

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, April 4, 2016**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, April 4, 2016 at 6:33 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
Derek Bowker, Chief of Police
Steve Weber, Finance Director
Matt Brinkley, Planning Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS:

Mayor Bellah spoke about meeting with the Council President and City Manager of Talent, regarding the water loss the City of Phoenix incurred. He explained the discussion was about trying to ensure there is no conflict between the two cities and how to correct the loss for Phoenix in the best manner possible. He added they plan to meet again, following the City of Talent's discussion of the issue at their Council meeting during the next month. Continued discussion followed.

Mayor Bellah requested Matias Mendez come forward to present him with a gift certificate in honor of appreciation for his initiative and efforts towards saving the City approximately \$20,000.

UPDATES/REPORTS:

1) PHURA – Councilor Helfrich commented on a realtor who is interested in a part of the input from realtors regarding the properties for sale. Councilor Luz mentioned the next scheduled Board meeting is April 12, 2016. Councilor S. Bartell commented things are slowing down a little right now. Mr. Dahl reported staff is in the process of drilling the holes to complete a soil test to better understand the quality of each property. Continued discussion followed, as Mr. Dahl explained he and Mr. Brinkley plan to review and form a job description for a person to replace the previous PHURA Executive Director.

Mayor Bellah announced the City has hired a new Code Enforcement Officer and invited Chief Bowker to introduce Tim Muck. Mayor Bellah and Councilor S. Bartell commented on some issues within the City that need to be addressed.

2) Parks and Greenway Commission – Councilor C. Bartell expressed the Easter Egg Hunt was a huge success. She added there was more attendance than expected, so they plan to buy more eggs and baskets for next year.

3) Water Commission – Councilor Luz gave an update and commented the commission held a meeting and discussed the water subsidiary form and plans to meet with the Administrative Assistant to include this information on the utility bills. Mayor Bellah noted this information could be included in the newsletter and it would be more cost effective than sending a separate mailing.

PRESENTATIONS:

Update on Phoenix Library by Jody Fleming. Ms. Fleming came forward to express her gratitude for being invited to be a part of the Easter Egg Hunt festivities. She announced the library is honoring Shakespeare for the month of April and celebrating his birthday on Saturday, April 23, 2016, with cake and punch.

Risk Management Presentation Part 2 by Ryan Kirchoff. (*moved to April 18, 2016 City Council Agenda*)

CONSENT CALENDAR:

- 1) Approval of Minutes – March 9, 2016 Special City Council Meeting.
- 2) Approval of Minutes – March 21, 2016 Regular City Council Meeting/Workshop. Mayor Bellah requested these be dealt with separate from the remaining two items. **MOVED BY S. BARTELL, SECONDED BY LUZ, TO APPROVE BOTH OF THE MINUTES AS 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) Approval of Temporary Liquor License for Petro. Mayor Bellah commented this license is for a car show event. **MOVED BY C. BARTELL, SECONDED BY LUZ, TO APPROVE THE TEMPORARY LIQUOR LICENSE FOR PETRO.** 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) Disbursement of Surplus Bikes. Mayor Bellah reported the recommendation for dispersing the bikes to the Boys and Girls Club. **MOVED BY C. BARTELL, SECONDED BY SOPHIE, TO DECLARE THE BICYCLES ON THE ATTACHED LIST BE DECLARED SURPLUS AND ALLOW THE PHOENIX POLICE DEPARTMENT TO DONATE THE**

SURPLUS PROPERTY TO THE BOYS AND GIRLS CLUB OF THE ROGUE VALLEY.
There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

UNFINISHED BUSINESS:

- 1) Review of a 3% Recreational Marijuana Tax. Attorney Kirchoff explained the purpose of the resolution prepared along with presenting the formal ballot title. Mayor Bellah requested placing the word *recreational* before marijuana, so that it is referenced properly. As discussion continued, Council revisited the designated areas for the revenue produced from this tax. During review, Mayor Bellah inquired whether there is a possibility of setting up a line item in the general fund that can be determined later as to where the revenue should be specifically dedicated. Mr. Weber replied that Mayor Bellah's request is possible. Councilor Helfrich commented that he is not comfortable with requesting citizen's support for a fund that can be determined by Council, rather than outlining the designated areas for citizen's vote. Councilor C. Bartell commented that the citizen's trust the Council to approve funding sources for the budget, as that is part of the position they were elected for. **MOVED BY LUZ, SECONDED BY S. BARTELL, TO ADOPT THE DESIGNATED REVENUE AS 75 PERCENT TOWARDS PARKS, EDUCATION, AND PUBLIC SAFETY, AND 25 PERCENT TOWARDS AN UNDETERMINED AMOUNT IN THE GENERAL FUND.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Luz

Nays: Sophie, C. Bartell, S. Bartell, and Helfrich

MOTION FAILED WITH ONE AYE AND FOUR NAYS

MOVED BY S. BARTELL, SECONDED BY SOPHIE, TO DISTRIBUTE THE REVENUE FROM THE TAX AS PRESENTED. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

Nays: Luz and Helfrich

MOTION APPROVED WITH THREE AYES TO TWO NAYS

Council's consensus was to prepare the items necessary to bring to Jackson County in a timely manner.

- 2) Discussion of Creating a City Policy for Giving Money Directly to Non-profits. Mayor Bellah explained the question for Council is whether they would like to open up an invitation to nonprofits to request financial support. Councilor Helfrich commented in favor of this option to fund nonprofits based on need. Councilor C. Bartell questioned where the funds would be pulled from, as the budget is very tight. Councilor Luz questioned how to decide to distribute funds, as there would be too many associations requesting funds. Councilor S.

Bartell agreed with Councilor Luz. Councilor Sophie suggested the idea of supporting them through fundraising events, rather than distributing funds directly to the nonprofits.

Mayor Bellah noted there are a few nonprofits that the City has historically provided funds to. Council's consensus was to stay with the status quo and grandfather the nonprofits that have been included in the budget. Mr. Dahl inquired whether the Council is inviting the grandfathered nonprofits to present a request for funds at the first budget meeting. Council's consensus was to request a presentation as Mr. Dahl suggested.

- 3) Estimated Street Costs for Upcoming Projects. Mayor Bellah commented that this information is not presented as requested. Discussion followed, as Council commented one of the primary revisions to the report required is to reproduce the color coding that has been presented previously, to reflect streets that are in need currently or need to be addressed later. Mayor Bellah requested an updated version in better format, prior to placing all the color coding that can come later. Continued discussion followed as Council stressed the importance of prioritizing the street projects.

Mayor Bellah recessed the meeting for a short break at 7:51 p.m.

NEW BUSINESS:

- 1) Backflow Testing Bids. Mr. Dahl reviewed the information received for bidding on backflow testing and noted staff is recommending to continue to contract with Scott Bradley Backflow and Landscaping Services. **MOVED BY C. BARTELL, SECONDED BY S. BARTELL, TO CONTRACT WITH SCOTT BRADLEY BACKFLOW AND LANDSCAPING IRRIGATION SERVICES FOR BACKFLOW TESTING FOR THE CITY OF PHOENIX AT A COST OF \$15.00 PER BACKFLOW TEST AND NO CHARGE FOR BACKFLOW RE-TESTS FOR CONTRACT YEAR 2016-2017.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

Mayor Bellah inquired whether backflow testing was going to be required on all residences at some point or if the backflow testing will only be required for those that have anyone with a backflow valve currently. Mr. Dahl expressed he would look into this and get back to Council.

- 2) Approval of Change to ODOT Contract No. 30818. Mr. Dahl explained this is an update to the original contract to change the completion date from June 30, 2016 to December 31, 2016. Mayor Bellah inquired whether this would cost the City additional funds to complete. Additionally, he questioned whether it is in the City's best interest to get this completed sooner rather than later. Mr. Dahl replied that the additional cost would be absorbed by the contractors and the City has been clear that this needs to be completed as quickly as possible. **MOVED BY S. BARTELL, SECONDED BY LUZ, TO APPROVE THE UPDATE TO THE ODOT CONTRACT AS PRESENTED.**

Councilor Sophie inquired about the amount of ADA ramps that have failed inspection. Mr. Brinkley explained that ODOT is currently in litigation regarding meeting ADA standards, and consequently, ODOT is very critical of all ADA ramps moving forward. Continued discussion followed.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

- 3) Negotiation of Collective Bargaining Unit Process. Mayor Bellah expressed the current Collective Bargaining Unit Agreements expire December 31, 2016. He noted that Council needs to decide whether to open up negotiations or leave the contract as is for another three years. He further commented the prior negotiations included the City Manager, Council President and him at the bargaining table with the unions and questioned whether Council would like to continue with those individuals, should the agreements require negotiation again. Mayor Bellah further requested an Executive Session at the end of May to discuss whether to open negotiations. Council requested a copy of the current Collective Bargaining Unit Agreements via email.

- 4) Resolution allowing a budget increase for Unexpected Monies. Mr. Weber explained the resolution serves as the conduit between the City and Tuscaloosa, Alabama. Both Chief Bowker and Mr. Weber explained that this has been determined to be the best manner possible to transfer the money. Continued discussion followed, as Mayor Bellah noted he was not comfortable with changing the budget to satisfy a pass through; however, he understands the requirement. Councilor Sophie noted the ORS number has changed. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 957, ALLOWING A BUDGET INCREASE PURSUANT TO ORS 294.471 (1) (a) 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

- 5) Discussion of Transportation System Plan. Mr. Brinkley explained he distributed a summary of the Transportation System Plan (TSP), rather than giving out a 600-700 page document, a summary of the highlights was completed. He further presented the projects outlined in the TSP summary that is to be reviewed at the joint City Council/Planning Commission meeting scheduled for April 25, 2016. He briefly described specific goals addressed in the TSP in detail. He further noted there are tiers defining the prioritization of the projects with tier 2 consisting of long range goals. He concluded with requesting Council's review and comments of the document before the joint meeting.

Councilor Luz inquired about the size of the bike lane on Main Street. Mr. Brinkley replied the purpose of the enormous sized bike lane is due to the are from curb side to curb side that needed to be filled.

Mayor Bellah inquired whether Council has the ultimate authority of approval. Mr. Brinkley noted the Planning Commission is tasked with making a recommendation to Council, as Council is the ultimate authority.

Councilor S. Bartell inquired about the process that will be used to determine whether to stay with one lane or revert back to two lanes on Main Street. Mr. Brinkley explained that ideally, this decision should be incorporated in the TSP, and to decide whether to have one or two lanes should be viewed as scientifically and objectively as possible. He gave an example of determining whether reducing Main Street to one lane causes enough congestion that exceeds a certain level of service by measuring, adding that he does not feel it does; however, if there are other reasons to change it back to two lanes, it is a good idea to think about during this process, as it would require a conditional use permit if the change is made after approving the TSP. As discussion continued, Mr. Brinkley urged Council to invite any and all comments to be directed to him.

UPDATES/REPORTS (continued):

3) City Council Issue Tracking Log – Mayor Bellah requested updates. Councilor C. Bartell requested the ADA ramps be added to the log. Mr. Dahl confirmed they would be added. Additionally, he noted an update on the Fire District 5 building.

STAFF REPORTS:

1) City Attorney's Report:

a) Attorney Kirchoff had nothing to report.

2) City Manager's Report:

a) Mr. Dahl announced he is preparing a job description for the public works supervisor that will be completed by Wednesday and is researching a firm to search for the proper individual, as he does not believe there are candidates in the area that would fit the new job description.

b) He noted he will be out of the office from Wednesday afternoon through the rest of the week.

Council continued discussion regarding the objective of maintaining the fire department in the City of Phoenix.

Mayor Bellah inquired about the types of police incidents that Council should be briefed on, as the recent shooting at 7 Eleven has brought several questions to Council. As discussion continued, Chief Bowker confirmed that if he is aware of an incident that will be reported on in the news, he will inform Mr. Dahl all of the pertinent information. Chief Bowker briefed Council regarding the incident with all of the information he has, as it is in the Jackson County jurisdiction.

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.

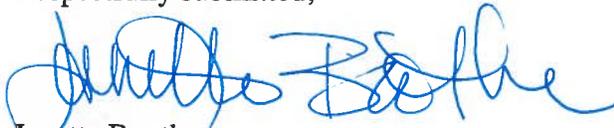
Councilor S. Bartell inquired about the percentage of the population in the City of Phoenix are carrying guns illegally. Chief Bowker reported he is not aware that Phoenix has a significant issue in this area.

COUNCIL ITEMS, COMMENTS/REPORTS:

Councilor Sophie – reported an update from MPO regarding expanding the public transportation area.

The meeting adjourned at 9:03 p.m.

Respectfully submitted,



Janette Boothe

Assistant Finance Director/City Recorder