

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, September 15, 2014**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, September 15, 2014 at 6:30 p.m. in the Public Works Office.

ROLL CALL

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

ABSENT: Terry Helfrich

Staff Present: Steve Dahl, City Manager/Recorder
Janette Boothe, Deputy City Recorder
Jeff Price, Police Lieutenant
Steve Weber, Finance Director
Matt Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

UPDATES/REPORTS:

- 1) Urban Renewal. Mr. Dahl gave a brief update and reported a grant was given to Commercial Sign and Design in the prior week. Further discussion followed.
- 2) Parks Commission. Councilor Bartell had nothing to report. Mayor Bellah inquired about the parade route scheduled for October 15, 2014. Mr. Dahl reported the City is responsible for the parade route and blocking off the roadways. Additionally, he noted the City is going to provide financial assistance for the parade route. He also noted ODOT is designing the traffic route and providing financial assistance as well for the initial parade. Mr. Dahl added ODOT is interested in tracking how this traffic flow works, should there be a need for this route in case of emergency. Additional discussion followed, as Mayor Bellah noted he hopes to have the City and school district share the budget for this event in the future.

UNFINISHED BUSINESS:

- 1) Authorize the Mayor and Council President to sign Amendment No. 1 to Jurisdictional Transfer Agreement No. 766. Mr. Dahl explained there is no change in the amendment from the last meeting it was presented. Councilor Sophie inquired about the final signature page, as the information is outdated. **MOVED BY SOPHIE, SECONDED**

BY LUZ, TO ACCEPT THE JURISDICTIONAL TRANSFER OF PROPERTY FROM THE STATE OF OREGON TO THE CITY OF PHOENIX AND AUTHORIZE THE MAYOR AND COUNCIL PRESIDENT TO EXECUTE THE AMENDED JURISDICTIONAL TRANSFER. Additional discussion followed.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 2) Authorize the Mayor and Council President to sign Amendment No. 2 to Contract No. 22485, IGA I-5: Fern Valley Interchange Funding and Policy Agreement. Mayor Bellah noted ODOT shall provide funding in the amount of \$270,000 at Second Notification of the Fern Valley Interchange project for the overlay of the southbound lanes of the OR 99 Jurisdictional Transfer. Mr. Dahl added there is no change in the amendment from the last meeting it was presented. Additional discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO AUTHORIZE THE MAYOR AND COUNCIL PRESIDENT TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 22485, IGA: FERN VALLEY INTERCHANGE FUNDING AND POLICY AGREEMENT.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 3) Authorize the Mayor and Council President to sign Jurisdictional Transfer Agreement No. 809. Mr. Dahl explained this agreement was amended to include the clause regarding mediation to be consistent with the prior two agreements. He additionally noted this agreement outlines the sections of the roadways changing with the Fern Valley Interchange project and states the portions that will belong to the City, State, and County upon completion of the project. Further discussion followed, as Councilor Sophie noted the map may need to be updated to reflect the current name of the roads. Mr. Dahl replied he would inquire about this possible change. Further discussion followed regarding the changes that may be made once the Jurisdictional Transfer is made. **MOVED BY LUZ, SECONDED BY JONES, TO AUTHORIZE THE MAYOR AND COUNCIL PRESIDENT TO SIGN JURISDICTIONAL TRANSFER AGREEMENT NO. 809.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Kirchoff reported there was a hearing that was held in the prior week regarding the recent argument of The Greenery. He explained prior to the most recent hearing, The Greenery had argued against the moratorium on medical marijuana facilities without a State license; however, the State has since issued a license to the Greenery. He further

explained the prior hearing was to amend the City's argument to exclude the statement that The Greenery did not have a license. Attorney Kirchoff further reported the Court upheld the amendment and the next scheduled hearing will not be held until late December or January. Further discussion followed regarding the issuance of a State license.

2) City Manager's Report:

- a) Mr. Dahl reported on the Issue Tracking Log. Councilor C. Bartell noted she felt the new City website needed more work and it should not be removed from the list as a completed item until the website is further updated. Further discussion followed regarding Council suggestions for updating the website. Additionally, Mr. Dahl noted the Planning Commission discussed off duty mobile food carts, as Council has requested; however, their recommendation was to not move forward with any type of restrictions. Further discussion followed regarding mobile food carts and licensing.

Mayor Bellah inquired about whether staff was monitoring the revenues received from citations. Further discussion followed, as Council requested staff prepare a quarterly report detailing the revenues collected.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Mayor Bellah commented on the League of Oregon Cities meeting he attended. Further discussion followed.
- 2) Councilor Jones commented on the food bank donations received.
- 3) Councilor Sophie noted the MPO meeting for September has been cancelled.
- 4) Councilor Luz commented a citizen inquired about planting a tree and the end of the couplet to decorate annually for Christmas.
- 5) Mayor Bellah requested the City Manager follow-up with an email to ODOT regarding the inquiry about proper signage for trucks to prevent them from entering the Bear Lake Estates driveway.

Mayor Bellah recessed the meeting for a 10 minute break at 7:37 p.m.

NEW BUSINESS:

- 1) Presentation and discussion of possible ordinance governing Marijuana sales. Mr. Brinkley explained the question for Council is to decide whether the City would like to admit an adult ordinance to establish an Adult Business Overlay Zone to regulate where adult businesses can be located. He further explained this zone would afford residential use properties, parks and recreation facilities some protection; however, if the City did not establish this ordinance and relied on zoning laws for where cannabis facilities may be located, there is the potential that an area close to residences or parks can be occupied by a cannabis facility. Further discussion followed, as Council expressed concern for the types of businesses that would qualify for inclusion in the Adult Business Overlay Zone.

As discussion progressed, Councilor S. Bartell inquired whether the licensing for cannabis facilities could be used for restrictions, rather than implementing an Adult Business Overlay Zone. Mr. Brinkley responded that the City can restrict the zoning areas in that manner;

however, this may not protect legally nonconforming residences. Mr. Brinkley further recommended the Adult Business Overlay Zone to regulate for all businesses that would qualify under the definition of an Adult Business as proposed. Further discussion followed, regarding the map and the parks in the downtown area. As discussion progressed, Mr. Brinkley clarified he is seeking Council direction as to whether the City would like to move forward with an Adult Business Overlay Zone Ordinance and the Cannabis Facility License. As Council debated the options, the consensus was to move forward with both with some modifications. Council further requested staff bring these items before the Planning Commission for review with the suggested modifications, before scheduling a first reading.

- 2) Discussion of MOU with PHURA to contract with the City Manager as the Interim Executive Director. Mr. Dahl explained he has been spending approximately 20 hours per week recently, and the PHURA board has decided to seek a part-time Executive Director and requested Mr. Dahl continue to assist during the interim. He further explained he is not comfortable trying to track hours he spends at PHURA and would rather have a set contracted amount for his time. Additionally, he is seeking Council approval for meeting this request either temporarily or permanently. Further discussion followed, as Council suggested he have an additional employee to assist, either at PHURA or at City Hall. As Council debated, Mr. Dahl expressed he would like to take some time to discover what type of assistant is needed. Council reached a consensus to approve the City Manager to continue assisting in the interim and to come up with a proposal in thirty days as to how to move forward.

The meeting adjourned at 8:56 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder