

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. “B” Street
Monday, June 2, 2014**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, June 2, 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
Steve Weber, Finance Director
Kevin Caldwell, Public Works Superintendent
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR’S COMMENTS:

Mayor Bellah announced a town hall meeting for the three National Guard units in Southern Oregon in each of their armories. The Medford Armory is scheduled for June 4, 2014.

UPDATE ON COUNCIL RESPONSIBILITIES:

- 1) Urban Renewal: Councilor Luz noted they are currently searching for a new executive director. Additionally, he noted the board passed the 2014/15 budget. Further discussion followed regarding the interview process for the prospective Urban Renewal position. Mayor Bellah added that the Steering Committee had a meeting regarding the City Center property and proceeded to give an update. Further discussion followed.

- 2) Parks and Recreation: Councilor C. Bartell announced the committee is preparing an acknowledgement of Daryl Paxton in recognition for his efforts in the form of a boulder. Further updates followed, as Councilor C. Bartell announced two events that are coming up; “The Summer Kickoff” event will be the Community Dinner held at the Blue Heron Park on Thursday, June 12, 2014 from 5 to 7 p.m. and “The Dog Days of Summer” event on July 26, 2014, from 10 to 1 p.m. with a barbeque at noon. Further discussion followed regarding additional upcoming events.

PRESENTATIONS:

Blue Heron Park Event presented by Pam Cooper. Ms. Cooper expressed she has a background in event planning and explained her proposed event for September 6, 2014. She would like to hold a Blue Grass concert with some food vendors. She mentioned parking and lighting are an issue. She explained she spoke with Gary Leaming of ODOT, regarding traffic at that time due to construction, and he expressed traffic should not be an issue. She added that she is hoping to find sponsors to fund approximately \$2,000. Further discussion followed, as she expressed she is seeking Council support. She distributed flyers she had prepared for the event.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the May 19, 2014 City Council Meeting. **MOVED BY LUZ, SECONDED BY JONES, TO APPROVE THE CONSENT CALENDAR.** 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

ORDINANCES, INCLUDING READING AND/OR ADOPTION:

- 1) Second Reading of an Ordinance Adopting Amendments to Title 5 of the City Municipal Code. Mayor Bellah explained the changes to the second reading of the ordinance. He asked if anyone on Council had any ex parte contacts or conflicts of interest and none were declared. Mayor Bellah opened the public hearing at 7:05 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

No one spoke in favor of the amendment.

THOSE IN OPPOSITION TO THE AMENDMENT:

Andrea Adams, Talent – Requested the record reflect that this amendment is clearly in response to a specific situation and meant to encourage the City to take action regarding a particular situation.

Mayor Bellah closed the public hearing at 7:07 p.m.

COUNCIL DELIBERATIONS:

Mayor Bellah emphasized that the amendments to the ordinance is a change of the language; however, it does not prohibit medical marijuana facilities in the future. He further explained this amendment would give the City a little more flexibility. Attorney Kirchoff noted the most significant change is 5.04.115 and it is in direct response to clearing up the language due to the municipal court ruling on the medical marijuana dispensary citations. He added the other changes regarding scope of the phrase federal, state, and local law to signify “applicable” federal, state, and local law. Further discussion followed. **MOVED BY LUZ, SECONDED BY C. BARTELL, TO ADOPT ORDINANCE NO. 947, AMENDING TITLE 5 OF THE PHOENIX MUNICIPAL CODE.**

ROLL CALL VOTE AS FOLLOWS:

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

Nays: Helfrich

MOTION APPROVED WITH FIVE AYES TO ONE NAY

- 2) Amendment to Phoenix Land Development Code, Regarding Vehicle and Bicycle Parking and Amending Chapter 3. Laurel Samson, the interim planning director, came forward to explain the five proposed amendments. She reviewed her PowerPoint slides as she took questions from Council. She explained the process for these amendments and presented the reasoning behind each of the amendments, as outlined in the agenda packet. She further explained that this amendment would add parking allowance for Senior Retirement Facilities and reduce parking requirements in the City Center.

During discussion, Councilor Helfrich raised the question regarding the City Center parking, as Ms. Samson explained the Planning Commission was working off the assumption that there will be a downtown parking lot. She added that this recommendation is to accommodate new businesses in the meantime. Councilor Helfrich expressed his reservations regarding the parking requirements being subjective. Ms. Samson noted the Planning Commission was worried about limiting the parking entirely, as once a business begins the Planning Commission cannot go back, should they decide there should be some type of planning requirement and this was the balance they concluded, with the knowledge this can be assessed again later. Additional discussion followed, as Council asked for further clarification, as Ms. Samson explained that this amendment does not preclude any business from requesting a variance from the Planning Commission. Further discussion followed. Mayor Bellah asked if anyone on Council had any ex parte contacts or conflicts of interest and none were declared. Mayor Bellah opened the public hearing at 7:38 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

No one spoke in favor of the amendment.

THOSE IN OPPOSITION TO THE AMENDMENT:

Andrea Adams, Talent – Commented the City is often in flux regarding staffing and she felt that if a subjective ordinance is passed than it will be used discriminatorily. She further recommended that Council consider passing an ordinance that is equal for every business.

Mayor Bellah closed the public hearing at 7:41 p.m.

COUNCIL DELIBERATIONS:

MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT ORDINANCE NO. 948, AMENDING THE PHOENIX LAND DEVELOPMENT CODE, CHAPTER 3.4.3 (VEHICLE PARKING STANDARDS) AND TABLE 3.4.3A EFFECTIVE IMMEDIATELY. Councilor Helfrich expressed his appreciation for the Planning Commission's efforts behind this recommendation. Mayor Bellah inquired whether the Planning Director could have final say. Ms. Samson said this amendment does not change the process and the interpretation she took was that the parking requirement is reduced for all new businesses with this amendment.

ROLL CALL VOTE AS FOLLOWS:

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

- 3) Amendment to Phoenix Land Development Code, Regarding Home Occupations and Amending Chapter 2. Ms. Samson expressed this amendment is partially for housekeeping and also to refine the requirements to encourage the creation of home occupations, while protecting the adjoining property owners. She further explained that this item is listed in an inappropriate section in the Land Development Code, and this amendment would alleviate that. Additionally, she noted that currently, home occupation permits cost \$75 and the Planning Commission is requesting a reduction in permit cost to \$15. Further discussion followed. Mayor Bellah asked if anyone on Council had any ex parte contacts or conflicts of interest and none were declared. Mayor Bellah opened the public hearing at 7:55 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

Mike Stitt, Phoenix, commented that years ago when this fee was initially determined, it was while the Planning Commission was working towards the planning department being self-sustaining. He added this is an odd choice to lower the amount. He further inquired about the parking ordinance and whether there was cost involved when requesting a variance. The response was that there was no additional cost involved.

THOSE IN OPPOSITION TO THE AMENDMENT:

No one spoke in opposition to the amendment.

Mayor Bellah closed the public hearing at 7:57 p.m.

COUNCIL DELIBERATIONS:

Mayor Bellah inquired how this change in the amount of the permit is expected to increase the amount of applications. Ms. Samson replied that this may cause a slight increase in applications; however, the goal is primarily to avoid deterring applicants from applying. **MOVED BY SOPHIE, SECONDED BY LUZ, TO ADOPT ORDINANCE NO. 949, AMENDING THE PHOENIX LAND DEVELOPMENT CODE, CHAPTER 1 AND 2 REGARDING HOME OCCUPATIONS AND ELIMINATING CHAPTER 4.9.2 HOME OCCUPATION PERMITS EFFECTIVE IMMEDIATELY.**

ROLL CALL VOTE AS FOLLOWS:

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

- 4) Amendment to Phoenix Land Development Code, Regarding Temporary Uses and Amending Chapter 4. Ms. Samson described this amendment as creating a new section in the Land Development Code to address the development of temporary food vendors and identify requirements for this type of development. She further explained this change would allow for a more streamlined process for the business owner to satisfy requirements for this type of business. She added that this amendment would further provide essential clarification specifically for food vendors. Further discussion followed, as Councilor Sophie inquired

about the direct effects of the amendments to the business owner. Ms. Samson noted that this process would eliminate a waiting period of approximately two weeks and a cost reduction to the business owner of approximately \$350. Councilor Jones inquired about the wording of document, specifically using the word “new” in section 9a of exhibit A. Ms. Samson replied that this word will be removed for clarification purposes. Mayor Bellah asked if anyone on Council had any ex parte contacts or conflicts of interest and none were declared. Mayor Bellah opened the public hearing at 8:19 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

No one spoke in favor of the amendment.

THOSE IN OPPOSITION TO THE AMENDMENT:

No one spoke in opposition to the amendment.

Mayor Bellah closed the public hearing at 8:19 p.m.

COUNCIL DELIBERATIONS:

MOVED BY SOPHIE, SECONDED BY S. BARTELL, TO ADOPT ORDINANCE NO. 950, AMENDING THE PHOENIX LAND DEVELOPMENT CODE, CHAPTER 4.9.1 (TEMPORARY USES) EFFECTIVE IMMEDIATELY. Councilor Jones noted she would like to see further study performed on how mobile vendors impact the neighborhoods where the business owner lives, if they bring their mobile business to their home address regularly. Mr. Dahl replied that Councilor Jones is referring to a code enforcement issue, rather than a planning department issue. 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

- 5) Amendment to Phoenix Land Development Code, Regarding Certain Uses, Amending Chapters 2 and 3. Ms. Samson noted that this amendment is intended to amend the list of zones which allow the installation of wireless communication facilities and clarify the need to justify the need for freestanding facilities. She further explained that the recommendation included allowing attached wireless communication devices to buildings in residential areas and the City Center. Additionally, both attached and freestanding facilities would be allowed along the commercial highway. She further noted that this will allow more opportunities for these types of facilities, and it encourages cohabitating with these types of facilities. Mayor Bellah asked if anyone on Council had any ex parte contacts or conflicts of interest and none were declared. Mayor Bellah opened the public hearing at 8:29 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

No one spoke in favor of the amendment.

THOSE IN OPPOSITION TO THE AMENDMENT:

No one spoke in opposition to the amendment.

Mayor Bellah closed the public hearing at 8:29 p.m.

COUNCIL DELIBERATIONS:

MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT ORDINANCE NO. 951, AMENDING THE PHOENIX LAND DEVELOPMENT CODE, CHAPTERS 2.3.10 (CITY CENTER – SPECIAL DISTRICTS), CHAPTER 2.4.5 (COMMERCIAL HIGHWAY – SPECIAL STANDARDS FOR CERTAIN USES), 3.10. (WIRELESS COMMUNITY FACILITIES) EFFECTIVE IMMEDIATELY. 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

- 6) Amendment to Phoenix Land Development Code, Regarding Setbacks and Amending Chapters 1, 2, and 3. Ms. Samson explained the Planning Commission reviewed the standards for building setbacks and the vision clearance requirements and is recommending changes that would expand the definitions of setbacks, covered porches, unenclosed porches and side yards. Additionally, she explained the amendment would clarify setbacks for porches. She further explained the newly adopted setback requirements for Oregon 99 had not been referenced in the Land Development Code and this amendment would accomplish that task. Additionally she identified the revisions for setbacks at intersections and driveways for vision clearance. She further described the purpose of these amendments is to ensure the method to measure the setback is clear to the property owner. Further discussion followed, as she explained how the recommendations were developed and took questions from Council. Mayor Bellah asked if anyone on Council had any ex parte contacts or conflicts of interest and none were declared. Mayor Bellah opened the public hearing at 8:44 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

No one spoke in favor of the amendment.

THOSE IN OPPOSITION TO THE AMENDMENT:

No one spoke in opposition to the amendment.

Mayor Bellah closed the public hearing at 8:44 p.m.

COUNCIL DELIBERATIONS:

MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT ORDINANCE NO. 952, AMENDING THE PHOENIX LAND DEVELOPMENT CODE, CHAPTER 1.3 (DEFINITIONS), CHAPTER 2.2.3 (RESIDENTIAL-BUILDING SETBACKS) 2.4.3 (COMMERCIAL HIGHWAY-DEVELOPMENT STANDARDS), CHAPTER 3.2.2 (VEHICLE ACCESS AND CIRCULATION), AND CHAPTER 3.6.3 (SIGNS) EFFECTIVE IMMEDIATELY. 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

NEW BUSINESS:

Consider a Resolution endorsing the TGM grant application. Ms. Samson explained the City has approved the Regional Plan that provides a list of requirements that must be completed before Phoenix may consider annexing any of the property within the Urban Reserve Areas into its Urban Growth Boundary. She further explained this grant would assist in fulfilling the first requirement and ODOT has noted the City will have a strong grant application. She further detailed the application process and the costs of the project, as well as the possible matching amount. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 893, ENDORSING THE APPLICATION FOR A TGM GRANT TO CREATE A LAND USE AND TRANSPORTATION CONCEPT PLAN.** 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

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Kirchoff commented there is a tentative plan for the July 7th meeting, to hold a study session on a refresher on public meetings and public records.

2) City Manager's Report:

- a) Mr. Dahl announced he has updated the Issue Tracking Log and reviewed some of the highlights.
- b) He announced there was a leak from one of the trucks at the Petro truck stop. He further reported that upon investigation, the material is not a chemical spill, it is an alcohol spill, and is being handled.

EXTENSION OF MEETING:

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

ROLL CALL VOTE AS FOLLOWS:

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

Councilor C. Bartell requested adding some items to the Issue Tracking Log as follows: the enterprise zones, council rules and procedures, and city charter changes. Councilor Jones noted she would like to have emergency operations plan in the log. Mayor Bellah requested any other items that Council note should be added sent to Mr. Dahl via email.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Sophie reported the MPO plan has been approved. Additionally, he noted that the progress at exit 24 is ahead of schedule.
- 2) Councilor Luz commented on using Colver Park for baseball games this summer with children ages 9 through 12.
- 3) Councilor Jones commented Steve Schulman is in the hospital and she will keep everyone updated.

Mayor Bellah announced the reason for stating on the agenda that testimony regarding medical marijuana will not be heard is due to the amount of time Council has spent on this subject, and they thought it would be good to take a week off to focus on other business. Additionally, there is pending legal action and Council is not in a decision making role regarding this topic until legal actions have been completed.

CITIZEN'S COMMENTS:

- 1) Andrea Adams, Talent, commented she came forward to speak about civil rights and read aloud a poem titled, "Let America Be America Again", by Langston Hughes.
- 2) Denis Gavan, Phoenix, read aloud quotes regarding the constitution. Additionally, she read aloud the Eighth Amendment.
- 3) Melanie Barniskis, Medford, commented when she was a teacher, she taught teenagers that when the treatment of one group of people by another that was felt intolerable, there would be no choice, but to refuse to obey harmful laws. She added that harmful laws are those that cause pain and suffering that is unnecessary. She further added that people who do not act against harmful laws are deserving of equal consequences, which will befall them. She further went onto explain the purpose of the constitution and exclaimed the preamble of the Constitution of the United States and ask for audience members to join in.
- 4) Maurice Chizer, commented limiting the freedom of speech during public comment is inappropriate.
- 5) Christine Totten, Ashland, gave the analogy of discrimination against African Americans in 1963 and commented that this may not be as prevalent or blatant as it was back then; however, here in Phoenix a new breed of bigotry has been born. She went on to read excerpts from Martin Luther King, Jr.'s speech.
- 6) Charles Goddard, Phoenix, commented on preparing and adopting the emergency ordinances when there is no identifiable emergency. Additionally, he warned Council that the public is watching them.

Council discussed the agenda for the upcoming City Council meeting.

The meeting adjourned at 9:23 p.m. Written testimony submitted will be attached.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder

Written testimony submitted by an unknown author:

I am a retired veteran, having served 35 years for you and the protection of your freedom. I am in constant pain – unrelenting – and on multiple prescriptions, which could all go away if I had a place to purchase and obtain medical marijuana. I am not a dope addict – I just want the relief it provides. A small amount would give me back my life – or what is left of it. Don't let those of us who have served you so well suffer because of your inability to grant us the relief we veterans so desperately need.

The law is what you say it is – be courageous. Do what is right for those who have served you.