

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Tuesday, January 19, 2016**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, January 19, 2016 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
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

ELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT

Councilor S. Bartell nominated Bruce Sophie for Council President.

ROLL CALL VOTE AS FOLLOWS:

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

Councilor Sophie nominated Carolyn Bartell for Council Vice President.

ROLL CALL VOTE AS FOLLOWS:

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

UPDATES/REPORTS:

- a) PHURA – Amy Weiser, Assistant Director, distributed the PHURA report and reviewed the highlights of the report. She noted that PHURA received a \$50,000 grant for RVS. She also noted there are two new tenants along Main Street. She added that a citizen survey is scheduled along with an open house. Councilor Sophie requested the results of the survey be sent out via email before the next Council meeting.
- b) Parks Commission – Councilor C. Bartell gave a brief update and noted the Easter Egg Hunt is scheduled for March 26, 2016.

PRESENTATIONS:

- 1) New Website Design by Steffen Roennfeldt. Rescheduled for February 1, 2016.
- 2) Financial Contribution for Phoenix Community Kitchen by Mike Foster. Pastor Foster of the First Presbyterian Church explained the Phoenix Community Kitchen is in the process of becoming a nonprofit and they are examining costs associated with running the nonprofit. He claimed that if the facility needed to relocate, the cost would be quite extensive for the same amount of space currently being utilized by the Community Kitchen at the First Presbyterian Church, which is approximately 4,200 square feet. He further explained the nonprofit is seeking assistance for renting the space currently being held at a lower cost than what charged at another facility.

He gave statistics regarding the people served and requested Carolyn Marshall present information regarding the Phoenix Community Kitchen free dinners. Ms. Marshall explained she volunteers at the Community Kitchen and she shared some stories and statistics regarding the free dinners that are held the second and fourth Thursday every month. Pastor Foster followed up by explaining they are requesting \$20,000 to sustain the Community Center.

Mayor Bellah expressed how valuable the Community service is to the City of Phoenix. He suggested Council discuss these types of proposals at the next Council meeting. Councilor Sophie requested the Finance Director look into funding sources for these donations.

CITIZEN COMMENTS:

- 1) Lyla Heigl, Phoenix, addressed Council and invited everyone to join in the festivities for the Easter Egg Hunt coming up. She added she is proposing a partnership with the Armadillo Tech Institute to create a program where teachers would host one class a month at the parks and the proceeds would benefit the school and the City parks. Mr. Dahl requested she come in within the next couple of days to review and formalize a proposal.
- 2) Chuck Reiling, Board member of PHURA, expressed he noted the cooperation between the City Council and the PHURA Board. He explained the relationship is working well as it is and it is very balanced with the size of the Board currently.
- 3) Louis Jungans, Phoenix, reported he would like to see the marijuana cultivation be limited like the City of Jacksonville. He further requested that any funds obtained from this source be used for a dog park in the City.
- 4) Tony Chavez, owner of Gypsy Trader, expressed he is concerned about disrupting the momentum of PHURA, if they were to combine the City Council with the Board.

PRESENTATIONS (continued):

- 3) 2015 Annual Police Report by Chief Bowker. Chief Bowker distributed copies of the financial report he prepared and reviewed the highlights. He summarized the report, noting that citations have increased due to the new traffic officer position. He followed up with questions from Council.

ORDINANCES:

First Reading of an Ordinance Repealing the Moratorium Placed on Recreational Commercial Cannabis Cultivation. Mayor Bellah reviewed the potential areas within the City limits for this type of growth and questioned whether to remove the moratorium now or wait to lift it.

Councilor Sophie suggested the business license qualifications be revised before moving forward with lifting the moratorium. Mr. Brinkley clarified that Councilor Sophie's concerns are already in consideration with the current regulations.

Councilor S. Bartell expressed concern about the odor and feels the City may lose \$30,000 in revenue; however, the citizen's do not want to deal with the smell.

Mr. Brinkley spoke about a growing professionalism within this industry. He added that from a practical standpoint, it is very limited where anyone could potentially grow commercial recreational marijuana.

Further discussion continued regarding concerns about the strong odor; however, it was noted that recreational cultivation is limited to indoor and a proper filtration system, and it is much easier to enforce compliance with recreational growth. **MOVED BY LUZ, SECONDED BY SOPHIE, TO HAVE THIS ORDINANCE BE READ BY TITLE ONLY AND SCHEDULED FOR A SECOND READING AND PUBLIC HEARING ON FEBRUARY 1, 2016.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, Jones, Luz, and Helfrich

Nays: C. Bartell and S. Bartell

MOTION APPROVED WITH FOUR AYES TO TWO NAYS

CITIZEN COMMENTS (continued):

- 1) Student of Armadillo Tech Institute (name inaudible), he explained he recently moved to the City and is discouraged by the fact that the City of Phoenix does not have a skate park. He encouraged Council to build a skate park, noting that if there is not a designated place for skateboarders to ride, they are forced to skate in undesirable areas in the neighborhoods.

CONSENT CALENDAR:

- 1) Approve Minutes of December 7, 2015 Regular City Council Meeting
- 2) Approve Minutes of January 4, 2016 Regular City Council Meeting. Councilor C. Bartell noted a change on page two of the minutes, requesting to remove the part about the High School Alumni meeting with the Parks Commission. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE THE CONSENT CALENDAR AS CORRECTED.** 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'S COMMENTS:

Mayor Bellah requested the amount outstanding owed to ODOT. Mr. Dahl expressed the City owes \$450,000 for Phoenix IDCs for specific townships and tax lots and \$1,800,000 for Phoenix IDCs for future development charges to be collected by ODOT.

Mayor Bellah recessed the meeting for a five minute break at 8:04 p.m.

NEW BUSINESS:

- 1) Approve City of Phoenix Organizational Chart. Mayor Bellah requested adding a signature line for the Mayor and City Recorder with the date to the chart. **MOVED BY S. BARTELL, SECONDED BY JONES, TO APPROVE THE CITY OF PHOENIX ORGANIZATIONAL CHART WITH SIGNATURE BLOCKS ADDED.** 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) Resolution to Establish a Municipal Court Amnesty Program for 2016. Mayor Bellah reviewed the staff report presented and noted this program was very effective in the previous year. **MOVED BY SOPHIE, SECONDED BY JONES, TO APPROVE RESOLUTION NO. 948, ESTABLISHING A CITY OF PHOENIX MUNICIPAL COURT AMNESTY PROGRAM FOR 2016.** 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) Resolution Authorizing the City Manager to Negotiate Agreement for Parks Master Plan. Before presenting his staff report, Mr. Brinkley announced David Lewin will be stepping down from the Planning Commission due to serious health concerns. Council expressed their concern and noted he needs to be recognized for his lengthy involvement with the City and the Planning Commission.

He briefed Council on the RFP process and results, as he suggested Council adopt the resolution to authorize the City Manager to negotiate and execute an agreement with the University of Oregon for the Parks Master Plan. **MOVED BY C. BARTELL, SECONDED BY JONES, TO ADOPT RESOLUTION NO. 949, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH THE COMMUNITY PLANNING WORKSHOP THAT SUBSTANTIALLY CONFORMS TO THAT PRESENTED.** 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:

Discussion of Council Representation on the PHURA Board. Mayor Bellah explained Councilor S. Bartell has expressed interest in being on the PHURA Board for the past 2 years and suggested the person from Council with the most time on the Board step aside for Councilor S. Bartell. Based on the 5 years Councilor Jones has been on the UR Board, he asked the Council to consider replacing her with Councilor Stan Bartell. He asked for discussion.

Councilor Helfrich expressed that experience should be a factor, and her experience should be considered and viewed accordingly.

Councilor Jones noted she has been on the PHURA Board since she was originally voted onto Council five years ago and she would like to keep her position on the Board. Further discussion followed as Mayor Bellah called for a vote as to whether remove Councilor Jones from the Board and replace her with Councilor S. Bartell.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, Luz

Nays: Helfrich

Abstained: Jones

MOTION APPROVED WITH THREE AYES, ONE NAY, AND ONE ABSTENTION

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

Mayor Bellah presented a list of talking points regarding the potential pluses and minuses of combining the City Council with the UR Board. He suggested discussion around an equal board made up of 6 Councilors and 6 Citizen/Business Owners with the Mayor as non-voting. He stated that the board could be chaired by citizen/business owner with the vice chair also from that group. He emphasized the biggest plus would be in trying to form a team that could promote projects and share resources.

Councilor Luz expressed he is in favor of combining the Council with the PHURA Board. Mayor Bellah expressed there are advantages and disadvantages to this action, and he distributed a list outlining reasons for both.

Citizen Comments:

- 1) Al Muelhoefer, Chair of PHURA Board, commented the position of strength of PHURA is due to the Board and how things are now and he doesn't see the need for change. He added that if it's not broke, why change it and questioned why it would be better for the

community. Additionally, expressed concern for being able to find additional citizens to volunteer to be on the Board.

- 2) Diana Nelson, PHURA Board, gave a brief background of PHURA and urged Council to be careful that citizen's feel needed and to not give the impression that Council has more weight than the other Board members.
- 3) Chuck Reiling, PHURA Board, noted that PHURA has a current plan to execute and the need to look to the future, rather than combining. He added the importance of addressing long term planning.

Councilor Luz expressed he wants more opinions brought to the table, and it would eliminate the need for Mr. Sharp to prepare a report for Council. He added that it would provide better communication.

Councilor Sophie expressed the focus should be on the future and what is best for the City and he does not want to create animosity or lose citizens from the Board.

Councilor Helfrich noted he likes having different boards and that everything is working well. He added he doesn't feel combining the boards would make PHURA stronger.

- 4) Mike Foster, First Presbyterian Church, expressed there should be more citizen involvement than Council. He added that if the boards are combined, he recommends adding more citizen positions and proposed always having the Board consist of citizen's making up the majority.
- 5) Dave van de Velde, Phoenix, expressed that too many people may not allow for enough individual input. He also noted Council already has a lot of responsibility and it may not be a good idea to add to it.

Councilor S. Bartell noted he feels it would work to enhance PHURA's goals to have Council on the Board.

- 6) Tony Chavez, Gypsy Trader, questioned what is not working and asked how much faster would things need to be progressing for Council to feel it is working. He added that accountability would be lost if the boards were combined.

Al Muelhoefer announced the PHURA Board will discuss the suggestion of combining the boards at their next regularly scheduled meeting. Mayor Bellah announced there would not be a decision at tonight's meeting and suggested tabling further discussion for now.

STAFF REPORTS:

1) City Attorney's Report:

- a) Attorney Kirchoff had nothing to report.

2) City Manager's Report:

- a) Mr. Dahl announced he terminated the contract with the Public Works Superintendent.
- b) He announced he scheduled a long-term planning session for February 5th and 6th along with individual interviews scheduled.

- c) He noted he attended the Fire District 5 meeting and they are working on changes for modifications to the current agreement with the City.
- d) He announced that students from SOU will be conducting two surveys on the City's behalf. One survey is for water customers and the other is for long range planning.

Mayor Bellah inquired about how best to discuss the decision to terminate the Public Works Superintendent and whether it had to be in executive session. Councilor S. Bartell commented that this action was a shock to the Council and he is not sure what Mr. Dahl's plan is regarding what to do in the interim. Mr. Dahl attempted to address his immediate concerns regarding Mr. Caldwell. Due to the direction of these comments and the emotions involved, Mayor Bellah interrupted and asked Attorney Kirchoff whether this can be discussed in open meeting. Attorney Kirchoff replied that it is not a good idea and suggested contacting him the following morning to discuss how and what can be discussed regarding the termination. This discussion was tabled until further notice.

Councilor Sophie noted the time and expressed he will not vote to extend the meeting.

The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Janette Boothe
City Recorder/Assistant Finance Director