

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, August 18, 2014**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, August 18, 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
Matt Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS:

Mayor Bellah commented on the two articles in the newspaper regarding the house that burnt down on 5th Street, stating he attempted to inform the Mail Tribune the City is willing to work with Urban Renewal; however, the City is not in the business of purchasing old houses. He further stated he is unsure why a vacant house that burns down in the City has received so much attention.

Mr. Dahl announced Police Officer Jeff Price was promoted from sergeant to lieutenant. Mayor Bellah asked him to come forward, as Council congratulated Lieutenant Price and thanked him for his service.

UPDATES/REPORTS:

- 1) Urban Renewal – Mr. Dahl noted the board is still seeking a qualified applicant for the Executive Director position. He further noted Urban Renewal will be signing two new contracts by the end of the week for improvements along Main Street. Mr. Dahl explained the improvements will be on the Grange and the Golden Phoenix. Further discussion followed, as Councilor Jones explained some of issues behind the need for a 40,000 grant for the Grange. Mr. Dahl announced a joint session on August 20, 2014 regarding the Market Hall plan.

- 2) Dog Days of Summer Event – Councilor C. Bartell gave an update on the successful first event. Additionally, she read aloud the “Thank you” letter that is being sent to the event’s sponsors.

Councilor C. Bartell further gave an update on the Parks Commission, noting that an Eagle Scout will present a project for benches in the park before Council. Mayor Bellah noted that it was not necessary for the Eagle Scout to request permission from Council, as the Parks Commission supports this project. Councilor C. Bartell gave further updates.

PRESENTATIONS:

Water Committee Report by Jim Snyder – Mr. Snyder reviewed the Water Committee Report submitted in the prior month. Additionally, he distributed an update on the water consumption, revenues and expenditures. He detailed the information outlined in the graphs in the report. As Mr. Snyder continued, he described the suggested changes to the Municipal Code regarding the Water Commission, as noted in the report. He concluded his presentation with questions from Council.

UNFINISHED BUSINESS:

- 1) Discussion of Oregon Department of Transportation Contracts:
 - a. Jurisdictional Transfer Agreement No. 809
 - b. Amendment Number 2 of the Fern Valley Interchange IGA No. 22485
 - c. Amendment Number 1 of the Jurisdictional Transfer Agreement No. 766

Mr. Dahl expressed Dick Leever and Art Anderson of ODOT were in attendance to answer any questions Council may have. He further expressed the purpose of this discussion is to pinpoint the issues with the amendments, to perhaps request modifications, to finalize the agreements. Mr. Dahl further explained he inquired of the City Engineer the estimated maintenance costs in the future for taking over jurisdiction of the Couplet Area. He reviewed the estimated improvements and noted the financial information as estimated suggests the transfer is attainable.

As further discussion followed, Mayor Bellah described the suggested modifications, as he requested clarification from Attorney Kirchoff, regarding a paragraph inserted in only one of the amendments that he felt should be in all of the agreements. He further requested input from ODOT’s representatives regarding whether there was anything anticipated regarding issues with ODOT deciding any major changes that ODOT would need to be made and holding the City financially responsible. Mr. Anderson responded that ODOT is only concerned about major issues that would obstruct the use of the streets. He further added that the transfer agreement would allow building the City in the manner desired by the City. He further offered the example of Ashland, as they have obtained jurisdiction of Siskiyou Blvd. over 15 years ago and ODOT has never come in to obstruct any changes that have been made to the streets.

Further discussion continued as Councilor S. Bartell expressed his concern for the expense of future crosswalks and street signals. Mr. Anderson replied he does not foresee a need for additional signals, with the direction the City has proposed, as it will naturally slow down

traffic considerably. Additional discussion followed, as Mayor Bellah brought the dialogue back to the language in the agreements. He inquired about the possibility of combining the agreements into one all-encompassing agreement to relieve the confusion between the three documents. Mr. Leever responded that combining the agreements would be time consuming. Attorney Kirchoff reviewed the differences in each of the agreements.

As discussion progressed, Mayor Bellah inquired whether Attorney Kirchoff noted any legal issues with the agreements as is. Attorney Kirchoff explained the biggest legal risk is the indemnification issue. He further explained the risk is in to what extent damages that may arise from the construction of these improvements over the course of the next 10 years, following completion lie on the City's shoulders or on ODOT; however, he added the way that it is written is not tremendously one-sided. He further noted the financial responsibility would lie with the entity at fault for the damage.

Additional discussion followed; as Council requested Attorney Kirchoff prepare the requested changes to the agreements for ODOT's approval. Mr. Anderson inquired whether Attorney Kirchoff could simply go over the changes immediately following the meeting, and he would bring the changes for approval. Attorney Kirchoff responded in favor of his request.

Mayor Bellah recessed the meeting for a short break at 8:19 p.m.

CONSENT CALENDAR:

- 1) Approval of Minutes from the July 21, 2014 Special City Council Meeting.
- 2) Approval of Minutes from the July 21, 2014 Regular City Council Meeting.
- 3) Approval of Minutes from the July 24, 2014 Special City Council Meeting.
- 4) Approval of Minutes from the July 29, 2014 Special City Council Meeting.
- 5) Approval of Minutes from the July 29, 2014 City Council Workshop.
- 6) Approval of Minutes from the July 29, 2014 Special City Council Meeting/Executive Session. **MOVED BY JONES, 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, Luz, and Helfrich

MOTION APPROVED WITH SIX AYES

NEW BUSINESS:

- 1) Resolution declaring the City Council's interest and request to be included in the Jackson County Enterprise Zone. Mr. Dahl expressed his support for this resolution. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 903, DECLARING THE CITY COUNCIL'S INTEREST AND REQUEST TO BE INCLUDED IN THE JACKSON COUNTY ENTERPRISE ZONE, WHICH INCLUDED AN ELECTRONIC COMMERCE ZONE OVERLAY.** Several councilors noted their support for being included in the enterprise zone. Councilor C. Bartell noted that she and Councilor S. Bartell are part of the group; however, there are no conflicts of interest.

ROLL CALL VOTE AS FOLLOWS:

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

- 2) Approval of agreement for the Bear Creek TMDL Project for FY 2014/15. Mr. Brinkley came forward to address any questions from Council. Limited discussion followed, as Mr. Brinkley clarified the intent of the project. **MOVED BY JONES, SECONDED BY C BARTELL, TO AUTHORIZE THE MAYOR TO SIGN THE INTERAGENCY COOPERATIVE FUNDING AGREEMENT WITH RVCOG FOR THE BEAR CREEK WATERSHED NON-POINT SOURCE POLLUTION (TMDL) MONITORING AND IMPLEMENTATION PROJECT FOR FY 2014/15.** Mr. Brinkley noted there was a recent article in the newspaper stating that steelhead are returning to Bear Creek, adding that it is a good sign that the program is effective.

ROLL CALL VOTE AS FOLLOWS:

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

- 3) Resolution to increase Fingerprinting Fee. Mr. Dahl explained the reason for the increase is to be more in line with surrounding agencies prices. Further discussion followed, as Chief Bowker took questions from Council. **MOVED BY JONES, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 904, INCREASING THE COST FOR FINGERPRINTING SERVICES.** 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

- 4) Discussion of Medford Water Commission suggested New Wholesale Water Service Agreement. Mayor Bellah noted that Eagle Point, Central Point, and Phoenix were not comfortable with original agreement. He further explained the revised agreement presented in the agenda packet addresses all of the concerns that were raised. Councilor Luz noted that Article 3 does not include testing at high rates of water flow. Mayor Bellah replied that he will confirm that this type of testing is now part of the protocol at Medford Water Commission.

Further discussion followed, as Councilor S. Bartell inquired whether there was a possibility of the Medford Water Commission (MWC) not being forced to provide water to the outlying cities. Mayor Bellah replied that the resolution named in the agreement refers to the outlying cities as being under the same restrictions as Medford, in other words, the MWC cannot ask the outlying cities to implement more restrictions than Medford does. Mayor Bellah added that there is no foreseen circumstance where the MWC cannot supply water to the outlying cities.

As discussion progressed, Council's consensus was to inquire about the SDC charges; however, in general, Council appreciated the proposed changes to the original agreement.

EXTENSION OF MEETING:

MOVED BY SOPHIE, SECONDED BY JONES, TO EXTEND THE MEETING UNTIL 9:30 P.M. 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 Manager's Report:

- a) Mr. Dahl reviewed each item updated in the Council Issue Tracking Log. Following his review, Mr. Dahl noted 11 items have been completed during the past year.

Councilor C. Bartell inquired about when Council is going to address the growth of marijuana within City limits. Mr. Dahl responded that Council needs to give direction for this item to be on the agenda. Further discussion followed, as Mayor Bellah suggested preparing an ordinance to tax the sale of recreational and medical marijuana before addressing marijuana growth, as it needs to be decided before the November election.

- b) Mr. Dahl requested Mr. Brinkley to come forward to follow-up on a request for an update on trip budget overlay. Mr. Brinkley referred to a memo he prepared (on file) in his staff report and briefly updated Council. He provided clarification of how the trip budget overlay zone works, as he took questions from Council.

CITIZEN'S COMMENTS:

Andrea Adams, Talent, commented the flower basket hanging east side of Highway 99 is obstructing the crosswalk sign. Additionally, she suggested a one way sign off of 3rd Street to avoid confusion for traffic. She further commented the Greenery was granted a license from the State of Oregon to be a dispensary. She also commented there is a space that has been recently rented out to a new business in the building she owns.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Helfrich inquired about the property N Rose Street. Mr. Dahl reported the property has been sold. Mayor Bellah inquired about the price of the sale, as Phoenix may be entitled to some of the profit. Mr. Dahl replied that he would look into it.
- 2) Councilor Luz expressed his gratitude for trimming the trees in Colver Park.
- 3) Councilor Jones shared some nationwide statistics regarding food shortages. She added women's veteran housing has recently been created and they are seeking donations of kitchen appliances, furniture, and everything in between. She further updated Council on the Green Bag pickup. Additionally, she requested Mr. Dahl distribute the PIVOT report to the management team at Ray's Market to demonstrate the need to lower their prices.
- 4) Councilor Sophie referred to the recent League of Oregon Cities report on homelessness and noted something needs to be done.

The meeting adjourned at 9:26 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder