

City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. "B" Street
Tuesday, September 2, 2014

CALL TO ORDER

Mayor Jeff Bellah called the Executive Session of the City Council to order on Tuesday, September 2, 2014 at 6:00 p.m. in the Public Works Office.

ROLL CALL

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

Staff Present: Steve Weber, Finance Director
Ryan Kirchoff, City Attorney

Called under ORS 192.660 (2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Discussion followed and no decisions were made. Executive Session recessed at 6:35 p.m.

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, September 2, 2014 at 6:40 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: 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

PRESENTATIONS:

Follow-up on Veggie Jam by Kendra Smith. Ms. Smith distributed flyers and explained she has everything on schedule as she took questions from Council. She reviewed her plans for parking, security, and restroom facilities. Council expressed concern for lighting and suggested closing the event by dusk. Ms. Smith expressed she is scheduled to meet with the Public Works Superintendent to discuss further details, such as when to close the event. She played the audio version of the radio advertisement for the event. Chief Bowker suggested she contact Bear Lake Mobile Estates to notify the park of the event and Ms. Smith agreed to inform the mobile home park. She further addressed Council’s concerns and confirmed she would meet with the Chief of Police and the Public Works Superintendent to ensure the event follows the proper procedures for the City.

NEW BUSINESS:

Appointment of Mike Kohn to the PHURA board. Mayor Bellah requested Mr. Kohn to come forward to explain his interest in the position. Mr. Kohn explained his experience with the City as a business owner and expressed his desire to assist in improving the downtown area.

MOVED BY SOPHIE, SECONDED BY JONES, TO APPOINT MIKE KOHN TO THE PHURA BOARD.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH SIX AYES

ORDINANCES:

First Reading on an Ordinance adding a new Chapter to the City of Phoenix Municipal Code, establishing a Cannabis Facility Tax. Mayor Bellah explained this ordinance is modeled after the transient tax ordinance. He further explained this ordinance does not permit a cannabis facility; however, should the City determine these types of facilities are allowed, this would allow the City to tax cannabis. Mr. Brinkley was requested to come forward to address Council’s concerns and explain the ordinance in further detail.

Council members inquired about the cost to the City for monitoring these facilities. Mr. Brinkley explained the different ways funds could be generated by the City, noting that taxing cannabis is one of the ways to recover costs. He further added the initial inspection of a cannabis facility would be extensive and the cost for the inspection would be staff time. As discussion progressed, Mayor Bellah requested Council individually express whether to move forward with the second reading of the ordinance. Councilor Luz expressed he is not comfortable taxing medical marijuana. Councilor S. Bartell expressed that Council may decide how to enforce the tax differently at a later date; however, if there is not an ordinance in place now, an ordinance of this nature cannot be approved later.

As Council debated, Councilor C. Bartell requested clarification for portions of the proposed ordinance. Both Mr. Brinkley and Attorney Kirchoff addressed her concerns. Council majority expressed their desire to move forward with the second reading of the ordinance.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the August 18, 2014 Regular City Council Meeting. **MOVED BY SOPHIE, 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

NEW BUSINESS (continued):

Training for Council Public Meetings Law. Attorney Kirchoff gave a PowerPoint presentation on Public Meetings Law. He highlighted the key points regarding the general rules of public meetings. He further explained there are issues that will arise he will be available for; however, the emphasis of the presentation is to remind Council of the general rules. He expressed the guidelines for participation in a meeting and cautioned Council regarding electronic communication. Attorney Kirchoff explained what constitutes a meeting and expressed the main concern with electronic communication is refraining from a decision or deliberating toward a decision on any matter when a quorum exists with electronic communication. He further explained that whether an Email is a Meeting cannot be definitively determined at this time; however, he advised Council to refrain from Emails that appear to have a decision when the Email includes a quorum.

In addition, Attorney Kirchoff identified the Executive Session rules and procedures. He concluded his presentation by expressing the penalty for violating the Executive Session rules is the possible imposition of civil penalties not to exceed \$1,000 per offense by the Ethics Commission. He followed up with questions from Council.

STAFF REPORTS:

- 1) City Attorney's Report:
 - a) Attorney Kirchoff had nothing to report.
- 2) Police Chief's Report:
 - a) Chief Bowker announced he received a phone call from the Vice-President of the Phoenix High School Alumni Association inquiring about a possible parade route. He stated he gave her a few options and she chose the route that included Rose Street. Council requested a presentation regarding the event at the next Council meeting. Chief Bowker expressed he would contact the Vice-President to schedule a presentation.
 - b) He noted a Phoenix Police Officer is in the final background phase of an Oregon State Police position. He added he would have a few months to find a replacement, should the officer become hired by OSP.
 - c) He reported he has been requested to reschedule the Emergency Management Town Hall meeting to avoid a scheduling conflict with many of the speakers. He suggested the meeting be moved to October 9, 2014. Council's consensus was to move the date to the suggested date.

- 3) Planning Director's report:
 - a) Mr. Brinkley announced the City was awarded the Transportation and Growth Management (TGM) Grant. Further discussion followed, as Mr. Brinkley described how the grant will benefit the City by assisting with financing the studies required to increase the Urban Growth Boundary. He further expressed the grant will afford the City the opportunity to complete work as much as five years ahead of schedule.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor C. Bartell expressed the format of the department head reports and the extensive information Council receives is greatly appreciated.
- 2) Councilor C. Bartell inquired about when the issue of growth of marijuana is going to be addressed, as a citizen has expressed concern. Discussion followed regarding whether the odor of the marijuana plant can be classified as a violation under the Municipal Code as a nuisance. Chief Bowker expressed the City of Ashland was not successful with citing a citizen with a code violation in this manner. Mayor Bellah explained Council can schedule this discussion for future meeting; however, he suggested informing the concerned citizen that he/she may contact City Hall to express concerns to the City Manager.
- 3) Councilor Jones expressed she is attempting to schedule Angie Weaver from RVCOG for presentation at the upcoming City Council Meeting.
- 4) Councilor Jones expressed concern for texting and/or cell phone use during City Council Meetings. Mayor Bellah conveyed he is not supportive of stringent rules for meetings and suggested Council members agree to some basic respectful rules of procedure, such as not using a cell phone during meetings.
- 5) Councilor Jones suggested moving the recycle from the front of City Hall as it is not attractive.
- 6) Councilor Sophie reported the MPO had previously been working off of a 2010 population study and has moved to a more current population study.
- 7) Councilor Sophie reported RVCOG is consolidating information access for local assistance for low income households.
- 8) Councilor Luz reported one of the topics of discussion at the upcoming Water Commission meeting will be putting together a format to provide assistance to citizens who cannot pay their water bills.
- 9) Mayor Bellah expressed his gratitude to the Public Works Department for the work performed on the hanging flower baskets and in the parks.
- 10) Councilor Jones suggested the election candidates pool together funds for banners to advertise for the positions, rather than posting signs all over the City.

11) Mayor Bellah reported the management at Ray's market has requested the City encourage citizens to shop for groceries at the market and fill out a form if there is a concern regarding the price or availability of items, as the store has seen a decrease in sales recently.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder