

**City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. "B" Street
Monday, November 3, 2014**

CALL TO ORDER

Mayor Jeff Bellah called the special meeting of the City Council to order on Monday, November 3, 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

Mayor Bellah convened into executive session at 6:01 p.m. 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. Mayor Bellah closed the executive session and convened into regular meeting at 6:30 p.m.

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, November 3, 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
Matt Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS:

Mayor Bellah commented on the Executive Session proceedings, noting Attorney Kirchoff presented an update on the Rogue Valley Sewer case. Additionally, he introduced Senior Class President Nathan Goodnature, as he is heading up a project to assist in the community and act as a link between the City Council and Phoenix/Talent High School.

UPDATES/REPORTS:

- 1) Urban Renewal – Mr. Dahl noted four applications were received by the Urban Renewal Board and one applicant was interviewed in the prior week. He further commented the interview went well. He also noted PHURA is working on an outline for how the landscaping will be designed in the couplet area. He further added that PHURA is finalizing the development costs for proposed projects over the upcoming five years.

Mayor Bellah inquired whether Mr. Dahl felt it was necessary to hold a joint meeting with PHURA in the near future. Mr. Dahl responded the meeting was not necessary at this time, as PHURA has developed a budget for projects without the use of SDC funds. Further discussion followed.

- 2) Parks and Greenway Commission – Councilor C. Bartell commented on the debriefing of the parade that was held prior and noted that the comments were all positive. She further noted that the high school committee is excited for this event next year and plans to prepare for the event much earlier in the year. She added she is hopeful for more community involvement in the following year as well.

APPOINTMENT OF COMMITTEE MEMBERS:

- 1) Re- appointment of Nancy Peterson to Parks and Greenway Commission
- 2) Re-appointment of Pam Cooper to Parks and Greenway Commission
- 3) Re-appointment of David van de Velde to Parks and Greenway Commission. Council's consensus was to re-appoint all three members to the Parks and Greenway Commission.

ORDINANCES:

First Reading on an Ordinance Amending Title 5 of the City Municipal Code, adding a New Chapter, 5.18 – Cannabis Facility License. Mayor Bellah noted this is a first reading by title only. He requested Mr. Brinkley review the suggested changes to the ordinance from the last time this item was presented. As Mr. Brinkley began his review, Council reached a consensus on the distance of 250 feet to be used in both the ordinance and the adult business overlay document. He further noted he changed the language regarding the location of the facilities to state only where these facilities would be prohibited. He added that he removed all wording in the ordinance that conflicted with Oregon Law. Additionally, he advised he added language to the ordinance stating that the duration of the license will be concurrent with the state licensing.

Councilor Sophie suggested maps be presented with the second reading of the ordinance. Councilor Luz noted a couple of typographical errors in the document. Council's consensus was to hold the second reading and public hearing of the ordinance on December 1, 2014 at the City Council meeting.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the October 20, 2014 Regular City Council Meeting.
- 2) Acceptance of the Minutes from the Planning Commission
- 3) Acceptance of the Minutes from the Parks and Greenway Commission. **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

UNFINISHED BUSINESS:

Review Draft of Letter addressed to Talent City Council. Mayor Bellah noted this letter is to address the water loss, due to a faulty meter between Phoenix and Talent and the bypass of the water meter that was left on for an undetermined amount of time. As discussion followed, Mr. Dahl noted he would like to discuss reshaping the structure of TAP, regarding maintenance funds and developing procedures for the future to move forward. He further noted a review should be conducted after the next 6 months, to determine the proper water usage that may have been more appropriate over the last several years. Further discussion followed, as Council requested an update on the meeting with the next weekly report. Council reached a consensus to approve the letter as is.

NEW BUSINESS:

- 1) Discuss the possibilities of Gas Tax. Mayor Bellah noted he read research that stated that the damage of one semi-truck on the road is equal to 1400 vehicles. He further stated the City needs to determine some type of mechanism to fund the maintenance for the streets in Phoenix, especially for the newly acquired streets. As discussion followed, Mr. Dahl explained he met with the manager of Petro to discuss the possibility of a gas tax. He noted they wanted the City to contact them with any further proceedings, should the Council move forward with proposing a gas tax. Mr. Dahl also noted there has been discussion of possibly only placing a tax on diesel, as these vehicles would be the primary reason for costly repairs. Mr. Dahl additionally noted this tax would affect all gas companies within the City.

Further discussion followed, as Council discussed the idea of raising the street user fee instead of implementing a gas tax. As discussion followed, Mr. Dahl stated the summary of Council's discussion is the recommendation to staff to move forward with researching this proposal further. He added the Council is interested in staff researching the affect this will have on profit margins, the possibility of a street user fee instead, and review other cities that have imposed this tax.

CITIZEN'S COMMENTS:

Dawn Harrington, Phoenix, commented she was upset with the Police Department. She explained she has two teenage daughters and one of them heard knocking on the window of the bedroom. Ms. Harrington added she investigated the noise and immediately called 911. She further explained that once the officer came onto the scene, he used a spotlight from his vehicle to determine whether there was anyone outside the apartment; however, he did not get out of the vehicle. She added that he drove around the block and examined the area with his spotlight from the vehicle. She went on to explain that when the police officer returned to the scene he reported that he did not see anyone, and when asked if the officer would get out of the vehicle to investigate properly, the officer refused. She expressed her concern for the officer and stated she feels he did not do his job.

Mayor Bellah suggested she speak with the City Manager and Police Chief regarding this issue.

Mayor Bellah recessed the meeting for a five minute break at 7:40 p.m.

NEW BUSINESS (continued):

- 2) Discussion of procedures for the upcoming City Manager Annual Review. Mayor Bellah stated he wants to contact the Oregon Ethics Commission to discuss why the initial discussion in executive session of a professional evaluation of the City Manager has to include the presence of the City Manager. Attorney Kirchoff noted the Council is free to discuss the evaluation results of the City Manager without his presence; however, he cautioned against making any decisions regarding the evaluation.

Further discussion followed, as Council suggested Mr. Dahl use the same form as Council for a self-evaluation. Mayor Bellah further suggested using the action log when performing the evaluation. Discussion followed, as Council's consensus was to request the City Manager's self-evaluation by November 17, 2014 and Council's evaluations delivered to the Mayor by November 24, 2014.

STAFF REPORTS:

- 1) City Attorney's Report:
 - a) Attorney Kirchoff expressed he would assist staff with the proposed gas tax.
- 2) City Manager's Report:
 - a) Mr. Dahl gave an update on citations, noting the total amount collected in 2014 for current citations is more than the total amount of citations written in all of last year.
 - b) He commented the Police Department purchased a vehicle for Lieutenant Price costing approximately \$2,500.
 - c) He reported the Christmas tree has been purchased and is scheduled to be planted.

Councilor C. Bartell inquired about the updated version of the Capital Improvement Plan for Public Works. Mr. Dahl replied staff is working on it. Further discussion followed regarding street repaving, possible sidewalks, and lighting. Mr. Dahl added that part of the sidewalk funding can be from SDC's and possibly increased lighting as well. As discussion followed, Council directed staff to look into the possibility of a sidewalk on Coral Circle.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor C. Bartell commented on 2 houses that had a single driveway with multiple vehicles on the property.
- 2) Councilor Luz commented on complaints he heard regarding marijuana growth in the back of a citizen's house. He stated the Council needs to look into limiting the amount of grows to assist in alleviating this issue for some of the residents in Phoenix. He further commented he called several State representatives to investigate suggestions for handling this issue.
- 3) Councilor Jones reminded everyone about the Disaster Preparedness event to be held at the Phoenix/Talent High School on November 6, 2014 at 6:30 p.m.
- 4) Councilor Jones commented she has contacted Umpqua Bank inquiring about corporate sponsorship and she is awaiting a response.
- 5) Councilor Jones requested everyone using Fred Meyer rewards cards at the local Fred Meyer store to request that the amount goes towards community reward points for the Phoenix Pantry.
- 6) Councilor Sophie noted the upcoming MPO meeting is scheduled for December 1, 2014 at 2:00 p.m. He added they will be discussing the strategic assessment validation of 2010 information and the future growth plan.
- 7) Councilor Sophie commented on the 1st Street bulletin board, stating it looks nice.

The meeting adjourned at 8:24 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder