

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, February 17, 2015**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, February 17, 2015 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
Janette Boothe, City Recorder
Derek Bowker, Chief of Police
Kevin Caldwell, Public Works Superintendent
Matt Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

CONTINUED ITEMS:

Council Appointments to Committees. Mayor Bellah explained the Council appointments motion made at the prior meeting. Councilor Sophie removed the motion he made at the prior meeting. Further discussion followed. Mayor Bellah suggested Councilors Jones and Luz be re-appointed to the PHURA board, Council concurred unanimously.

MAYOR'S COMMENTS:

Mayor Bellah explained he would like to implement some changes to the meetings proceedings. He added that he would like to have everyone raise their hand to speak and to discontinue cross talk amongst the Council. He also reminded Council that anything in written format prepared during the meeting, as in passing notes, or texting becomes public. Mayor Bellah requested each Council member turn in any notes to Steve at the end of the meetings. Further discussion followed as he reviewed Robert's Rules of Order.

NEW BUSINESS:

- 1) Order for Abatement of Property Located at 108 North Main Street. Attorney Kirchoff gave background regarding noticing the property owner and the measures that were performed prior to reaching this level of action. He further explained this option of abatement is a safer route and the recovery of the lien will be through the foreclosure sale. Mr. Dahl added a further explanation for deeming the structure as derelict. Councilor Luz expressed concern

for recovering the City's costs, including staff time. Councilor Jones inquired about the timeline for the procedures required and the risk. Attorney Kirchoff explained the steps required and the timing and assured Council there was little risk involved. Councilor Sophie inquired about the steps taken and whether the document sent to the owner was sent certified, which would require a signature that the document was received. Mr. Dahl replied that it was not sent in this manner; however, the City has reason to determine the owner is aware of the actions that the City is prepared to take to resolve this matter. Mayor Bellah inquired about whether the owner's neglect to respond qualifies for a citation. Attorney Kirchoff explained issuing a citation at this point may not be productive and prolong the action of abatement. Mayor Bellah opened the public hearing at 6:47 p.m.

THOSE IN FAVOR OF THE ORDER:

- 1) Tony Chavez, Phoenix, commented the safety of the citizens and the appearance of the City should come first before worrying about the loss of funds that may arise from the abatement.
- 2) David van de Velde, Phoenix, expressed the sooner the City takes action the better. He added the Rose Street proceeding for the structure took too long. He further added the City needs to review the municipal code to address these types of situations properly and in a timely manner.

THOSE IN OPPOSITION TO THE ORDER:

No one spoke in opposition to the order.

Mayor Bellah closed the public hearing at 6:50 p.m.

Mr. Brinkley commented this property has a long history and known dilapidated structure. He further commented the property owner has done nothing, despite the numerous attempts made by the City to address this issue. He further stated this is not a liability the City should allow to go on.

COUNCIL DELIBERATION:

MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE AN ORDER AUTHORIZING THE APPOINTMENT OF THE CITY MANAGER AS RECEIVER AND ALLOWING THE EXPENDITURE OF FUNDS FOR ABATEMENT AND FOR SEEKING APPOINTMENT OF CITY MANAGER AS RECEIVER FOR THE PROPERTY LOCATED AT 108 NORTH MAIN STREET. 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

MAYOR'S COMMENTS (continued):

Mayor Bellah commented on the urban renewal appointment terms. He explained the Charter reads the Mayor appoints and the Council concurs, therefore the appointment power belongs to the Mayor.

UPDATES/REPORTS:

- 1) Phoenix Urban Renewal Agency. Chair Al Muehlhoefer gave a brief update and suggested a joint session with Council be held in the near future. He further added that the headway being made is not being done consecutively, but rather concurrently, as he expressed his happiness for the progress made.

Mr. Sharp came forward to review the goals that PHURA has outlined and explained in great detail the development being made regarding each goal. As he reviewed the goals, he expressed he has been tasked with an analysis of the Market Hall project and his observation is there is no reason to not see the construction breaking ground by the end of the summer. He further apprised Council of the progress made on the remaining approved goals.

- 2) Parks Commission. Councilor C. Bartell gave an update on the City's Easter Egg hunt.
- 3) League of Oregon Cities Training. Mayor Bellah gave an overview of the training. Councilor Sophie commented the State legislation priority is regarding Marijuana. He added the training included a recommendation of not using Robert's Rules of Law. Councilor Jones noted there was information given regarding ethics, emails, note passing and executive meetings. Mayor Bellah added the training was very informative and the follow-up networking session was well attended.

UNFINISHED BUSINESS:

- 1) Resolution Establishing Park Fees. Mr. Caldwell came forward to address Council's concerns and explain the resolution before them is in the format previously discussed. Mayor Bellah clarified that the shelter can be used without paying if citizen's want to take the chance of the possibility of it not being available. Councilor C. Bartell inquired about the purpose for the fees. Mr. Caldwell explained the reasoning for the determination of the allotted fees and added it is Council's discretion whether to charge the fees as written. Further discussion followed, as Council requested an annual review of the costs associated with the upkeep of the parks and whether the citizens are responding well to the changes. Mr. Dahl requested clarification from Council regarding the parameters of the annual review proposed. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY HELFRICH, TO ADOPT RESOLUTION NO. 908, ESTABLISHING FEES FOR USE OF CITY PARK FACILITIES WITH FEES COLLECTED TO GO INTO THE PARKS FUND.** 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

Mayor Bellah recessed the meeting for a ten minute break at 7:47 p.m.

CITIZEN'S COMMENTS:

Tony Chavez, Phoenix, came forward to address Council regarding the Pawnbrokers and Secondhand Dealers Ordinance and stated the way the ordinance is currently written affects his shop and may possibly cause the shop to discontinue the consignment performed at his

establishment. He inquired about the possibility of his business being grandfathered in. Further discussion followed as he took questions from Council.

ORDINANCES:

- 1) First Reading on an Ordinance on Pawnbrokers and Secondhand Dealers. Chief Bowker explained the purpose of this ordinance and the benefits of having an ordinance like this in place. Further discussion followed regarding the process for secondhand dealers and whether it was appropriate to have these types of establishments in the ordinance. Further discussion followed, as Council directed staff to investigate further into the appropriateness of placing secondhand dealers in the ordinance or whether specific language may be added, so as not to have an ordinance that is too cumbersome for items on consignment. **MOVED BY S. BARTELL, SECONDED BY SOPHIE, TO TABLE THE ORDINANCE UNTIL THE 1ST MEETING IN APRIL.**

ROLL CALL VOTE AS FOLLOWS:

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

- 2) First Reading on an Ordinance on Drinking in Public. Chief Bowker explained the purpose of this ordinance. Council inquired whether this would apply to events being held at the parks, as it was explained the OLCC laws are in effect with large events. Further discussion followed, as Chief Bowker explained the issue is not regarding events, but rather individuals within the community that are drinking in public and becoming intoxicated. **MOVED BY HELFRICH, SECONDED BY JONES, TO APPROVE THE FIRST READING, AND HOLD THE SECOND READING AND PUBLIC HEARING ON MARCH 2, 2015.**
Council concurred.

NEW BUSINESS (continued):

- 2) Surplus of Historical Items. Mr. Caldwell came forward with the items the Phoenix Museum is interested in receiving. Council expressed happiness regarding the items that were discovered and that everyone will have the opportunity to view them at the museum. **MOVED BY JONES, SECONDED BY SOPHIE, TO ADOPT RESOLUTION NO. 909, TO DECLARE THE HISTORICAL ITEMS FOUND DURING THE 4TH STREET SEWER MAIN INSTALLATION PROJECT AS SURPLUS AND DONATE THEM TO THE PHONIEX MUSEUM FOR SAFE KEEPING AND PRESERVATION.**

ROLL CALL VOTE AS FOLLOWS:

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

CONSENT CALENDAR:

- 1) Approval of the Minutes of the February 2, 2015 City Council Meeting.
- 2) Acceptance of the Minutes from the Safety Meetings. **MOVED BY JONES, SECONDED BY SOPHIE, 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 (continued):

- 1) Resolution Adopting New Fees for Review and Issuance of a Cannabis Facility License. Mr. Brinkley expressed he had prepared the resolution in response to Council's request to prepare a fee table that would sufficiently cover staff time needed to comply with proper inspections and guidelines regarding these facilities. He further noted the fees are not structured to cover costs of on-going public safety that may be required at these facilities. Further discussion followed, as Mayor Bellah suggested increasing the fees to ensure the City is covered, and to review the fees at a later date to determine the feasibility of the fees and whether to lower the amounts at that time. Council discussed raising the fees to \$1100 for the initial License and \$300 for the License renewals. Additional discussion followed regarding surrounding cities fees that are in place. **MOVED BY SOPHIE, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 910, AMENDING THE CURRENT CITY SCHEDULE OF FEES TO ESTABLISH A FEE FOR THE CANNABIS FACILITY LICENSE AS AMENDED WITH THE COUNCIL SUGGESTED AMOUNTS.** Further discussion followed, as Councilor Helfrich noted he supports staff recommendation of \$785 and \$150 for the fee amounts.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, Jones, S. Bartell, and Luz
Nays: Helfrich
MOTION APPROVED WITH FIVE AYES AND ONE NAY

STAFF REPORTS:

City Manager's Report:

- a) Mr. Dahl announced the plan for the Coral Circle and 1st Street project have been delivered to the City and the project is now open for bid.
- b) He announced he had a TAP meeting on Monday to review ideas of setting up a revised TAP agreement.
- c) He commented he has contracted with an individual to update the City's website and if Council has any suggestions please send them to him via email.

NEW BUSINESS (continued):

- 3) Resolution Adopting an Identity Theft Program Related to Utility Billing. Mr. Dahl explained the purpose of the resolution and expressed this is being performed with all the updates the City is making to follow the guidelines under Citycounty Insurance Services to comply with risk management. **MOVED BY S. BARTELL, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 911, ADOPTING AN IDENTITY THEFT PROGRAM AND PROCEDURES TO COMPLY WITH FEDERAL AND STATE REGULATIONS AND LAWS RELATING TO UTILITY BILLING.** 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

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, Luz, Helfrich, C. Bartell, Jones and S. Bartell

MOTION APPROVED WITH SIX AYES

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor S. Bartell commented he has observed a safety hazard the last couple of weeks and he is glad it was resolved earlier in the day.
- 2) Councilor Luz reported there is a Water Commission meeting being held tomorrow night.
- 3) Councilor C. Bartell expressed her appreciation for the flags.
- 4) Councilor Jones proposed Council hold a discussion on E-cigarettes and banning smoking in the parks.
- 5) Councilor Jones announced the Community Kitchen received a score of 100% on their health inspection.
- 6) Councilor Jones announced there will be a marijuana listening session held in the Rogue River room at SOU in Stevenson Union the following night from 7:00 to 9:00 p.m.
- 7) Councilor Sophie announced the next MPO meeting will be held on February 24, 2015 at 2:00 p.m.
- 8) Mayor Bellah thanked the Council for trying something new during the meeting and he felt it went very well.

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Janette Boothe
City Recorder/Assistant Finance Director