

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. “B” Street  
Monday, March 2, 2015**

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, March 2, 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**

**MAYOR’S COMMENTS:**

Mayor Bellah commented he had attended the legislative update session in Salem in the prior week and mentioned some of the highlights. He explained there was a discussion on a transportation funding bill, an increase in fuel tax up to five percent, expand calculations for user fees to include miles, increasing license plate fees, and maintaining a trust fund for streets. He further commented the League of Oregon Cities wants to preserve the right of way for cities. Additionally, he noted there was a discussion on marijuana and whether to license all growers and eliminating card stackers, and possibly making more commercial grows.

**PRESENTATIONS:**

RVCOG Annual Review, Presented by Mike Cavallaro. Mr. Cavallaro announced the Jackson County Library District is now part of RVCOG. He went on to explain RVCOG has three main services, implementing state and federal programs on an on-going basis, collaborating with members to obtain funding and cooperation from state, federal, and non-governmental entities to perform specific tasks, and directly contract with member’s jurisdictions for specific services. He went on to summarize the annual financial review and commented on the performance review survey that was sent out by RVCOG and they received a very positive response. He further detailed all the resources available through RVCOG.

**UPDATES/REPORTS:**

- 1) Phoenix Urban Renewal Agency, Mr. Dahl announced the goal is to have an RFP for road construction by the end of April with completion of the project scheduled by the end of September. Additionally, he mentioned there will be an executive session with Council March 16, 2015, regarding a PHURA project.
  
- 2) Parks Commission, Councilor C. Bartell spoke about the City Easter Egg Hunt at the elementary school at 11:00 a.m. on April 4, 2015. David van de Velde, Parks Commission Chair, came forward with an Easter egg basket full of eggs and requested each Council member planning to attend the event pick out an egg from the basket. Once the eggs had been chosen, he explained that inside each egg is an age group that the Councilor is going to be volunteering for.
  
- 3) Water Commission, Councilor Luz commented that during the last meeting, the Water Commission discussed a plan to subsidize low income households. He added there was a discussion on where the funding for the subsidization will be coming from. He further added they may introduce subsidizing with a cap on the amount of households. He further added if they do introduce a limit, the discussion has been centered on limiting it to 60 households, as Central Point has over 15,000 water users, and there are only 60 households that qualify for the program. Additionally, he noted there was a 33% decrease in water consumption after the new meter was installed between Phoenix and Talent.

**ORDINANCES:**

- 1) Second Reading and Public Hearing on an Ordinance amending Chapter 2.15 of the Phoenix Municipal Code, City Water Commission. Mayor Bellah explained this amendment is to assist in updating the Water Commission ordinance to allow for better operation of the meetings. Mayor Bellah opened the public hearing at 7:26 p.m.

**THOSE IN FAVOR OF THE AMENDMENT:**

No one spoke in favor of the amendment.

**THOSE IN OPPOSITION TO THE AMENDMENT:**

No one spoke in opposition to the amendment.

Mayor Bellah closed the public hearing at 7:27 p.m.

**COUNCIL DELIBERATION:**

**MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT ORDINANCE NO. 959, AMENDING CHAPTER 2.15 OF THE PHOENIX MUNICIPAL CODE, CITY WATER COMMISSION.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, Jones, S. Bartell, Chris Luz, and Helfrich**

**MOTION APPROVED WITH SIX AYES**

- 2) Second Reading and Public Hearing on an Ordinance amending Chapter 2.13 of the Phoenix Municipal Code, Parks and Greenway Commission. Mayor Bellah explained this amendment is similar to the previous one for the Water Commission. Mayor Bellah opened the public hearing at 7:29 p.m.

**THOSE IN FAVOR OF THE AMENDMENT:**

No one spoke in favor of the amendment.

**THOSE IN OPPOSITION TO THE AMENDMENT:**

No one spoke in opposition to the amendment.

Mayor Bellah closed the public hearing at 7:29 p.m.

**COUNCIL DELIBERATION:**

**MOVED BY JONES, SECONDED BY SOPHIE, TO ADOPT ORDINANCE NO. 960, AMENDING CHAPTER 2.13 OF THE PHOENIX MUNICIPAL CODE, PARKS AND GREENWAY COMMISSION.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, Jones, S. Bartell, Chris Luz, and Helfrich**

**MOTION APPROVED WITH SIX AYES**

- 3) Second Reading and Public Hearing on an Ordinance on Drinking in Public. Mayor Bellah noted there have been some inquiries regarding this ordinance and addressed many of the questions by stating the ordinance is consistent with state law. Mr. Dahl added the state's law advises that alcohol may be consumed in a normal place. He further stated an individual's front lawn would be considered a normal place. Additionally, Mr. Dahl noted the ordinance does not conflict with the event ordinance.

Councilor Helfrich inquired whether an individual is allowed to carry an open container and walk across the street to a neighbor's house under the ordinance. Mr. Dahl replied that is not an option under the ordinance; however, the police officers will not be issuing a citation for violating the ordinance for this type of behavior. He further added that this ordinance is geared towards individuals drinking on public property and getting overly intoxicated.

Councilor Luz inquired about a statement in the ordinance that says, "The Chief of Police shall recommend to the City Manager the number of officers reasonably needed to maintain order under the circumstances existing." He asked if a reasonable number may be zero. Attorney Kirchoff stated that number would be in compliance with the ordinance. Mayor Bellah opened the public hearing at 7:38 p.m.

**THOSE IN FAVOR OF THE ORDINANCE:**

Louis Junghans, Phoenix, inquired about how the Chief of Police determines how many guards (police officers) are required.

Chief Bowker replied he contacts other cities if they held the same event in a different city before, he also considers the type of function the event is, and the number anticipated in attendance.

**THOSE IN OPPOSITION TO THE ORDINANCE:**

No one spoke in opposition to the ordinance.

Mayor Bellah closed the public hearing at 7:40 p.m.

**COUNCIL DELIBERATION:**

Councilor Sophie commented on volunteering at the Britt Festival and noted the officer's required were dependent upon the type of event. **MOVED BY JONES, SECONDED BY SOPHIE**, TO ADOPT ORDINANCE NO. 961, AMENDING TITLE 9 OF THE CITY MUNICIPAL CODE TO DECLARE DRINKING IN PUBLIC, AS WRITTEN IN THE ORDINANCE, AN OFFENSE IN VIOLATION OF THE PHOENIX MUNICIPAL CODE PUNISHABLE UPON CONVICTION BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS.

**ROLL CALL VOTE AS FOLLOWS:**

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

**CONSENT CALENDAR:**

Acknowledge Minutes from Parks Commission. Mayor Bellah noted this is merely an acceptance of the minutes and does not require a motion for approval of the consent calendar. He inquired whether Council had any comments, as he asked about the annual report from the Parks Commission. Councilor C. Bartell replied that report was prepared last October.

Mayor Bellah recessed that meeting for a five minute break at 7:43 p.m.

**NEW BUSINESS:**

- 1) Resolution Extending Workers' Compensation Coverage to Volunteers. Mr. Dahl explained the purpose of the resolution and added it will save the City money with this in place. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY JONES**, TO ADOPT RESOLUTION NO. 912, EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF PHOENIX. There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

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

- 2) Resolution to Establish a Phoenix Municipal Court Amnesty Program. Mayor Bellah reviewed the agenda bill. Mr. Dahl explained this program offers the City the opportunity to receive monies that otherwise may not be paid. **MOVED BY SOPHIE, SECONDED BY**

**JONES, TO APPROVE RESOLUTION NO. 913, ESTABLISHING A CITY OF PHOENIX MUNICIPAL COURT AMNESTY PROGRAM.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, Jones, S. Bartell, Chris Luz, and Helfrich**

**MOTION APPROVED WITH SIX AYES**

- 3) Cannabis Cultivation Operation Report. Mr. Brinkley briefed the Council on the report he prepared regarding the concern of odor from marijuana growth. He explained that Ashland is experiencing the same issue and addressing it. He further explained the goal for the City is to maintain quality of life in a residential area. Additionally, he gave an example of how this issue may be addressed explaining the City of Arcata, CA is located in Humboldt County and they do not allow cultivation of marijuana outdoors. Mr. Brinkley further added that indoor growth requires higher energy consumption. As further discussion followed, he added the City needs to review the Land Development Code regarding this subject to determine if it is necessary to update the code. Additionally, he commented there is concern for houses being purchased simply to cultivate indoors.

Mayor Bellah inquired about Council's thoughts on the subject.

Councilor S. Bartell commented on the amount of growing for other consumers. He added growing inside a home with children is a concern. Additionally he inquired whether commercial growth is allowed in any area of the City currently.

Councilor Sophie recommends looking at how the state is dealing with commercial growth. He added the City should look into requiring cultivation indoors; however, he is not sure whether the City may regulate whether the cultivation is being done in a home with children.

Councilor C. Bartell inquired whether cultivation indoors would include a greenhouse or of the main house. Mr. Brinkley replied that these types of facilities would be included; however, it may be necessary to require a proper filtration system for the greenhouse, as the odor can continue to be substantial unless filtrated properly.

Councilor Luz commented that filtration should be looked into for all facilities housing marijuana. He further added the cultivation operations should be limited at each household.

Councilor Jones inquired whether there will be regulation on wattage consumed. Mr. Brinkley responded that there would be and noted in Arcata, they limit the consumption to 1,200 watts.

Councilor C. Bartell asked whether the amount of growth may be regulated. Mr. Brinkley replied that recreational growth would be limited to four plants per address.

Councilor Helfrich inquired whether it is possible to require a permit for cultivation. Mr. Brinkley responded that is possible.

Councilor Luz asked whether there is a legal way to monitor huge spikes in energy usage. Mr. Brinkley replied he is not sure whether the City may have access to this type of information.

Mayor Bellah suggested designing an ordinance that is more restrictive, with the opportunity to change how restrictive in the future.

**CITIZEN'S COMMENTS:**

Jorene Medrell, Phoenix, came forward to explain her son lives in Washington, and in his neighborhood, two blocks over is a greenhouse filled with the cultivation of marijuana and many in the neighborhood are not happy about it. She added that theft in the area has increased.

Pam Wurzell, Phoenix, expressed her concern about her neighbor's marijuana plants and explained that during the summer months she cannot open her doors or windows or go into her backyard due to the overwhelming odor coming from the plants. She added the amount of rats has increased and the smell continues to be increasingly worse over the years. She further added the cultivation attracts unsavory people into the neighborhood and theft is increasing. She requested Council consider restricting the grow season and not allow cultivation within City limits.

Councilor C. Bartell inquired whether the City could ban cultivation of marijuana. Attorney Kirchoff explained some cities have done and he has not seen it challenged. Further discussion followed.

**STAFF REPORTS:**

1) City Attorney's Report:

- a) Attorney Kirchoff noted he is still waiting on the Supreme Court's decision on the RVS case.
- b) He announced The Greenery case's judgment was in favor and the ordinances were upheld.

2) City Manager's Report:

- a) Mr. Dahl announced on March 11, 2015, ethics training for elected officials is scheduled and he encouraged everyone to attend.
- b) He announced the City Hall entrance is being updated and mostly funded by a grant.
- c) He announced Janette Boothe has made the final decision on the individual being hired on as the full-time administrative assistant at City Hall.

**NEW BUSINESS (continued):**

- 4) Consider Negotiating a Contract Regarding Road Fees. Mr. Dahl briefed council and noted the proposal can be negotiated lower due to amount of work described in the proposal not being required.

Councilor Sophie expressed he is more comfortable with raising the fuel tax and noted there may not be enough time before the May election to get on the public, as this decision should be voted on by the public.

Councilor Luz commented it seems simple to raise the diesel tax by one cent, rather than contracting with a company to review the street user fees. He added the City should consider contacting the engineer to determine possible costs for maintaining the streets.

Councilor S. Bartell expressed his concern for local businesses and how it would impact the drivers. Additionally, he noted his concern regarding having enough time to implement something before the State removes the ability to put on a gas/diesel tax.

Mayor Bellah inquired whether Council wants to move forward with a tax. Councilor Luz commented it would be politically favored to tax diesel only. Councilor Sophie noted he is leaning towards the tax, as trips would affect local businesses and it would be taxing the actual users of the streets. Council's consensus was to request staff to research the feasibility of taxing diesel one cent per gallon.

#### **UNFINISHED BUSINESS:**

Discussion on Scheduling a Council Goals Workshop. Mr. Dahl distributed a handout he prepared of a work plan for Council. He added he would like to hear from Council whether they agree with his assessment of the Council's top priorities for the five goals listed. Further discussion followed, as Council's consensus was to schedule a workshop for the first part of April.

#### **COUNCIL ITEMS, COMMENTS/REPORTS:**

- 1) Councilor S. Bartell commented he is glad to see that the City is researching marijuana growth and expressed his desire for moving forward.
- 2) Councilor C. Bartell complimented the Mayor on the newsletter that was sent out.
- 3) Councilor C. Bartell inquired about whether staff is preparing something for the Council to approve for the City to become a Bee City. Further discussion followed, as Mr. Dahl expressed he would come back to Council within a month regarding the requirements to become a Bee City.
- 4) Councilor Sophie gave an MPO update and noted that there is no funding for new projects and the funds for maintenance are limited.

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Janette Boothe  
City Recorder/Assistant Finance Director