

**CITY OF PHOENIX
CITY COUNCIL MEETING
PUBLIC WORKS OFFICE
1000 S. "B" STREET
6:00 P.M. / 6:30 P.M.**

1) Call to order/Roll call

Executive Session:

Executive Session: To discuss labor negotiations.

The City Council of Phoenix will now meet in executive session for the purpose of conducting deliberations with persons designated by the governing body to carry on labor negotiations. The executive session is held pursuant to ORS 192.660 (2)(d), which allows the City Council to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Representatives of the news media, designated staff and specified persons shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Executive Session adjourns

DOORS WILL OPEN TO THE PUBLIC AT 6:30 PM

1) Call to order/Roll call

2) Pledge of Allegiance

3) Mayor's Comments

4) Citizen's Comments:

The purpose of citizen comment is to allow citizens to present information or raise an issue regarding items not on the agenda. A time limit of three minutes per individual shall apply unless the Presiding Officer extends time (*Persons wishing to address Council on any matter are encouraged to do so. Please sign up, and if applicable, indicate the agenda item you want to discuss. When your name is called, step up to the podium, state your name and address for the record. In accordance with state law, copies of the complete recording of this meeting will be available at City Hall. If you are hearing impaired and need accommodation, please give 48 hours prior notice to City Hall.*).

1) Updates/Reports:

- a) PHURA
- b) Parks and Greenway Commission

2) Presentations:

- a) Rogue Valley Heritage District presented by Dick Croly and Alan DeBoer
- b) Chamber of Commerce presented by Melissa Wagy

3) Ordinances, including reading and/or adoption:

4) Consent Calendar:

- a) Approval of Minutes from May 16, 2016 Regular City Council Meeting p.1
- b) Approval of Liquor License for Summit Beverage of Oregon p.6

5) Unfinished Business:

- a) Approval of a Liquor License by Biologic Brewing Supply,4543 S.Pacific Hwy..... p.9

6) New Business:

- a) Approve Updated Personnel Manual p.12
- b) Discuss Collective Bargaining Agreement p.14
- c) Approval of Tentative Agreement with City of Talent Concerning Water Loss..... p.15

7) Questions for Staff:

- a) Attorney’s Report
- b) City Manager’s Report

8) Council items, comments/reports:

Any councilor may bring before the Council any business not on the agenda the councilor feels should be deliberated upon by Council, but the Council may decline formal action on such matters or defer them to a subsequent meeting.

9) Adjournment

Next City of Phoenix Scheduled Meetings:

June 8, 2016	Joint City Council/PHURA Meeting
June 13, 2016	Planning Commission Meeting
June 14, 2016	Phoenix Urban Renewal Board Meeting
June 20, 2016	City Council Meeting
June 27, 2016	Planning Commission Meeting
July 4, 2016	HOLIDAY
July 5, 2016	City Council Meeting
July 11, 2016	Planning Commission Meeting
July 12, 2016	Phoenix Urban Renewal Board Meeting
July 18, 2016	City Council Meeting

**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Monday, May 16, 2016**

DRAFT

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, May 16, 2016 at 6:30 p.m. in the Public Works Office.

ROLL CALL

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

Staff Present: Matt Brinkley, Interim City Manager
Janette Boothe, City Recorder
Jeff Price, Police Lieutenant
Steve Weber, Finance Director
J. Ryan Kirchoff, City Attorney

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS:

Mayor Bellah expressed he would hold his comments until the Council reports.

UPDATES/REPORTS:

1) PHURA – Al Muelhoefer presented an update on recent events. He noted that at the previous board meeting, the PHURA board requested Mr. Brinkley to go out for quotes on the plaza building project and they are planning to review the request at the June regularly scheduled meeting. Additionally, they anticipate making a motion to request funds for a project. Mayor Bellah inquired about the bid process. Mr. Brinkley replied that it has been decided to open up the bid. Mr. Muelhoefer added that PHURA could hold a special meeting if necessary to keep the project moving forward.

Mr. Muelhoefer additionally noted some property updates will be discussed at the meeting scheduled for tomorrow and the marketing package will be available for board review. He further added the board is holding an Executive Session to review real estate proposals. Mr. Muelhoefer also spoke about the PHURA budget meeting scheduled for tomorrow night, noting the budget is tight. He further added PHURA is continuing with Steve Weber as the financial manager for now. He concluded his presentation noting Genetta Hughes has been working diligently on updating files and doing a good job.

- 2) Parks and Greenway Commission – There will be two open houses: one on Wednesday, May 18th from 4:30 to 7:00 pm and one on June 4th at Blue Heron park to review presentations for the master parks plan. They will also meet with high school students on the same day to get input on the parks plan. Hard copy surveys have been sent to some addresses both in Phoenix and Medford, however, surveys should be sent to each household in Phoenix. Flyers were created in the Phoenix parks master plan. Dog Days will be discussed at the subcommittee meeting on July 7th and will take place this year.
- 3) City Council Issue Tracking Log
The Council went through the issue tracking log item by item. The Council decided that Matt Brinkley will update the tracking log from now on with Council suggestions from the meetings. Potential updates will be discussed at each council meeting and agreed upon before Mr. Brinkley updates the tracking log.

CONSENT CALENDAR:

- 1) Approval of Minutes – April 18th, 2016 Executive Session
- 2) Approval of Minutes – April 27th, 2016 Executive Session
- 3) Approval of Minutes - Workshop May 2nd, 2016 Executive Session
- 4) Approval of Minutes - May 9th City Council Meeting. Mayor Bellah requested these four items be discussed separately from the remaining item. **MOVED BY C. BARTELL, SECONDED BY SOPHIE, TO APPROVE THE CONSENT CALENDAR.** There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

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

- 5) Approval of an Application for a Liquor License by Biologic Brewing Supply, LLC
Biologic Brewing Supply wants to have an outdoor patio to serve alcohol. They are applying for a limited on premise liquor license. Mr. Brinkley brought up that with a liquor license, the business needs to make sure that they are staying below the occupant limit for the building and may not be able to allow minors in certain areas of their business. It was proposed the liquor license be approved upon the condition that building codes are satisfied and with no changes in occupancy. The council's consensus was to table this item until the building inspection is completed.

NEW BUSINESS:

- 1) April 2016 Financial Report
Steve Weber stated April financials were more back on track, while May financials will require some adjustments. Steve cautioned April will look better than May financials due to the severance package for Steve Dahl, previous city manager. In the general fund expenditures are slightly above the target of 83%. Overall total revenues have increased. Water sales are below expected. Councilor Luz inquired about the PERS increase and Steve noted we've made changes to lower materials and services costs. He explained the CBA negotiations are coming up and the city can absorb the impact through carryover or

increasing fees in materials and services. Mayor Bellah thanked Steve for his work with the city.

2) Approve Public Works Job Description

The council members liked the job description. Mayor Bellah suggested a salary range for the position between \$65,000 and \$80,000. He also suggested contacting Bob Britton and having him be a part of the process. It was proposed that the job description be sent out via the League of Oregon Cities and related avenues to see if there are any qualified applicants at this time. Mr. Brinkley, in his weekly report, will keep the council updated on the status of announcement of the position. Further discussion about the details of the position, salary, and qualifications ensued.

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

3) Approve Resolution for Wetland Restoration Services Contract

Mark Kellenbeck's property at 3850 Fern Valley Drive has a portion designated as wetland which was filled in approximately 15 years ago. As part of the city's long term plan, Mr. Kellenbeck has agreed to help fund the city's wetland project and restore one quarter acre along Bear Creek. Kellenbeck will pay the city to conduct maintenance and restoration on the area for five years. Matt Brinkley explained that the city would be paid to perform the project and the work wouldn't be done until the city is paid up front. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE RESOLUTION FOR WETLAND RESTORATION SERVICES CONTRACT.**

ROLL CALL VOTE AS FOLLOWS:

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

MOTION APPROVED WITH FIVE AYES

4) Appoint Matt Brinkley as the Acting Executive Director for the Phoenix Urban Renewal Agency

Urban renewal has been without an executive director for some time. Mr. Brinkley wanted to clarify roles with Urban Renewal. The MOU allows for a city employee to take on responsibilities from another department. Councilor Luz asked if the councilors had to authorize it for him to be Executive Director of PHURA. The city attorney replied that MOU is effective so it would not be necessary. Finally, Mayor Bellah requested that the monthly invoice to PHURA also be sent to the council to remain updated. Further discussion followed.

5) Approve a Resolution Establishing City Officials for the Purpose of Signing on Behalf of the City of Phoenix for City Funds

This is a routine process which enables the interim city manager to sign checks on behalf of the City of Phoenix. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE RESOLUTION FOR WETLAND RESTORATION SERVICES CONTRACT.**

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:

a) Attorney Kirchoff had nothing to report.

2) Police Department Code Enforcement:

a) Tim Muck, Jeff Price

Code enforcement has been reasonably successful lately. There are fifty cases in total, twenty seven of which are closed and of the remaining twenty three, many will close. Tim Muck stated that his department has received a lot of positive feedback lately. Boy Scouts helped clean up an area of construction debris around the railroad on Fourth Street. The mayor requested a thank you letter be sent to Chris Randall with the Boy Scouts. Mayor Bellah asked Jeff Price if the speed monitors slowed down traffic and Price said yes, they are effective. He also stated he has heard fewer complaints about the one lane traffic and perception will improve when construction is complete. There have been no traffic accidents related to the road changes. Councilor Sophie suggested police recognition for their service to the city, particularly those officers that are moving on to Jackson County.

2) City Manager's Report:

a) Mr. Brinkley gave thanks to the staff moving from City of Phoenix to other employment.

b) Public works installed irrigation and the city should have trees planted along the main street in the next couple of weeks.

c) It was stated that taking a look at the condition of OR99 resurfacing and considering the Oregon Asphalt Paving Association instead of using a slurry seal and restriping as an option may be beneficial. Options will be weighed to determine what the best long term investment for the road is. In addition, the impact of further construction on the community was discussed.

d) Councilor Sophie inquired about banner poles. Matt Brinkley explained there's an issue with using a pulley system to install banners. He will research using a cherry picker instead.

COUNCIL ITEMS, COMMENTS/REPORTS:

Councilor S. Bartell – thanks to the finance director. Councilor S. Bartell gave thanks to Steve Weber for making the budget easy to interpret and his service for the City of Phoenix.

Councilors Helfrich, Bartell, and Luz also thanked Steve Weber for his work with the city.

Councilor C. Bartell discussed that the city may help host a barbeque in addition to snacks after the workshop for the parks master plan on June 4th. The amount of people, food, and other such logistics were discussed. Councilor Sophie said this month's MPO meeting is cancelled. He also thanked Steve Weber for his work and added he will be missed.

The meeting adjourned at 8:45 PM

Respectfully submitted,

ATTEST:

Janette Boothe, City Recorder

Sarah Lind
Executive Assistant

AGENDA BILL

AGENDA ITEM: 4(b)

AGENDA TITLE: Approval of a Liquor License for Summit Beverage of Oregon, LLC, 100 C St Phoenix, OR 97535.

DATE: June 1, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: XX

INFORMATION: _____

EXPLANATION:

Chris Labelle, co-owner of Summit Beverage of Oregon, LLC, 100 C Street, is requesting Council approve his application for Whole Malt Beverage and Wine sales. The application was received and reviewed on May 12, 2016. Ryan Duer would serve as their manager. Summit Beverage of Oregon, LLC is requesting this liquor license for a change of location. This was reviewed by the planning department and sent to the Police Department for approval. On May 31, 2016, Chief Bowker approved the application.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Mr. Labelle's request under the Consent Calendar for June 6, 2016.

MOTION: "I MOVE TO AUTHORIZE THE MAYOR TO SIGN THE LIQUOR LICENSE FOR SUMMIT BEVERAGE OF OREGON, LLC FOR WHOLESALE MALT BEVERAGE AND WINE SALES."

PREPARED BY: Sarah Lind

REVIEWED BY: _____

RECEIVED
 MAY 12 2016
 MAY 2016



OREGON LIQUOR CONTROL COMMISSION
 LIQUOR LICENSE APPLICATION

MEDFORD REGIONAL OFFICE
 MEDFORD REGIONAL OFFICE
 CONTROL COMMISSION

Application is being made for:

LICENSE TYPES

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)

with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: Wholesale Malt Beverage and Wine (WMBW)

ACTIONS

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other Change of Location

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

Limited Partnership

Corporation

Limited Liability Company

Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission: _____

(name of city or county)

recommends that this license be:

Granted Denied

By: _____

(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: ME

Date: 5/12/16

90-day authority: Yes No

- Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Summit Beverage of Oregon LLC ③ _____

② _____ ④ _____
- Trade Name (dba): Summit Beverage of Oregon
- Business Location: 100 C ST. Phoenix Jackson OR 97535
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: PO Box 1257 Talent OR 97540
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: (541) 734-5219 (541) 734-9120
(phone) (fax)
- Is the business at this location currently licensed by OLCC? Yes No
- If yes to whom: _____ Type of License: _____
- Former Business Name: _____
- Will you have a manager? Yes No Name: Ryan Dyer
(manager must fill out an Individual History form)
- What is the local governing body where your business is located? City of Phoenix Jackson Co
(name of city or county)
- Contact person for this application: Chris LaBelle (541) 941-3027
(name) (phone number(s))
777 A Central Ave Medford OR 97501 541 734 9120 Chris@SummitBov.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 4/21/16 ③ [Signature] Date 4/29/16

② [Signature] Date 4-29-16 ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Summit Beverage of Oregon LLC Phone: 541-734-5219

Trade Name (dba): Summit Beverage of Oregon LLC

Business Location Address: 100 C St.

City: Phoenix OR ZIP Code: 97535

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	_____ to _____
Monday	<u>9:00</u> to <u>5:00 pm</u>
Tuesday	<u>9:00 Am</u> to <u>5:00 pm</u>
Wednesday	<u>9:00 Am</u> to <u>5:00 pm</u>
Thursday	<u>9:00 Am</u> to <u>5:00 pm</u>
Friday	<u>9:00 Am</u> to <u>5:00 pm</u>
Saturday	_____ to _____

Outdoor Area Hours:

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke <u>N/A</u> |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	<u>N/A</u> to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: _____

OLCC USE ONLY	
Investigator Verified Seating: _____(Y) _____(N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 4/29/16

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

AGENDA BILL

AGENDA ITEM: 5(a)

AGENDA TITLE: Approval of a Liquor License for Biologic Brewing Supply, LLC, 4543 S Pacific Hwy.

DATE: June 1, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: XX _____

INFORMATION: _____

EXPLANATION:

Alex Ganos, Manager of Biologic Brewing Supply, LLC, 4543 S. Pacific Highway, is requesting Council approve his application for Limited On-Premises Sales of alcoholic beverages. A copy of his application was sent to the Police Chief and Planning Director on May 5, 2016. The application was reviewed and approved by Chief Derek Bowker on May 5, 2016. The liquor license for Biologic Brewing Supply was discussed at the last City Council meeting on May 16, 2016. It was concluded that a liquor license would be approved upon the condition that the building codes are satisfied as shown by a building inspection and no changes in occupancy. Biologic Brewing Supply, LLC has fulfilled the conditions necessary for approval of their Limited On-Premises Sales liquor license.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Mr. Gano's request under the Consent Calendar for June 6, 2016.

MOTION: "I MOVE TO AUTHORIZE THE MAYOR TO SIGN THE LIQUOR LICENSE FOR BIOLOGIC BREWING SUPPLY, LLC, LIMITED ON-PREMISES SALES OF ALCOHOLIC BEVERAGES"

PREPARED BY: Sarah Lind REVIEWED BY: _____



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

CV
BR

Application is being made for:

LICENSE TYPES <input type="checkbox"/> Full On-Premises Sales (\$402.60/yr) <input type="checkbox"/> Commercial Establishment <input type="checkbox"/> Caterer <input type="checkbox"/> Passenger Carrier <input type="checkbox"/> Other Public Location <input type="checkbox"/> Private Club <input checked="" type="checkbox"/> Limited On-Premises Sales (\$202.60/yr) <input type="checkbox"/> Off-Premises Sales (\$100/yr) <input type="checkbox"/> with Fuel Pumps <input type="checkbox"/> Brewery Public House (\$252.60) <input type="checkbox"/> Winery (\$250/yr) <input type="checkbox"/> Other: _____	ACTIONS <input type="checkbox"/> Change Ownership <input checked="" type="checkbox"/> New Outlet <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____
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90-DAY AUTHORITY
 Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:
 Limited Partnership Corporation Limited Liability Company Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission: _____
 (name of city or county)

recommends that this license be:
 Granted Denied

By: _____
 (signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application/Rec'd by: *[Signature]*

Date: 2/19/16

90-day authority: Yes No

- Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
 ① Biologic Brewing Supply, LLC
 ② _____ ④ _____
- Trade Name (dba): Biologic Brewing Supply
- Business Location: 4543 S. Pacific Hwy Phoenix Jackson OR 97535
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: same as above
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: 541-535-6726
(phone) (fax)
- Is the business at this location currently licensed by OLCC? Yes No
- If yes to whom: _____ Type of License: _____
- Former Business Name: _____
- Will you have a manager? Yes No Name: Alex Ganos
(manager must fill out an Individual History form)
- What is the local governing body where your business is located? CITY OF PHOENIX
(name of city or county)
- Contact person for this application: Alex Ganos 541-535-6726
(name) (phone number(s))
4543 S. Pacific Hwy. Phoenix, OR 97535 INFO @ Biologic Brewing Supply.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:
 ① [Signature] Date 10/21/15 ③ _____
 ② _____ Date _____ ④ _____

RECEIVED

Date: 10/28 2015 N.W.
 MEMPHIS REGIONAL OFFICE
 OREGON LIQUOR CONTROL COMMISSION



OREGON LIQUOR CONTROL COMMISSION

OUTDOOR CONTROL PLAN

What are the dimensions of the outdoor area?

40' x 14'

What is the patron seating capacity?

25

Is the outdoor area adjacent to the premises? **yes**

Will the area be used to accommodate patrons who are not seated? **yes**

How is the outdoor area enclosed and where are the entrances and exits? **The outdoor patio is not enclosed, but is adjacent to our front entrance.**

What is the full proposed use of the area? **provide an outdoor seating area for customers.**

Will the primary use always be dining? **NO**

Can employees observe the entire outdoor area from inside the premises? **Yes, there are two large windows in front of the building so the patio is visible from inside.**

Will there be an employee permanently stationed in the outdoor area? **NO**

How often will employees walk through the outdoor area? **Employees will walk through the outside area every 15-20 minutes to retrieve products and/or assist customers.**

Does the outdoor area have video surveillance? **NO**

Describe how the outdoor area is lit: **Normal 110 watt light bulb.**

Will there be entertainment in the area? **NO** What kind of entertainment?

Does the outside area have the potential for adversely impacting the surrounding area? **NO**
Address any noise issues:

List all the specifics in controlling the activities and behavior of patrons in the outdoor area:

Employees can see everything that happens in the outdoor area through the large glass windows in the building. Employees are also constantly walking through the outdoor area to assist customers.

Signature

Date 2/4/16

Printed Name

Alex Ganos

Trade Name

Biologic Brewing Supply

Business Location Address

4543 S. Pacific Hwy Phoenix, OR 97535

AGENDA BILL

AGENDA ITEM: 6 (a)

AGENDA TITLE: Consider a Resolution Rescinding Resolutions Nos. 601, 658, 689, 796 and adopting a new City of Phoenix Personnel Manual.

DATE: May 26, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: XX

MOTION: XX

INFORMATION: _____

EXPLANATION: The City's Personnel Manual has been undergoing revisions since the last time it was updated was in 2010. At the City Council workshop on Wednesday, April 27th, the Council discussed the recent changes made to the Personnel Manual. The City Attorney made the requested updates to the manual and this resolution would approve the updates.

FISCAL IMPACT: There will be some expense associated with printing the new document.

ALTERNATIVES: None. It is standard business practice to periodically update personnel manuals.

STAFF RECOMMENDATION: Adopt the proposed Personnel Manual, subject to changes requested by the City Council.

MOTION: "I MOVE TO ADOPT RESOLUTION NO. _____, RESCINDING RESOLUTION NOS. 601, 658, 689, 796 AND ADOPTING A NEW CITY OF PHOENIX PERSONNEL MANUAL."

PREPARED BY: Sarah Lind REVIEWED BY: _____

**CITY OF PHOENIX
PHOENIX, OREGON**

RESOLUTION NO. _____

**A RESOLUTION RESCINDING RESOLUTION NOS. 601, 658, 689, AND 796, AND
ADOPTING A NEW CITY OF PHOENIX PERSONNEL MANUAL**

WHEREAS, the City Council of Phoenix adopted resolution No. 601 on April 5, 2004, adopting a new City of Phoenix Personnel Manual; and

WHEREAS, the City Council of the City of Phoenix adopted Resolution No. 658 on February 6, 2006, Resolution No. 689 on November 20, 2006, and Resolution No. 796 on April 19, 2010. All three resolutions amended Resolution No. 601; and

WHEREAS, there have been many changes in personnel law, administration, and practice that have occurred since the adoption of the prior personnel manual.

NOW THEREFORE, THE CITY OF PHOENIX RESOLVES AS FOLLOWS, that the City of Phoenix, hereby rescinds Resolution Nos. 601, 658, 689, and 796, and adopts a new and updated City of Phoenix Personnel Manual, attached hereto and by reference incorporated herein.

This Resolution is effective on June 6, 2016.

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on the 6th day of June, 2016.

Jeff Bellah, Mayor

ATTEST:

Janette Boothe, City Recorder

AGENDA BILL

AGENDA ITEM: 6 (b)

AGENDA TITLE: Discuss Collective Bargaining Agreement

DATE: May 26th, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: _____

INFORMATION: xx

EXPLANATION: The Council will discuss potential changes they may like to see take place during collective bargaining with the Union Agreement later this year before the contract expires December 31, 2016.

FISCAL IMPACT: Budgeted for.

ALTERNATIVES: None offered.

STAFF RECOMMENDATION:

MOTION: “.”

PREPARED BY: Sarah Lind **REVIEWED BY:** _____

AGENDA BILL

AGENDA ITEM:

6(c)

AGENDA TITLE: APPROVAL OF A TENTATIVE AGREEMENT BETWEEN THE CITIES OF PHOENIX AND TALENT FOR COMPENSATION OF WATER LOSS.

DATE: June 6, 2016

ACTION REQUIRED:

ORDINANCE: N/A

MOTION: XX

RESOLUTION: N/A

INFORMATION: N/A

EXPLANATION: The City of Phoenix and Talent are wholesale customers of the Medford Water Commission, and must purchase water used by their retail customers and their own municipal operations from the Commission. Water is distributed to the City of Talent through a main that runs through Phoenix. This same main supplies water for the City of Phoenix. The main is metered where it becomes a component of Talent's distribution system.

For some time, the City of Phoenix had suspected that more water was passing through the meter and being consumed by the City of Talent than was metered. The City of Phoenix was, in effect, paying for water that was being sold by the City of Talent. This suspicion was confirmed when problems with the meter were confirmed, resulting in the replacement of the meter in 2015. At that time, it was also discovered that a bypass valve had been left open, allowing a large portion of the water that would have flowed through the meter to circumvent the meter altogether. Both of these conditions allowed the unmetered flow of water through Phoenix to customers in Talent.

City officials have been in discussions with officials representing the City of Talent to resolve the uncompensated distribution of water to Talent. At the most recent meeting on May 28, 2016, both Cities reached a tentative agreement whereby Talent will reimburse Phoenix in a one-time, lump sum payment of \$40,000, paid shortly after commencement of the new fiscal year.

FISCAL IMPACT: The cost of the unmetered water would require substantial expense and time to calculate. The reimbursement payment as proposed does not have any additional costs associated with it.

STAFF RECOMMENDATION: Approve the tentative agreement.

MOTION: A TENTATIVE AGREEMENT BETWEEN THE CITIES OF PHOENIX AND TALENT FOR COMPENSATION OF WATER LOSS.

PREPARED BY: M. Brinkley

REVIEWED BY:



Department

112 W. 2nd Street, Phoenix, Oregon 97535
Office: 541-535-2050

Memorandum

Date: June 6, 2016

Re: Talent Water Loss

Prepared by: Matt Brinkley, Interim City Manager

Phone: 541-535-2050 X316
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Discussion

The City of Phoenix has been aware of potential water loss to the City of Talent for several years. The cities of Talent and Phoenix are wholesale customers of the Medford Water Commission. Water acquired from the MWC passes first through Phoenix, and then flows to Talent. Transmission of MWC water is metered as it enters and leaves the City's transmission and distribution system. Phoenix and Talent buy water for their own municipal operations and to distribute it to retail customers.

The meter between Talent and Phoenix was found to be malfunctioning and was replaced in 2015. At that time, it was also discovered that a bypass valve that allows water to flow around the meter had been opened for an undetermined period of time.

After the meter was replaced and the bypass valve was closed, Phoenix experienced a dramatic reduction in its system-wide water loss which fell from 25-33% in the previous four years to 9% in 2015. At the same time, the City of Talent experienced sudden increases in its system-wide water loss which increased from 4-12% to 21% during the same time interval. This and additional data strongly suggest that Talent was receiving large volumes of unmetered water. This water was metered as it entered Phoenix, and the City paid for it. Talent, however, did not pay the MWC for this water as it would have if the meter had been functioning correctly and the bypass valve were closed. In short, the City of Talent consumed and sold water that had been purchased by the City of Phoenix.

Calculating the volume and consequent revenue loss attributable to the open bypass valve and faulty meter is a complicated matter. Water loss (or uncompensated distribution of water) to Talent may have begun as early as 2007 or 2008. Lost revenue is influenced by a variety of factors that complicate precise calculations. Significant further investigation would be required to determine both of these figures. Investigation would be costly for both communities.

Recommendation

Officials representing both City's reached a tentative agreement at a meeting in late May, 2016. The City of Talent acknowledged that the problem occurred and that Talent



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had a responsibility to compensate Phoenix. Both groups agreed that neither community has an interest in protracted investigation of this issue.

The proposed tentative agreement consists of a commitment that Talent will pay Phoenix \$40,000 in one payment to be made at the beginning of FY2016/17. This figure is based on the estimated loss that likely occurred over the most recent 2 years preceding meter replacement and closing of the bypass valve. Water loss in 2013 and 2014 can be estimated relatively easily and with some degree of accuracy. Conservatively speaking, Phoenix lost approximately 40 million gallons of water per year to Talent (Phoenix purchased 303,224,000 gallons of water in 2014 and 258,822,000 gallons in 2015). At the lowest wholesale user rate of \$0.50/1,000 gallons, \$20,000 worth of water would have flowed unmetered or incorrectly metered to Talent from Phoenix.

In the interests of an expedient and neighborly conclusion to this issue, I recommend that the City of Phoenix accept this agreement.

Matt Brinkley, AICP
Interim City Manager

6-3-16

Date