

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, August 15, 2016**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, August 15, 2016 at 6:30 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Stan Bartell, Bruce Sophie, Carolyn Bartell, Terry Helfrich, Chris Luz, Jim Snyder, Jeff Bellah

Staff Present: Matt Brinkley, Interim City Manager
Janette Boothe, Interim Finance Director/City Recorder
Derek Bowker, Chief of Police
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS:

Mayor Bellah asked if all the Councilors got an invitation to the League of Oregon Cities City Hall meeting in Ashland. It will take place at the Council chambers in Ashland at 1175 E Main Street on September 15, 2016. In addition there are a couple of things that were not on the agenda he wanted to bring up, in particular the security issue at the Public Works yard which will be discussed during the City Manager's Report.

CITIZEN COMMENTS

1) Kenneth Chard spoke about the possibility of sharing staff and facilities with other jurisdictions as a way to save money.

UPDATES/REPORTS:

1) PHURA Mr. Brinkley noted there is a meeting on August 16, 2016 with some important agenda items including an update on property transactions. PHURA did get a response from Pilot Rock. They are still waiting on a purchase and sale agreement from Dollar General, which is between PHURA and the developer. Further discussion followed.

2) Parks and Greenway Commission The Greenway presentation will take place Wednesday night at the meeting. On August 24, there will be a Parks Master Plan meeting to go over the Blue Heron Park graph presentations.

ORDINANCES:

- 1) First Reading by Title Only for an Ordinance Amending the Comprehensive Plan Pertaining to the Transportation System Element. Second Reading and Public Hearing Scheduled for Tuesday, September 6, 2016

Mayor Bellah clarified that this deals with the August report for the TSP element of the Comprehensive Plan. Mr. Brinkley explained this reprioritizes the Colman Creek Culvert project that RVACT is considering funding. Further discussion followed. Councilor Luz pointed out the pages of the staff report included in the packet are not the right ones because they were referring to the annexation discussed at the previous City Council meeting. Council opted to table the item until the September 6, 2016 meeting at which there would be an official first reading with the second reading and public hearing scheduled for September 19, 2016.

Paul Kay, of 4495 S Pacific Highway chose to speak about changes he would like to see made to the TSP while being aware that the item will have an official first reading at the September 6 meeting. He will not be able to attend the following meeting but will submit comments in written form. Mayor Bellah clarified with Paul Kay that comments normally would be at the second reading. Mr. Kay asked for clarification on some of the wording of the TSP and proposed some recommendations on individual projects and prioritization.

- 2) Second Reading and Public Hearing of an Ordinance Amending Chapter 5.18 of the Phoenix Municipal Code Pertaining to the Regulations of the Time, Place, and Manner of Commercial Cannabis Facilities This ordinance would allow cannabis facilities engaged in retail distribution to have hours of operation between 8:00 AM and 10:00 PM. Currently, they are allowed to be open until 8:00 PM. Mayor Bellah declared the public hearing.

Mayor Bellah opened the public hearing at 7:01 PM.

THOSE IN FAVOR OF THE ORDINANCE AMENDING CHAPTER 5.18 OF THE PHOENIX MUNICIPAL CODE:

No one spoke in favor of the amendment to chapter 5.18.

THOSE IN OPPOSITION OF THE ORDINANCE AMENDING CHAPTER 5.18 OF THE PHOENIX MUNICIPAL CODE:

No one spoke in opposition of the amendment to chapter 5.18.

Mayor Bellah closed the public hearing at 7:03 PM.

COUNCIL DELIBERATION:

Councilor Sophie asked if any of the neighboring businesses had been asked how the change to the municipal code would affect them. Councilor C. Bartell said many of the businesses closed by 7:00 PM and would not be affected much by the cannabis facilities being open later.

MOVED BY LUZ, SECONDED BY SNYDER, TO APPROVE ORDINANCE NO. 975 AMENDING CHAPTER 5.18 OF THE PHOENIX MUNICIPAL CODE PERTAINING TO THE TIME, PLACE, AND MANNER OF COMMERCIAL CANNABIS FACILITIES.

ROLL CALL VOTE AS FOLLOWS:

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

CONSENT CALENDAR:

- 1) Approval of Minutes from August 1, 2016. **MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE THE CONSENT CALENDAR.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

UNFINISHED BUSINESS:

- 1) Discussion of Finance Director Position

There were no changes to the job description since the last meeting on August 1, 2016. Mayor Bellah noted that Council may want to make changes to the job description depending on if they decide to hire internally or via open recruitment.

Mr. Brinkley explained the differences in process between open recruitment versus promoting the interim finance director to the position. If Council opted for open recruitment, the potential benefit would be exposure to a larger applicant pool and may get highly qualified applicants. On the other hand, it would take one to two months to complete, in addition to intake and training of the individual. There would be additional costs associated with training. Mr. Brinkley emphasized this option would also risk losing the most qualified candidate. It would also risk delay in establishing a stable city management team because recruitment for a permanent City Manager is still in process.

The benefits of internal promotion would be that no time is needed to train the Interim Finance Director, Ms. Boothe. The candidate works well with other department directors and staff as well as has knowledge about multiple positions within the City. Ms. Boothe brings a great deal of institutional knowledge and continues to work toward the betterment of the City. Mr. Brinkley said it would be beneficial to reward employees who demonstrate commitment to their job and the City. Mr. Brinkley strongly recommended the Interim Finance Director be promoted to Finance Director, whether by an interview process or from Council approval.

Discussion followed. Councilors C. Bartell and S. Bartell noted that Ms. Boothe is a highly qualified candidate and has a good history with the City. Councilor C. Bartell would like to see the recorder duties reflected in Ms. Boothe's contract. Councilor Sophie clarified Ms. Boothe is not on a Union contract so there would be no negotiations with the Union in forming a contract for her to be Finance Director.

MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO OFFER A CONTRACT TO MS. BOOTHE TO FILL THE FINANCE DIRECTOR POSITION/RECORDER WHILE UPDATING THE JOB DESCRIPTION TO REFLECT HER JOB DUTIES.

ROLL CALL VOTE AS FOLLOWS:

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

2) Continued Discussion Regarding Public Works Superintendent

Mr. Brinkley talked with the candidate over the weekend and confirmed that his level of interest in the Public Works Superintendent position is very high. They did discuss compensation which is largely consistent. The original hiring range the job was posted at was \$65,000-\$80,000 and the candidate currently earns \$88,000 and is looking to increase his wages. The candidate would be able to prepare bid specifications, drawings, and stamp his own drawings – engineering costs that could be done in house and save the City money in the big picture. Councilor Luz posited the risks of raising the salary – if the candidate did not work out after a year; the City has the potential of a large severance package when letting an employee go. After discussion, Council opted to offer \$90,000 with a performance based contract and an option to renew the contract after one year. An initial contract will be offered and discussed at the special meeting on Wednesday, August 17, 2016. Council also requested an updated resume from the candidate.

NEW BUSINESS:

1) Bridge Medallion Project Update

The medallions will be 36” in diameter each and have nature inspired images related to the City on them such as blue herons, fish, and mountains. Council chose three of the four initial medallion designs. Rob Visel of Starcrystal designs will be doing the engraving on the medallions. Council requested that each medallion say “Phoenix, Oregon” on it.

2) Approval of Bear Creek TMDL Project FY 2016-2017

Mr. Brinkley explained this is something that has to be done to go through phase two of the Clean Water Act. It is an annual expense for the City.

MOVED BY LUZ, SECONDED BY SOPHIE, TO AUTHORIZE THE MAYOR TO SIGN THE INTERAGENCY COOPERATIVE FUNDING AGREEMENT WITH RVCOG FOR THE BEAR CREEK WATERSHED NON-POINT SOURCE POLLUTION (TDML) MONITORING AND IMPLEMENTATION PROJECT FOR FY 2016-2017.

ROLL CALL VOTE AS FOLLOWS:

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

STAFF REPORTS:

1) City Attorney’s Report:

- a) Attorney Kirchoff had nothing to report in the open meeting.

2) City Manager's Report:

a) Mr. Brinkley announced he will be out next week. Janette Boothe and Derek Bowker will be splitting responsibilities of the City Manager for that week. For the Medford Water Commission update, the small cities all met last week to discuss peak daily usage and what that means for local water systems. The contract with Medford Water Commission currently sets the peak maximum slightly above what the actual daily maximum is. Further discussion followed. The City will have to renew its agreement with Rogue Disposal. Public Works has had both authorized and unauthorized access – two weeks ago, the former property owner asked for the key to the gate to have access to the field adjacent to Public Works. There was no written agreement of this and technically it can be considered trespassing. Over the weekend (August 12-13), the gate had been forced open and left open until Monday morning. Public Works is a secure facility that does have public access during open hours, but is not open access at all hours. Mr. Brinkley encountered the individual seeking access to the field via the gate and informed him that he can have access once more to remove the equipment at an appointed time. Further discussion followed. Chief Bowker said he could talk to the District Attorney about the trespassing and Council members agreed that access would be permitted one more time and only one time to allow for removal of well-drilling equipment.

COUNCIL ITEMS, COMMENTS/REPORTS:

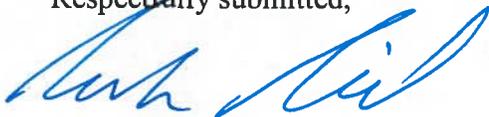
Mayor Bellah brought up the recent water testing that took place at three unoccupied homes which all had high levels of lead. Mr. Brinkley explained the high levels of lead were due to water sitting for extremely long periods of time – some for six months, some for up to five years. Presumably these houses were tested because they are unoccupied. Water needs to sit for roughly six to twelve hours before testing for accurate tests of levels of lead and other substances. There will be tests done both at the tap and at the meter of different houses to ascertain more accurate results. Homeowners have to consent to the tests. The City does test for lead every three years, but only in homes build between 1982-1991.

Councilor Helfrich inquired whether the landscaping on Bolz Road is City or ODOT responsibility. Mr. Brinkley replied it is ODOT's responsibility to establish it and the City will maintain the landscaping after the project is completed.

Councilor Sophie noted that on September 8, 2016, Myrtle Creek will be discussing tiny homes as housing solution for homeless individuals.

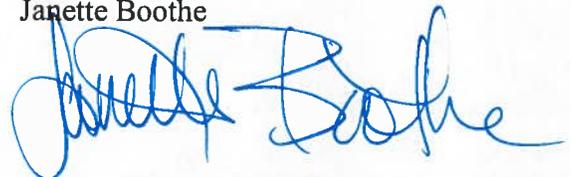
The meeting adjourned at 8:40 PM.

Respectfully submitted,



Sarah Lind
Executive Assistant

Janette Boothe



Finance Director/City Recorder