

City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. “B” Street
Monday, May 4, 2015

CALL TO ORDER

Mayor Jeff Bellah called the special meeting of the City Council to order on Monday, May 4, 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

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 likely to be filed.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session at 6:30 p.m.

The second scheduled executive session under ORS 192.660 2(b), for the purpose of considering the dismissal or disciplining of, or to hear complaints or changes brought against, a public officer, employee, staff member or individual agent who does not request an open hearing was canceled.

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, May 4, 2015 at 6:35 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
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 explained the previous executive session involved being briefed by the City Attorney on two cases. He further explained the second scheduled executive session on the agenda was canceled, as staff has resolved the situation.

UPDATES/REPORTS:

- 1) Phoenix Urban Renewal Agency (PHURA)-Mr. Dahl noted the hours of operation at Urban Renewal have changed and Mr. Sharp has a new assistant. Further discussion followed, as it was explained the recent activity of Urban Renewal has involved exploratory work with the wetlands.
- 2) Parks Commission – Councilor C. Bartell expressed she had nothing to report; however, she voiced concerns about the baseball field at Colver Park and the parking availability at Blue Heron Park. Additionally she gave an update on the flyers being prepared for announcing the City parade in October.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the April 20, 2015 City Council Meeting.
- 2) Acceptance of the Minutes from the Parks Commission.

Councilor C. Bartell noted a correction on page 2 of the minutes, stating that the City will not be hosting a summer barbeque. Councilor Jones noted there were 20 volunteers for the Cleanup day as a correction to the minutes. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE CONSENT CALENDAR AS CORRECTED.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

Abstentions: Helfrich

MOTION APPROVED WITH FIVE AYES AND ONE ABSTENTION

Councilor Helfrich noted the agenda from the April 6, 2015 meeting did not have the April 20, 2015 meeting listed, so he thought the meeting was canceled.

NEW BUSINESS:

- 1) Resolution Authorizing the City of Phoenix to apply to Bee City USA to become a Bee City USA Affiliate City and Commit to the Standards of Bee City USA. Mayor Bellah explained this resolution was recommended by the Parks Commission and they will be involved and

make all the necessary arrangements to stay active in the Bee City USA association. Councilor C. Bartell noted the Parks Commission members are all very excited to become a Bee City. **MOVED BY C. BARTELL, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 920, AUTHORIZING THE CITY OF PHOENIX TO APPLY TO BECOME A BEE CITY USA CITY.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

- 2) Quarterly Financial Report. Mr. Weber reviewed the financial report he prepared, briefly outlining the highlights of the quarter. He concluded his report stating that all three of the major funds are performing well.

STAFF REPORTS:

- 1) City Attorney's Report:
 - a) Attorney Kirchoff had nothing to report.
- 2) City Manager's Report:
 - a) Mr. Dahl commented he has been dealing with employee issues over the past couple of weeks.
 - b) He expressed he worked with Mr. Sharp on PHURA's budget for 2015/16.
 - c) He reported he went on a ride along with Officer Lewis.
 - d) He announced the event held at Home Depot over the weekend was a big success for everyone involved.

NEW BUSINESS (continued):

- 3) Resolution calling for an Election on Motor Vehicle Diesel Fuel Tax on the September 2015 Ballot. Mayor Bellah explained this came before Council to be on the May ballot; however, the City had missed the deadline to file. He further explained the need for revenue in the Street fund to maintain the streets. As discussion continued, Mayor Bellah pointed out the survey results of other cities, noting that many are charging three cents per gallon. Discussion continued regarding the need for street maintenance funds and where the funds will be allocated, as the tax will be primarily affected by the semi-trucks, which are the main cause of road deterioration on the streets they frequent.

Councilor Luz suggested placing the amount of tax at two cents per gallon, rather than giving a range for a possible increase in tax. Further debate followed, as Council's consensus was to set the amount of diesel tax at two cents per gallon. Councilor Luz requested Council approval of the statement that is going into the voter's pamphlet. Mr. Dahl noted staff will prepare the question on the ballot for Council approval; however, Council would need to prepare any additional information that they may want placed in the pamphlet. **MOVED BY SOPHIE, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 921, CALLING FOR AN ELECTION WITHIN THE CITY REFERRING TO THE VOTERS A MEASURE FOR THE ADOPTION OF AN ORDINANCE IMPOSING A MOTOR VEHICLE DIESEL FUEL TAX ON MOTOR VEHICLE DIESEL FUEL DEALERS AND PROVIDING FOR**

THE ADMINISTRATION ENFORCEMENT, AND COLLECTION OF THE TAX AS AMENDED. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

Mayor Bellah recessed the meeting for a five minute break at 7:23 p.m.

- 4) Discussion on Marijuana Cultivation. Mayor Bellah explained the Planning Commission will be recommending an ordinance regarding allowance for a resident grower. He added that an OMMP cardholder is restricted to 20 square feet outdoors. Mr. Brinkley explained the Planning Commission is discussing a 100 square foot total cap on indoor/outdoor growth. He added that recreational marijuana would be limited to indoor growth. Additionally, he noted that the regulations being discussed used Arcata California as a reference. He further noted that marijuana cultivation cannot be performed as a home occupation. Discussion continued regarding a cap on commercial growth.

Further discussion followed, as Mr. Brinkley noted the setback for cultivation is 10 feet from any property line in a residential zone. Councilor Helfrich inquired about whether the regulations take into consideration school zones. Mr. Brinkley replied they do not; however, requirements do not allow plants to be visible from the street.

Councilor S. Bartell inquired about the size of the plants. Mr. Brinkley responded the cap allowance is at 20 square feet outdoors, which may include a couple large plants or several smaller ones. As discussion continued, Councilor Helfrich suggested issuing permits for marijuana cultivation so growers understand regulations at the beginning. Further discussion followed, as Mayor Bellah suggested banning commercial growths anywhere within the City limits. Discussion continued regarding regulating the areas of growth in commercial areas to coincide with the marijuana facilities regulations. Further discussion followed regarding passing an ordinance in a timely manner regarding marijuana cultivation. Continued discussion followed, as Mayor Bellah requested to have the first reading of an ordinance amending the cannabis facilities ordinance to include regulations for commercial marijuana cultivation on the upcoming City Council agenda.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Sophie commented on the latest discussions regarding greenhouse gases.
- 2) Councilor Sophie noted RVCOG has useful information and programs regarding aging or those requiring special needs.
- 3) Councilor Luz inquired whether storm water can be redirected into the wetlands.
- 4) Mayor Bellah noted Phoenix is continuing to experience a large water loss. He explained he is concerned there may be an issue with the Kings Highway line, as nothing has been done on that line. Continued discussion followed, as Mayor Bellah suggested the City verify if the reading at both meters match, and if they do not, then we know there is a leak. He requested this item be on the agenda for further discussion.

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Janette Boothe
City Recorder/Assistant Finance Director