

**City of Phoenix**  
**City Council Executive Session/Meeting**  
**Public Works Office**  
**1000 S. "B" Street**  
**Monday, October 6, 2014**

**CALL TO ORDER**

Mayor Jeff Bellah called the Executive Session of the City Council to order on Monday, October 6, 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 Dahl, City Manager  
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 6:30 p.m.

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, October 6, 2014 at 6:36 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 City of Talent's Parade.

## **UPDATES/REPORTS:**

- 1) Parks & Greenway Commission: Councilor C. Bartell noted the commission submitted a report on October 1, 2014, which included a community survey and a summary of the seven meetings held in the prior year. She further commented on the events held in the prior year and noted the commission plans to hold these events in the upcoming year. Additionally, she reminded everyone of the unveiling ceremony of the memorial rock, honoring Darrell Paxson, will be held October 18, 2014 at 2:00 p.m. She further added the Parks Commission is planning to hold an Easter event in the coming year.

Councilor C. Bartell gave an update on the progress thus far for the Phoenix High School Homecoming Parade to be held Wednesday, October 15, 2014. She handed out flyers that will be posted around the City. She added the Phoenix High School has requested the event and parade to exclude campaigning for the upcoming election. Further discussion followed, as Mayor Bellah requested Council contact Councilor C. Bartell if they would like to be in the parade.

Councilor Helfrich inquired about cleaning up the area around the Greenway to make the Greenway more accessible. Councilor C. Bartell commented the Jackson County Greenway Committee will update the current agreement in 2017 and the committee is discussing updates for the agreement. She further added now would be the time to attend one of the committee meetings to voice concerns. Further discussion followed, as Mayor Bellah requested Mr. Dahl to schedule a discussion for the Council's input in the upcoming agreement.

- 2) Phoenix Urban Renewal Agency: Mr. Dahl briefly updated Council on recent activities at PHURA, noting Pucks Donuts is set to receive a rehabilitation grant. He further reported he is meeting with a Landscaper to discuss landscaping ideas for the PHURA land. Additionally, he noted PHURA plans to address the wetlands area to find out how much PHURA can accomplish. Further discussion followed.

## **PRESENTATIONS:**

- 1) Follow-up on results of Veggie Jam by Kendra Smith (cancelled). Ms. Smith was not in attendance. Mayor Bellah briefly updated Council, noting Ms. Smith did an outstanding job of putting the event together. He further noted the City received some complaints from occupants at the Bear Lake Estates regarding the loudness of the music and the time. Mr. Dahl noted Ms. Smith submitted a summary of the events. Mayor Bellah requested he forward the information received onto the Council.
- 2) RVCOG: Gatekeeper Program Presentation by Angie Weaver. Ms. Weaver gave a PowerPoint presentation and briefly gave the background on the program. She further noted the program trains people to go out into the community to bring services to the elderly and disabled. She noted some ways to assist the elderly and disabled and requested anyone who sees an individual that needs assistance to contact the Gatekeeper Program to report the issue,

so that they may be able to reach out to the individual to offer assistance. She further noted the key indicators to look for that the Gatekeeper Program can assist with. She added that some of the individuals may refuse assistance; however, if the situation deteriorates in any manner to contact the Gatekeeper Program, as they may accept assistance after the second attempt to contact the individual. She further noted many of the elderly and disabled are not aware of the different types of assistance that is offered in Jackson County.

**APPOINTMENT OF COMMITTEE MEMBER(S):**

- 1) Appointment of Priscila Atkin to the Planning Commission. Ms. Atkin came forward to describe her background and her desire to be on the Planning Commission. She addressed questions from Council. Mayor Bellah requested Mr. Brinkley to briefly describe the training involved to be on the Planning Commission. Further discussion followed, as Mayor Bellah appointed Priscila Atkin to the Planning Commission.
- 2) Appointment of Jason Couch to the Planning Commission. Mr. Couch came forward to describe his background and his desire to be on the Planning Commission. He addressed Council's questions. Further discussion followed, as Mayor Bellah appointed Jason Couch to the Planning Commission.

**ORDINANCES, INCLUDING READING AND/OR ADOPTION:**

An Ordinance amending the Municipal Code, Title 2, by adding a new Chapter 2.29, Use of Criminal History Records. Mr. Dahl reported this ordinance is to comply with the state rules and regulations. Mayor Bellah inquired about the urgency of this ordinance and whether this could be a first reading to be read by title only. Mr. Dahl replied the ordinance is not urgent. Mayor Bellah read the Ordinance by title only and announced a second reading for the October 20, 2014, regular City Council meeting.

**CONSENT CALENDAR:**

- 1) Approval of the Minutes of the September 2, 2014 City Council Executive Session/Regular Meeting.
- 2) Approval of the Minutes of the September 15, 2014 Regular City Council Meeting.  
**MOVED BY SOPHIE, SECONDED BY C. BARTELL, 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) Request for Financial Support from the Ford Family Foundation Cohort 3 Project. (cancelled). Mr. Dahl explained the presenter was unable to attend the meeting and noted this presentation would come before Council at a later date. Further discussion followed.
- 2) Resolution Allowing a Budget Increase Pursuant to ORS 294.326(3), Providing the Receipt and Expenditure of Unanticipated Monies in FY 2014/15. Mr. Weber briefly reviewed the agenda bill to explain where the funds are suggested to be allocated. As discussion followed,

Mayor Bellah suggested allowing the Water Commission to discuss the funds that would need to be allocated to the water discount line item. He further suggested that all of the money received should go to the water fund until the Budget Committee discusses allocation. Further discussion followed, as Council's consensus was to amend the resolution to allocate all of the funds received into the water fund at this time. **MOVED BY SOPHIE, SECONDED BY JONES**, TO ADOPT RESOLUTION NO. 905, ALLOWING A BUDGET INCREASE PURSUANT TO ORS 294.326(3), PROVIDING FOR THE RECEIPT AND EXPENDITURE OF UNANTICIPATED MONIES IN FISCAL YEAR 2014/15 AS AMENDED TO PLACE \$149,000 IN THE WATER FUND AND \$6,000 INTO THE GENERAL FUND.

**ROLL CALL VOTE AS FOLLOWS:**

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

- 3) Authorizing the City Manager to sign an Application for Standby Letter of Credit and Security Agreement with Umpqua Bank to ODOT for \$265,181 for Cost Associated with the Fern Valley Interchange Project. Mr. Weber explained this line of credit is the resolution for the misallocation of funds. As discussion continued, Mr. Weber further explained this letter of credit would be financially advantageous to the City. **MOVED BY SOPHIE, SECONDED BY C. BARTELL**, TO AUTHORIZE THE CITY MANAGER/RECORDER TO SIGN AN APPLICATION FOR STANBY LETTER OF CREDIT AND SECURITY AGREEMENT WITH UMPQUA BANK TO ODOT FOR \$265,181 FOR COST ASSOCIATED WITH THE FERN VALLEY INTERCHANGE PROJECT.

**ROLL CALL VOTE AS FOLLOWS:**

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

- 4) Approval of a Liquor License for Colvin Oil Co. Inc., 730 N Main Street. Mr. Dahl addressed questions from Council. Council's consensus was to approve the liquor license for Colvin Oil Co., Inc., N Main Street.

Mayor Bellah recessed the meeting for a ten minute break at 8:11 p.m.

**UNFINISHED BUSINESS:**

- 1) Review of Cannabis Facilities License. Mr. Brinkley presented his report on a Cannabis Facility License. He explained his research and the regulatory approaches taken by other communities. As his presentation progressed, Mr. Brinkley defined where the proposed locations where a cannabis facility can be located and how the license would work. He further explained zoning requirements and how they would be allocated to a Cannabis Facility License. He further went onto review the proposed Cannabis Facility License and requested Council's direction on whether to move forward with license as is.

Mayor Bellah noted the League of Oregon Cities has suggested that the license should use the language stating where the facilities cannot be located, rather than where they can be located. Mr. Brinkley replied that he would make that change.

Councilor Sophie inquired whether the renewal of the State license could coincide with the renewal of the City's license. Mr. Brinkley replied that change could be made. Further discussion followed, as Council discussed legal nonconforming residential areas.

Andrea Adams, Talent, commented the research Mr. Brinkley used in his report has not been verified; however, research has been performed on the negative impacts of a medical marijuana facility and there have been no findings of a negative impact. She further expressed her concern for the tone of the information provided, as it is slanted towards the negative side. Additionally, she spoke in favor of the adult ordinance. She added she would like the City to consider grandfathering in The Greenery, should this ordinance be passed. She concluded with requesting the City to stop referring to patient's activities as inappropriate or criminal.

Tere Knight, Medford, expressed similar concerns as Ms. Adams. She added it appears punitive to remove a specific district, as there was an overlay discussed prior that was acceptable. She added that Denver, Colorado experienced a 10 percent decrease in crime after the use of marijuana was permitted.

Melanie Barniskis, Medford, read portions of the summary and argued there is nothing to support the negative statements. She further pointed out that some of the language in the proposed license directly contradicts the State medical law. She concluded by urging Council to review the Cannabis Facility License further before making any decisions.

Mayor Bellah requested Council address any suggestions or changes that need to be made to give staff direction on how to proceed. As discussion followed, Council inquired about how this license would work with the adult overlay ordinance. As Mr. Brinkley addressed questions, he commented on the concerns expressed in the public comments and noted he is comfortable with his research. Further discussion followed.

**EXTENSION OF MEETING:**

**MOVED BY JONES, SECONDED BY SOPHIE, 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**

Attorney Kirchoff suggested removing any reference that contradicts State law. Council's consensus was to request staff to review to ensure the rules comply with the State.

As Council debated, Mr. Dahl explained that part of the reason this has come before Council at this time is due to Council's expressed interest in moving forward with addressing these types of facilities by the end of the year. Council further debated and concluded they would like to have the results of the election before deciding on whether to approve this ordinance.

**EXTENSION OF MEETING:**

**MOVED BY SOPHIE, SECONDED BY JONES, TO EXTEND THE MEETING UNTIL 10:00 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**

Further discussion followed regarding the adult overlay language and whether these two ordinances can be reviewed for approval at the same meeting. Council debate concluded with outlining the suggested changes to the language in the license.

- 2) Discussion of possible MOU between the City of Phoenix and PHURA. Mayor Bellah inquired whether Council had any concerns with the proposed MOU. Councilor Sophie expressed concern for the time that this is running and Mr. Dahl's work load. Councilor S. Bartell inquired about whether Mr. Dahl has considered an assistant. Mr. Dahl replied that he is examining the need; however, he is working with staff to facilitate the additional workload placed on him. Further discussion followed, as Mr. Dahl explained he sees a benefit in having him work at PHURA for the time being to move the PHURA forward. Mayor Bellah expressed his concern for the workload for the City Manager. Mr. Dahl explained he would like to fill this position until April 2015. Further discussion followed, as Council's consensus was to request Mr. Dahl produce a plan for the upcoming months.

**COUNCIL ITEMS, COMMENTS/REPORTS:**

- 1) Councilor Luz requested staff hold meeting with ODOT regarding a sign at the entrance of Bear Lake Estates to detour trucks from entering.
- 2) Councilor C. Bartell requested at the following meeting the Mayor address where attendants may take photos or videos.
- 3) Councilor Jones announced the next Green Bag pickup will be held the coming Saturday.
- 4) Councilor Sophie commented he will be attending the next MPO meeting.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Attest:

Janette Boothe  
Deputy City Recorder

Steve Dahl  
City Manager/Recorder