

Agenda Report

Date: December 5, 2016
To: City Manager for Mayor and Council
From: Finance Director
Subject: Adoption of a Resolution Reciting the Final Results of the General Election Held on November 8, 2016
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

Attached are the City of Phoenix Registrar of Voters Certificate of Election Results and a Resolution reciting the following result of the Canvass of the General Election Held November 8, 2016:

A. TOTAL NUMBER OF BALLOTS CAST IN THE CITY:

- | | |
|-------------------------------|-------|
| 1) Eligible Registered Voters | 3,129 |
| 2) Total Ballots Cast | 2,454 |
| 3) Voter Turnout | 78% |

B. OFFICES AND NAMES OF CANDIDATES AND TOTAL VOTES RECEIVED:

1. Mayor

- | | |
|-------------------|-------|
| i. Chris Luz | 1,185 |
| ii. Ben McCormick | 753 |
| iii. Write In | 18 |

2. Council Member (3 positions)

- | | |
|-------------------|-------|
| i. Sarah Westover | 1,424 |
| ii. Stuart Warren | 1,335 |
| iii. Terry Baker | 1,326 |
| iv. Write In | 53 |

3. Measure 15-153

- | | |
|--------|-------|
| i. Yes | 1,757 |
| ii. No | 599 |

ADVANTAGES & DISADVANTAGES OF ISSUE

Council acceptance of the Certificate of Election Results is mandated by the State of Oregon. Not accepting the results will impact city business by not providing for the transition of leadership to the newly elected Council and not enabling the City to collect the newly approved tax on the retail sales of recreational marijuana.

FISCAL IMPACT

Establishing the voter-approved three percent (3%) tax on the retail sale of recreational marijuana items within the city will enable the city to collect revenues to be allocated to education, public safety and parks.

RECOMMENDATION

That the Council adopt a Resolution reciting the fact that the General Election was held on November 8, 2016 and declare the following results: Chris Luz was elected to a two year term as Mayor; Sarah Westover, Stuart Warren, and Terry Baker were elected to four year terms as Council Members; and Measure 15-153 passed, establishing a three percent sales tax on recreational marijuana items sold by a retailer.

Proposed motion: "I Move to adopt Resolution No. _____, reciting the fact that the General Election was held on November 8, 2016, declaring the following results: Chris Luz was elected to a two year term as Mayor; Sarah Westover, Stuart Warren, and Terry Baker were elected to four year terms as Council Members; and Measure 15-153 passed, establishing a three percent sales tax on recreational marijuana items sold by a retailer."

Prepared by: Janette Boothe

Reviewed by: Jamie McLeod

**CITY OF PHOENIX
PHOENIX, OREGON**

RESOLUTION NO. 976

**A RESOLUTION RECITING THE FACT OF THE GENERAL ELECTION HELD ON
NOVEMBER 8, 2016, DECLARING THE RESULT**

**RECITALS: BE IT RESOLVED BY THE CITY OF PHOENIX, OREGON, AS
FOLLOWS:**

WHEREAS, a General Election was held and conducted in the City of Phoenix, Oregon, on Tuesday, November 8, 2016, as required by law;

WHEREAS, notice of election was given in time, form and manner as provided by law; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Oregon Revised Statutes Governing the Elections Process for holding elections in cities; and

WHEREAS, the County Registrar of Voters canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Exhibit A.

NOW THEREFORE, THE CITY OF PHOENIX FURTHER RESOLVES AS FOLLOWS:

1. That the total number of votes (ballots) cast was 2,454.
2. That the names of persons voted for at the election for Mayor are as follows: Chris Luz and Ben McCormick. That the names of persons voted for at the election for Council are as follows: Terry Baker, Sarah Westover, and Stuart Warren. That the measure voted on is as follows: Imposing a three percent sales tax on the sale of marijuana items by a marijuana retailer.
3. That the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates are as listed in the attached Exhibit B. That the number of votes given in the City to Measure 15-153 are as listed in the attached Exhibit B.
4. That the City Council does declare and determine that: Chris Luz was elected as Mayor for the full term of two years; Terry Baker, Sarah Westover, and Stuart Warren were elected as City Council Members for the full term of four years; and Measure 15-153 was passed.
5. That the City Elections Officer shall enter on the records of the City Council of the City, a statement of the result of the election showing: 1) the total number of votes (ballots) cast in the City, 2) the names of the persons voted for, 3) for what office each person was voted for, 4) the number of votes given to each person, 5) the number of votes in favor of Measure 15-153.

6. That at the first City Council Meeting held in 2017, the City Recorder shall administer to each person elected the Oath of Office prescribed in the City of Phoenix Charter and shall have them subscribe to it and file it in the office of the City Recorder. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.
7. That the City Recorder shall provide the Ordinance of the City of Phoenix Imposing a Three Percent Sales Tax on the Sale of Marijuana Items by a Marijuana Retailer for adoption.
8. That the City Recorder shall certify to the passage and adoption of the resolution and enter it into the book of original resolutions.

This Resolution is effective on December 5, 2016.

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on the 5th day of December, 2016.

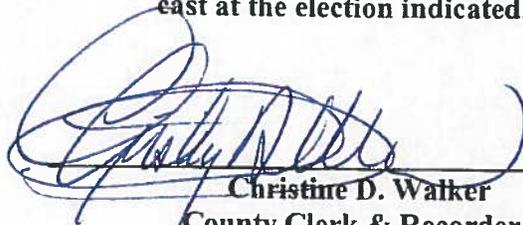
Jeff Bellah, Mayor

ATTEST:

Janette Boothe, City Recorder

**State of Oregon
ABSTRACT OF VOTERS**

**I certify the votes recorded on this abstract
correctly summarizes the tally of votes
cast at the election indicated.**



**Christine D. Walker
County Clerk & Recorder
Jackson County, Oregon**

11-25-16

Date

Exhibit B

Statement of Votes Cast by Geography

November 8, 2016 General Election

Jackson County, Oregon

All Precincts, All Districts, City of Phoenix, Councilmember, City of Phoenix, Mayor,

Measure 15-153

Official Results

Total Ballots Cast: 2454, Registered Voters: 143301, Overall Turnout: 1.71%

54 precincts reported out of 54 total

Page: 1

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Choice	Votes	Vote %
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All District Categories

All Districts

City of Phoenix, Mayor (Vote for 1)

2454 ballots (1 over voted, 497 blank voted), 3129 registered voters, turnout 78.43%

Chris Luz	1185	60.58%
Ben McCormick	753	38.50%
Write-in	18	0.92%
Total	1956	100.00%

City of Phoenix, Councilmember (Vote for 3)

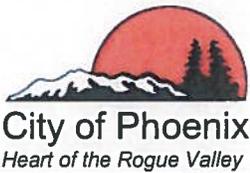
2454 ballots (0 over voted, 3224 undervotes), 3129 registered voters, turnout 78.43%

Sarah Westover	1424	34.41%
Stuart Warren	1335	32.26%
Terry Baker	1326	32.04%
Write-in	42	1.01%
Write In	10	0.24%
Write In	1	0.02%
Total	4138	100.00%

Measure 15-153 (Vote for 1)

2454 ballots (2 over voted, 96 blank voted), 3129 registered voters, turnout 78.43%

Yes	1757	74.58%
No	599	25.42%
Total	2356	100.00%

**Agenda Report**

Date: December 5, 2016
To: Mayor and Council
From: City Attorney
Subject: Authentication of Recreational Marijuana Sales Tax and Intergovernmental Agreement with the Oregon Department of Revenue
Action: ___ Motion, ___ Ordinance, **X** Resolution, ___ Information only ___ Other

EXECUTIVE SUMMARY

At the November 21, 2016, meeting Council directed staff to formalize the city's collection process for the voter-approved tax on retail sales of recreational marijuana and negotiate an Intergovernmental Agreement (IGA) with the Oregon Department of Revenue (DOR) for the collection, disbursement, and enforcement of the tax.

1. Authentication of approved Measure for recreational marijuana sales tax

The attached Resolution formally authenticates the establishment of the voters approved the 3 percent tax on recreational marijuana sales in the city, based on the certified results of the November 8, 2016, election. The Resolution directs the Ordinance to be formatted and officially placed within Title 3 (Revenue and Finance) of the City Municipal Code.

2. IGA with DOR for collection, disbursement, and enforcement of the local marijuana tax

The DOR has made available a model Marijuana Tax Collection Agreement, by which cities may choose to have DOR collect and enforce a local marijuana tax. The essential terms of the agreement: (1) the city will receive payments from DOR on a quarterly basis, trailing one quarter behind each quarter; (2) DOR retains 4% of the tax payments each quarter to cover its operating costs; at the end of the year, DOR will calculate its actual costs and use the three fees described in paragraph (5)(a)-(c) of the draft IGA (attached).

ADVANTAGES & DISADVANTAGES

Advantages of the IGA include DOR taking responsibility and managing staffing for the collection of marijuana in a lawful manner. Revenue collection for this substance is complicated by a disconnect between state and federal law on the sale of marijuana. Further advantages may arise in the future if/when DOR consolidates both state and local tax payments via the Department of Administrative Services. The only notable disadvantage is that DOR will keep approximately 4% of the tax revenue that would otherwise be collected by the city. Given the complexity of this issue, the advantages heavily outweigh the disadvantages.

FISCAL IMPACT OF IGA

The costs of the collection and enforcement are unknown / undeterminable, but are estimated at 4% of the tax revenues collected by DOR. Staff time to comply with administrative

ALTERNATIVES

1. Effectuate the voter-approved ordinance and arrange for tax collection via DOR by approving the Resolution authenticating the voter-approved 3% tax on retail sales of marijuana and approving the IGA with DOR.
2. Modification of Alternative 1 (please specify).
3. Effectuate the voter-approved ordinance and collect the tax locally.
4. Refer item back to City Manager for further action (please specify).

RECOMMENDATION

Alternative 1, proposed motions:

1. "I MOVE TO AUTHENTICATE THE VOTER-APPROVED ORDINANCE AND TO PROVIDE FOR ITS PLACEMENT WITHIN TITLE 3 OF THE PHOENIX MUNICIPAL CODE."

2. "I MOVE TO AUTHORIZE THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF REVENUE FOR ENFORCEMENT AND COLLECTION OF THE CITY'S RECREATIONAL MARIJUANA SALES TAX."

Prepared by: Ryan Kirchoff

Reviewed by: Jamie McLeod

CITY OF PHOENIX
RESOLUTION NO. 977

**A RESOLUTION AUTHENTICATING THE ELECTION ON THE REFERRED
MEASURE IMPOSING A 3 PERCENT TAX ON THE SALE OF RECREATIONAL
MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY**

WHEREAS, the City Council referred to the voters a measure to approve an ordinance which imposes a tax of 3 percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the voters of the City of Phoenix cast a majority of votes in favor of the referred ordinance on November 8, 2016;

WHEREAS, the ordinance is effective upon its adoption, pending legal sales of recreational marijuana on January 1, 2017.

NOW, THEREFORE, THE CITY OF PHOENIX RESOLVES AS FOLLOWS: The ordinance is hereby designated within Title 3 of the Phoenix Municipal Code. The City Council hereby approves of the form as designated and formatted in the ordinance attached hereto. The City Recorder shall place a copy of the ordinance in the official copy of the Phoenix Municipal Code. The ordinance attached hereto is effective as of this date.

PASSED AND ADOPTED by the City Council and signed by me in authentication thereof on this 5th day of December, 2016.

Mayor

ATTEST:

City Manager/Designee

MARIJUANA TAX COLLECTION AGREEMENT

This Marijuana Tax Collection Agreement (“Agreement”) is entered into between the State of Oregon, acting by and through its Department of Revenue (the “Department”) and the City of Phoenix (“City”), under the authority of ORS 305.620.

In consideration of the conditions and promises hereinafter contained, it is mutually agreed by the parties that the Department shall supervise and administer, according to the terms and conditions set forth in this Agreement, the Local Tax on sales of marijuana items by Marijuana Retailers authorized under ORS 475B.345 and approved by the voters of City.

(1) Definitions. As used in this Agreement the following terms have the meanings ascribed to them:

(a) “Confidential Information” means the information on Local Tax returns administered pursuant to ORS 305.620, any information in the reports required under Sections 8 and 9 of this Agreement from which information about a particular Local Taxpayer is discernable from the report due to a small number of Local Taxpayers in City or similar factors, and any other information exchanged between the Department and City related to this Agreement, that is confidential under ORS 314.835.

(b) “Fees” means collectively the Administrative Services Fee, the Business Fee and the Core Systems Replacement Fee described in Section 5 of this Agreement.

(c) “Local Government” means a city or county that has entered into a form of this agreement with the Department under the authority of ORS 305.620 for the Department to collect Local Taxes authorized under ORS 475B.345.

(d) “Local Tax” or “Local Taxes” means the Marijuana Tax imposed by City, together with any additional interest or penalties provided for by statute or the Department’s rules; it does not include any additional penalties or fees that City may assess against its Local Taxpayers.

(e) “Local Taxpayer” means a licensed Marijuana Retailer located in the taxing jurisdiction of City.

(f) “Marijuana Retailer” has the meaning given in ORS 475B.015.

(g) “Marijuana Tax” means the tax imposed on sales of marijuana items by Marijuana Retailers pursuant to ORS 475B.345.

(h) “Marijuana Taxpayer” means a licensed Marijuana Retailer that is subject to the Marijuana Tax imposed by a Local Government.

(i) “Ordinance” means the ordinance adopted by the governing body of City and approved by the voters of City on 11/8/2016, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein.

(2) General Administration. The Department shall be responsible for all aspects of Local Tax administration, including, but not limited to, adopting administrative rules; auditing

returns; assessing deficiencies and collecting the Local Tax and penalties and interest under applicable statutes, including but not limited to ORS 305.265, ORS 305.220, and ORS 314.400; making refunds; holding conferences with Local Taxpayers; handling appeals to the Oregon Tax Court; issuing warrants for the collection of unpaid taxes; determining the minimum amount of Local Tax economically collectible; and taking any other action necessary to administer and collect the Local Taxes. The Department has adopted rules addressing the requirements for paying taxes with currency and other matters related to the taxation of marijuana under ORS chapter 475B. City understands and agrees that such rules will be applied to Local Taxpayers.

(3) **Level of Service**. In performing its duties, the Department may in its sole discretion determine what action shall be taken to enforce provisions of the law and to collect the Local Tax. In exercising its discretion, the Department shall provide a level of services that are comparable to the level of services it provides in the administration of the State of Oregon marijuana tax laws and the collection of such taxes owed to the State of Oregon. If the Department deems it necessary to vary substantially from this standard, the Department shall first notify City of the need and obtain City's consent. The Department shall provide all forms necessary for implementation of the Local Tax, including forms for Marijuana Tax returns, exemptions and refunds.

(4) **Transfer of Taxes to City**. Beginning at the end of the first full quarter after execution of this Agreement, the Department shall remit to City the amount of Local Taxes collected in the preceding quarter less amounts withheld to pay the Department's Fees and other costs as described in this Agreement within 60 days of the return due date for the quarter. The Department shall notify City if, because of inability to move funds electronically or otherwise through the banking system, a force majeure event described in Section 26 of this Agreement or other exigent circumstance, the Department is unable to transfer the Local Tax collected to City as provided in this Section. In that event, the Department shall provide an estimate, if possible, of when it expects to be able to transfer the Local Taxes collected to City. The Department may enter into an agreement with another state government agency to fulfill the requirements of this Section 4, provided that said government agency can comply with the requirements of this section.

(5) **Costs**. In order to recover its costs to collect and transfer the Local Tax as provided in this Agreement the Department shall be paid the following three fees:

(a) "Administrative Services Fee": Pays for the establishment and maintenance of financial systems needed to administer and distribute Local Taxes. The fee shall be calculated annually as a percentage of the equivalent of 60 hours of work conducted for the Department of Revenue by the Department of Administrative Services, divided among the Local Governments in proportion to the number of Marijuana Taxpayers in each Local Government.

(b) "Business Fee": Pays for the Local Tax administration activities set forth in this Agreement. The fee shall be calculated as a percentage of the Department's Business Division annual expenses for the administration of all marijuana taxes, with the total fee increasing in direct proportion to the number of Local Taxpayers. The total amount per Local Taxpayer billed

to City under the Business Fee shall not exceed 0.05 percent of the Department's Business Division expenses for the administration of all marijuana taxes;

(c) "Core Systems Replacement fee": Charged only one time after execution of this Agreement and calculated as a flat fee per Local Taxpayer. The total Core Systems Replacement Fee shall not exceed two hundred dollars (\$200.00) per Local Taxpayer in the first full quarter following execution of this Agreement.

FOR EXAMPLE, in a hypothetical with the following assumptions:

250 Marijuana Taxpayers

50 Local Taxpayers in the City of Mainville

2 Local Taxpayers in the City of Middletown

Business Division's Marijuana Expenses: \$500,000 per year

Hourly DAS rate: \$99/hour

The fees would be calculated as follows:

Administrative Services Fee = $(\$99/\text{hour} * 60 \text{ hours}) / 250 \text{ Marijuana Taxpayer} =$
\$23.76 per Local Taxpayer per year

Business Fee = $\$500,000 \text{ in marijuana expenses per year} * 0.05\% = \250 per
Local Taxpayer per year

Core Systems Replacement Fee = \$200 per Local Taxpayer, one time

City of Mainville, year 1: $(\$23.76 \text{ Administrative Services Fee} + \250 Business
Fee + \$200 Core Systems Replacement Fee) * 50 Local Taxpayers = \$23,688 in
costs

City of Mainville, subsequent years: $(\$23.76 \text{ Administrative Services Fee} + \250
Business Fee) * 50 Local Taxpayers = \$13,688 in costs

City of Middletown, year 1: $(\$23.76 \text{ Administrative Services Fee} + \250 Business
Fee + \$200 Core Systems Replacement Fee) * 2 Local Taxpayers = \$947.52 in
costs

City of Middletown, subsequent years: $(\$23.76 \text{ Administrative Services Fee} +$
\$250 Business Fee) * 2 Local Taxpayers = \$547.52 in costs

(e) In addition to the Fees described above, the Department may withhold or invoice City for the Department's costs to administer extraordinary services not described in this Agreement related to the Local Tax; such extraordinary costs may include, without limitation, requests for audits from City that exceed the scope of the Department's normal audit procedures, requests for research or advice from the Department or the Oregon Department of Justice attorneys, or specially appointed counsel, regarding the Local Tax.

(f) If the Department determines that its costs cannot be covered by the maximum fees outlined in this Section 5, the Department will notify City of the amount by which the Department has determined the Fees must increase. If the Department and City do not agree upon a Fee increase and related amendment to this Agreement, then this Agreement may be terminated by either party in accordance with Section 16 of this Agreement.

(g) The Department shall not collect more in fees than its costs to administer the Local Tax, per ORS 305.620(5). It is using the above formula in the interests of producing its best estimate of costs.

(6) Withholding for Fees and Rebate. The Department shall withhold from the Local Taxes collected and each transfer to City an amount equal to four percent (4%) of the Local Taxes collected. In the first quarter of each calendar year the Department will reconcile the amounts withheld in the previous year with the total fees assessed, and provide such reconciliation in the Department's annual report described in Section 9 of this Agreement. If the amount withheld in a calendar year exceeds the amount of the Department's Fees, the Department will rebate the balance of the Local Taxes withheld to City by the end of the first quarter following the year of withholding. If the amount withheld does not cover the Department's Fees for the preceding year, the amount of the shortfall will be withheld from subsequent transfers of Local Taxes collected until the Department's Fees are fully paid, or in its discretion the Department may invoice City for the unpaid amount of the Department's Fees.

(7) Recovery of Overpayments. If the amount of Local Taxes paid to City under this Agreement, exceed the amount to which City is entitled, the Department may, after notifying City in writing, withhold from later payments due City under this Agreement, such amounts, over such periods of time, as are necessary to recover the amount of the overpayment.

(8) Department Quarterly Reports. Beginning with the first full calendar quarter after the execution of this Agreement and continuing each calendar quarter thereafter, within sixty (60) days after the due date for quarterly Local Tax returns, the Department shall provide City with a report indicating the amount of Local Taxes collected, any extraordinary costs assessed, the amount withheld under Section 6 of this Agreement and the cumulative amount of delinquent Local Taxes for each Marijuana Retailer in City's jurisdiction. The information in this report must be treated as potentially revealing Confidential Information, and shall be protected as described in Section 15. City should make all efforts to prevent Confidential Information from being released. The Department and City shall disclose any non-confidential information in a report when required to do so by law, including the Oregon Public Records Law, ORS 192.410 to 192.505.

(9) Department Annual Reports. In the first calendar quarter of each year, the Department shall make a written annual report of the preceding calendar year to City showing the total amount of Local Taxes collected, refunds paid, the expenses of administering and collecting the Local Tax, and other pertinent information. The report shall show the total amount withheld by the Department under Section 6 of this Agreement, and shall show the Department's expenses by its Fee categories. In such report, the Department shall also make recommendations

concerning changes in Local Tax Ordinances, procedures, policies, Local Tax administration and related matters, as the Department deems necessary and appropriate. The information in this report must be treated as potentially Confidential Information, and shall be protected as described in Section 15. City should make all efforts to prevent Confidential Information from being released. The Department and City shall disclose any non-confidential information in the report when required to do so by law, including the Oregon Public Records Law, ORS 192.410 to 192.505.

(10) City Reports. Within sixty (60) days of the effective date of this Agreement, City shall provide the Department with a list of Local Taxpayers in its jurisdiction and a list of zip code areas that are within its jurisdiction for purposes of imposing the Local Tax. City shall provide an updated list of Local Taxpayers to the Department each calendar quarter thereafter. City shall review all reports and reconciliations provided by the Department and promptly notify the Department of any perceived errors or omission in such reports.

(11) Records Maintenance and Access. Each party shall maintain its records relevant to this Agreement, the Local Taxes and Local Taxpayers for the period of time specified and in the manner required under the document retention and archiving requirements applicable to it that are established under ORS 192.005 to 192.170. Upon written request, each party may examine the records of the other party at a time and location that is convenient and without extra cost to the holder to the records; provided, however, any requests for records made in connection with litigation or other efforts to collect the Local Tax shall be immediately provided in the time and manner requested.

(12) Ordinance and Notification of Changes. Contemporaneous with the execution of this Agreement, City shall provide a copy of the Ordinance to Department for incorporation into this Agreement as Exhibit B. In order to insure consistency in administration of the Local Tax, each party shall notify the other of any change in the Ordinance and any state or local regulations or rulings interpreting the Local Tax or the Ordinance, any changes in rates or changes in the City's boundary at least ninety (90) days prior to the effective change, unless it is not legally possible to provide ninety (90) days' notice or both parties mutually agree to effect such changes in less than ninety (90) days. Each party shall notify the other of any change in administration of the Local Tax under this Agreement. The parties shall cooperate in amending the Ordinance or in seeking amendments to ORS 475B.345 or ORS 305.620 which they deem necessary.

(13) Information. The parties will cooperate in the exchange of information and making public announcements to facilitate effective administration of the Local Tax and maintain consistency in public announcements and information. Policy announcements, announcement of changes in the Ordinance, and all correspondence relating to public relations will be handled by City. The Department shall promptly notify City of any matter arising in the administration of the Marijuana Tax that would require any legislative change or affect City's policy, including any policy that relates to the amount of Local Tax collected. Nothing in this section shall prohibit the Department from conducting its own outreach activities to increase awareness and knowledge of local tax obligations.

(14) Limits and Conditions. To the extent limited by applicable provisions of Article XI of the Oregon Constitution or other governing law, and within the limits of the Oregon Tort Claims Act applicable respectively to the Department and City, each party shall indemnify the other for damage to life or property arising from their respective duties and obligations under this Agreement, provided neither party shall be required to indemnify the other for any such liability arising out of a party's own negligent or wrongful acts.

(15) Confidentiality.

(a) Confidential Information may be disclosed only to City as principal, by the Department as its agency, for purposes of carrying out the administration of the Local Tax imposed by City. Requests for Confidential Information shall be made by City by giving not less than ten (10) days' notice to the Department, stating the information desired, the purposes of the request, and the use to be made of such information. If the compilation of information is not feasible, the Department shall so advise City.

(b) ORS 314.840(3) requires that employees and representatives of City who receive Confidential Information must be advised in writing of the provisions of ORS 314.835 and 314.991(3), relating to the penalties for unlawful disclosure. Prior to being given access to Confidential Information, all City employees involved in the performance of this Agreement must review the DOR Secrecy Clause and sign the DOR Secrecy Laws Certificate (substantially in the form of Exhibit A, attached hereto and by this reference incorporated herein) certifying the employee understands the confidentiality laws and the penalties for violating them. Annually thereafter, (on or before a date specified by the Department), or upon request by the Department, such City employees must review and sign the latest versions of the Secrecy Clause and the Secrecy Laws Certificate. All signed Secrecy Laws Certificates must be immediately emailed to both the designated Department Authorized Representative (indicated below) and the Department's Disclosure Office (disclosure.office@oregon.gov). When the employee terminates employment with City, City will forward the certificate to the Department's Disclosure Officer indicating the employee is no longer employed by City. A listing of every person authorized to request and receive Confidential Information identified in this Agreement will be sent to the following designated representative:

John Galvin, Marijuana Tax Program Manager, marijuanatax.DOR@oregon.gov

(c) Upon request and pursuant to the instructions of DOR, City shall return or destroy all copies of Confidential Information provided by DOR to City, and City shall certify in writing the return or destruction of all such Confidential Information.

(d) The administrative rules implementing ORS 314.835 and ORS 314.840 as amended from time to time during the term of this Agreement, shall apply to this Agreement.

(16) Term. The term of this Agreement shall be from the date it is executed by all parties and until it is terminated by operation of law or by either party at its discretion upon at least ninety (90) days prior written notice. Prior to the termination date specified in written notice provided under this section or Section 17 below, City and the Department will continue to

perform their respective duties and obligations of under this Agreement. After the termination date, the Department will cease all collection and other activities under this Agreement, unless prior to the termination date the Department and City agree in writing that the Department may continue actions that are pending before the Oregon Tax Court or the Oregon Supreme Court, or are being collected after judgment or stipulation. In addition, after the termination date the Department will continue to remit to City any Local Taxes received by the Department, after deduction of the Department's actual costs, until all matters pending on the date of termination have been resolved or collected. The Department will administer the Local Tax for City for each calendar quarter commencing after this Agreement is executed; provided, however, if this Agreement is fully executed on or before the 15th day of the calendar quarter, the Department will administer the Local Tax for the quarter in which this Agreement is executed.

(17) Default and Remedies. A party shall be in default under this Agreement if it fails to perform any of its duties and obligations under this Agreement, and fails to cure such nonperformance within ninety (90) days after the other party provides written notice specifying the nature of the nonperformance. If the nonperforming party does not cure its nonperformance, or provide a satisfactory explanation to the other party of its performance under this Agreement, the other party may terminate this Agreement immediately or at a later date specified in written notice provided to the nonperforming party. In addition to termination of this Agreement, in the event of default by a nonperforming party, the other party may pursue any remedies available in law or equity, including an action for specific performance.

(18) Notices. All notices, documents, and information shall be sent as follows:

City of Phoenix
P.O. Box 330
Phoenix, OR 97535

Oregon Department of Revenue
Marijuana Tax Program
PO Box 14630
Salem, OR 97309

(19) Amendments. The provisions of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties.

(20) Successors and Assigns. This Agreement shall be binding and inure to the benefit of the parties, their assigns, and successors.

(21) Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

(22) Representations. Each party represents to the other that the making and performance of this Agreement: (a) have been duly authorized by its governing body or official, (b) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board or other administrative agency or any provision of any applicable local charter or other organizational document, and (c) do not and will not result in the

breach of, or constitute a default or require any consent under any other agreement or instrument to which the party is bound.

(23) Governing Law, Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between the Department and City regarding the enforcement or interpretation of this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. The parties understand and agree that any action brought to determine the amount of Local Tax owed by a Local Taxpayer, whether brought solely by the Department or in conjunction with City shall be brought solely in the Oregon Tax Court.

(24) Nonappropriation. The obligation of each party to perform its duties under this Agreement is conditioned upon the party receiving funding, appropriations, limitation, allotment, or other expenditure authority sufficient to allow the party, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, sections 7 or 10 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of each party.

(25) Survival. All rights and obligations of the parties under this Agreement will cease upon termination of the Agreement, other than the rights and obligations arising under Sections 14, 16 and 17, and those rights and obligations that by their express terms survive termination of this Agreement; provided, however, that termination of this Agreement will not prejudice any rights or obligations accruing to a party prior to termination.

(26) Force Majeure. Neither party is responsible for any failure to perform or any delay in performance of an obligation under this Agreement caused by fire, civil unrest, labor unrest, natural causes, or war, which is beyond that party's reasonable control. Each party shall, however, make all reasonable efforts to remove or eliminate such cause of failure to perform or delay in performance and shall, upon the cessation of the cause, diligently pursue performance of its obligation under this Agreement.

(27) Counterparts. This Agreement may be executed in counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed constitutes an original.

(28) Merger. This Agreement and any exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or presentations, oral or written, not specified herein regarding this Agreement.

Each party represents that this Agreement, when fully executed and delivered will constitute a legal, valid and binding obligation of the party in accordance with its terms, and that the person signing below is the authorized representative of the party with full power and authority to bind his/her principal to this Agreement.

Oregon Department of Revenue

Name/Title:

Signature:

Date signed:

City:

Name/Title:

Signature:

Date signed:

EXHIBIT A

DOR

SECURITY CLAUSE

and

SECURITY LAWS CERTIFICATE

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SECURITY CLAUSE

Taxpayer information is confidential and protected by Oregon law. Only authorized persons may have access to taxpayer information, or to secure buildings where taxpayer information is handled. Oregon law requires that you sign a Security Certificate before being allowed access to this confidential information or secure areas. By signing the certificate, you certify that you understand the confidentiality laws and the penalties for violating them.

This applies to everyone with access to taxpayer information, including:

- Department of Revenue employees
- Employees of other government agencies
- Vendors and contractors
- Business partners

Penalties for unauthorized disclosure of state tax information

- **Income tax***—Class C felony; up to \$125,000 fine; up to five years imprisonment; dismissal from state employment; no public office for five years. [ORS 314.991(2)]
- **Inheritance tax**—Class C felony; up to \$125,000 fine; up to five years imprisonment; dismissal from state employment; no public office for five years. [ORS 118.990(3)]
- **Industrial property tax**—Up to \$10,000 fine; up to one year imprisonment. [ORS 308.990(5)]
- **Timber tax**—Up to \$5,000 fine; dismissal from state employment. (ORS 321.686)
- **Employment Department**—May result in dismissal from state employment, or other discipline. [ORS 657.665(6)]

* These provisions also apply to transient lodging tax (ORS 320.330), cigarette tax (ORS 323.403), tobacco products tax (ORS 323.595), emergency communications tax (ORS 403.230), oil and gas production tax (ORS 324.170), hazardous substances tax (ORS 453.410), and petroleum products tax (ORS 465.124).

Penalties for unauthorized disclosure of federal tax information

- **IRC Sect. 7213**—Felony; up to \$5,000 fine; imprisonment of up to five years; cost of prosecution, damages**.
- **IRC Sect. 7213A**—Up to \$1,000 fine; imprisonment of up to one year; cost of prosecution, damages**.

** Damages may include \$1,000 per act, actual damages, punitive damages, cost of legal action, attorney fees. See Section 7431.

Instructions

Please read the following laws. They explain the types of information that are confidential. If you have questions during your employment or performance of duties, ask your supervisor or a Disclosure officer before accessing or disclosing information.

After reading this information, fill out the last page and return it to the Department of Revenue. Keep the other pages for your records.

Oregon Income Tax Laws

ORS 314.835

(1) Except as otherwise specifically provided in rules adopted under ORS 305.193 or in other law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return required in the administration of ORS 310.630 to 310.706, required in the administration of any local tax pursuant to ORS 305.620, or required under a law imposing a tax upon or measured by net income. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to ORS 314.840 (2) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to ORS 314.840 (2) or any other provision of state law to divulge or make known the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for income tax is to be adjudicated by the court from which such process issues.

(2) As used in this section:

(a) "Officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or any former officer, employee or person, or an authorized representative of such former officer, employee or person.

(b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number, employer identification number or other taxpayer identification number and the amount of refund claimed by or granted to a taxpayer.

ORS 314.991

(2) Violation of ORS 314.835 is a Class C felony. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter.

Applicability to other tax programs

The above provisions of ORS 314, concerning the confidentiality of returns and penalties, also apply to:

150-800-033 (Rev. 2-11)

• Transient lodging tax	ORS 320.330
• Cigarette tax	ORS 323.403
• Tobacco products tax	ORS 323.595
• Emergency communications tax	ORS 403.230
• Oil and gas production tax	ORS 324.170
• Hazardous substances tax	ORS 453.410
• Petroleum products tax	ORS 465.124

Oregon Inheritance Tax Laws

ORS 118.525

(1) It shall be unlawful for the Department of Revenue or any of its officers or employees to divulge or make known in any manner any particulars disclosed in any return or supporting data required under this chapter. Except for executors or beneficiaries and their authorized representatives, it shall be unlawful for any person or entity who has acquired information pursuant to subsections (3) and (4) of this section to divulge or make known such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department, or its officers or employees, or persons described in subsections (3) and (4) of this section, to divulge or make known any particulars disclosed in any such return or supporting data except where the liability for inheritance taxes is to be adjudicated by the Oregon Tax Court. Nothing in this section shall prohibit the publication of statistics so classified as to prevent the identification of particulars in any return or supporting data covered by this section.

(2) As used in this section:

(a) "Officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or former officer, employee or person, or an authorized representative of such former officer, employee or person.

(b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number and the amount of refund claimed by or granted to a taxpayer.

ORS 118.990

(3) Violation of ORS 118.525 is a Class C felony. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter.

Oregon Property Tax Laws

ORS 308.290

(11)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are confidential records of the Department of Revenue or the county assessor's office in which the returns are filed or of the office to which the returns are forwarded under paragraph (b) of this subsection.

ORS 308.413

(1) Any information furnished to the county assessor or to the Department of Revenue under ORS 308.411 which is obtained upon the condition that it be kept confidential shall be confidential records of the office in which the information is kept, except as follows:

(a) All information furnished to the county assessor shall be available to the department and all information furnished to the department shall be available to the county assessor.

(b) All information furnished to the county assessor or department shall be available to any reviewing authority in any subsequent appeal.

(c) The department may publish statistics based on the information furnished if the statistics are so classified as to prevent the identification of the particular industrial plant.

(2) The Department of Revenue shall make rules governing the confidentiality of information under this section.

(3) Each officer or employee of the Department of Revenue or the office of the county assessor to whom disclosure or access of the information made confidential under subsection (1) of this section is given, prior to beginning employment or the performance of duties involving such disclosure, shall be advised in writing of the provisions of this section and ORS 308.990 (5) relating to penalties for the violation of this section, and shall as a condition of employment or performance of duties execute a certificate for the department or the assessor in a form prescribed by the department, stating in substance that the person has read this section and ORS 308.990 (5), that these sections have been explained to the person and that the person is aware of the penalties for violation of this section.

ORS 308.990

(5) Subject to ORS 153.022, any willful violation of ORS 308.413 or of any rules adopted under ORS 308.413 is punishable, upon conviction, by a fine not exceeding \$10,000, or by imprisonment in the county jail for not more than one year, or by both.

Forestland Tax Laws

ORS 321.682

(1) Except as otherwise specifically provided by law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of the tax or any particulars set forth or disclosed in any report or return required to be filed under ORS 321.045 or 321.741 or any appraisal data collected to make determinations of specially assessed value of forestland pursuant to ORS 321.201 to 321.222. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to ORS 321.684 (2) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena

or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to ORS 321.684 (2) or any other provision of state law, to divulge or make known the amount of tax or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for timber tax is to be adjudicated by the court from which such process issues.

(2) As used in this section, "officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or any former officer, employee or person, or an authorized representative of such former officer, employee or person.

ORS 321.686

Violation of ORS 321.682 is subject to a fine not exceeding \$5,000 or, if committed by an officer or employee of the state, dismissal or removal from office or employment, or both fine and dismissal or removal from office or employment.

Oregon Employment Department Laws

ORS 657.665

(4)The Employment Department may: ... (i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(6) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.



SECRECY LAWS CERTIFICATE

Required by ORS 314.840(3), ORS 118.525(6),
ORS 308.413(3), ORS 321.684

I have read the laws prohibiting disclosure of confidential information for the tax programs below.
The laws have been explained to me.
I have been furnished with a copy of the laws.
I understand Oregon's disclosure laws and the penalties for violating them.

Income tax	ORS 314.835; ORS 314.991(2)
Inheritance tax	ORS 118.525(1); ORS 118.990(3)
Industrial property tax	ORS 308.290(11); ORS 308.413; ORS 308.990(5)
Forestland tax	ORS 321.682; ORS 321.686
Employment Department tax	ORS 657.665(4)(i) and (6)
Transient lodging tax	ORS 320.330
Cigarette tax	ORS 323.403
Tobacco products tax	ORS 323.595
Emergency communications tax	ORS 403.230
Oil and gas production tax	ORS 324.170
Hazardous substances tax	ORS 453.410
Petroleum products tax	ORS 465.124
Federal tax laws	IRC Sections 7213, 7213A, 7431

VENDORS, CONTRACTORS, BUSINESS PARTNERS

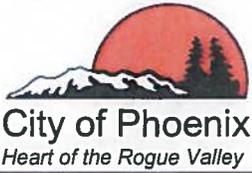
PRINT your full name	Business telephone number
Print full name of business or organization for which you are acting in an official capacity	
Address of business or organization	SSN (Collection agency employees only)
What is the nature of your business?	Duration of contract or visit
Revenue contact	Area where you'll be working
Signature X	Date

REVENUE EMPLOYEES

PRINT your full name	Date
Signature X	

AGENCY USE

In Compliance
 Not in Compliance

**Agenda Report**

Date: December 5, 2016
To: Mayor and Council
From: City Attorney
Subject: First Reading of Amendment to Recreational Marijuana Sales Tax Ordinance to Impose Penalties and Interest
Action: ___ Motion X Ordinance, ___ Resolution ___ Information only ___ Other

EXECUTIVE SUMMARY

Phoenix voters approved a 3% tax on the sale of recreational marijuana at the November 8, 2016 election. The city is working with the Oregon Department of Revenue (DOR) to manage the collection, disbursement, and enforcement of the tax. As part of the enforcement of a tax on the retail sales of recreational marijuana, DOR has established a mechanism for imposing penalties and interest. Pursuant to the proposed amendment to the ordinance, penalties and interest shall accrue on all late and/or untimely payments of the tax to the maximum extent permitted by ORS 479B.710, 470B.715, ORS 314.400, ORS 305.265, and ORS 305.220.

For such penalties and interest to be collected by DOR on behalf of a city, the city must incorporate such authority into their established tax. This Ordinance modifies the recently voter-approved tax to include such penalties and interest. Voter approval is not required to make this modification to the established tax.

ADVANTAGES & DISADVANTAGES

The advantage of this Amendment is to enable more comprehensive enforcement by DOR.

FISCAL IMPACT

No negative fiscal impact is anticipated from this Amendment. It may result in a slight increase in revenue due to penalties and fees paid for non-compliance.

ALTERNATIVES

1. Approve the first reading of the proposed Amendment to impose penalties and interest.
2. Modification of Alternative 1 (please specify).
3. Refer item back to City Manager for further action (please specify).
4. Take no action.

RECOMMENDATION

Alternative 1, proposed motion:

"I MOVE TO HAVE THIS ORDINANCE AMENDMENT READ BY TITLE ONLY AND SCHEDULED FOR SECOND READING AND PUBLIC HEARING ON DECEMBER 19, 2016."

Prepared by: Ryan Kirchoff

Reviewed by: Jamie McLeod

CITY OF PHOENIX

ORDINANCE NO. _____

BY TITLE ONLY – FIRST READING

AN ORDINANCE AMENDMENT TO AUTHORIZE THE IMPOSITION OF PENALTIES AND INTEREST ON LATE PAYMENTS OF THE 3 PERCENT TAX ON THE SALE OF RECREATIONAL MARIJUANA ITEMS BY A RECREATIONAL MARIJUANA RETAILER

WHEREAS, the City Council referred to the voters a measure to approve an ordinance which imposes a tax of 3 percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

WHEREAS, the voters of the City of Phoenix cast a majority of votes in favor of the referred ordinance on November 8, 2016;

WHEREAS, the City Council finds it in the best interests of the City to amend the referred ordinance to impose penalties and interest on delinquent and/or late payments of the tax herein to the extent permitted by law, as noted in the underlined text herein.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

3.18.01. DEFINITIONS. Recreational marijuana (“Marijuana” unless otherwise specified”) item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1. Marijuana retailer means a person who sells marijuana items to a consumer in this state. Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

3.18.02. TAX IMPOSED. As described in section 34a of House Bill 3400 (2015), the City of Phoenix hereby imposes a tax of 3 percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city.

3.18.03. COLLECTION AND EXPENDITURE. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. All revenues derived herefrom shall be expended for parks, Capital Improvements, general fund and overhead incurred as a result of the tax administration.

3.18.04. PENALTIES AND INTEREST. Penalties and interest shall accrue on all late and/or untimely payments of the tax imposed herein to the extent permitted by ORS 479B.710, 470B.715, ORS 314.400, ORS 305.265, and ORS 305.220.

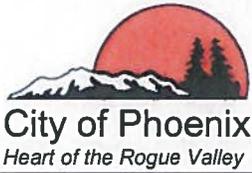
EFFECTIVE DATE OF THIS AMENDMENT. The provisions added herein by amendment to the ordinance are effective 30 days following its passage by the City Council.

PASSED AND ADOPTED by the City Council and signed by me in authentication thereof on this 5th day of December, 2016.

Mayor

ATTEST:

City Manager/Designee

**Agenda Report**

Date: December 5, 2016
To: Mayor and Council
From: City Manager
Subject: Revised Job Description and Salary Range for Planning Director
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

The current Planning Director, who has provided the city with several years of dedicated service, has given notice that he will be leaving Phoenix at the end of the year to pursue another opportunity. In order to continue to pursue economic and community development, the city needs to hire a new Planning Director who can manage the city's major upcoming planning projects, including completion of the Urban Growth Boundary Expansion.

Staff has revised the Planning Director job description to include current needs (attached), and proposed an increase in the maximum salary from \$75,000 to \$80,000 to enable a wide pool of applicants. The intended started salary for a new Planning Director would not be at the top of the salary scale, and the City Manager will return to the Council for approval of a negotiated contract.

Staff seeks Council's approval for the revised job description, revised maximum salary, and authority to begin a nationally advertised job search for a new Planning Director.

ADVANTAGES & DISADVANTAGES OF ISSUE

Hiring a new Planning Director is important for the city's upcoming major economic and community development projects.

FISCAL IMPACT

The increase of the maximum salary results in a potential increase of up to \$5,000 per year for the city; however, the starting salary for a new Planning Director is intended to be lower than the maximum.

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

ALTERNATIVES

1. Approve: 1) the revised Planning Director job description, 2) the revised maximum salary for the Planning Director position, and 3) provide authority for the City Manager to begin a nationally advertised job search for a new Planning Director.
2. Approve a modification of the proposed (please specify).
3. Refer item back to City Manager for further action (please specify).
4. Note and file information without taking further action on the item.

RECOMMENDATION

Option 1. Proposed motion: "I Move approval of approval of the revised Planning Director job description, approval of the revised maximum salary for the Planning Director position, and authority for the City Manager to begin a nationally job search for a new Planning Director."

Prepared by: Jamie McLeod



City of Phoenix
Planning Director

Job Title:	Planning Director	FLSA Status:	Exempt
Department:	Planning	Union Position:	No
Reports to:	City Manager	Effective Date:	Dec. 5, 2016
Salary Range:	\$60,000 – \$80,000		

DEFINITION

The Planning Director is responsible for directing the development and use of land within the city and urban growth boundary. The Planning Director plans, directs and oversees the land use and transportation planning, housing element, and economic development programs for the City, with accountability for results in terms of urban form and community livability, costs, personnel and methods. This position performs professional planning and design work, communicates with public in matters related to departmental activities and responsibilities, and supervises department personnel in the performance of their duties.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties are not all-inclusive and may include other responsibilities as assigned or required.

1. Oversees the city's long range and current planning. Administers the Comprehensive Plan and development codes; initiates long range planning proposal. Track statistics and metrics needed to evaluate the progress of the program. Provides weekly reports on department activities to City Manager.
2. Evaluates, develops and implements programs, policies and procedures to improve the effectiveness and efficiency of the department. Establishes departmental goals and objectives. Plans and develops departmental programs and services based on analysis of legal, social, economic, environmental and political factors, workload, and staffing levels to provide appropriate and effective planning and economic development to the community.
3. Administers land use codes including zoning, land division, transportation, annexation, manufactured housing, and planned development overlay codes. Receives, reviews and processes requests for annexation, land division, rezone, and plan amendments. Conducts necessary studies and analyses, and prepares related reports. Develops, recommends, and communicates information to the Planning Commission and City Council.

4. Assigns, supervises and evaluates work of Department personnel. Interviews applicants, and provides sound recommendations on hiring and staffing levels. Ensures provision of adequate training within department.
5. Reviews design of subdivisions, multi-family residential, commercial, and industrial development proposals and critique against municipal and state codes and professional design concepts.
6. Provides assistance to owners and developers of development projects. Assists general public by resolving complaints regarding department activities, answering their land use questions and advising them on courses of action via telephone, correspondence, and in person. Attends various community groups, professional and civic organization meetings to communicate city direction, planning programs, and policies.
7. Performs pre-application reviews which include assisting people with the completion of applications in areas including site review, subdivisions, conditional uses, variances, minor land partitions, lot line adjustments and land rezoning. Conducts field inspections of development sites.
8. Processes land use applications including preparation of staff reports with recommendations/findings and conditions of approval, in compliance with City and Oregon state land use planning requirements.
9. Develops robust and effective communication and professional relationships with city staff, businesses, property owners, business organization, community members, government agencies and others.
10. Works collaboratively with other city departments and regional partners to ensure coordinated and integrated projects. Coordinates with representatives of other organizations and agencies, assists existing/ prospective businesses in their efforts to expand/locate in City, including activities such as site location, facilities, financing alternatives, and providing information and assistance in obtaining necessary permits, licenses, zoning, and other needs.
11. Identifies potential grants to further city's goals and strategies related to land use issues. Prepares and administers grant applications and requests for proposals.
12. Attends City Council and various other meetings, providing input and receiving direction or other information. Prepares findings, resolutions, ordinances and reports for information or action by City Council or Planning Commission.
13. Promotes the safety of city staff and the general public. Follows all safety rules and procedures established for work areas.
14. Manages and performs other projects, functions, and duties as assigned by the City Manager.

HIGHLY DESIRABLE QUALIFICATIONS

1. Experience with Oregon Land Use Law.
2. Certification as a FEMA Floodplain Manager.

ESSENTIAL JOB FUNCTIONS

1. Ability to work independently.
2. Ability to read and interpret planning, zoning documents.
3. Ability to maintain good organizational skills.
4. Ability to perform multiple tasks with continuity on a consistent basis and in a timely manner.
5. Ability to use computer and commonly used software.
6. Ability to read and comprehend State and local land use laws.
7. Ability to convey information in a concise manner, both orally and written.
8. Ability to establish and maintain effective relationships with subordinates as well as other departments within the City.
9. Ability to work effectively with diverse communities.

JOB QUALIFICATIONS

1. Requires Bachelor's degree from an accredited college or university with major course work in planning or related field. Preferably five years planning experience including experience in supervisory capacity, or any satisfactory combination of experience and training which demonstrates the knowledge and skills and ability to perform the essential job duties.
2. Member of the American Institute of Certified Planners (AICP).
3. Knowledgeable in Microsoft Word, Excel, Arc View software programs.
4. Obtains within one month of hire and maintains a valid Oregon driver's license.

WORKING CONDITIONS

Usual office working conditions with occasional site inspections. The noise level in the work environment is typical of most office environments.

PHYSICAL DEMANDS OF POSITION

While performing the duties of this position, the employee is frequently required to sit, stand, communicate, reach and manipulate objects, tools or controls. The position requires mobility. Duties involve moving materials weighing up to 10 pounds on any regular basis such as files, books, office equipment, etc. and infrequently weighing up to 25 pounds. Manual dexterity and coordination are required less than 50% of the work period while operating equipment such as computer keyboard, calculator, motorized vehicle, etc.

Agenda Report

Date: December 5, 2016
To: Mayor and Council
From: City Manager
Subject: Reimbursement for Purchase of Sound System
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

Staff requests Council affirmation of a previous purchase of a sound system on behalf of the city. The system is fully functional and meets the city's need for a public address system for city events.

The need for a well-functioning city sound system (public address system) was publicly discussed during two 2015 Council meetings and at least one 2015 Parks and Greenway Commission meeting (minutes attached). Following the city's 2015 Easter Egg Hunt, Council directed staff to purchase a sound system for city events. A sound system was purchased; however, it was subsequently determined that the purchased system was insufficient and a more robust system was needed. In preparation for a pending city event, at the request of the former City Manager, Council Member Stan Bartell purchased a sound system for \$669.52 on behalf of the city (receipt attached). The purchase took advantage of a discount available to Council Member Bartell.

The sound system meets the previously discussed Council requirements for city events and has only been used for city events. The city has been using the sound system for city events since the purchase, including for the recent Holiday Tree Lighting. Council Member Bartell noted that the former City Manager had committed to reimburse him for the purchase but the payment is still outstanding.

ADVANTAGES & DISADVANTAGES OF ISSUE

Reimbursing Council Member Bartell will enable the city to own a public address system that can be used for city events, and to reimburse him based on an agreement with the previous City Manager. The need for the system was discussed at previous public meetings, as evidenced by the attached minutes, and the system has been used by the city since its purchase.

FISCAL IMPACT

Reimbursement of the system would cost the city \$669.52. Alternatively, rental of public address systems would be difficult, as music and party stores in the region do not typically rent sound systems, and could ultimately be more costly over time for multiple rentals.

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

ALTERNATIVES

1. Approve reimbursement of \$669.52 to Stan Bartell for the previous purchase of a sound system, take full ownership of the sound system for use at future city events.
2. Approve a modified reimbursement (please specify).
3. Refer item back to City Manager for further action (please specify).

RECOMMENDATION

Option 1. Proposed motion: "I move to reimburse \$669.52 to Council Member Stan Bartell for the previous purchase of a sound system."

Prepared by: Jamie McLeod

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, April 6, 2015**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, April 6, 2015 at 6:30 p.m. in the Public Works Office.

ROLL CALL

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

ABSENT: Stan Bartell

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

PLEDGE OF ALLEGIANCE

UPDATES/REPORTS:

- 1) PHURA – Mr. Dahl noted PHURA held a special meeting earlier in the day and approved the purchase of four properties. He added this information will be on the upcoming agenda for Council approval. He further added Mr. Brinkley gave an update on the Community Center/Market Hall project. Councilor Jones added Mr. Brinkley additionally gave a presentation on the wetlands.
- 2) Parks Commission – Councilor C. Bartell reported there were approximately 200 children and 100 adults in attendance at the Easter Egg Hunt held the previous Saturday. She added the Parks Commission received a lot of good comments. Mayor Bellah added a better sound system will be required for this event from now on.

PRESENTATIONS:

ODOT update on Fern Valley Interchange Project and Discussion of Trip Limits by staff - Gary Leaming gave a quick overview of the update on the Fern Valley Interchange Project. As he briefed Council he noted the southbound off ramp and northbound on ramp are scheduled to be completed by the end of the year. He concluded his presentation with reviewing a look ahead at

**City of Phoenix
Parks and Greenway Commission Meeting
Public Works Office
1000 S. 'B' Street
April 16, 2015
6:30pm**

The meeting was called to order at 6:35 by David VandeVelde

Members Present: Nancy Peterson, David VandeVelde, Dempsey Haller, Laura Bellah, Pam Cooper, Carolyn Bartell and Lyla Heigl.

Members Absent:

Visitors Present: Annie Drager, Sharon Schmidt, Cookie Webb and Carolina (Community Kitchen)

Staff Present: Theresa Syphers, Secretary

Approval of Minutes

Laura made a motion to accept the minutes of the January 13th meeting. Nancy seconded the motion. The motion passed with Pam abstaining.

Citizen Comments

There were none.

New Business

Dave moved c) Bee City USA up on the agenda.

a) Bee City USA

Dave asked Sharon Schmidt to introduce herself and the Bee City USA Program to the commissioners. Sharon shared with the commissioners a little about herself and her background and why she was interested in the City becoming a Bee City USA City. She also explained how Bee City USA came to be. Theresa referred the commissioners to the information she had put together for them regarding Bee City USA, the application and the resolution for the city she prepared. There was discussion and questions from the commissioners. Sharon introduced Annie Drager and Cookie Webb who were also interested in the city becoming a Bee City USA city. Dave shared that Sharon had presented this to the City Council and she was asked to present it to the Parks Commission for their recommendation. Nancy asked if this meant the City would be endorsing backyard beehives. Dave explained that the municipal code already allows for 2 hives. There was discussion. Carolyn stated she thought education was a large part of being a Bee City USA city. There was discussion. There was continued discussion regarding the municipal code and if and when changes affecting beehives would need to be made. Sharon Schmidt reported that the State of Oregon was working on bee keeping best practice management and she was hoping to be a part of that discussion. Laura said she thought is sounded like a wonderful idea and wondered what Medford's thoughts on the issue were. There was discussion regarding the differences between the Bee City USA initiative and city ordinances on beekeeping. Lyla said she thought the Parks Commission was a good vehicle for bee education. Discussion continued. Carolyn said she thought during Parks Commission activities would be a good time to have a booth for bee education. Carolyn also reported that the City Manager thought Theresa would be a good fit for the Bee City

USA city liaison with Theresa saying she was willing to be the city liaison and secretary. Pam she was concerned with making a recommendation without more information and discussion. Carolyn reported what was presented to the City Council and why this issue was forwarded to the Parks Commission. There was discussion with Pam saying she felt more comfortable making a recommendation after hearing what was presented to the City Council. Laura made a motion stating "The Parks Commission accepts going forward with the Bee City USA application and looking at the municipal code addressing bee keeping." The motion was seconded by Dempsey and passed unanimously. Theresa asked if the commissioners wanted a formal recommendation forwarded on to the City Manager. Carolyn said she would let the City Manager and the City Council know the Parks Commission was moving forward with the Bee City USA application. The commissioners agreed that was all that would be needed. Theresa said she would send the application off as soon as the resolution was passed by the City Council.

b) Welcome to Summer Community Dinner

Carolina, with the Community Kitchen reported that the Parks Commission and the Community Kitchen would not be working together this year due to planning issues faced in putting the event together. There was discussion. Carolina reported the Community Kitchen would be having a Welcome to Summer dinner at the church on June 11th. Carolyn reported the City Council was interested in the Parks Commission helping with a volunteer recognition in September. There was continued discussion regarding the event. Dave asked that the item be put on the next agenda for further discussion and planning for 2016. Before Carolina left the meeting she said she heard nothing but positive feedback from children and parents about the East egg hunt.

Discussion ensued regarding parking at Blue Heron Park and Urban Renewal. There was more discussion about volunteer appreciation and where to hold it. Dave brought the meeting back to the items on the agenda.

c) Dog Days

Discussion started with commissioners commenting on what they wanted to see at Dog Days for this year. Discussion continued on with Laura suggesting a Dog Days sub-committee be formed. She said she would be on it. Dave and Lyla also said they would be on the committee. The date for Dog Days of Summer was set for July 25th from 10am – 1pm at Colver Rd Park. Theresa said she would fill out the required parks reservation form and get the event on the calendar. The commissioners brought up ideas for this year's event. The list included the dog story reader, friends of the animal shelter, Humane Society and the Phoenix Animal Clinic. There was discussion. Lyla gave Theresa a \$10 donation she received at last year's dog days. Theresa said she would make sure the money got to the Finance Director. The sub-committee meeting was set for May 13th. Laura said she would report on their meeting at the next regular Parks Commission meeting.

Carolyn reported volunteers were needed for the High School Parade planning.

Unfinished Business

a) Easter Egg Hunt Recap

The commissioners discussed what worked well and what didn't at the event. They were in agreement that the city needs to purchase a PA system as the megaphone did not work well. Carolyn said the City Manager was already looking into it. There was continued discussion. Dave asked each commissioner for comments about the event.

Nancy

Need PA system
Shorten set up time
More cheer leaders for face painting
Color coded tickets
Larger signage
Bubble machine
Extra people on field
String instead of chalk for marking boundaries
Games afterward

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, June 15, 2015**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, June 15, 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
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

SWEARING IN OF NEW VOLUNTEER OFFICERS:

Chief Bowker announced there are three new reserve officers for the City. Following a brief introduction, he requested Joshua McOmer, Matthew Curtis, and Shawn Deboer come forward. Chief Bowker performed the swearing in of the three appointed reserve police officers.

PRESENTATIONS:

Update on Phoenix Library by Jody Fleming. Ms. Fleming expressed her gratitude for having the library hours posted on the City website. She noted the Library is involved with the Dogs Days of Summer. She further stated she would like to have the Library involved in more City events. Ms. Fleming further announced upcoming events at the Library.

UPDATES/REPORTS:

- 1) Urban Renewal – Mr. Dahl noted a meeting was held the prior Tuesday and briefly updated Council regarding the actions that took place. He added a meeting with the Jackson County Housing Authority is scheduled for Wednesday, June 17, 2015. Additionally, he commented on Urban Renewal cleaning out the garage to use lawnmowers for the lots that Urban Renewal is purchasing along Main Street. Additional discussion followed.
- 2) Parks Commission – Councilor C. Bartell gave an update on the Dog Days of Summer event to be held on July 25, 2015. Additionally, she noted the Parks Commission is requesting an item be placed on the upcoming agenda to approve some maintenance needs and upgrading

at Blue Heron Park and Colver Park. She also gave a brief update on the City becoming an official Bee City. She announced the City has a sound system on order for City events. Councilor C. Bartell also announced a new event being discussed having a water event called Phoenix Water Night to be held at Blue Heron Park sometime in July or August. Further discussion followed.

PUBLIC HEARINGS:

- 1) Approve a Resolution Adopting the FY 2015/16 Budget. Mayor Bellah declared the public hearing. Mr. Weber explained this budget was approved by the Budget Committee on May 20, 2015. He briefly summarized the overall budget. Further discussion followed.

Mayor Bellah opened the Public Hearing at 6:52 p.m.

THOSE IN FAVOR OF THE FY 2015/16 BUDGET:

No one spoke in favor of the FY 2015/16 Budget.

THOSE IN OPPOSITION TO THE FY 2015/16 BUDGET:

No one spoke in opposition to the FY 2015/16 Budget.

Mayor Bellah closed the public hearing at 6:53 p.m.

COUNCIL DELIBERATION:

MOVED BY LUZ, SECONDED BY C. BARTELL, TO ADOPT RESOLUTION NO. 927, ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND AUTHORIZING FUND TRANSFERS AND LEVYING AND CATEGORIZING TAXES FOR FISCAL YEAR 2015/16 FOR THE CITY OF PHOENIX. 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) Approve a Resolution Declaring the City's Election to Receive State Shared Revenues. Mayor Bellah declared the public hearing. Mr. Weber explained the requirements to receive state shared revenue.

Mayor Bellah opened the Public Hearing at 6:55 p.m.

THOSE IN FAVOR OF THE RESOLUTION:

No one spoke in favor of the Resolution.

THOSE IN OPPOSITION TO RESOLUTION:

No one spoke in opposition to the Resolution.

Mayor Bellah closed the public hearing at 6:56 p.m.



MEDFORD
 2570 Crater Lake Hwy
 Medford, OR 97504
 541-772-8366

Sales Date : 07-13-15
 Sales No. : 2420555959
 Sales Type : (01) REGULAR SALE
 Customer No.: 2420116221 STAN BARTELL



QTY	DESCRIPTION	EXT. AMT
1	DEMO ALTO PRO TS112H ACTIVE 600W 2WAY 12IN SPRK W/ SER# UT1206102700E11 SKU # 8994415242	249.97
1	POPA NEW 36 HD ADH REPAIR PLAY SKU # 7323083000	59.99
1	SHURE BLX24/PC58A8 BLX HLD WIRELESS SYS W/ PC58 C SKU # 4776114000	239.99
1	POCA NEW 36 HD ADH REPAIR PLAY SKU # 3512000000	69.99
1	PROLINE MS220BK TRIPOD BOOM MIC STAND BLK SKU # 1968958000	31.99
1	MONSTER 600500 CLASH 10FT CLSC XLR MIC CABLE SKU # 7151649000	17.59

ORIGINAL PURCHASE HAD FRIENDS AND FAMILY COUPON COUPON
 #6840A602NUMFZZT OKAY PER BILL Ticket 2420666956 has a
 remaining credit balance of \$ 50.41

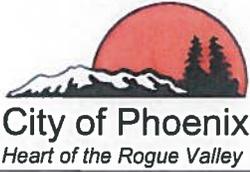
Referencing Sales Ticket 2420666956

PAY TYPE	PAY AMT	Subtotal:	669.52
13 USE OF CREDIT ON ACCOU	669.52	Tax:	0.00
		Total:	669.52

Please Note: "NO" RETURNS ON OPENED SOFTWARE
 THANK YOU FOR SHOPPING AT GUITAR CENTER!
 Cashier: 074726 074726 JESSE B.
 078081 SAMUEL J. C.

Thank You for Shopping at Guitar Center!!!

Buy Online Now at www.guitarcenter.com
 Or call 1-866-498-7882

**Agenda Report**

Date: December 5, 2016
To: Mayor and Council
From: Jamie McLeod, City Manager
Subject: Training for new Council Members
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

The three newly elected Council Members and newly elected Mayor will begin their public service roles on January 2017. The new Council Members include Sarah Westover, Stuart Warren, and Terry Baker. The newly elected Mayor is current Council Member Chris Luz.

Staff is preparing a series of city "basic training" modules throughout December to familiarize the new Council Members with the city's services, processes, and legal obligations (schedule attached). The current Mayor and City Council will also be meeting with the newly elected Council Members in a study session on December 13, 2016, at 6:00 pm in the Public Works Building at 1000 S. B Street.

ADVANTAGES & DISADVANTAGES OF ISSUE

Preparing the new Council Members will provide for a smooth transition to new leadership for the city.

FISCAL IMPACT

Approximately 80 hours of staff time and materials costing approximately \$3,500.

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

Prepared by: Jamie McLeod

New Council Member – Training & Meetings

December

- Overview of city processes, preparing for meetings
- Dec. 5 – Council Meeting 6:30~8:30 @ 1000 S. B St.
- Public Works services, the city Budget
- Oregon land use planning & role of planning in municipal government, Public Safety

- Dec. 12 – Joint Study Session: City Council & Planning Commission 6:00~8:00 pm @ 1000 S. B St.
- Dec. 13 – Study Session: City Council & future Council Members 6:00~8:00 pm @ 1000 S. B St.
- Legal compliance issues, Urban Renewal & economic development
- Dec. 14 – Phoenix Urban Renewal Authority (PHURA) Board meeting 6:30~8:00 pm @ 157 S. Main St.

- Dec. 19 – Council Meeting 6:30~8:30 @ 1000 S. B St.
- Public Works systems, Public Safety programs
- Meeting protocol, strategic planning process, working with the media (tentative)
- Ride along with a Police Officer (if interested)

January

- Jan. 3 – Council Meeting 6:30~8:30 @ 1000 S. B St.- swearing in ceremony
- Jan. 17 – Council Meeting 6:30~8:30 @ 1000 S. B St.
- Jan. 30 – Rogue Valley Council of Governments @ RV-COG, Central Point

February

- Feb. 6 – Council Meeting 6:30~8:30 @ 1000 S. B St.
- Feb. 16 – League of Oregon Cities training for new Council Members, 8:30 am-6:00 pm @ Central Point
- Feb. 21 – Council Meeting 6:30~8:30 @ 1000 S. B St.

**City of Phoenix
City Council Executive Session/Meeting
Public Works Office
1000 S. "B" Street
Monday, November 21, 2016**

CALL TO ORDER

Mayor Jeff Bellah called the executive session of the City Council to order on Monday, November 21, 2016 at 6:00 p.m. in the Public Works Office.

ROLL CALL

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

Mayor Bellah confirmed the absence was excused.

Staff Present: Jamie McLeod, City Manager
Janette Boothe, Finance Director/City Recorder
J. Ryan Kirchoff, City Attorney

Mayor Bellah convened into executive session at 6:00 p.m. under ORS 192.660 (2)(h), which allows the City Council to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session and convened into a general session at 6:30 p.m.

ROLL CALL OPEN MEETING

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

Mayor Bellah confirmed the absence was excused.

Staff Present: Jamie McLeod, City Manager
Janette Boothe, Finance Director/City Recorder
Matt Brinkley, Planning Director
Ray DiPasquale, Public Works Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS

a. Confirmation of a quorum

Mayor Bellah confirmed a quorum, noting that Councilor Snyder was excused.

b. Report out on closed session

Following the executive session, Mayor Bellah gave an overview of what was discussed. A business in Phoenix has not paid their occupancy tax. Council instructed the staff to draw up an agreement with the business.

c. Introduction of newly elected Council Members

Mayor Bellah introduced three new council members who will be sworn in at the January 3, 2017 meeting: Sarah Westover, Stuart Warren, and Terry Baker. Staff are working with council to plan a December meeting with the current and future councilors to discuss plans and priorities for the upcoming year.

Mayor Bellah also noted the businesses on a section of Grove Road from the freeway to the truck stop do not have adequate street lighting. He asked the Public Works Director to ask the Oregon Department of Transportation (ODOT) if they are willing to pay for streetlights. Council directed staff to talk to ODOT and come back with options for streetlights in the area.

PUBLIC COMMENTS

1. Priscilla Atkin, a member of the Planning Commission and resident of Phoenix, spoke on her own behalf on two items. First, she added to the Mayor's comments about street lights along Grove Road. She stated she lives in that area and visibility is very limited after dark. Second, Ms. Atkin noted her appreciation for the resolution on the agenda which emphasizes that Phoenix will continue to be a safe and welcoming community. She suggested a sign or banner with similar wordage that welcomes people driving off the Fern Valley Interchange into Phoenix.

UPDATES/REPORTS:

1) Phoenix Urban Renewal Agency

Al Muelhoefer, Chairperson of the Phoenix Urban Renewal Agency (PHURA), spoke on four items. First, he thanked everyone who came to the plaza design open house on November 16, 2016 at the Phoenix library. There were 41 attendees. The plaza architects, Kistler, Small, and White (KSW), gathered written responses from the public on the proposed final plaza building design. Mr. Muelhoefer said overall, people were pleased with the design and ready to move forward with the project. KSW will meet with the design committee on Wednesday, November 23, 2016 to discuss the feedback. The next phase of the project is to gather cost estimates. The PHURA is planning to have construction start on the plaza building in February of 2017.

Mayor Bellah confirmed the plaza project was presented to the public as including the plaza itself as well as the building. Mr. Muelhoefer clarified the primary goal is to complete the plaza building, followed by a plaza in the future.

Councilor C. Bartell inquired if the landscaping and other aspects of the project will be bid upon at the same time. Mr. Brinkley responded yes, both the plaza and building will be in the same bidding process.

Second, Taylor Elements, owned by Kyle Taylor, has bought the property at 170 S Main. The PHURA is expecting payment between January and March of 2017. The Planning Commission will see what Kyle Taylor's plans for the development of the property are.

Third, an offer has been received on the Home Power building. The PHURA board will make an offer back after their meeting on Wednesday, November 23, 2016. Mr. Brinkley is contacting the surveyor on November 22, 2016 to process lot line adjustments. Fourth, Mr. Muelhoefer, based on his discussions with the new City Manager, plans to brief the three new councilors on Urban Renewal projects at an appropriate time.

3) Urban Growth Boundary Amendment Work Plan

This item was moved up in the agenda by Mayor Bellah.

Over the past two years, Phoenix has been involved in long range planning projects intended to improve outdated planning documents and decision making capacity as well as prepare an application to amend the City's Urban Growth Boundary (UGB). The City has recently adopted a new Transportation System Plan (TSP) and is drafting updated Housing, Economic, and Land Use Elements for its Comprehensive Plan. Phoenix's conceptual land use and transportation plans were done in conjunction with the Oregon Department of Conservation and Development (DLCD) and 1000 Friends of Oregon.

The housing needs assessment, completed by ECONorthwest in April 2016, focused on population growth, current housing inventory, and other factors. Phoenix will need an additional 100 acres of buildable residential land to expand into as the city grows. This land can be found in PH-5 and PH-10. On December 12, 2016, the Planning Commission and City Council will have a joint meeting to go over the Transportation Growth Management Program (TGP). The buildable lands inventory for residential land within the city has been completed.

A recent first draft of a Local Economic Opportunity Analysis (LEOA) has been completed by ED Hovee and Associates. This LEOA addresses changes in the economy since 1998, historical analyses of local business licenses, regional trends, state trends, national trends, and the anticipated need for additional employment lands. Next steps will include updates to the Comprehensive Plan, with anticipated completion in February of 2017.

4) Parks and Greenway

The Parks Commission has concluded their yearly meetings for 2016. They will present their annual report at the December 5, 2016 meeting.

5) Phoenix Chamber of Commerce Update on Calendar Format

A local business, Summit Brewing, has bought the back page of the calendar. Because of this, there will no longer be a two-inch extension at the bottom of the calendar. Instead, the City of Phoenix will be on the front page of the calendar, not sharing space on the two-inch extension. The goal of the calendar this year is to get as many local businesses involved as possible. Calendars will be printed in the second week of December. The local boyscout group will be delivering the calendars on January 7, 2017. No formal motion was needed as this was an informational item. Further discussion followed.

CONSENT CALENDAR:

1) Approve city support for Holiday Tree Lighting

It was clarified that this event is being co-sponsored by the city. The amplified sound fee of \$25 has therefore been waived. Public works staff time will be used for installing the tree and hanging the lights. The City of Phoenix will waive Rite Aid's November 2016 water bill in exchange for Rite Aid allowing the use of their electricity for the holiday tree. Reserve police

officers will drive Mr. and Mrs. Clause to the event. Council collectively approved the use of resources with the city being a co-sponsor for the event.

2) Approve Council meeting dates for 2017

Council approved the 2017 meeting dates with a clarification on the meetings falling on holidays, including President's Day and Martin Luther King Jr. Day being held on the following day (Tuesday).

3) Confirm situation-specific payout of one week of Finance Director's vacation time

Council confirmed the City Manager's Approval of a situation specific payout of a week of the Finance Director's vacation, reaffirming with the City Manager that this should be an exceptional occurrence.

4) Confirm approval of banner for Science Works event

Council approved the banner and directed the City Manager to bring a proposed process to council at a later date. Mayor Bellah suggested the Public Works Director decide at a later date if having Public Works install and take down banners is more cost effective for the city, taking into account the cost of equipment to do so. Further discussion followed.

5) Update on training available for newly elected Council Members

There will be three training sessions in December for the newly elected council members. One is the joint study session with City Council and the Planning Commission. Two separate staff led trainings will also take place on topics such as legal issues, planning, finance, public safety, and public works. Department directors will provide overviews to the new councilors. On February 16, 2017, the new council members are invited to attend the League of Oregon Cities budget training.

6) Update on City of Phoenix planning grants

Staff provided information regarding grants the city is utilizing in response to a request from council. Councilor Luz asked the City Manager to director staff to update the report to reflect, on a quarterly basis, grants applied for and those in the process of being applied for.

7) Approve City Council minutes for November 7, 2016

8) Acknowledge Planning Commission minutes for September 12, 2016

9) Acknowledge Planning Commission minutes for October 10, 2016

10) Acknowledge Planning Commission minutes for October 24, 2016

In one motion, council approved minutes from November 7, 2016 and acknowledged Planning Commission minutes from September 12, 2016, October 10, 2016, and October 24, 2016. Councilors C. Bartell and S. Bartell received a recording of the November 7, 2016 meeting from staff and reviewed the written minutes prior to the November 21, 2016 meeting. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE CONSENT CALENDAR AS PUBLISHED.** 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) Renewal of Lease Agreement with Fire District 5

City Attorney Kirchoff said the next step will be to meet with the Fire District 5 board chair and discuss details of the lease agreement, working toward a final draft. Mayor Bellah suggested aiming to have the lease agreement in a final form by the end of 2016. Council expects Fire

District 5 will pay for insurance for the property. However, they requested clarification regarding expectations for maintenance of the building and property in the lease agreement. Council concluded this item was more informational than needing a motion.

2) Process for collection of retail marijuana sales tax

On November 8, 2016, Phoenix voters passed a ballot measure enabling a 3% tax on sale of recreational marijuana and providing for administration of its collection. The City Attorney suggested putting this item on the next agenda with a resolution that can draw on the ordinance passed for the ballot measure. The ordinance itself will not take effect until the start of 2017. Councilor Sophie asked when the state disperses the funds from taxes collected. Attorney Kirchoff responded taxes are collected quarterly and funds are dispersed annually.

3) Testing for lead and copper in drinking water

The city has been conducting ongoing, voluntary water testing above and beyond what is required by the state (the Oregon Health Authority's requirement is to test the water in twenty older homes [built between 1982 and 1991] every three years). Recent test results indicate that unsafe levels of lead and copper are not an issue of concern in the city's drinking water. Staff recommended reducing testing to state requirements and testing on an as-needed basis, at the discretion of the Public Works Director. **MOVED BY C. BARTELL, SECONDED BY LUZ, TO REDUCE THE TESTING OF DRINKING WATER TO OHA REQUIREMENTS AND AN AS-NEEDED BASIS, AS DETERMINED BY THE PUBLIC WORKS DIRECTOR.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

NEW BUSINESS:

1) Options to update city's Water System Master Plan

The City of Phoenix's Water System Master Plan (WSMP) is ten years old. Updating the WSMP would allow for a plan which more accurately reflects the infrastructure and systems in place today. The project will include but is not limited to reviewing, analyzing, and identifying gaps in Phoenix's existing Water Master Plan, evaluating current drought response plans, analyzing Public Works staffing needs, and evaluating existing and future conservation programs. The city needs to perform a comprehensive analysis of its water distribution system and identify deficiencies and possible future water requirements in order to provide for future system expansion. An update should include an evaluation of the Talent-Ashland-Phoenix (TAP) agreement. There was general discussion of council concerns regarding water supply. The mayor and council suggested wrapping the update to the WSMP into the next budget cycle.

2) Resolution Changing the Signatories for City Checks

In preparation for transition of council members, the Mayor, and the newly hired City Manager, Council was offered two options in regards to changing the signatories on city checks: replacing the Planning Director with the current City Manager and replacing a departing Council member with a current Council Member that will remain on the council in 2017, or only replacing the Planning Director (former interim City Manager) with the City Manager. In order to provide the maximum number of signatories, Council chose to replace both the Planning Director and departing Council Member as signatories. **MOVED BY C. BARTELL, SECONDED BY LUZ, TO APPROVE RESOLUTION NO. 974, REPLACING THE PLANNING DIRECTOR WITH THE CITY MANAGER AND (2) REPLACING COUNCIL MEMBER CAROLYN**

BARTELL WITH COUNCIL MEMBER CHRIS LUZ, ESTABLISHING CITY OFFICIALS FOR THE PURPOSE OF SIGNING CITY CHECKS ON BEHALF OF THE CITY FOR FUNDS.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

3) Outstanding water bills from closed accounts

Delinquent water accounts comprise a significant amount of outstanding balance for the city. Pursuant to local ordinance 13.16.020, all water and sewer services charges are liens against the premises served from and after the date of billing and entry in the city lien docket. After council discussion regarding outstanding bill payments on closed water accounts, council directed staff to review the current process for delinquent water accounts and come back with a proposed process after January of 2017. Mayor Bellah suggested checking with other cities to see what their process is regarding delinquent water accounts. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY LUZ, TO DIRECT STAFF TO REVIEW THE CURRENT PROCESS FOR CLOSED WATER ACCOUNTS AND PROPOSE A MODIFIED PROCESS AFTER JANUARY 2017.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

4) Resolution on City's Commitment to Being a Safe and Welcoming Community

Mayor Bellah noted he will include this theme in his newsletter. Council proposed a minor modification to clarify the resolution is not intended to be political, changing the last "whereas" from "during a time of political transition at the federal level" to "during a time of transition." Council unanimously expressed support of a reaffirmation of an ongoing commitment to Phoenix being a safe and welcoming community. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE RESOLUTION NO. 975, AND DIRECT STAFF TO SHARE THE SIGNED RESOLUTION WITH COMMUNITY CONSTITUENTS.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

STAFF REPORTS:

1) City Attorney's Report:

The City Attorney had nothing to report for the open meeting.

2) City Manager's Report:

The City Manager noted that the Public Works Director indicated that there would be no anticipated lane closures along 1st Street during the week of November 21.

The City Manager noted she is working on a modification to the action log, finalizing a job description for Planning Director, and that recruitment will take place as soon as possible once a

job description has been approved. She also recognized the 123 officers who have been killed nationally in the line of duty.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Mayor Bellah brought up the stop signs at the intersection of Grove Road and Fern Valley Road.
- 2) Councilor Helfrich requested council direct the city manager and staff to request an accident history for the “road diet” from the police chief. It was emphasized that it does not make sense to do data collection until the interchange itself is fully completed. Further discussion followed and this item was referred back to staff to put on the agenda for the next meeting.
- 3) Councilor Luz announced the tree lighting on November 26 by Rite Aid. He reaffirmed the request to staff to look into grants and report to council quarterly on ones applied for.
- 4) Councilor Sophie announced the MPO meeting on Tuesday, November 22, as well as noting the upcoming Oregon Transportation Commission meeting.
- 5) Councilor S. Bartell said he liked the agenda layout for the meeting.

In response to a question from Councilor Helfrich, Lieutenant Price noted the intersection at Bolz Road by the post office has a flashing left turn lane which makes visibility difficult when sitting opposing the other turn lanes. The Public Works Director said that is something which can be petitioned to have changed.

Mayor Bellah requested staff confirm the certification of election results on the next agenda.

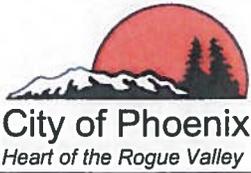
The meeting adjourned at 8:55 P.M.

Respectfully submitted,

Attest:

Sarah Lind
Administrative Coordinator

Janette Boothe
Finance Director/City Recorder

**Agenda Report**

Date: December 5, 2016
To: Mayor and Council
From: Ray DiPasquale, Public Works Director
Subject: Fern Valley Road and Grove Road Intersection Traffic Controls
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

Multiple recent changes to traffic control at the Fern Valley Road and Grove Way intersection have created confusion and raised concerns about safety, noise and air quality. Given the unique evolution of this issue, staff is seeking Council direction on whether to maintain the existing two-way stop signage or request the Oregon Department of Transportation (ODOT) to reestablish the four-way stop signage.

The ODOT Fern Valley Interchange (FVI) project, which began in 2013, changed the configuration of the roads on the east side of the interchange. Prior to the FVI project, Fern Valley Road extended over Interstate-5 (I-5). After the FVI, Fern Valley Road ended prior to the new I-5 off-ramp. Traffic on westbound Fern Valley Road now accesses I-5 by turning right on Grove Way and left onto the newly configured Phoenix Road. Given that eastbound traffic from I-5 no longer needs to pass through the Fern Valley Road and Grove Way intersection, traffic volumes at the intersection have reduced.

The intersection of Fern Valley Road and Grove Way has been under ODOT jurisdiction as right-of-way access (previously) to an I-5 off/on ramp. However, once the FVI project is complete, ODOT will turn over jurisdiction of the intersection to the city given the change in road configuration. ODOT owned and maintained the (former) traffic light at the intersection, and offered to retain the traffic light if the city took on the maintenance costs. In early 2015, the former city manager asked ODOT to remove the traffic light at the intersection of Fern Valley Road and Grove Way as part of the interchange improvement. For an interim period, the traffic light was changed to a flashing four-way stop. ODOT removed the light signal and installed the current signage for a two-way stop about two months ago, in consultation with the city, to achieve more efficient intersection operations and minimize large truck start/stop patterns. Traffic on Fern Valley Road must stop at the intersection while traffic on Grove Way may pass through the intersection without stopping.

The change of traffic controls has caused confusion for drivers. This has raised concerns, especially given the mix of large truck and passenger vehicle traffic involved. The intersection provides access to a semi-truck sales business, a gas and diesel station, an RV park, and a residential community. Residents and businesses in the vicinity of the

intersection have expressed concerns with the changes and the current traffic controls, including safety (vehicles speeding through the intersection), air quality (trucks and cars stopping, idling, and accelerating on all four approaches), noise pollution (large semi-trucks braking and accelerating), and intersection delays.

In response, staff has reviewed the current configuration, discussed the issue with ODOT and businesses, and observed vehicles travelling through the intersection. While a warrant analysis for amending the intersection control conditions has not been reviewed, staff has considered the operational efficiencies, safety, pollution impacts (noise and air quality), and community input. Police reports indicated traffic accidents in 2013 (with a traffic light), no accidents in 2014 or 2015, and a recent accident in 2016 (no signal).

Staff has concluded that both the two-way stop signage and the four-way signage options enable the intersection to operate in a relatively effective manner. However, the four-way signage option represents a higher order of intersection control, but is a lower order of control than a signalized intersection. ODOT has offered to reestablish a four-way stop.

In either case, there are several opportunities for improvement of the intersection, including additional signage in advance of the intersection to provide advance warning of the traffic control modifications, additional pavement marking modifications (restriping), and even reconstruction of the intersection proper to better facilitate the flow of larger traffic. Regardless of the current decision, staff recommends re-assessing the intersection operating capacities and conditions as the vacant parcels in the immediate vicinity of the intersection are developed.

ADVANTAGES & DISADVANTAGES OF ISSUE

Advantage of a four-way stop include clarification of operational controls at the intersection and a higher order of control than a two-way stop. Disadvantages include negative impacts to air quality (due to trucks and cars stopping, idling, and accelerating on all four approaches), noise pollution (due to semi-trucks braking and accelerating), and an increase in overall intersection delays given that all vehicles will have to come to a complete stop.

FISCAL IMPACT

ODOT has expressed their willingness to install two additional signs, creating a four-way stop. Costs associated with the intersection control modifications are estimated at \$3,500 (materials, equipment and labor) for thermoplastic pavement marking materials and some additional signage beyond that proposed by ODOT.

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

ALTERNATIVES

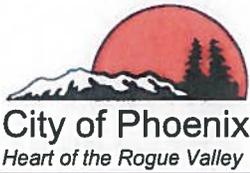
1. Request ODOT to re-establish a four-way stop at the intersection and install additional signage and restriping, as deemed appropriate by the Public Works Director, and work with ODOT to reconstruct the intersection proper to better facilitate the flow of larger traffic.
2. Leave the existing two-way controls in place but continue to monitor the intersection conditions, accident data, speed violations, and public commentary relative to the vehicular movements and operational conditions at the intersections and revisit this issue at a later date, such as after completion of the FVI project.
3. Leave the existing two-way controls in place.

RECOMMENDATION

Option 1. Proposed motion: "I move to request ODOT to to re-establish a four-way stop at the intersection and install additional signage and restriping, as deemed appropriate by the Public Works Director, and work with ODOT to reconstruct the intersection proper to better facilitate the flow of larger traffic."

Prepared by: Ray DiPasquale

Reviewed by: Jamie McLeod

**Agenda Report**

Date: December 5, 2016
To: Mayor and Council
From: Ray DiPasquale, Public Works Director
Subject: Main Street Road Diet – Short Term Striping Remedies
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

In late 2015, Main Street and Bear Creek Drive were reduced from two to one lane each for a program referenced as a “road diet.” Members of the public and local businesses have opined on the modification since it was completed.

At the November 7, 2016 Council meeting, staff provided a work plan for an assessment of Main Street and Bear Creek Drive lane reduction. Council directed staff to conduct the assessment and report the findings to the Council by the summer of 2017. Council also asked if interim measures could be taken to address some noted impacts prior to completion of the study.

Staff reviewed options to remedy potential confusion for drivers on Main Street turning right onto side streets. The potential confusion is based on the double white line that separates the bike lane from the driving lane.

One short term solution is to create breaks in the bike lane striping to indicate that vehicles may temporarily use the bike lane as a turn lane in the 50-feet before a side street, if no bike is present (see attached diagram). This modification is only possible for southbound right-turning vehicles onto side streets where bulb-outs do not currently exist. These opportunities exist at the intersections of Main Street with First Street and Fourth Street.

ADVANTAGES & DISADVANTAGES OF ISSUE

Advantages include clarification of permissible vehicular movements along the corridor. Disadvantages include a modification to current operating parameters which can, in some cases, create short term driver recognition concerns.

FISCAL IMPACT

Costs associated with the striping modifications are estimated at \$2,000 for standard pavement striping materials (not thermoplastic materials). This includes materials, equipment, and labor.

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

ALTERNATIVES

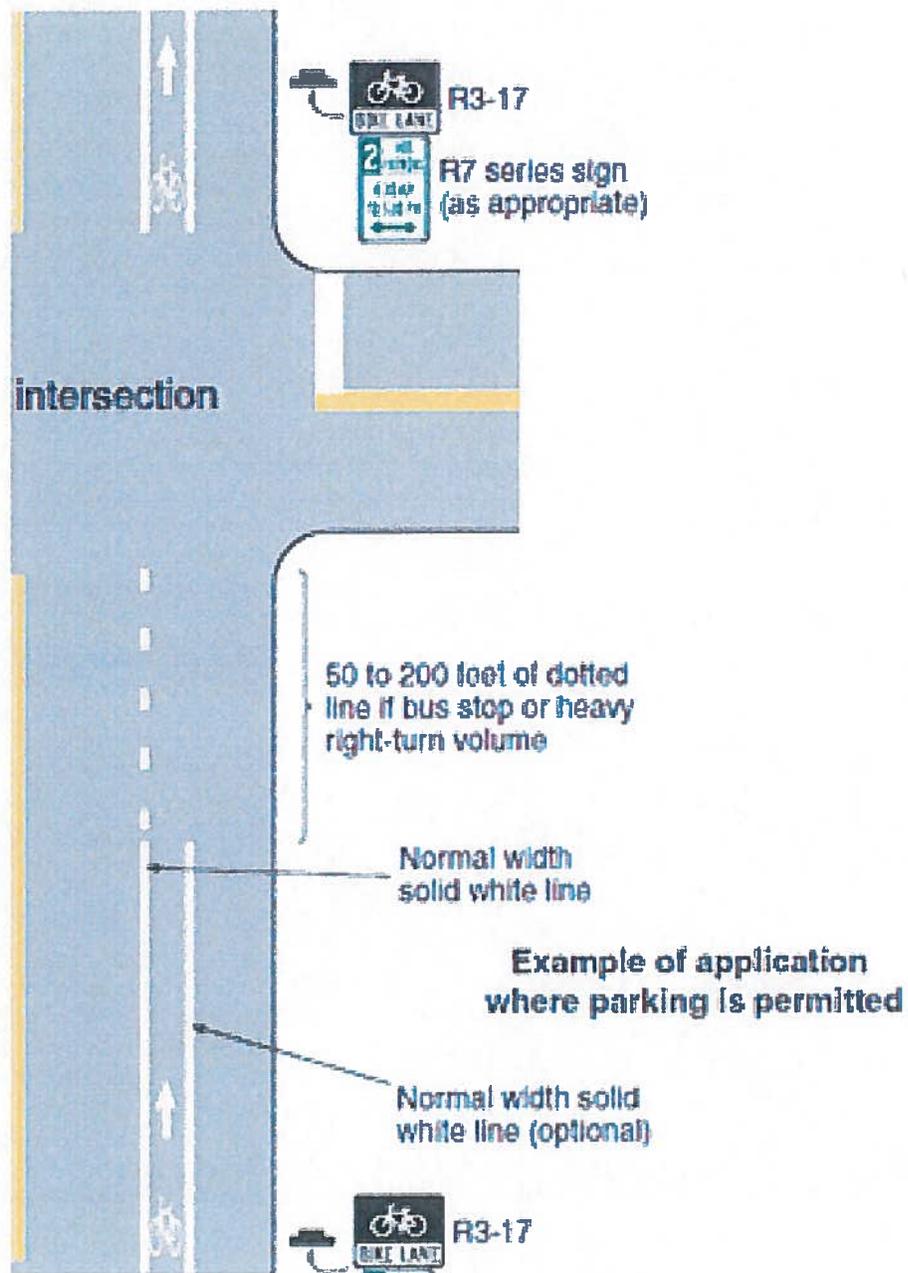
1. Direct staff to modify striping as described above.
2. Leave existing striping in place.
3. Refer item back to City Manager to expand the intersection modification scope to a more extensive solution.
4. Note and file information without direction further action on the item.

RECOMMENDATION

Option 1. Proposed motion: "I Move to direct staff to modify the striping at the intersections of Main Street and Fourth Street and Main Street and First Street in accordance with the diagram provided."

Prepared by: Ray DiPasquale

Reviewed by: Jamie McLeod





City Council Memorandum

To: City Council
From: Matt Brinkley, Planning Director
Re: Work Plan for assessment of Main Street and Bear Creek Drive lane reduction
Date: November 7, 2016

Overview

In late 2015, Main Street and Bear Creek Drive were restriped reducing both roads from 2 vehicular travel lanes to 1. The lane reduction allowed for the addition of bike lanes on both roads. The project occurred during the final year of ODOT's Fern Valley Interchange project and Urban Renewal's south couplet pedestrian crossing and downtown "Phoenix Plaza" infrastructure projects.

The lane reduction was originally conceived during the Urban Renewal "Market Hall Study" planning process which analyzed the feasibility of developing a community events and activities center (a "community center") on the east side of Main Street and the construction of related public infrastructure and other facilities (including a previously planned wetland park and extensions of 2nd and 3rd streets). Design of the road system was considered in the context of this facility and creating a walkable downtown.

At the time, transportation consultant David Evans Associates was contracted to evaluate several alternative traffic and street design configurations for Main Street and Bear Creek Drive between 5th Street to the north and Oak Street to the south. A steering committee consisting of City and Urban Renewal staff and members of the community directed the study, and several public meetings were conducted. Of the different alternatives, the one lane configuration was determined to best meet the project goals that were established through that process. The final design was presented at a public open house conducted on April 17, 2015. Additional modeling and analysis was conducted by DEA in the spring of 2015 after final design was completed. The purpose of that study was to confirm that 1) gapping would be sufficient to allow pedestrian and vehicular east and westbound travel on 4th and 1st Street and 2) to address the operation of one lane on Main Street with parallel parking on the east and west sides of the street.

Key Considerations

Several factors need to be addressed in any thorough and objective assessment of the operation of the current configuration of these roads. First, the configuration needs to be evaluated within the context of the City's overall community development goals for its city center. Phoenix has a history of planning for downtown redevelopment going back to (at least) 1997 with the City Center element of its Comprehensive Plan. Traffic calming and management were identified as concerns in that and subsequent amendments to that plan, and the City's Transportation System Plan has also



City Council Memorandum

addressed this issue. These plans, and the Market Hall Study, all attempted to answer the question “What transportation systems will best support the development of downtown Phoenix as a walkable, mixed use city center?” Any subsequent analysis would be incomplete without similar consideration—particularly if Phoenix is truly committed to the success of its significant investment in its downtown. Factors to be considered include

- Pedestrian ease of use, convenience, and safety for individuals with various levels of mobility
- Ease and convenience of use of on street parking
- Accommodation of streetscape improvements
- Support of multimodal travel including bicycles and public transportation
- Compatibility with current and future development and downtown commercial activity

The actual operation and function of the one lane configuration can be objectively evaluated from the perspective of traffic flow and safety. Factors to be considered here include

- Vehicle Crashes per Road Mile-Year
- Pedestrian Injuries per Road Mile-Year
- Vehicle Operations Citations per Road Mile-Year
- AADT and Peak Hour Traffic Volume Comparisons
- Peak Hour and Off-Peak Hour Speeds
- Intersection Levels of Service

Finally, though it should not be solely determinate of any future course of action, community sentiment should be taken into account.

Proposed Work Plan Schedule & Process

The following Work Plan has been tentatively established, but may need to be adjusted depending on the type and the extent of analysis conducted. It is also the opinion of staff that the Fern Valley Interchange project should be entirely completed before certain portions of the Work Plan are initiated. In particular, signal timing and progression and roadway improvements should be finalized before traffic through-put and intersection level of service is studied.

Task 1: Data Collection, beginning now and completed spring 2017 (or after completion of the FVI project, whichever occurs later). Information collected will include crash data, traffic enforcement summaries, traffic counts and community surveys.

Task 2: Report Findings to City, summer 2017. The report should include recommendations by staff to address minor and major projects that will address observed deficiencies

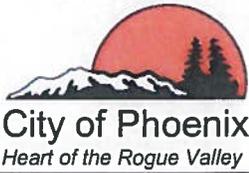


City Council Memorandum

Task 3: Policy Decisions by City, by September 2017. City Council, in consultation and collaboration with the Planning Commission, Urban Renewal, and other agencies, selects a course of action.

Task 4: Solutions Development and Minor Projects Implementation, summer 2017 to end of year. Major projects, for example resurfacing Main Street, will require considerable time to plan, while smaller projects like limited restriping can be implemented relatively quickly after Task 3 has been completed.

Task 5: Major Project Implementation, 2018 and beyond.

**Agenda Report**

Date: December 5, 2016
To: City Manager for Mayor and Council
From: Administrative Coordinator
Subject: Updating the Main Street Banner Application and Fees
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

The City of Phoenix has banner poles on either side of Main Street where the "Welcome to Phoenix" banner is installed and visible to multiple forms of traffic. Phoenix Urban Renewal installed the banner poles with the permission of the city in early 2016. In the past, staff have received applications for other banners to be installed on a temporary basis. At the direction of Council, the City Manager and staff have prepared proposed regulations for banner applications. The specific requirements reflect Council's requests for modifications to the banner application process.

Previous banner requirements for applicants included a \$330 fee to install/take down banners. The updated proposed regulations and application include a \$270 fee.

ADVANTAGES & DISADVANTAGES OF ISSUE

Having specific requirements for banners makes the process of approval and installation of banners more efficient.

Establishing specific requirements such as no advertising, religious symbols, or political messages may limit some banner applicants.

FISCAL IMPACT

The proposed installation/removal fee for banner applications is \$270 which is to be paid by the applicant. The current contractor for installing and removing banners (Moonlighter Signs) charges \$108.75. If this fee is modified, staff may request permission from Council to modify the banner fee. The breakdown is as follows:

Installation: \$108.75

Removal: \$108.75

Staff resources (approximate): \$52.50

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

ALTERNATIVES

1. Staff recommends Council approve the proposed banner application requirements.
2. Council may choose to alter one or more of the requirements prior to approval.
3. Refer item back to City Manager for further action (please specify).
4. Note and file information without direction further action on the item.

RECOMMENDATION

Option 1. Proposed motion: "I move to approve resolution no. _____, approving the proposed updated banner requirements and fees."

Prepared by: Sarah Lind

Approved by: Jamie McLeod



MAIN STREET BANNERS - APPLICATION PROCESS

- 1) Application Packet
 - a. Application form;
 - b. Photo or sketch of banner with dimensions; and
 - c. \$270 installation & removal fee.
- 2) Banner Specifications
 - a. Length: 20-30 feet, and Height: 2-3 feet;
 - b. Sewn webbing: on all sides;
 - c. Reinforced grommets: all four corners and at 3 foot intervals;
 - d. Wind pockets: 12 minimum (at least 8 inches each); and
 - e. No: political messages, advertising, or exclusive religious symbols.
- 3) Approval Process
 - a. Banners meeting all specifications may be approved by City Manager, or her designee, within 5 days; and
 - b. Banners not meeting all specifications, as determined by the City Manager, will be presented to Council for consideration at an upcoming Council meeting (may take several weeks).
- 4) Hanging of the Banner
 - a. Banners shall be delivered at least 5 business days prior to requested installation date.
 - b. Banners shall be picked up from the city within 5 business days from the date the banner is removed, unless otherwise agreed to in writing by the City Manager or her designee.
 - c. If the banner is not picked up within the allocated period, a \$20 weekly storage week will be charged to the applicant. If the banner is not picked up within a month from the date of removal, the city may dispose of the banner.
 - d. Banners shall be scheduled on a first-come, first served basis; however, banners relating to city business will have priority.

CITY OF PHOENIX

PHOENIX, OREGON

RESOLUTION NO. 978

**A RESOLUTION APPROVING THE PROPOSED BANNER FEES FOR
INSTALLATION ON MAIN STREET BANNER POLES**

WHEREAS, the City of Phoenix finds that in order to provide an orderly and efficient use of its banner space on Main Street, viewed by residents and non-residents, and to provide revenue to the general fund for maintaining and installing banners, it is necessary to charge a banner application and installation fee;

WHEREAS, On May 2, 2016, Council implemented a banner fee of \$330 for installation and take down;

WHEREAS, fees are normally adopted by resolution;

WHEREAS, adoption of this resolution will implement the fees;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Phoenix implements the following banner fees:

Fees

- \$270 for banner installation, take down, and staff resources.
- \$20 late fee for banners not picked up by applicant after five working days of removal.

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on the 5th day of December, 2016.

Jeff Bellah, Mayor

Janette Boothe, Recorder

**Agenda Report**

Date: December 21, 2016
To: Mayor and Council
From: Jamie McLeod, City Manager
Subject: Updated Staff Rates for Intergovernmental Agreement with the Phoenix Urban Renewal Agency
Action: Motion, Ordinance, Resolution, Information only, Other

EXECUTIVE SUMMARY

The current Intergovernmental Agreement (IGA) with the Phoenix Urban Renewal Agency (PHURA) provides for the sharing of staff between the city and PHURA, as needed, with compensation for the staff time spent at an agreed upon time. The most recent IGA does not reflect the city's current hourly. The attached rate schedule provides the city's current staff rates and benefit costs.

Approval of an Amendment to the current IGA with PHURA will enable the PHURA Board to consider the approval of the attached fee sheet to facilitate the ongoing sharing of staff between the city and PHURA. To fully cover the costs to the city when staff are allocated to work on PHURA projects, the reimbursement rate should be inclusive of both staff's hourly rate and benefits.

ADVANTAGES & DISADVANTAGES OF ISSUE

The city will be appropriately compensated for the staff time spent supporting PHURA business.

FISCAL IMPACT

Increasing the staffing fee sheet will ultimately be cost neutral as PHURA will reimburse the city for staff costs, including salary and benefits, for city staff time spent on PHURA business. The City Manager will manage city staff time to assign staff, as appropriate, to work on PHURA projects, minimizing impacts to city services from a reduction in staff hours spent on city programs and services.

SOURCE OF FUNDS

General Fund, Water Fund, Street Fund, Capital Project Funds,
 Separate Fund for Local Option Taxes, Debt Service Funds, Reserve Funds

ALTERNATIVES

1. Direct staff to work with PHURA to develop an Amendment to the IGA that reflects the current hourly rates for city employees and includes the full range of employees who may be needed to support PHURA projects, and authorize the Mayor to sign the Amendment.
2. Modification of Alternative 1 (please specify).
3. Refer item back to City Manager for further action (please specify).
4. Note and file information without taking further action on the item.

RECOMMENDATION

Option 1. Proposed motion: "I Move to direct staff to work with PHURA to develop an Amendment to the current Intergovernmental Agreement that reflects the current hourly rates for city employees and includes the full range of employees who may be needed to support PHURA projects, and authorize the Mayor to sign the Amendment."

Prepared by: Jamie McLeod

City of Phoenix

HOURLY RATES PER EMPLOYEE

<u>Title</u>	<u>Rate/Hour</u>
City Manager	\$58.98
Public Works Director/City Engineer	\$57.56
Planning Director	\$50.14
Finance Director/City Recorder	\$47.88
Assistant Planner	\$34.79
Admin Coordinator	\$29.60
Public Works Administrative Assistant	\$31.68
City Hall Administrative Assistant	\$27.34