

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. “B” Street
Monday, May 18, 2015**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, May 18, 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

UPDATES/REPORTS:

- 1) Urban Renewal – Jim Sharp gave an update on recent events and handed out a report he prepared regarding current news. He added that one of the properties being purchased by PHURA is experiencing a delay in the closing date due to the requirement of the seller to give proper notice to tenants to evacuate the premises. Mayor Bellah requested an update on the estimate for a bond. Mr. Sharp referred the answer to Mr. Weber, who explained he spoke with the representative for PHURA’s bond and confirmed PHURA’s bond will close shortly after the new fiscal year.
- 2) Parks Commission – Councilor C. Bartell announced the next meeting will be held June 9, 2015, where they will be discussing the proceedings for the Dog Days of Summer. She handed out a flyer prepared for the Pirate Country Parade scheduled for October 7, 2015. She explained the flyer is prepared to give sponsors and those interested in being in the parade advance notice and contact information.
- 3) Water Commission – Jim Snyder reviewed the recent Water Commission report that was included in the agenda packet. He noted the Commission recommends continuing the annual increase of 1.5% to maintain a healthy revenue stream for maintenance. As he reviewed the report, Mayor Bellah commented it would be difficult to include consumers in the hardship

policy at multi-unit water meters. Mr. Snyder agreed, stating the Water Commission has examined the issue and does not know how to practically account for subsidizing individual consumers in trailer parks and apartment complexes being billed off of one meter.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the May 4, 2015 City Council Meeting.
- 2) Approval of the Minutes of the April 14, 2015 Joint Session. Councilor Jones requested clarification be placed in the May 4th minutes regarding the outdoor growth for marijuana on page 4 to read 20 *square* feet. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE CONSENT CALENDAR AS AMENDED.** 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

ORDINANCES:

- 1) Second Reading and Public Hearing on an Ordinance amending the Land Development Code Pertaining to Sign Regulations. Mr. Brinkley gave a PowerPoint presentation outlining the variations between the current ordinance and the proposed amendments. During the discussion, Mayor Bellah inquired about signs that may be subject for removal with a 60 day provision. Mr. Brinkley responded that the provision was in line with other sign ordinance language and that during the 60 days, the City may be issuing citations; however, the 60 days is pertaining to the amount of time the owner is afforded before the City removes the sign and charges the owner for any associated fees.

Discussion continued as Councilor C. Bartell asked for clarification regarding the signs posted at the high school. Mr. Brinkley explained the high school is currently in violation of the sign ordinance; however, with the revisions in the amended ordinance, they would be in compliance.

Councilor Luz inquired about the plans for all of the old, dilapidated signs along Main Street. Mr. Brinkley response included an explanation of following procedures for these types of violations, noting the City will send out notices, should the amended ordinance pass. He further explained the notices would state the violation the owner is committing and give them a time frame to become in compliance. Mayor Bellah opened the public hearing at 7:35 p.m.

THOSE IN FAVOR OF THE AMENDMENT:

No one spoke in favor of the amendment.

THOSE IN OPPOSITION TO THE AMENDMENT:

Dameion Rivera, Phoenix, came forward to raise the issue of temporary signage, as many local businesses desire to create large signs to attract business to their places that are obstructed by the construction taking place on the Fern Valley Interchange project. Additionally, he noted he is concerned about being in compliance with the ordinance, as his business is expected to change names and would be changing the sign.

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

COUNCIL DELIBERATION:

Mayor Bellah commented Mr. Rivera brought up viable concerns. As Council debated the issues, Mr. Brinkley clarified what a legally non-conforming sign is and noted that a violation is triggered only when a property owner modifies the sign in any manner, including movement of the sign, as it would constitute a need for a sign permit and to issue a sign permit, the sign would need to be in compliance with current standards. Mr. Brinkley additionally noted that the City is starting a landmark sign program to offer an avenue to keep historic signs even though they no longer meet requirements in the code. As discussion followed, Mayor Bellah summarized the discussion noting the motel owner has a route to remedy their situation, should the need arise. Mayor Bellah further noted the language enacting the ordinance should read, *the City of Phoenix ordains as follows*, rather than, *the City Council of the City of Phoenix ordains as follows*. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT THE PROPOSED AMENDMENT OF THE PHOENIX LAND DEVELOPMENT CODE, ALSO KNOWN AS LDC14-12, AS DESCRIBED BY ORDINANCE NO. 963 AS CORRECTED.**

ROLL CALL VOTE AS FOLLOWS:

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

Mayor Bellah called for a brief recess at 7:55 p.m.

CITIZEN'S COMMENTS:

Louis Junghans, Phoenix, introduced his idea of a contest between the City of Phoenix and Talent at Blue Heron Park at the band shell. He added the band shell needs additional lighting, possibly stage lighting. He further added the band shell requires a better parking area if Phoenix wants to utilize the band shell to its full potential. He also noted he observed standing water in the area at the park and explained there is a possible leak.

- 2) Second Reading and Public Hearing on an Ordinance amending the Land Development Code Pertaining to Outdoor Lighting Regulations. Mr. Brinkley reviewed the recommended changes in a PowerPoint presentation. As discussion continued, Councilor Helfrich requested clarification on light trespassing, as he feels many may be in violation of this. Mr. Brinkley identified what type of lighting the verbiage is referring to.

Further discussion followed, as Councilor S. Bartell suggested a handout for the public that details the specific guidelines for being in compliance with the ordinance. Discussion continued. Mayor Bellah opened the public hearing at 8:30 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 8:31 p.m.

COUNCIL DELIBERATION:

When questioned, Mr. Brinkley noted that the trigger for requiring a current operating business to come into compliance with the proposed ordinance is changing more than 25% of the luminaires. Discussion continued. Mayor Bellah noted the same language enacting the ordinance should be changed in this ordinance as well. **MOVED BY SOPHIE, SECONDED BY HELFRICH, TO ADOPT THE PROPOSED AMENDMENT OF THE PHOENIX LAND DEVELOPMENT CODE, ALSO KNOWN AS LDC14-11, AS DESCRIBED BY ORDINANCE NO. 964 AS CORRECTED.**

ROLL CALL VOTE AS FOLLOWS:

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

- 3) Ordinance Declaring a Moratorium on Non-personal Recreational Marijuana Cultivation. Mayor Bellah explained the purpose of the ordinance, noting the City should have something in place while the State determines how to deal with commercial recreational marijuana grows. As discussion continued, Councilor Helfrich inquired whether other cities have taken this type of action. Attorney Kirchoff replied that not many have; however, it would be in the cities best interest to move forward with the ordinance to get in front of recreational marijuana use becoming authorized by the State, as the rules for handling cultivation for anything outside of personal use is not resolved and it may take a while.

Following continued discussion, Councilor Helfrich requested clarification of what constitutes a commercial grower. Attorney Kirchoff answered that is growing the amount of anything above personal use. He added that the first paragraph under section 2 of the proposed ordinance needs to have the word “residential” between the words own and property on the second line, to clarify the statement better. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT EMERGENCY ORDINANCE NO. 965, PLACING A MORATORIUM ON THE GROWING AND CULTIVATION OF RECREATIONAL MARIJUANA, EXCEPTING GROWING AND CULTIVATION FOR PERSONAL RECREATIONAL USE, WITHIN THE CITY LIMITS OF PHOENIX, OREGON AS CORRECTED.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, Jones, S. Bartell, Luz, and Helfrich
MOTION APPROVED WITH SIX AYES, ENACTING THE ORDINANCE EFFECTIVE IMMEDIATELY

NEW BUSINESS:

- 1) Resolution Authorizing an Application for OPRD Small Community Planning Grant. Mr. Brinkley addressed Council explaining the proposed grant application and its purpose. He

added the advantages to updating the parks, recreation, and open space master plan. Continued discussion followed. **MOVED BY LUZ, SECONDED BY JONES, TO ADOPT RESOLUTION NO 922, AUTHORIZING THE PLANNING DEPARTMENT STAFF TO APPLY FOR THE OPRD SMALL COMMUNITY PLANNING GRANT.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH SIX AYES

- 2) Bid Award for Chip Seal Project. Mr. Dahl clarified this project and noted it is part of the street maintenance plan for the current budget year; however, the associated costs exceeded the budgeted amounts, requiring the remaining balance above budget to be paid from the Capital Reserve Fund. Continued discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO AWARD THE BID FOR THE 2015 CHIP SEAL PROJECT TO SIERRA SANTA FE CORPORATION IN THE AMOUNT OF \$187,287 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT.** Mayor Bellah inquired about the contract and requested the signed contract be brought before Council for ratification. 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

- 3) Discussion on Capital Improvement Plan. Mayor Bellah directed everyone's attention to the attached possible items to be placed in the Capital Improvement Plan. Councilor Sophie suggested staff consider a timeframe for replacement on each of the items. Mayor Bellah proposed placing the vehicle replacement for the Police Department in the Capital Reserve Fund. Councilor S. Bartell suggested implementing a cost analysis of maintenance on many of the items. Councilor C. Bartell recommended grouping the items under the different departments that are under the *Land and Buildings* title on the list. Further discussion followed.

EXTENSION OF MEETING:

MOVED BY SOPHIE, SECONDED BY JONES, 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

Mayor Bellah suggested discussing the Police Department items first in the initial workshop, followed by Public Works, and so on. He further suggested the workshop be held within a month's time. Council's consensus was to forward as Mayor Bellah recommended.

- 4) Discussion on Street Sweeping in Talent. Mr. Caldwell expressed it would be in the City's best interest to discontinue servicing the City of Talent, as staff time is essential for the City

of Phoenix to be optimizing. Discussion followed regarding the feasibility of contracting with an outside company to complete street sweeping in Phoenix and selling the street sweeper. Further discussion followed, as Mr. Dahl suggested he contact the Talent City Manager on the following day to inform him the City will be discontinuing service to Talent as of July 1, 2015.

STAFF REPORTS:

- 1) City Attorney's Report:
 - a) Attorney Kirchoff had nothing to report.

- 2) City Manager's Report:
 - a) Mr. Dahl announced the South Couplet Project is out for bid.
 - b) He reported he has witnessed several individuals viewing the PHURA billboard across from West 2nd Street.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor C. Bartell expressed she has received several favorable comments on the sign and the flower baskets.
- 2) Mayor Bellah thanked Mr. Caldwell publicly for arranging to have the baskets maintained.
- 3) Councilor C. Bartell noted she noticed standing water between the stage and the garden at Blue Heron Park. Mr. Caldwell assured Council the department is aware of the issue, and they plan to investigate the issue as early as tomorrow.
- 4) Councilor Sophie announced the MPO meeting for May has been cancelled.
- 5) Councilor Sophie expressed his concern for low income households in the community, as the garbage, sewer, and natural gas companies are increasing their rates.
- 6) Councilor Luz commented on a flyer announcing the date of the medical marijuana facility opening, noting it advertises that the first 50 patients will receive a joint and hash.
- 7) Mayor Bellah commented on the Kings Highway transmission line involving a break of the air relief valve, causing an enormous fountain of water on South Stage Road that took place the previous Friday. Mr. Caldwell reported the department has the incident on video and the utility crew acted in a very sufficient manner to repair the damage.

The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Janette Boothe
City Recorder/Assistant Finance Director