

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Monday, June 15, 2015**

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, June 15, 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  
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**

**SWEARING IN OF NEW VOLUNTEER OFFICERS:**

Chief Bowker announced there are three new reserve officers for the City. Following a brief introduction, he requested Joshua McOmber, Matthew Curtis, and Shawn Deboer come forward. Chief Bowker performed the swearing in of the three appointed reserve police officers.

**PRESENTATIONS:**

Update on Phoenix Library by Jody Fleming. Ms. Fleming expressed her gratitude for having the library hours posted on the City website. She noted the Library is involved with the Dogs Days of Summer. She further stated she would like to have the Library involved in more City events. Ms. Fleming further announced upcoming events at the Library.

**UPDATES/REPORTS:**

- 1) Urban Renewal – Mr. Dahl noted a meeting was held the prior Tuesday and briefly updated Council regarding the actions that took place. He added a meeting with the Jackson County Housing Authority is scheduled for Wednesday, June 17, 2015. Additionally, he commented on Urban Renewal cleaning out the garage to use lawnmowers for the lots that Urban Renewal is purchasing along Main Street. Additional discussion followed.
- 2) Parks Commission – Councilor C. Bartell gave an update on the Dog Days of Summer event to be held on July 25, 2015. Additionally, she noted the Parks Commission is requesting an item be placed on the upcoming agenda to approve some maintenance needs and upgrading

at Blue Heron Park and Colver Park. She also gave a brief update on the City becoming an official Bee City. She announced the City has a sound system on order for City events. Councilor C. Bartell also announced a new event being discussed having a water event called Phoenix Water Night to be held at Blue Heron Park sometime in July or August. Further discussion followed.

**PUBLIC HEARINGS:**

- 1) Approve a Resolution Adopting the FY 2015/16 Budget. Mayor Bellah declared the public hearing. Mr. Weber explained this budget was approved by the Budget Committee on May 20, 2015. He briefly summarized the overall budget. Further discussion followed.

Mayor Bellah opened the Public Hearing at 6:52 p.m.

**THOSE IN FAVOR OF THE FY 2015/16 BUDGET:**

No one spoke in favor of the FY 2015/16 Budget.

**THOSE IN OPPOSITION TO THE FY 2015/16 BUDGET:**

No one spoke in opposition to the FY 2015/16 Budget.

Mayor Bellah closed the public hearing at 6:53 p.m.

**COUNCIL DELIBERATION:**

**MOVED BY LUZ, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 927, ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND AUTHORIZING FUND TRANSFERS AND LEVYING AND CATEGORIZING TAXES FOR FISCAL YEAR 2015/16 FOR THE CITY OF PHOENIX.** 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**

- 2) Approve a Resolution Declaring the City's Election to Receive State Shared Revenues. Mayor Bellah declared the public hearing. Mr. Weber explained the requirements to receive state shared revenue.

Mayor Bellah opened the Public Hearing at 6:55 p.m.

**THOSE IN FAVOR OF THE RESOLUTION:**

No one spoke in favor of the Resolution.

**THOSE IN OPPOSITION TO RESOLUTION:**

No one spoke in opposition to the Resolution.

Mayor Bellah closed the public hearing at 6:56 p.m.

**COUNCIL DELIBERATION:**

**MOVED BY C. BARTELL, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 928, DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX EYES**

Attorney Kirchoff noted that all three resolutions be amended to include the approving clause as stated in the City Charter.

**NEW BUSINESS:**

- 1) Approve a Resolution Certifying that the City of Phoenix Provides Four or More Municipal Services. Mayor Bellah reviewed the services the City of Phoenix provides, noting the City provides well over four services. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 929, CERTIFYING THAT THE CITY OF PHOENIX PROVIDES FOUR OR MORE MUNICIPAL SERVICES.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX EYES**

**ORDINANCES:**

First Reading by Title Only of an Amendment to the Phoenix Land Development Code, Establishing Special Standards Regulating, Time, Manner, and Place of Cannabis Cultivation in All Land Use Districts in the City of Phoenix. Mayor Bellah read aloud the title of the ordinance for the first reading. Mr. Brinkley explained the Planning Commission has worked on these proposed standards over a period of five meetings and voted unanimously to recommend this ordinance to Council. He further directed Council to page 6 of Exhibit "B" to explain this area regarding residential zones provided the most difficulty regarding a full agreement amongst the Commissioners. He further explained the outdoor growth was the main concern, as the odor of the plants has been a source of complaints. He further addressed the conclusion made by consensus of the Commission regarding the outdoor cultivation area. Additional discussion followed, as Mr. Brinkley addressed questions from Council.

As discussion continued, Councilor Luz inquired whether it is possible to ban outdoor cannabis cultivation. Mr. Brinkley expressed he felt that legally it would be challenged and difficult to defend. Attorney Kirchoff stated that legally the Council could ban outdoor growth under federal law. He agreed with Mr. Brinkley and added it would be challenged with an approximately nine month process. Additional discussion followed.

Mayor Bellah noted the Council could decide to ban commercial cultivation and provide standards for personal use. Councilor C. Bartell inquired whether it was possible to remove the references to commercial growth in the ordinance, as the City currently has a moratorium in place regarding commercial cultivation. Mr. Brinkley replied the Council could remove the

allowances for commercial cultivation; however, the zones may need to be addressed. He further advised against a ban for legal reasons. Continued discussion followed, as Mr. Dahl inquired whether it would be easier to amend the Land Development Code with the reference to outdoor cultivation included or if it would be easier if it was not included. Mr. Brinkley replied it would most likely be easier to amend if it is included. **MAYOR BELLAH CALLED THE QUESTION OF WHETHER TO HOLD THE SECOND READING AND PUBLIC HEARING ON THE ORDINANCE AS PRESENTED JULY 6, 2015.**

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, Jones, Luz, and Helfrich**

**Nays: C. Bartell, S. Bartell**

**MOTION APPROVED WITH FOUR AYES TO TWO NAYS**

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

**CONSENT CALENDAR:**

- 1) Approval of the Minutes of the June 1, 2015 City Council Meeting. **MOVED BY S. BARTELL, SECONDED BY JONES, 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**

**NEW BUSINESS (continued):**

- 1) Approve a Resolution Authorizing the Transfer of Appropriations to Prevent Expenditure of Appropriations for Fiscal Year 2014/15. Mr. Weber explained this is an annual housekeeping item to clear up over expended categories. He added the City did not use contingency for any of the funds in the budget. **MOVED BY SOPHIE, SECONDED BY LUZ, TO ADOPT RESOLUTION NO. 930, AUTHORIZING THE TRANSFER OF APPROPRIATIONS TO PREVENT OVER-EXPENDITURE OF APPROPRIATIONS FOR FISCAL YEAR 2014/15.** 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**

- 2) Approve a Liquor License for Geno's Mexican Restaurant, 102 S. Main St. Mayor Bellah mentioned this business is being held in a property that was previously owned by a Mexican restaurant owner. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE LIQUOR LICENSE FOR GENO'S MEXICAN RESTAURANT.** 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) Approve Contract for Chip Sealing Project. Mr. Dahl distributed a map displaying the area that is scheduled to have chip sealing. Councilor C. Bartell inquired about the warranty, as it was changed from a two-year warranty to a one-year warranty. Mr. Caldwell replied the warranty is long enough, as the chip seal will display whether it is done correctly within six months. **MOVED BY JONES, SECONDED BY C. BARTELL, TO APPROVE THE PUBLIC IMPROVEMENT CONTRACT BY AND BETWEEN SIERRA SANTA FE CORPORATION AND THE CITY OF PHOENIX.** 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**

- 4) Approve Contract with Kirchoff Law Offices, LLC. Mayor Bellah mentioned Council had several questions of Attorney Kirchoff that were answered in the executive session held earlier in the evening. **MOVED BY C. BARTELL, SECONDED BY JONES, TO AUTHORIZE THE MAYOR TO SIGN THE PERSONAL SERVICES AGREEMENT BY AND BETWEEN KIRCHOFF LAW OFFICES AND THE CITY OF PHOENIX.** 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**

- 5) Approve Service Truck Purchase. Mayor Bellah noted the vehicle is budgeted for in the approved 2015/16 budget. Continued discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL, TO AUTHORIZE THE PUBLIC WORKS SUPERINTENDENT TO PURCHASE A 2007 FORD F-450 XL UTILITY TRUCK FROM OREGON TRUCK SALES IN THE AMOUNT OF \$21,500 WITH THE COST TO BE SPLIT BETWEEN THE WATER FUND AND THE STREET FUND WITH THE PURCHASE TO BE MADE AFTER JULY 1, 2015.** 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**

**STAFF REPORTS:**

1) City Attorney's Report:

- a) Attorney Kirchoff explained all of The Greenery cases were dismissed with prejudice.

2) City Manager's Report:

- a) Mr. Dahl announced he attended the Summer Kickoff Barbeque on June 11, 2015.  
b) He attended the car show that was held at Blue Heron Park on June 13, 2015.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Janette Boothe  
City Recorder/Assistant Finance Director