

City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. "B" Street
Monday, December 1, 2014

CALL TO ORDER

Mayor Jeff Bellah called the special meeting of the City Council to order on Monday, December 1, 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)(i), to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

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, December 1, 2014 at 6:32 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
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:

UPDATES/REPORTS:

- 1) Urban Renewal – Mr. Dahl reported he and Al Muehlhoefer, the Chair of the Urban Renewal board, met with a candidate for the executive director position earlier in the day. As he updated Council, he explained Urban Renewal may be closed for a couple of weeks in December for the holidays. Councilor Jones noted there is still a vacant seat on the board.
- 2) Parks Commission – Councilor C. Bartell announced there will be a meeting on January 13, 2015, where they will discuss the Easter Egg Hunt event and other projects planned for the upcoming fiscal year. Further discussion followed, as Councilor Sophie suggested the City recognize all four of the Rotary Clubs that were a part of the grant for the pavilion at Blue Heron Park.

Mayor Bellah noted the Chief at Fire District 5 is retiring, and he invited Dan Marshall to the next Council meeting. He further requested Mr. Dahl order a plaque in his honor to present at the next meeting.

PRESENTATIONS:

- 1) Mikaela Jee Presenting the Concept Art Model for the Blue Heron Park Mural. Miss Jee presented the art model she created for her high school senior project that she will paint on the band shell at Blue Heron Park. Mr. Dahl noted he would display the model at City Hall.
- 2) Kristi Jensen Bark for Life: Use of Blue Heron Park. Ms. Jensen presented the plans for the second annual Bark for Life event to be held on April 25, 2015 as she passed out flyers. She offered to explain what the event is all about to any businesses that are interested. She took questions from Council, as she expressed she is planning to advertise quite heavily for this event. As she further presented the event, Councilor Helfrich inquired about whether the City could look into a place to hydrate dogs, other than the faucet. Mr. Dahl reported he would look into that. Ms. Jensen additionally noted that parking was not an issue at all in the previous year.

ORDINANCES:

- 1) First Reading on an Ordinance amending Chapter 2.15 of the Phoenix Municipal Code, City Water Commission. Mr. Dahl explained the ordinance was amended to accommodate the Water Commission's recommendations. Mayor Bellah inquired whether Council had any questions or suggestions for the ordinance. Councilor S. Bartell noted the quorum should only be made up of water users. Further discussion followed, as Council's consensus was to add that all members must be water users in the City of Phoenix to the Composition section. Councilor Sophie suggested the wording for the quorum include that it needs to be 3 voting members for a quorum. Mayor Bellah suggested the second reading and public hearing be moved to January 5, 2015.
- 2) First Reading on an Ordinance amending Chapter 2.13 of the Phoenix Municipal Code, Parks and Greenway Commission. Councilor Sophie suggested the same wording he referred to in the water commission ordinance. Councilor Luz requested the formatting of the headings of

each section be consistent with the water commission's ordinance. As discussion followed, he further suggested the quorum in the water commission should be 2 voting members.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the November 3, 2014 Executive Session/City Council Meeting.
- 2) Approval of the Minutes of the November 17, 2014 Regular City Council Meeting. Councilor Helfrich requested the November 17, 2014 minutes be removed from the Consent Calendar. **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

Councilor Helfrich requested the comment he made regarding liberally construed from the oath of office be added to the pulled minutes, along with the Attorney's response.

NEW BUSINESS:

- 1) Authorization to sign the SCA Grant. Mayor Bellah explained the grant and Mr. Dahl added that this is before Council to authorize the Mayor to sign the contract. Councilor Helfrich inquired how this grant was discovered. Mr. Dahl replied that Mr. Caldwell discovered the grant. Mayor Bellah congratulated staff for their efforts. Further discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO AUTHORIZE THE SIGNING OF THE SCA GRANT FROM ODOT IN THE AMOUNT OF \$50,000 TO REMOVE AND REPLACE 3" OF ASPHALT RESIDENTIAL PAVEMENT ON A MINOR ARTERIAL ROAD ON W 1ST STREET FROM COLVER RD TO HILSINGER RD.** 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

CITIZEN'S COMMENTS:

Tony Chavez, Phoenix business owner, requested City Hall be decorated with holiday lights and encouraged all businesses along Main Street to display Christmas lights. Further discussion followed.

STAFF REPORTS:

- 1) City Attorney's Report:
 - a) Attorney Kirchoff addressed the citizen comment from the previous meeting by noting the City's ordinances cover a variety of nuisances covering a broad range; however, he suggests it would be difficult to enforce in court. He further suggested amending the ordinances by changing the language to be more specific in nature. Councilor Helfrich requested Attorney Kirchoff elaborate on his example given regarding marijuana odor. Attorney Kirchoff stated that comparatively, arguing over whether or not a person's trash in their yard constitutes debris, rubbish, or manure not removed in the proper amount of

time could be an endless debate. He further added, the way the ordinances are currently written, due to the broadness, enforcing them would be subject to countless challenges.

Councilor S. Bartell pointed out that this suggestion emphasizes how important it is that the City reviews several of the ordinances. Further discussion followed, as Council debated what qualifies as a nuisance or a derelict/dangerous structure. As discussion progressed, Council debated on the manner to address the issue of the marijuana growth in the City limits, regarding the smell.

Attorney Kirchoff summarized that he is merely suggesting cleaning up the ordinances to leave less room for challenge; however, that does not mean that the ordinances as they currently stand are not enforceable.

2) City Manager's Report:

- a) Mr. Dahl reiterated a statement made at the previous meeting as follows, December 26, 2014 is not a paid holiday rather a paid vacation day for every employee that is taking the day off.

Mayor Bellah inquired about any new planning activity. Mr. Brinkley noted that a developer spoke with him regarding a self-storage business.

Councilor C. Bartell inquired about the letter to the City of Talent and whether a check is on the way. Mr. Dahl explained a meeting with the Mayors and City Managers is yet to be scheduled and he is unaware of the check being sent yet. He further stated he plans to update the Council following the meeting. Further discussion followed.

COUNCIL WORKSHOP:

- 1) Review of Ordinances regarding home maintenance/junk in yard. Mayor Bellah noted this item was discussed during the attorney's report.
- 2) Discussion of topics for future Council Workshops. Mr. Dahl explained he would like Council to have the opportunity to review topics before requiring a decision, rather than having the review with an immediate decision. As discussion followed, Mr. Dahl is concerned about what the Council's priorities are for the coming year and he would like to understand what the goals are to relate that into the budget process. He noted he has listed some items that are topics of interest to the Council and inquired about prioritizing the list. As discussion progressed, Council requested Mr. Dahl send out a list to the Council, so they may have an opportunity to prioritize the items listed.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Sophie gave an update from the MPO meeting.
- 2) Councilor Sophie spoke about information reported from Medford regarding how to raise funds for streets and they have developed a way to fund streets that may be of interest to the City.

The regular meeting closed at 8:25 p.m.

CALL TO ORDER

Mayor Jeff Bellah called the special meeting of the City Council to order on Monday, December 1, 2014 at 8:30 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 reconvened into executive session at 8:31 p.m. under ORS 192.660 (2)(i), to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session at 9:00 p.m.

Respectfully submitted,

Attest:

Janette Boothe
Deputy City Recorder

Steve Dahl
City Manager/Recorder