

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, March 21, 2016**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, March 21, 2016 at 6:30 p.m. in the Public Works Office.

ROLL CALL

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

Staff Present: Steve Dahl, City Manager
Janette Boothe, City Recorder
Derek Bowker, Chief of Police
Matt Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

- 1) Risk Management Discussion Presented by Ryan Kirchoff. Attorney Kirchoff distributed a handout regarding a case against Lane County, alleging violation of public meetings law. He explained the alleged violation in part was calling a meeting improperly and an added violation was holding a meeting without notice, as emailing amongst council about a decision making process constitutes a meeting. He went onto to explain the details of the case and cautioned Council with the tip of the day; be careful with communication via email, the statute violation needs to involve a quorum of Council and discussion involving some type of decision making.

Councilor S. Bartell inquired whether it is acceptable to send out documentation for an upcoming meeting or discussion. Attorney Kirchoff answered it is acceptable as long as there is consequently no deliberation outside of the public meeting. Continued discussion followed.

- 2) Appreciation Awards presented by Phoenix Community Kitchen. Mike Foster, Pastor of First Presbyterian Church and on the Board for the First Community Center, works in close relationship with the Phoenix Community Kitchen, and he presented awards to the Public Works and Police Department to recognize all the support from the City.

CITIZEN COMMENT:

Jackie Lien, Phoenix, Executive Director of Phoenix Counseling Center, requested a portion of the marijuana tax go towards the center to support drug and alcohol counseling.

UPDATES/REPORTS:

- 1) Appoint Nancy Flowers to Parks and Greenway Commission. Nancy Flowers came forward to note her interest the position and that she interviewed for the position at the previous Parks Commission meeting. Mayor Bellah noted that he felt it would be relevant to appoint by consensus, as the Parks Commission has recommended her for appointment. Council's consensus was to appoint Nancy Flowers to the Parks and Greenway Commission.
- 2) Re-Appoint Dorothy Cotton to Budget Committee. Dorothy Cotton came forward to express her experience and interest in continuing on the Budget Committee. Council's consensus was to reappoint Dorothy Cotton to the Budget Committee.
- 3) PHURA – Councilor Helfrich noted the recommendation from the PHURA Board that will be discussed later in the meeting and commented on the pavers. Mr. Brinkley noted the placement of the pavers is complete and can be driven on at this point. Councilor Luz expressed the PHURA Board is scheduled to hold an executive session regarding how to sell the properties in the downtown area. Councilor S. Bartell mentioned there has been pressure on PHURA to get things done; however, he would like to see things slow down. Mr. Dahl mentioned the Assistant Executive Director is leaving her position and Genetta Hughes will be returning to assist at PHURA.
- 4) Parks Commission – Councilor C. Bartell brought an example of a giveaway basket and mentioned all the festivities planned for the upcoming Easter Egg Hunt. Councilor Sophie volunteered to assist with the age group of under 2 years old; Councilor Luz volunteered for the 9 through 11 years old; and Councilor Helfrich volunteered for the 6 through 8 year old age group.

Additionally, she mentioned the Parks Commission met with the group from the Community Planning Workshop of the University of Oregon to walk through the parks and met later for a meeting to discuss the process for the Parks Master Plan. She further announced the next meeting is scheduled for June 4, 2016, to meet with the public and hear ideas from the public about what is desired for the parks.

- 5) Update City Council Issue Tracking Log. Mayor Bellah went through the log line item by line item and requested updates for each item as he went along. Mr. Dahl inquired whether the City Manager review can be removed. Mayor Bellah requested the item be changed to represent the 4 month performance plan. Council discussed holding a special meeting on April 25, 2016 to update the personnel manual and requested the log be updated to reflect that date. Council's consensus was to remove the marijuana setbacks from the log. As discussion continued, Council discussed holding a study session in the near future to develop a team to negotiate union contracts and review the parameters of the negotiations.

Mayor Bellah noted the City website looks good, and he would like to conduct a three month review of the site. Councilor C. Bartell requested information regarding the Phoenix/Talent water meter be resent out to the Council to clarify what is the most recent information. Continued discussion followed as Council discussed any remaining changes.

CONSENT CALENDAR:

- 1) Approval of Minutes from February 16, 2016 Regular City Council Meeting. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE MINUTES.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich
MOTION APPROVED WITH FIVE AYES

- 2) Acknowledge Planning Commission minutes. Council's consensus was to approve this item on the Consent Calendar.
- 3) January 2016 Financial Report.
- 4) February 2016 Financial Report. Mayor Bellah expressed he is interested in more information regarding the General Fund amounts. Councilor Sophie suggested to acknowledge the financial reports with reservation. Mayor Bellah expressed concern regarding the purpose of including the contingency amount in the percentage for total expenditures. Council's consensus was to accept the financial reports with reservation and address the reservations at the following meeting.

UNFINISHED BUSINESS:

Resolution for Amendment Number 3 to ODOT Contract No. 22485. Mayor Bellah noted this item has presented to Council before, and this updated contract acknowledges the changes requested. Continued discussion followed. **MOVED BY LUZ, SECONDED BY C. BARTELL, TO APPROVE RESOLUTION NO. 953, AMENDING THE AGREEMENT 22485: FERN VALLEY INTERCHANGE FUNDING AND POLICY AGREEMENT BETWEEN THE CITY OF PHOENIX AND ODOT, TO UPDATE LANGUAGE AND FUNDING OBLIGATIONS.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich
MOTION APPROVED WITH FIVE AYES

NEW BUSINESS:

- 1) Resolution Approving the Rose Street Waterline Project. Mr. Dahl explained Matias Mendez, Public Works Utility Worker, recognized there was a 6 inch pipe that would reduce the amount of pipe originally noted in the project bid; which reduced the project cost by just over \$20,000. He further explained Council had already accepted the bid for the full amount, and rather than going out for bid again, Mr. Ballard suggested completing a change order after the contract is signed. Continued discussion followed, as Councilor Sophie suggested formally acknowledging Mr. Mendez for his discovery that saved the City \$20,000.

MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE RESOLUTION NO. 954, AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT FOR THE ROSE STREET WATER PROJECT. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

Council's consensus was to direct the City Manager to request the presence of Matias Mendez at the next Council meeting to publicly acknowledge his efforts.

- 2) Resolution Approving the MOU for Wetland. Mr. Brinkley explained that Mark Kellenbeck is the developer of a facility to be constructed at 3850 Fern Valley Road. He added that upon purchasing the property, it was discovered that a wetland had been illegally filled prior to the purchase. He further explained the agreement reached was to require Mr. Kellenbeck to pay the City to perform the restoration of impacted wetland on City owned property the amount of \$49,900. Continued discussion followed. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 955, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT TO RESTORE WETLANDS CITY PROPERTY OWNED BY THE CITY THAT SUBSTANTIALLY CONFORMS TO THAT PRESENTED.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 3) Resolution Allowing a Budget Increase for the Receipt and Expenditure of Unexpected Monies for FY 2016-2016 (Grant Proceeds). Mr. Dahl explained the City received a grant towards ADA ramp improvements at various locations within the City and this resolution is required to receipt the unexpected funds. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 956, ALLOWING A BUDGET INCREASE PURSUANT TO ORS 294.326(3) PROVIDING FOR THE RECEIPT AND EXPENDITURE OF UNEXPECTED MONIES FOR FISCAL YEAR 2015-2016.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 4) Discuss Placing a 3% Sales Tax on Recreational Marijuana on the November Ballot. Mayor Bellah noted that it has been suggested to state the allocations for the revenue received. He explained staff suggested allocating the funds to allow for 60% going to parks, 30% to Capital Improvements, and 10% overhead. As discussion continued, Councilor Helfrich suggested earmarking the funds for public safety or education, and/or something that relates to marijuana. Chief Bowker came forward to state that he feels education is very important. He added that it may serve the City to allocate funds towards the Police Department to afford

additional hours for the Code Enforcement Officer. Councilor Luz suggested not allocating percentages at this time, and allocate the full amount to the General fund and determine the percentages later. Councilor Sophie suggested mentioning the type of allocations rather than a fixed percentage for each fund or department. Chief Bowker suggested focusing funds on the schools and resources that affect citizens within the community. Further discussion continued, as Council's consensus was to draft a ballot measure that notes the funds will be allocated to public safety, parks, and education.

- 5) Update on Public Works Organization. Mr. Dahl noted he was tasked with the assignment to address the Public Works organization and his solution was to reorganize the department with a Lead Utility Worker, a 4th Utility Worker, and contract out a project manager that is familiar with engineering and addressing contracts. Councilor C. Bartell requested supporting documents that assisted Mr. Dahl in his conclusion, including costs and duties associated with the alternative approach he has suggested. She added she would like to see how this decision compares to hiring a replacement for the Public Works Superintendent. Mayor Bellah expressed concern for writing grants or other office work that the Public Works Superintendent was responsible for.

Councilor Helfrich suggested a supervisor, due to the upcoming developments in Phoenix. Councilor S. Bartell agreed and suggested the City Manager reevaluate the structure of the organization. Mayor Bellah inquired whether the 4th Utility Worker should be part of this discussion, as he feels it is more appropriate to address this position as part of the budget process. Mr. Dahl agreed to bring the information requested to address this further at the next Council meeting.

- 6) Discussion of Location of Plaza Building. Mayor Bellah requested the citizen comments to begin the discussion.

Louis Junghans, Phoenix, noted he feels the problem with option 2 is that it limits land for revenue. He further noted he is not in favor of having commercial businesses on either side of the Plaza building. He added that the only drawback to Option 1 is that it may limit handicap access.

Diana Nelson, Phoenix, directed the following questions to Mr. Brinkley to be answered at a later date: 1) Is there only one way in and one way out to the parking lot with the pavers? 2) Does the City need to have 2 more core samples for each option in order to determine what type of soil the City is dealing with, and what kind of cost are we looking at? 3) What is PHURA's responsibility for leveling the property? 4) Can land be prepared to be built on while waiting for the investment property to be purchased?

Mayor Bellah recessed the meeting for a short break at 8:38 p.m.

Tony Chavez, Phoenix, expressed he likes option 2 and having commercial buildings on 1st street would create a retail corridor. He added that if businesses were on Option 1 they would overlook the Community Center. He further noted that option 2 would allow the City

the use of the spring for landscaping and possibly a splash park. Additionally he noted, that it is part of Council's responsibility to represent the public's opinions and desires.

Mr. Brinkley presented a PowerPoint on the overview of Option 1 and 2. He reiterated that Option 1 is the current proposed option. He posted a map overview of Option 1 noting the front door would be 200 feet away from the parking lot. He noted in Option 2 the property was moved over, which would introduce a larger amount of public open space in one area. He further noted Option 1 allowed 11,000 square feet for public open space, and Option 2 would be at least 15,000 square feet for public open space; however, it may be larger depending where the building would be located in Option 2. Additionally, he noted Option 2 would allow access directly from the parking lot.

Continued discussion followed comparing the two options presented for the Plaza building site, as Mr. Brinkley noted the alternative location is being addressed, as PHURA has obtained additional property that was not part of the Pivot Study when it was developed. He further added that the property surrounding Option 1 has changed ownership and the new owners are interested in redevelopment. He went onto explain the goals of the Pivot Study and the manner in which each of the options addresses the goals.

EXTENSION OF MEETING:

MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO EXTEND THE MEETING UNTIL 9:30 P.M. Council approved the motion by consensus.

Continued discussion followed, as Mr. Brinkley noted that operationally, there is not a significant amount of difference in cost to maintain the outside space. As Mr. Brinkley concluded his comparison of Option 1 and 2, Mayor Bellah requested comments from each councilor to be limited to 3 minutes.

Councilor Sophie inquired about drilling land on both sides, the costs associated, and how fast it can be done. Mr. Brinkley replied the cost is approximately about \$7,500 per boring for three to four borings, and Option 2 may be less expensive. He added that this work could be done in a couple of weeks.

Councilor Sophie inquired about whether to move the building in further to accommodate for more development on Main Street.

Councilor Helfrich expressed there are current RFPs coming in on Option 1 and suggested the City wait until the City is aware of whether there is interest on the table now. He added the amount of open space with Option 2 is favorable, citing examples of large park areas in well-known areas, such as New York. He added that Option 2 would offer more land for City office space as well.

Councilor Luz noted using so much land for open space would limit developable land. He further suggested to have a geo technical soil expert evaluate the spring before deciding on an option. He added that he went to both land areas for the options with some citizens who were

concerned about access to the building from the parking lot. He further noted that moving the building a little farther south is a marvelous idea for aesthetics.

Councilor C. Bartell expressed that Option 2 access would require a ramp or stairs; whereas, with Option 1, there is a place to be dropped off in front of the door. She further noted they reached out to a lot of citizens in the community and they received mixed results, some favored Option 1, some favored Option 2, and some had no idea what Councilor C. Bartell was talking about; however, the majority of the response was that Option 1 was a smaller footprint. She read aloud an email she received from a citizen in favor of Option 1, describing this option as the one that would allow for more developable space. She further noted the building in Option 2 is facing the wrong direction.

Councilor S. Bartell noted PHURA has not gone through and reviewed every aspect of each option or brought in the people necessary to review it thoroughly. He further commented it would be hard to bring in a lot of development regarding retail stores, and he feels what would be appealing to the people would be a walkable community by having commercial buildings in the downtown area. He further noted it is possible to have commercial space on the bottom and residential space on the upper level. Additionally, he suggested inviting some developers to speak to the City about what would be recommended for the development of the space.

Mayor Bellah noted that driving down Main Street would mean looking at the back of building Option 2 and that would need to be redesigned. He further added that PHURA owns all of the land in Option 2 and the City can control what is sold to a developer, on the other side the PHURA owns less than half of that in Option 1. He further added that he does not understand how PHURA did not take into consideration the feasibility of pedestrians accessing the building in Option 1 and he is not sure which option would be more suitable for the community, which still needs to be addressed. He further added the springs are a large concern of his, because he is unaware of any assurances that the springs are not a concern. He concluded with stating he could live with either site, but he doesn't want to give up more developable land.

Mayor Bellah inquired about the next step and whether this a discussion to bring back for the next meeting. Continued discussion followed, as Mayor Bellah requested staff draft a summary of questions reflected during the discussion to present to PHURA Board.

EXTENSION OF MEETING:

MOVED BY SOPHIE, SECONDED BY LUZ, TO EXTEND THE MEETING UNTIL 10:00 P.M.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

Councilor S. Bartell noted he is not concerned with the spring in Option 2, and that it may be used for a splash pad, as suggested earlier. Councilor Helfrich noted that Option 2 is the only option that offers handicap parking on Main Street. Councilor Sophie suggested that the building be turned around to face the flow of traffic if Option 2 is chosen. Mr. Brinkley noted

the building was simply placed there for an example, it was not intended for Option 2 placement. Councilor Sophie suggested moving the building in Option 2 into the south end, abutting 2nd Street, to accommodate for more developable land.

Councilor C. Bartell suggested that it would be a possibility to move the same footprint from Option 1 to Option 2. Continued discussion followed as, Councilor Helfrich commented that the idea of having combined residential and commercial buildings would be generating even more of a parking issue. Mr. Dahl recommended to Council to continue this discussion at the following City Council meeting. Mr. Brinkley briefly summarized some of the issues he heard from Council and noted he would research the feasibility of addressing as many of the issues before the next council meeting. Councilor S. Bartell requested Mr. Brinkley draft a summary of the issues to send to Council to allow for questions to be addressed by PHURA.

The meeting adjourned at 9:52 p.m.

Respectfully submitted,

Janette Boothe
Assistant Finance Director/City Recorder