

**City of Phoenix
Special City Council Meeting
Public Works Office
1000 S. 'B' Street
Tuesday, July 29, 2014**

Mayor Jeff Bellah called the Special meeting of the City Council to order on Tuesday, July 29, 2014 at 6:48 p.m. in the Public Works Office.

ROLL CALL

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

Staff Present: Steve Dahl, City Manager/Recorder
Matthew Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

Mayor Bellah requested Attorney Kirchoff explain his recommendations for changes in the Charter. Attorney Kirchoff expressed the changes are simple. He identified the first modification as removing the section of the Oath of Office that addresses federal law. He further explained this would remove the conflict of facilitating the introduction of medical marijuana facilities within City limits. Further discussion followed, as Council deliberated on whether to remove the reference to state law as well in the Oath of Office wording. Attorney Kirchoff explained he did not foresee any instance when it would inhibit the Council from any decision, whether or not state law is referenced. Additional discussion followed.

As discussion progressed, Attorney Kirchoff explained the remaining recommended changes to the charter are not related medical marijuana facilities. He further explained these changes would need to be placed on the ballot individually, with a separate ballot title for each. Further discussion followed, as Council's consensus was to introduce only the change to allow medical marijuana facilities to the November 4, 2014 ballot. **MOVED BY S. BARTELL, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 902, AUTHORIZING THE CITY MANAGER TO FILE THE BALLOT TITLE AND SUMMARY WITH THE JACKSON COUNTY ELECTIONS CLERK FOR THE GENERAL ELECTION ON NOVEMBER 4, 2014.** 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**

CITIZEN'S COMMENTS:

David Lewin, Phoenix, requested clarification of the changes to the City Charter, as discussion involved removing reference to both federal and state from the Oath of Office. Council clarified the change is only removing federal language.

Mike Stitt, Phoenix, commented that Council's discussion of recreational use of marijuana needed further clarification. He inquired whether there is a distinction for the Council with respect to a ballot measure that the people vote on. He further clarified his question by asking if the preponderance of the majority of the people of the State of Oregon vote for recreational use of marijuana, does that inhibit and/or limit Council's ability to restrict that use. Attorney Kirchoff replied that it would depend on how the statute is written, if it becomes a lawful preemption of local law than the City would not be able to restrict the use. Further discussion followed.

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder