

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Tuesday, September 8, 2015**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, September 8, 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 expressed for a City to be successful, it has to have both a strong Council and staff. He added that a sister city has recently discovered it is \$6 million in the hole and his take away from that is Council is ultimately responsible. He further added that RVCOG had a contract with Josephine County for a building to conduct senior meal delivery and the contract expired without prior knowledge and it has not been renewed.

UPDATES/REPORTS:

1) PHURA – Jim Sharp gave an update on the progress downtown, noting there is not a connection between 3rd and 4th Street, as it was not feasible. He explained he would provide more detail in the report he is preparing to be completed on the following day.

Additionally, he noted the portion of land behind the hair salon is being examined for the creation of buildable land. Following a few more questions from Council, Mr. Sharp explained the contractor for the downtown project will receive a bonus if all contracted work is completed by November.

PRESENTATIONS:

Phoenix Library Update by Jody Fleming. Ms. Fleming reported 168 kids signed up which is an increase of approximately 80 from last year. Additionally, the total books read increased more

than a 100%. She noted that donations were received from McDonalds, Rays, and 7-eleven, which contributed to a very successful summer reading program.

UPDATES/REPORTS (continued):

- 2) Parks Commission – Councilor C. Bartell gave an update on the Pirate Country Parade scheduled for October 7, 2015 at 6:00 p.m. She noted that this year more of the community is invited to be in the parade and there will be a Pirate to entertain the parade members and the crowd.

CONSENT CALENDAR:

- 1) Approval of the Minutes of the August 17, 2015 City Council Meeting. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, 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

UNFINISHED BUSINESS:

Expert Report: Chip Seal Project. Mr. Dahl summarized the report submitted by Asphalt Consulting Services. Councilor C. Bartell inquired whether or not to perform the crack sealing was included in the 2015 Chip Seal Project contract. Mr. Dahl replied that crack sealing was not addressed in the contract. Continued discussion followed.

CITIZEN COMMENTS:

Jeff Sterling, Meadow View Dr, Phoenix, reported that the road conditions are worse and continue to be a problem for everyone in the neighborhood. He added that proper sweeping was not performed and after reviewing the contract he discovered the rock that was used is much larger than the contract states. He concluded his comments urging Council to do something to alleviate the problems with the street.

Richard Romagnoli, Country Hill Dr, Phoenix, noted his understanding is that the report shows some things were not performed properly and he would like it fixed.

Mayor Bellah spoke about what to do in the future if the City is going to perform chip seal on any more streets. He noted the consultant's recommendations were to only sweep intersections where turning movements will loosen and stack chips no sooner than a couple days after placement; to only sweep before noon during summer months exceeding 90 degrees Fahrenheit; to seal all cracks prior to chip sealing; and above all, educate the public prior to the project.

Additionally, Mayor Bellah noted he did not receive any ideas as to how to resolve the issue immediately. Councilor S. Bartell spoke about the timeline for the job that was performed. He expressed his confusion regarding the consultant's report, adding that he disagrees with the expert about the fog seal. He detailed the chip seal job he examined that was performed by the County recently, comparing it to the work performed in the City. He added that staff should be looking into a remedy for the issues that have been expressed.

Councilor C. Bartell inquired whether staff knew it would take a year to cure prior to having the chip seal done. Mr. Caldwell replied he was aware. She followed up by expressing her concern, as that information was not communicated prior to the project approval.

Mayor Bellah emphasized the suggestions that staff will consider for any future projects. Continued discussion followed, as staff noted there was an attempt to respond to the complaints initially following the completion of the project; however, sweeping is not something that should have been done, as it made the problems worse. Council directed staff to research possible remedies for the current conditions of the road.

NEW BUSINESS:

- 1) Resolution for a Moratorium on Outdoor Burning Until the Fire Danger Drops. Mr. Dahl expressed the Fire Chief has requested Council adopt a resolution banning any outdoor burning other than the use of barbeques until the fire danger drops below high. Discussion followed, as Council debated whether a moratorium is necessary, as the City has an ordinance in place that prohibits outdoor burning. Attorney Kirchoff noted that this is just an added reference for the fire department to use during this time of extreme fire danger. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 936, AUTHORIZING A MORATORIUM ON OUTDOOR FIRES EXCEPT FOR BARBEQUES WITHIN THE CITY OF PHOENIX UNTIL THE FIRE DANGER DROPS BELOW HIGH.** Councilor Luz expressed he did not feel the resolution was clear enough regarding the type of burning permitted outside.

ROLL CALL VOTE AS FOLLOWS:

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

Nays: Luz

MOTION APPROVED WITH FIVE AYES AND ONE NAY

- 2) Approval of Purchase of Replacement Meters. Mayor Bellah reviewed the staff report in the agenda packet and inquired whether Mr. Caldwell had anything to add. He replied he did not. **MOVED BY JONES, SECONDED BY LUZ, TO AUTHORIZE THE PUBLIC WORKS SUPERINTENDENT TO PURCHASE 10 WATER METERS FROM FERGUSSON IN THE AMOUNT OF \$19,524.81.** 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 the Purchase of Solar Light Poles for Blue Heron Park. Mayor Bellah reviewed the staff report prepared by Mr. Caldwell. **MOVED BY JONES, SECONDED BY SOPHIE, TO PURCHASE 9 SOLAR LIGHT POLES FROM FIRST LIGHT TECHNOLOGIES IN THE AMOUNT OF \$14,600 WITH THE FUNDS TO COME FROM THE PARKS SYSTEM DEVELOPMENT CHARGES BUDGET.** 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) IGA in Support of a Community Development Block Grant. Mayor Bellah summarized the purpose of the community development grant. Continued discussion followed. **MOVED BY JONES, SECONDED BY C. BARTELL**, TO AUTHORIZE THE MAYOR TO SIGN THE INTERGOVERNMENTAL AGREEMENT IN SUPPORT OF A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE 2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTERED THE OREGON DEVELOPMENT DEPARTMENT, INFRASTRUCTURE FINANCE AUTHORITY. 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) Discussion of Engineering Contract. Mr. Dahl expressed the three companies Council suggested were interviewed and out of the three companies, staff is recommending contracting with RH2 Engineering for water and Marquess & Associates for all other engineering services. He further explained RH2 Engineering has history with the City and expertise that no other company in the valley possesses. He further added he did not want to put all the eggs in one basket. Mr. Dahl noted that neither contract will stipulate a retainer or monthly fee. He further added the contracts will include pricing for the projects. Continued discussion followed, as Council directed staff to develop both contracts to include the scope of work to bring before Council for possible approval.

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Kirchoff reported he is working on updating some of the ordinances that have been discussed recently.

Councilor C. Bartell inquired about whether a bond is included or should be included on all projects. He responded that all contracts on large projects should be with a contractor who is bonded.

2) City Manager's Report:

- a) Mr. Dahl announced a workshop has been suggested to review the personnel manual updates staff is suggesting.

Councilor S. Bartell requested an electronic copy of both the current manual and the updates that are suggested.

Councilor S. Bartell asked whether Mr. Dahl sees anything the City should be doing immediately regarding the chip seal project. Mr. Dahl replied that he will discuss the project with the contractor that performed the work. Councilor S. Bartell further suggested contacting the Eagle Point Public Works Director for possible remedies and to inquire about the sealing time frame.

Mayor Bellah added as a side note that he would like ballot information come to council before it is submitted to the county in the future.

NEW BUSINESS (continued):

- 6) Discussion on Marijuana Commercial Growth and Dispensaries and Necessary Ordinance Amendments. Mr. Brinkley presented the PowerPoint slides he prepared. He reviewed House Bill 3400. Continued discussion followed, as Mayor Bellah asked if the moratorium was lifted, whether the City would still be covered with the current LDC in place. Mr. Brinkley responded that he felt the LDC covers everything. He added that those involved with commercial cultivation are looking at purchasing real estate to grow indoors. He explained that one option for the City is to regulate through the cannabis facility license, and the next option would be to ban production, which would require a vote from the citizens. Councilor S. Bartell inquired about whether staff can look into the possible revenue to see whether it is worthwhile to be concerned with allowing commercial cultivation.

Councilor Jones noted her concerns are whether there are harmful chemicals that would be going down storm drains if commercial cultivation was permitted and whether the City can avoid being sued if they were to prohibit commercial growth. Council directed Attorney Kirchoff to research the outcomes for the 10 percent tax being discussed by the state. Discussion continued as Council's consensus was to review this topic more thoroughly in a study session to be scheduled for Tuesday, September 15, 2015.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Jones noted the upcoming PHURA meeting has been rescheduled to September 16, 2015.
- 2) Councilor C. Bartell commented on favorable appearance of the flower baskets and flags.
- 3) Councilor S. Bartell inquired about the possibility of whether the storm drains have been contaminated because of the chip seal project. Mr. Dahl replied that he would look into that.
- 4) Mayor Bellah reminded everyone about the Medford Water Commission consultant meeting scheduled for the following day.
- 5) Councilor Sophie reminded Council about the upcoming small cities meeting.
- 6) Mayor Bellah suggested holding a study session on the action log in the near future.

The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Janette Boothe
City Recorder/Assistant Finance Director