

City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. "B" Street
Monday, March 16, 2015

CALL TO ORDER

Mayor Jeff Bellah called the special meeting of the City Council to order on Monday, March 16, 2015 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

Invited Affiliates: Jim Sharp, PHURA Executive Director
Al Muehlhoefer, PHURA Board Chair

Mayor Bellah convened into executive session at 6:01 p.m. under ORS 192.660 (2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session and convened into regular meeting at 6:27 p.m.

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, March 16, 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
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 stated he received an invitation to the property just outside city limits housing the lions. He noted the owners are going to court to see if they can be zoned to keep the lions. He further noted the hearing is on the following day at the Jackson County Courthouse if anyone is interested in attending. Additionally, Mayor Bellah expressed he was impressed with the cleanliness of the property and the manner of safe keeping being performed by the lion owners.

PROCLAMATIONS:

Proclamation Declaring National Pollinator Week. Mayor Bellah read aloud the proclamation in support of becoming a Bee City. He added the application and resolution to become a Bee City is being performed by the Parks and Greenway Commission.

UPDATES/REPORTS:

- 1) Phoenix Urban Renewal Agency (PHURA)- Jim Sharp, Executive Director, briefed Council on the recent activities occurring at PHURA. Mr. Sharp expressed his enthusiasm and excitement for the progress made thus far and for what is currently in process. Additionally, he reminded Council of the joint session to be held on April 14, 2015 and the open house scheduled for April 16, 2015.

Mr. Dahl explained the open house is designed to educate the public on the upcoming projects for this year and to update the community on the Fern Valley Interchange project. He added that a representative from ODOT will be in attendance to give a presentation and take questions. He further added to advertise for this event, the City is teaming up with the high school students to place door hangers in the community.

Mr. Sharp concluded his update with a discussion on the wetlands property.

Councilor Sophie expressed concern for the road diet and whether this project is being coordinated with ODOT. Mr. Sharp confirmed that it has been discussed with ODOT.

Councilor Bartell inquired about when there will be an official name for the Market Hall project, citing Community Center as an example. Mr. Sharp confirmed that PHURA is in the final stages and is expected to have a final name very soon.

- 2) Parks Commission – Councilor C. Bartell gave an update on the progress made regarding the City Easter egg hunt. Additionally, she spoke about upcoming events and noted the Parks Commission has expressed concern for additional parking for Blue Heron Park.

PRESENTATIONS/APPOINTMENTS:

- 1) Appointment of Diana Nelson to the Budget Committee. Diana Nelson expressed her desire to be on the committee, noting she is extremely proud of Phoenix and she wants to be a part of that. Council members thanked her for her service to the City thus far and for

volunteering for this position. Mayor Bellah requested a formal vote from Council to determine the appointment.

ROLL CALL VOTE AS FOLLOWS:

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

- 2) Appointment of Louis Junghans to the Budget Committee. Louis Junghans explained he wants to be on the budget committee because he is interested in being more involved in the City and feels he will enjoy the new learning experience. Council members commended him for his involvement in the City and expressed gratitude for volunteering for the position. Mayor Bellah called for the vote.

ROLL CALL VOTE AS FOLLOWS:

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

- 3) Appointment of Sarah Crawford to the Budget Committee. Sara Crawford expressed she has lived in the City for 21 years, and she felt it was time to give back. She further explained she is excited to see the inner workings of how things happen. Council members noted how involved her whole family is in the City and expressed gratitude for volunteering for the position. Mayor Bellah called for the vote.

ROLL CALL VOTE AS FOLLOWS:

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

Mr. Dahl announced there is one more position open on the Budget Committee and encouraged everyone to advertise the position.

- 4) Appointment of Clarkie Clark to the PHURA board. Clarkie Clark expressed she was approached by several members of the community to request she fill one of the vacancies in the City. She added she felt PHURA would suit her background better. She further explained she is from Santa Cruz and purchased property in the City last July. Ms. Clark expressed her involvement with Santa Cruz and explained she would like to be involved with the City as well. She further added she feels the City has a lot of potential and she would like to bring people together and all works towards building Phoenix.

Mayor Bellah inquired whether Ms. Clark is prepared to be involved with the current plans in place for Phoenix. She expressed she is comfortable with the current plans and explained she met with Al Muehlhoefer and Genetta Hughes and is aware of the stage PHURA is at.

Councilor S. Bartell expressed in light of the comments made at a prior PHURA meeting, he is not sure why she is interested, because of the comments made about the Councilors. Ms. Clark inquired whether Councilor S. Bartell looked at the comments that were reference that she made online and noted the comments have not been removed or changed. Councilor S.

Bartell confirmed he had. Further discussion followed, as she replied she did not feel she was out of line.

Councilor Helfrich expressed the City has a citizen interested in an open position and they should have the freedom of speech and the decision to appoint should not be personalized. He further added he recommended she apply for the open position on PHURA.

Councilor Sophie expressed concern for her newness to the area and whether she understands the philosophy behind the direction the City of Phoenix is moving. She replied she may not; however, she has heard a lot of opinions from members in the community and she feels her role is to bring those ideas to the discussions at the meetings.

Councilor Luz inquired whether she would have changed what she published looking back at it now. She answered no.

Mayor Bellah inquired whether Council had any further questions for Ms. Clark. As there were no more questions, Mayor Bellah inquired whether there was any further discussion by Council.

Councilor C. Bartell noted the operation agreement between Council and PHURA calls for the Council and PHURA to work together. She added she read all of the comments Ms. Clark posted online and they were very personal, public attacks. She further explained the views that were portrayed in the public comments would not allow Ms. Clark to work together with Council, so Councilor C. Bartell does not support her appointment.

Councilor Luz expressed he does not feel she would work well with Council and does not support her appointment.

Councilor Helfrich reiterated his earlier comments and noted he supports her appointment on the PHURA board.

Mayor Bellah noted he had an unusual request; however, he would like to hear from the Chair of PHURA regarding the recommendation of Ms. Clark to the PHURA board. Al Muehlhoefer, Chair of PHURA, explained the PHURA board approved her coming onto the board. He further commented he feels she has something to offer and she would be a fine compliment to the Board.

Councilor Jones reminded everyone that she and Councilor Luz were not allowed to vote at that meeting to approve her appointment.

Councilor C. Bartell noted two of the votes in favor of supporting Ms. Clark's appointment did not sound confident in their decision.

Mayor Bellah called for the question of whether Council would like to appoint Clarkie Clark to fill the position on the PHURA board.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Helfrich

Nays: Sophie, C. Bartell, Jones, S. Bartell, and Luz

APPOINTMENT FAILED WITH FIVE NAYS AND ONE AYE

Mayor Bellah recessed the meeting for a five minute break at 7:19 p.m.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the February 17, 2015 Regular City Council Meeting.
- 2) Approval of the Minutes of the March 2, 2015 Regular City Council Meeting.
- 3) Approval of January and February 2015 Financial Reports. Council requested the finance report be removed from the consent calendar. Councilor Luz noted a correction in the March 2, 2015 minutes, noting he said one cent regarding diesel tax, not one percent. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE MINUTES FROM THE PREVIOUS TWO MEETINGS AS PUBLISHED WITH THE NOTED CORRECTION.** 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

Approval of January and February 2015 Financial Reports. Mr. Weber came forward to address questions from Council. Councilor Sophie complimented him on the report. Councilor C. Bartell noted her appreciation for the full copy of the reports that were placed in their boxes. Councilor Luz requested the next report include the amount the City is spending regarding water usage from Medford Water Commission and an annual comparison for the past three years. Councilor Sophie inquired whether the RVS court case was being expensed in the Street fund. Mr. Weber confirmed that it is. Mayor Bellah inquired whether Mr. Weber favored the financial progress thus far. Mr. Weber expressed he is comfortable with the City's financial status from this fiscal year's budget standpoint and explained his position.

ORDINANCES:

- 1) First Reading on an Ordinance amending the Land Development Code Pertaining to Outdoor Lighting Regulations. Mayor Bellah read the ordinance by title. Mr. Brinkley briefed council on the staff report prepared for the agenda to give a basic overview of the ordinance. He further explained this is an ordinance that is outdated and does not give guidelines for the type of lighting that is used today. He further explained there are health and safety issues regarding the glare of lights that can be prevented by design standards.

Councilor Sophie inquired about the lighting technology. Mr. Brinkley explained the ordinance does not address technology, but rather it talks about the nature of the light. Mr. Brinkley further explained the different types of lighting the ordinance addresses. Councilor Sophie inquired about how Mr. Brinkley would address minimizing the effect that LED lights are causing. Mr. Brinkley explained these types of issues are addressed by setting standards for where the light should be shined and such.

Councilor Helfrich inquired whether there was a way to measure how much lighting is too much. He gave an example of lighting he is concerned with. Mr. Brinkley clarified there is a way to determine the amount of lighting required and to measure the lighting so as to go above specific standards.

As further discussion followed, Councilor S. Bartell expressed concern for the cost of compliance for the small businesses in the area. He added he felt the second meeting is scheduled too soon for Council to review the ordinance properly. Mayor Bellah explained he understood from the ordinance that current businesses would have 15 years to come into compliance with the ordinance if it is passed, unless the business changes significantly, so there would be no effect on the small businesses right now. Mr. Brinkley added that this would only go into effect if the business owner was to change over 25% of the lighting at one time. He further explained it is a 15 year amortization and right now, LED lights last up to 15 years.

Further discussion followed, as Mayor Bellah called the question. **MOVED BY SOPHIE, SECONDED BY LUZ, TO MOVE FORWARD WITH THE ORDINANCE AND FOR THE SECOND READING TO BE SCHEDULED FOR APRIL 20, 2015.**

ROLL CALL VOTE AS FOLLOWS:

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

CITIZEN COMMENTS:

Andrea Adams, Medford, commented she felt the street user fee was a lot to pay. She added a complaint about the credit card fee and noted plenty of businesses do not charge the fee. She requested the new website post agendas consistently. Additionally, she claimed she has noticed a fair amount of garbage and debris around town and feels the City should provide a way to dispose of garbage and recycle items properly in front of businesses. She further added her disappointment for the way Clarkie Clark was treated. Finally, she questioned why she was being harassed by the code enforcement regarding the graffiti on her building, as she feels there are more important things for the officer to be enforcing.

NEW BUSINESS:

- 1) Resolution Authorizing Access Easement for the Cell Tower by Blue Heron Park. Mr. Brinkley explained the necessity for Crown Castle requesting a new, 45 year agreement authorizing a nonexclusive easement. Further discussion followed, as Mr. Brinkley explained this resolution will not allow the company to make any major changes. He added any significant changes would require a modification of the conditional use permit. Additional discussion followed. **MOVED BY SOPHIE, SECONDED BY HELFRICH, TO ADOPT RESOLUTION NO. 914, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO GRANT A NONEXCLUSIVE ACCESS EASEMENT TO CROWN CASTLE USE.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH SIX AYES

ORDINANCES (continued):

- 2) First Reading on an Ordinance amending the Land Development Code, Pertaining to Sign Regulations. Mr. Brinkley explained he would like to get this ordinance approved because the sign ordinance has not been enforced, as many of the aspects of the ordinance are outdated. He further explained he would like to have an ordinance in place he was comfortable enforcing. He added that if the Planning Department enforced the ordinance as it stands right now, many businesses would be in violation of the ordinance. Further discussion followed.

Councilor C. Bartell commented she felt Council did not have enough time to review the ordinance, as it is very lengthy. Mr. Brinkley replied that he is comfortable with answering any questions between now and the second reading. Further discussion followed, as Councilor S. Bartell suggested tabling this ordinance. Council discussed moving the first reading.

Additional discussion followed, as Councilor S. Bartell expressed concern for the businesses in town being informed. Mr. Brinkley informed everyone that letters were sent out to all of the businesses to describe the ordinance and announce a public hearing at the Planning Commission meeting. When asked how many attended, Mr. Brinkley noted only one business owner came to the meeting where the Planning Commission decided to recommend this ordinance to Council for approval. Council discussed having enough time to review the ordinance in length to understand it.

Mr. Dahl suggested Mr. Brinkley present the ordinance and hold a session for questions at the upcoming meeting and Council can decide whether to have the first reading at that meeting. Councilor Sophie suggested staff notify all businesses of this meeting, if Council chooses to have a presentation with questions for Mr. Brinkley. **MOVED BY SOPHIE, SECONDED BY JONES, TO MOVE THE FIRST READING OF AN AMENDMENT TO THE PHOENIX LAND DEVELOPMENT CODE PERTAINING TO SIGN REGULATIONS TO APRIL 6, 2015.** Council's consensus was to approve the motion.

NEW BUSINESS (continued):

- 2) Resolution to Place a Motor Vehicle Diesel Fuel Tax on the May Ballot. Mayor Bellah explained staff has become aware the deadline for placing this item on the ballot has passed. He explained the next election this item would be possible for placement on the ballot, is not until the special election in September. Mayor Bellah explained how that process would work; however, this item does not require deliberation at this time. Additional discussion followed, as Council's consensus was to table this item.

STAFF REPORTS:

- 1) City Manager's Report:
 - a) Mr. Dahl reminded everyone about the Economic Interest Statement deadline and requested everyone fill them out and submit them to the City by April 14, 2015 if they would like to have staff send it in.

- b) He announced he is meeting with local elected representatives in Salem regarding diesel tax, measure 91 on time, place, and manner for marijuana grows, and municipal court judge qualifications.
- c) He inquired about scheduling the Council Work Plan for a workshop on March 31, 2015. Council's consensus was to hold the workshop on that evening at 6:30 p.m.
- d) He announced he will be on vacation on Friday, March 20, 2015.

Councilor C. Bartell inquired about whether the City of Talent is reimbursing the City for staff time to perform street sweeping. Mr. Dahl replied the City is being reimbursed and described the agreement a little further. Additional discussion followed.

Councilor Sophie inquired whether the trip budget is being planned for discussion during the goal setting session. Mr. Dahl responded favorably and explained he expects to learn more on April 6, 2015 when he plans to hold a meeting with a representative from ODOT.

UNFINISHED BUSINESS:

Discussion of Volunteer Recognition. Mayor Bellah distributed a draft proposal he prepared (*on file*) for the volunteer recognition event. He explained he would like to hear Council input for further direction. As discussion followed, Council expressed their desire to hold this event at the Blue Heron Park. Additional conversation followed.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Helfrich commented on the newspaper in Jacksonville and distributed it to Council to view, suggesting the City research whether Phoenix would have enough support from local business advertisements.
- 2) Councilor Luz expressed there is a petition going around about saving the lions, noting he has heard both positive and negative remarks regarding the safety of holding lions on the property just outside Phoenix.
- 3) Councilor Sophie commented the 99 Corridor study is complete and everyone should be receiving the results soon.
- 4) Councilor Jones commented on the parks that are being built for handicapped children and her desire to see all parks be constructed to accommodate all children.
- 5) Councilor C. Bartell commented on the photos displayed in the public works building. Additionally, she commended the City for the success of the prior year's parade.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Janette Boothe
City Recorder/Assistant Finance Director