

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, December 7, 2015**

DRAFT

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, December 7, 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

PRESENTATIONS:

1) Update on Fern Valley Interchange Project by Gary Leaming. Mr. Leaming expressed the project is expected to be complete in 10 months. He further described the timeline, noting when the significant changes are scheduled to take place. He noted there will be a partial opening of the on and off ramps in early 2016. He added that prior to the partial opening, there will be signs posted and more information concerning the ramps. He added that the scheduled events are as follows:

- Concrete Luman intersection
- Partial Interchange open
- Demolition of old bridge
- Final paving by the end of summer

Mr. Leaming added that the construction that has begun on the East side of 99 will most likely take a month to complete and the west side scheduled to begin in the spring. He further added that the traffic lights should be complete in the spring. Additional discussion followed, as he took questions from Council.

- 2) Phoenix Urban Renewal Agency Project. Mr. Sharp announced PHURA is sponsoring 13 days of Christmas for Phoenix businesses and distributed a flyer (on file) describing the event. As discussion continued, he distributed a construction schedule and reviewed the outline with Council. He noted that electrical poles between 1st and 3rd Street will be moved underground. Councilor S. Bartell inquired about whether that would mean increased electrical capacity. Mr. Sharp confirmed that it would.

Mayor Bellah inquired about the construction schedule for starting the plaza building. Jim Sharp replied that he is hopeful for June or July, but it may be as late as the third quarter of 2016. Mayor Bellah further went on to express his disappointment with the contractor and their treatment of the businesses along Main Street. Continued discussion followed regarding the striping on Main Street and Bear Creek.

UPDATES/REPORTS:

- 1) Parks Commission – Councilor C. Bartell reported the next scheduled meeting is on January 21, 2016. Councilor Helfrich brought up the parade for discussion. Councilor C. Bartell explained that the high school alumni are meeting with the Parks Commission early in 2016 to discuss additional parade festivities. She added that there has been discussion regarding the possibility of a different route as well.

ORDINANCES:

- 1) Second Reading and Public Hearing of an Ordinance Adopting Amendments to Title 13 of the City Municipal Code by Adding Section 13.17, Water Rate Discount for Extreme Hardship. Mayor Bellah explained that Council has reviewed this program. Mayor Bellah opened the public hearing at 7:18 p.m.

THOSE IN FAVOR OF THE ORDINANCE:

No one spoke in favor of the ordinance.

THOSE IN OPPOSITION TO THE ORDINANCE:

No one spoke in opposition of the ordinance.

Mayor Bellah closed the public hearing at 7:19 p.m.

COUNCIL DELIBERATION:

MOVED BY SOPHIE, SECONDED BY LUZ, TO ADOPT ORDINANCE NO. 969, AMENDING TITLE 13 OF THE CITY MUNICIPAL CODE BY ADDING SECTION 13.17. 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

- 2) Second Reading and Public Hearing of an Ordinance Amending the Phoenix Municipal Code, by Removing Section 14.01.040 (b) of the Motor Vehicle Diesel Fuel Tax. Mayor Bellah explained the amendment was due to Council's request. Mayor Bellah opened the public hearing at 7:20 p.m.

THOSE IN FAVOR OF THE ORDINANCE:

No one spoke in favor of the ordinance.

THOSE IN OPPOSITION TO THE ORDINANCE:

No one spoke in opposition of the ordinance.

Mayor Bellah closed the public hearing at 7:21 p.m.

COUNCIL DELIBERATION:

MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT ORDINANCE NO. 970, AMENDING THE PHOENIX MUNICIPAL CODE, BY REVISING SECTION 14.010.040 (b) OF THE MOTOR VEHICLE DIESEL FUEL TAX. 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

- 3) First Reading of an Ordinance Amending Chapter 2.28 of the Phoenix Municipal Code; Council Rules of Procedure. Mayor Bellah expressed that this was the first reading by title only and that Attorney Kirchoff prepared the amendment per Council request. Councilor C. Bartell inquired about the addition on page 21 regarding Councilors not in attendance. Attorney Kirchoff confirmed he would remove that language from the amended version. Additionally, Councilor C. Bartell questioned the time for citizen comments, as the consensus of the Council was to provide three minutes for comments. Additionally, instead of the majority of Council extending time, it should reflect the decision should be left to the presiding officer. Attorney Kirchoff confirmed he would make the corrections. Mayor Bellah offered some suggested changes as well, as Attorney Kirchoff noted all the changes to be made before the second reading.

COUNCIL DELIBERATION:

MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE BY TITLE ONLY THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2.28 OF THE PHOENIX MUNICIPAL CODE. 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

- 4) Emergency Ordinance Removing Cannabis Facility Tax. Mayor Bellah suggested changing the effective date to state immediately. Further discussion followed. Mayor Bellah opened the public hearing at 7:45 p.m.

THOSE IN FAVOR OF THE ORDINANCE:

No one spoke in favor of the ordinance.

THOSE IN OPPOSITION TO THE ORDINANCE:

No one spoke in opposition of the ordinance.

Mayor Bellah closed the public hearing at 7:46 p.m.

COUNCIL DELIBERATION:

MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT EMERGENCY ORDINANCE NO. 971, AMENDING CHAPTER 3.17 OF THE PHOENIX MUNICIPAL CODE TO REPEAL THE CANNABIS FACILITY TAX ON THE SALE OF CANNABIS AND CANNABIS CONTAINING AND DERIVED PRODUCTS. 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

CONSENT CALENDAR:

- 1) Approval of the Minutes of the November 9, 2015 City Council Meeting.
- 2) Acceptance of the Minutes from the Planning Commission.
- 3) October 2015 Financial Report. Mayor Bellah requested approval of the minutes separate from the rest of the consent calendar. **MOVED BY JONES, SECONDED BY SOPHIE, TO APPROVE THE NOVEMBER 9, 2015 CITY COUNCIL MINUTES.** 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

Acceptance of the Minutes from the Planning Commission. Mayor Bellah inquired whether Council had any questions regarding the Planning Commission minutes. No questions were raised.

October 2015 Financial Report. Mr. Weber explained that in the General fund, the professional and contract services, along with temporary personnel are areas of concern and will need to be monitored for the remainder of the year, as it is trending high. He further described the significant differences from actual to budgeted amounts for all the funds. Continued discussion followed as the PERS increase was deliberated on and whether to set aside funds to soften the impact in 2017. **MOVED BY JONES, SECONDED BY C. BARTELL, TO APPROVE THE REST OF 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

Mayor Bellah recessed the meeting for a break at 8:05 p.m.

MAYOR'S COMMENTS:

Mayor Bellah commented on Kings Highway and the TAP evaluation. He discussed holding a study session soon to regarding the previous water loss. Additionally, he noted he was unaware that the City had a water master plan and suggested Council review the plan.

NEW BUSINESS:

- 1) Resolution Proclaiming, Accepting and Certifying the Election Results of the November 3, 2015 Special Election. Mayor Bellah explained this is simply a resolution certifying the election results. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 944, ACCEPTING, PROCLAIMING, AND CERTIFYING THE ELECTION RESULTS OF THE NOVEMBER 3, 2015 SPECIAL ELECTION FOR THE CITY OF PHOENIX 2015 CITY CHARTER.** 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) Discussion on City of Phoenix Organizational Chart. Mayor Bellah explained he would like the Council to discuss whether to eliminate the vacant position from the union contracts. Continued discussion followed regarding the various positions that were unfilled. Council's consensus was to direct Mr. Dahl to prepare a list of vacant positions that are not in the budget to be eliminated at the next City Council meeting.
- 3) Approval of Job Description. Mayor Bellah explained there is a job description for a new position, titled Human Resources Director/City Recorder. Councilor S. Bartell expressed concern for the need for an HR director in a City of this size. Mr. Dahl explained that this position would provide another level for personnel issues. He further explained the training involved with this position. Mayor Bellah expressed concern regarding the potential for needing another lower level staff member if this position is created. Councilor C. Bartell suggested there would not be enough human resources duties to add it to the title for the position. Further concerns were raised, as Mayor Bellah suggested a vote on whether to table this item for a later discussion with more information provided from staff regarding this position. **MOVED BY SOPHIE, SECONDED BY JONES, TO TABLE THE APPROVAL OF THE HUMAN RESOURCE/CITY RECORDER JOB DESCRIPTION.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, Jones, Helfrich, Bellah
Nays: C. Bartell, S. Bartell, and Luz
MOTION APPROVED WITH THE MAYOR'S VOTE TO BREAK THE TIE

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

- 4) Resolution Amending Schedule of Land Use Permit Fees. Mr. Brinkley expressed the need for the amendment, explaining the City does not want to deter future development by having a charge that is exorbitant. He reviewed his staff report presented in the agenda packet. Mayor Bellah expressed concerns about the possibility of not charging enough for a future project. Continued discussion followed, as Council debated whether to collect an additional deposit or bond up front. As discussion continued, Council debated whether to table this resolution until January with the additional deposit or bond added to the resolution. Council's consensus was to revisit the fees again at a later date. **MOVED BY JONES, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 945, AMENDING THE CURRENT PLANNING DEPARTMENT SCHEDULE OF FEES.** 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

- 5) Approve Contract with Marquess to Construct a Capital Improvement Plan. *Tabled until the following meeting.*
- 6) Approve Contract with Marquess to Prepare a Construction Design and Cost Analysis for Church Street. *Tabled until the following meeting.*
- 7) Approve Contract with Marquess to Prepare a Construction Design and Cost Analysis for Pine Street. *Tabled until the following meeting.*
- 8) Approval of Contract with Taurus Controls for Upgrades to the SCADA System. Mayor Bellah reviewed the staff report and expressed there is a difference of close to \$25,000 from the budgeted amount. Council discussed the variance in cost. Continued discussion followed, as Council's consensus was to prepare this item in resolution form and approve the contract as such. **MOVED BY SOPHIE, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 946, APPROVING THE CONTRACT WITH TAURUS CONTROLS FOR UPGRADES TO THE SCADA SYSTEM IN THE AMOUNT OF \$88,122.04.** 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

EXTENSION OF MEETING:

MOVED BY JONES, SECONDED BY SOPHIE, TO EXTEND THE MEETING UNTIL 10:00 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

STAFF REPORTS:

1) City Attorney's Report:

a) Attorney Kirchoff distributed PHURA's IGA and plan as requested by Council. He reviewed how the agreement was set up and how the plan was designed.

2) City Manager's Report:

a) Mr. Dahl noted he updated the Action Log and distributed it to Council.

b) He discussed the slurry seal that was suggested for Main Street.

c) He commented on sending out the updated version of the Personnel Manual, along with a copy of noted changes that were made, inquiring whether Council would like to hold a study session for review of the suggested changes.

COUNCIL ITEMS, COMMENTS/REPORTS:

1) Councilor C. Bartell requested the Action Log be printed in larger font.

2) Councilor Sophie suggested a Goal Setting session regarding the Action Log.

3) Councilor Jones reminded everyone that Green Bag Day will be held on Saturday.

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Janette Boothe

Assistant Finance Director/ City Recorder