren, Ashland, expressed that federal law should not be held higher than state law. He further stated that his understanding is that individuals holding a medical marijuana card are violating Phoenix laws as well.
- 8) A. Wylie Bettinger, conveyed his support for safe access and expressed his disappointment with Council's interference with The Greenery. He further expressed the City's tactics have hurt businesses and added that he felt it was Council's bias that is being used to attempt to come between his business and The Greenery, by shutting of the water to his business and not informing him.
- 9) J. B. Nelson, Ashland, expressed that most people may feel they do not want this type of business in their neighborhood; however, the alternative is to go underground, where the business is ran outside of the public scrutiny, which is not as safe for neighborhoods.

Councilor Jones entered the meeting at 8:45 p.m.

- 10) Andrea Adams, Talent, expressed some corrections she wanted to note and suggested ensuring that staff and council is behaving in accordance with the rules that apply to Phoenix, public officials, and the elected. She requested Council amend the current and subsequent moratorium to allow The Greenery to stay open. She further requested that Council stop legal attacks on patients and safe access in Phoenix. She further expressed that she requested individuals to come to the meeting to express their need so that Council would have the opportunity to look at who is being affected by their decisions.
- 11) Wade Hall, Ashland, expressed the minutes from a previous council meeting suggested that Council may be willing to work with the two MMFs in the City of Phoenix; however, this has not happened. He further suggested that Council is not moving anywhere on this topic.

EXTENSION OF MEETING:

MOVED BY LUZ, SECONDED BY C. BARTELL, TO EXTEND THE MEETING UNTIL 9:30 P.M. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 12) Wade Hall (continued), expressed his concern for Council not allowing the facilities to continue safe access for the citizens of Phoenix.
- 13) Taurie Rubaloff, Ashland, expressed the City Council of Phoenix is endangering the lives of many by removing safe access of medical marijuana. She further expressed the benefits of cannabis. She went on to describe the how alternative therapy has a purpose and how western medicine has negatively impacted patients suffering from different ailments.
- 14) Eric Mills, Medford, expressed he and his wife are medical marijuana patients. He expressed differences between a drug dealer and a medical marijuana dispensary. He further expressed the need for the Council to find some common ground with the medical marijuana community.
- 15) Dennis Gallegas, expressed his medical need for the oil produced by The Greenery and how the oil has benefited his quality of life. He further expressed his story and how difficult it has been living with the effects of a stroke before using medical marijuana.
- 16) Diane Steen, Medford, conveyed her need for medical marijuana due to a neck injury that has left her with a permanent disability; however, medical marijuana has enabled her to function without having to take a lot prescription drugs.
- 17) Dr. Judy Emanuel, Ashland, explained the State of Oregon has a list of qualifying conditions for medical marijuana. She further explained that she would not be the primary doctor for a medical marijuana patient; she would only see them once annually to renew their medical marijuana card. Additionally, she addressed the issue of federal law, she explained the federal government considers medical marijuana as a schedule 1 drug, which is the most dangerous drug that can be consumed and is determined to have no medical purpose; however, the federal government is turning their heads. She expressed she feels that the federal government is aware that medical marijuana is not dangerous and that it does in fact have medicinal benefits.

EXTENSION OF MEETING:

MOVED BY LUZ, SECONDED BY JONES, TO EXTEND THE MEETING UNTIL 10:00 P.M. 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

- 18) Dr. Emanuel (continued), further expressed the federal law has not changed due to politics and money and that the law is headed toward the direction of change.
- 19) David Benitez, Medford, explained he is HIV positive and compelled the Council to think about how their actions affect those who are being denied safe access.
- 20) John Prats, Jacksonville, related a story from 1972 to show that the laws are slow to change and demonstrate that politics are standing in the way of safe access of medical marijuana. He further conveyed his own story and how medical marijuana has benefited his quality of life.
- 21) Jean Alexander, Ashland, expressed she is a retired professor and conveyed the importance of keeping The Greenery open. She stressed the need for continued and dependable sources for this medicine. She further added that she buys groceries when she is in Phoenix, because she is already in town obtaining her medicine and there may be others that do the same.
- 22) Carol Rosin, Ashland, expressed The Greenery is a very professional business and full of individuals who are dedicated to the medicinal use of marijuana. She urged Council to allow The Greenery to stay open.
- 23) Tere Knight, Medford, expressed the need for The Greenery. She further attempted to express her opinion as Mayor Bellah cautioned her to abstain from making rude remarks against Council members. Following Ms. Knight's remarks, Mayor Bellah excused her from further comment.
- 24) Jay Dee Barry, Medford, stated she has been a business owner for 25 years and plans to retire in Phoenix; however, she is a caregiver and an OMMP patient and she would like to retire in a place where safe access of medical marijuana is allowed.
- 25) Jenna Benson, Medford, commented she is not a medical marijuana patient; however, she wanted to speak out on behalf of the patients that are in need of this medicine and encouraged Council to take in the words of the patients that have come forward to speak.

Mayor Bellah expressed the Council has listened to far more testimony than any other City in the valley regarding medical marijuana and the Council is attempting to understand and figure out how to work side-by-side with medical marijuana facilities; however, it is much more complicated than whether or not there is medical value to marijuana.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder