

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Monday, October 5, 2015**

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, October 5, 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**

Councilor Luz requested a moment of silence for the tragic event that occurred on the Umpqua Community College campus.

**MAYOR'S COMMENTS:**

Mayor Bellah thanked Councilor C. Bartell for all her efforts towards the parade.

**UPDATES/REPORTS:**

- 1) Parks Commission – Councilor C. Bartell announced the Phoenix Parade will be held Wednesday at 6:00 p.m. She continued with an update on the parade and noted Talent's Mayor contacted her to request a place in the parade. She added that the next scheduled Park Commission meeting will be held November 5, 2015.
- 2) PHURA – Jim Sharp reviewed the September 2015 report he prepared and distributed. Mayor Bellah inquired about the demolition of the buildings along Main Street and whether the project is on schedule. Mr. Sharp replied that he is pushing; however, he is unclear whether it will be completed within the week.

Councilor Jones requested an update on the Grange. Mr. Sharp explained he discovered they were way over budget, so they had to rework the project. Councilor Sophie asked for an update on the Community Center. Mr. Sharp requested everyone visit Talent's new facility

for a comparison, as he expressed concern for Talent's ability to earn revenue with the design of the structure. He added that his primary focus is on how to create a building that is viable. Councilor Helfrich commented that Talent's facility has a lot of wasted space and that they opted to spend money on a high tech facility. Continued discussion followed.

**ORDINANCES:**

An emergency ordinance amending Chapter 5.18 of the Phoenix Municipal Code Pertaining to the Regulations of the Time, Place, and Manner of Commercial Cannabis Facilities. Mayor Bellah explained the reason for the emergency ordinance. Mr. Brinkley clarified that this ordinance would establish stipulations for medical marijuana facilities regarding selling recreational. Continued discussion followed as Mayor Bellah noted the necessity for council to decide on the procedure regarding cultivation of commercial recreational marijuana by January 2016, as State guidelines are set to go into effect that may hinder the Council's ability to enforce their decision. Continued discussion regarding the moratorium, as Councilor Sophie noted there will be a meeting held in November regarding the State's guidelines. Attorney Kirchoff recommended not addressing whether to lift the moratorium until the State establishes rules clarifying the guidelines for cultivation. Mayor Bellah opened the public hearing at 7:04 p.m.

**THOSE IN FAVOR OF THE AMENDMENT:**

No one spoke in favor of the amendment.

**THOSE IN OPPOSITION TO THE AMENDMENT:**

Craig Kerr, owner of Fireside Dispensary, commented he is requesting the City allow the two existing dispensaries to operate under the rules that apply currently. He added that when Council decides to rule on lifting the moratorium, he would like to present a scenario as a suggested manner in which to proceed.

Mayor Bellah closed the public hearing at 7:10 p.m.

Mayor Bellah read aloud the ordinance in its entirety, as the ordinance was changed to emergency status. Continued discussion followed, as Councilor C. Bartell expressed concern for cannabis commercial cultivation. Mayor Bellah inquired whether the Planning Commission plans to review any of the cannabis regulations again, regarding time, place, and manner. Mr. Brinkley replied that the Planning Commission has already deliberated and they do not plan to revisit the matter. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT ORDINANCE NO. 968, AN EMERGENCY ORDINANCE AMENDING CHAPTER 5.18 OF THE CITY MUNICIPAL CODE PERTAINING TO THE REGULATION OF THE TIME, PLACE, AND MANNER OF COMMERCIAL CANNABIS FACILITIES.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

**CONSENT CALENDAR:**

Approval of the Minutes of the September 21, 2015 City Council Meeting. Councilor Jones requested her statement made in the Council Comments section be revised to reflect that she is

only concerned about temporary housing, not the removal of the motel. **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:**

Approve Engineer Contracts. Mr. Dahl explained that establishing contracts with both companies would eliminate the requirement to go out for bid on every project. Additionally, he reiterated the reasons for hiring each of the engineer firms. Following continued discussion, Mayor Bellah expressed the pricing quoted from RH2 Engineering appears to be the same as any other pricing they charge, not a contracted price for at a lower amount. He added he is in favor of only contracting with Marquess & Associates. He clarified the City should go out for a RFP for anything that RH2 Engineering would be hired for. Councilor S. Bartell expressed his agreement with Mayor Bellah.

Continued discussion followed, as Councilor Helfrich commented that RH2 Engineering has saved the City a lot of money that would otherwise not been realized, and he is in favor of contracting with both firms as recommended by staff. Councilor C. Bartell explained she understands why the City would not want to go out for RFP for everything; however, she has not been satisfied with RH2 Engineering and favors only one contract with Marquess & Associates.

Councilor Luz commented he is comfortable with two contracts to make things smoother for City projects, as long as the City attempts to go with the lower contracted rate as much as possible.

Councilor Jones expressed we are the smallest City in the valley and we should value RH2 Engineering's time as much as they value contracting with the City. She added RH2 has performed a fine job and the City should contract with both firms, noting that if the City eliminates RH2, there may be no motivation to answer the phone when we attempt to contact them.

Councilor Sophie noted he that Marquess & Associates spells out all of the costs associated; however, RH2 Engineering does not explain how much projects are going to cost. Councilor C. Bartell added that RH2 raised their costs without the City's prior knowledge and the rates were being paid at a much higher rate for over a year without the City's knowledge. Councilor S. Bartell added that many studies RH2 has done has been revised or recalculated. Mayor Bellah requested Council's consensus on whether to contract with both firms. The informal vote went as follows:

S. Bartell, C. Bartell - one contract  
Jones, Sophie, Luz, Helfrich – two contracts

Following a brief discussion, Council directed Attorney Kirchoff to draft amended contracts for each firm to include the scope of work.

**NEW BUSINESS:**

- 1) Bridge Medallions. Mr. Dahl explained the decision before Council regarding the medallions and requested Council's input. Council requested staff contact ODOT to request the \$40,000 that the City agreed to lower the interchange work by be applied to the price of the Bridge Medallions. Mr. Dahl confirmed that the City pays for the medallions and he would contact ODOT to have that discussion. Council's consensus was to send in any suggestions to Mr. Dahl and instruct staff to incorporate the suggestions.
  
- 2) Draft of Low Income Water Bill Ordinance. Mayor Bellah described the premise for the ordinance and Councilor Luz followed up with a brief description. Councilor S. Bartell inquired about the calculation for the poverty level outlined in the ordinance. Councilor Luz explained the calculation and expressed the poverty level of Phoenix was used in determining the calculation. Continued discussion followed, as Council requested this item be placed on the agenda for a first reading as is.

**STAFF REPORTS:**

- 1) City Attorney's Report:
  - a) Attorney Kirchoff had nothing to report.
  
- 2) City Manager's Report:
  - a) Mr. Dahl announced the City is planning to contract with a new website company for the City's website.
  - b) He informed Council the City is planning to contract with a company to conduct a salary survey for approximately \$5,000.

Following a brief discussion, Council's consensus was to hold a workshop regarding the Council Action Log on October 19, 2015.

**NEW BUSINESS (continued):**

- 3) Resolution Authenticating the Voters Approval of a Motor Vehicle Diesel Tax. Mayor Bellah briefly reviewed the proposed resolution, noting the tax would go into effect October 15, 2015. Councilor S. Bartell inquired about the section under Amount and Payment, where it states: In the event that the State of Oregon increases taxes on Motor Vehicle Diesel Fuel, the City, which receives a share of the taxes, shall reduce the rate established by this section so that the City's total revenue from fuel taxes remains what it would have been without the State or County increases. He questioned the purpose of entering this statement in the ordinance, as the City would only benefit more, should other taxes increase. Continued debate followed, as Council's consensus was to approve the resolution as is and request an amended draft to come before Council that removes this statement. **MOVED BY JONES, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 937, AUTHENTICATING THE ORDINANCE APPROVED BY THE VOTERS TO IMPOSE A MOTOR VEHICLE DIESEL FUEL TAX ON MOTOR VEHICLE DIESEL FUEL**

DEALERS AND PROVIDE FOR ADMINISTRATION, ENFORCEMENT, AND COLLECTION OF THE TAX. 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) Resolution Amending Administrative Leave in the Personnel Manual. Mayor Bellah noted there were two options for this resolution. Council's consensus was to go with option 1. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 938, AMENDING ADMINISTRATIVE LEAVE IN THE PERSONNEL MANUAL.** 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**

**COUNCIL ITEMS, COMMENTS/REPORTS:**

- 1) Councilor Sophie announced the final approval of the 99 Corridor study will be before the Oregon Transportation Committee in the coming week.
- 2) Councilor Jones announced the next Green Bag pickup will be on Saturday. She noted that donations for August totaled 4200 pounds.
- 3) Mayor Bellah announced Mr. Dahl has offered to attend the Mayor's United Dinner in his stead.

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Janette Boothe  
City Recorder/Assistant Finance Director