

**CITY OF PHOENIX  
CITY COUNCIL MEETING/EXECUTIVE SESSION  
PUBLIC WORKS OFFICE  
1000 S. "B" STREET  
MONDAY, AUGUST 1, 2016  
6:30 P.M.**

**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*).

**5) Updates/Reports/Appointments:**

- a) PHURA
- b) Parks and Greenway Commission
- c) Appointment of Sandra Wine to Parks Commission.....p.1
- d) Appointment of Laurie Jendre to Parks Commission.....p.4

**6) Presentations:**

None.

**7) Ordinances, including reading and/or adoption:**

- a) First Reading by title only of an ordinance amending Chapter 5.18 of the Phoenix Municipal Code Pertaining to the Regulations of the Time, Place, and Manner of Commercial Cannabis Facilities, *Second Reading and Public Hearing Scheduled for August 15, 2016*.....p.7
- b) Second Reading and Public Hearing for an Ordinance Approving the Annexation of Land Within the Urban Growth Boundary Into the City.....p.18

**8) Consent Calendar:**

- a) Minutes from July 13, 2016 Special City Council Meeting ..... p.39
- b) Minutes from July 18, 2016 Regular City Council Meeting..... p.41
- c) Liquor License Application for Pizzatori LLC..... p.46

**9) Unfinished Business:**

- a) City Manager Recruitment Update..... p.48

**10)New Business:**

- a) Approval of Finance Director Job Description and Discussion of Finance Director Recruitment ..... p.49
- b) A Resolution Allowing a Budget Increase Pursuant to ORS 294.471(1)(a) Providing for the Receipt and Expenditure of Unexpected Monies for FY 2016-2017 ..... p.54

**11) Questions for Staff:**

- a) Attorney's Report
- b) City Manager's Report
  - Proposal of Temporary Reorganization of Police Department
  - Review of Application for Sarah Westover for the Citizens Advisory Committee.....p.56

**12) 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.*

**13) Executive Session**

**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 and reconvenes into open session

**14) Reconvene Open Meeting:**

To discuss executive session.

**15) Adjournment**

**Next City of Phoenix Scheduled Meetings:**

All meetings are at 6:30 P.M. unless otherwise noted.

August 1, 2016	City Council
August 8, 2016	Planning Commission
August 9, 2016	PHURA
August 15, 2016	City Council
August 17, 2016	Council Workshop
August 22, 2016	Planning Commission
September 5, 2016	Holiday
September 6, 2016	City Council
September 12, 2016	Planning Commission
September 13, 2016	PHURA
September 19, 2016	City Council
September 26, 2016	Planning Commission

**AGENDA BILL**

AGENDA ITEM: 5C

AGENDA TITLE: Appoint Sandra Wine to Parks Commission

DATE: August 1, 2016

**ACTION REQUIRED:**

ORDINANCE: \_\_\_\_\_

RESOLUTION: \_\_\_\_\_

MOTION: XX

INFORMATION: XX

**EXPLANATION:**

In July of 2016, Sandra Wine submitted an application to be on the City's Parks and Greenway Commission. It is the Parks and Greenway Commission's recommendation to appoint her to the commission. If Council concurs, the Mayor will appoint. Attached is a copy of her application.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

None offered.

**STAFF RECOMMENDATION:**

Staff recommends Council authorize the Mayor to appoint Sandra Wine to the Parks and Greenway Commission.

**MOTION: "I MOVE TO APPOINT SANDRA WINE TO THE PARKS AND GREENWAY COMMISSION."**

PREPARED BY: Sarah Lind REVIEWED BY: \_\_\_\_\_

**Application for Boards/Commission**



**Contact Information**

Name:	Sandra June Wine
Street Address:	109 Abby St.
Mailing Address:	109 Abby St.
City/State/Zip:	Phoenix OR 97535
Home Phone:	541 512-1349
Work Phone:	cell phone; 541 631-1865
E:Mail Address:	Sandrajwine@gmail.com

**Background**

Years of Residence in Phoenix:	6 years
Place of Employment:	N/A
Occupation:	retired
City/State/Zip:	N/A
Educational Background:	Michigan State University B.A., M.A.
Prior Civic Activities:	Budget Committee April 2010 - April 2013 (4 yrs.) Budget Committee (PHURA) June 2015; June 2016 active Blue Heron Community Garden, member steering committee 2014 - current (2016) 2015

**Boards/Commissions of Interest**

Please check all of the following that interest you:

- City Council
- Planning Commission
- Community Events Committee
- Budget Committee
- Parks and Greenway Commission
- Other short-term task or focus groups that meet for a specific purpose and then disband when the business is complete

1st Phoenix Community Center Party 2010 to present

**Special Skills or Qualifications**

employed as a computer systems analyst and information Technology Specialist for a Fed. agency for 20 years (National Oceanic & Atmospheric agency in Wash. DC). Past member of the Phoenix Garden Club (secretary) 2010-2016

**Motivation**

worked w/ residents of Brookside Rose Apts to establish a community garden for the residents. The garden is a registered monarch waystation. I would love to see more such community gardens in Phoenix, especially for apt. residents of low income/subsidized apt. so they can grow their own veggies and enjoy working together.

**Special Notice**

Please be advised that members of the City Council and Planning Commission are required to file an annual Statement of Economic Interest with the State of Oregon. A sample reporting form is available at City Hall.

**Agreement and Signature**

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions or other misrepresentations made by me on the application may result in my immediate dismissal.

Name (printed): Sandra J. Wine Date: 7/9/2016

Signature: Sandra J. Wine

**Our Policy**

It is the policy of the City of Phoenix to provide equal opportunities without regard to race, color, religion, nation origin, gender, sexual preference, age or disability. The City of Phoenix accepts applications from potential board/commission members throughout the year and will hold applications until vacancies exist on specific boards/commissions.

**AGENDA BILL**

AGENDA ITEM: 50

AGENDA TITLE: Appoint Laurie Jendre to Parks Commission

DATE: August 1, 2016

**ACTION REQUIRED:**

ORDINANCE: \_\_\_\_\_

RESOLUTION: \_\_\_\_\_

MOTION: XX

INFORMATION: XX

**EXPLANATION:**

In July of 2016, Laurie Jendre submitted an application to be on the City's Parks and Greenway Commission. It is the Parks and Greenway Commission's recommendation to appoint her to the commission. If Council concurs, the Mayor will appoint. Attached is a copy of her application.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

None offered.

**STAFF RECOMMENDATION:**

Staff recommends Council authorize the Mayor to appoint Laurie Jendre to the Parks and Greenway Commission.

**MOTION: "I MOVE TO APPOINT LAURIE JENDRE TO THE PARKS AND GREENWAY COMMISSION."**

PREPARED BY: Sarah Lind REVIEWED BY: \_\_\_\_\_

**Application for Boards/Commission**



**Contact Information**

Name:	Laurie Jendre
Street Address:	429 Elm St
Mailing Address:	
City/State/Zip:	Phoenix, OR 97535
Home Phone:	541-512-1354
Work Phone:	cell - 541-728-1297
E:Mail Address:	Ljendre @ Gmail.com

**Background**

Years of Residence in Phoenix:	10
Place of Employment:	—
Occupation:	artist
City/State/Zip:	
Educational Background:	B.F.A. California College of Arts + Crafts, Oakland CA
Prior Civic Activities:	American Sewing Guild - Board Member - Rogue Valley County Club women's Assoc. Soroptimist International - (President of University of Osteopathic Association) President of Skyline Association (Health + Services, Spouses Group - 1 yr.) 3 yrs.

**Boards/Commissions of Interest**

Please check all of the following that interest you:

- City Council
- Planning Commission
- Community Events Committee
- Budget Committee
- Parks and Greenway Commission
- Other short-term task or focus groups that meet for a specific purpose and then disband when the business is complete

## Special Skills or Qualifications

By having an Art Degree - I have a very creative mind; I enjoy the interaction with others - I am a good listener and enjoy meeting people.

## Motivation

To help our community by getting involved and inviting others to join our activities. We are a growing community and it would be exciting to be on the ground level to introduce new ways to make our town an exciting community.

## Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual Statement of Economic Interest with the State of Oregon. A sample reporting form is available at City Hall.

## Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions or other misrepresentations made by me on the application may result in my immediate dismissal.

Name (printed): Laurie Jendre

Date: July 20, 2016

Signature: Laurie Jendre

## Our Policy

It is the policy of the City of Phoenix to provide equal opportunities without regard to race, color, religion, nation origin, gender, sexual preference, age or disability. The City of Phoenix accepts applications from potential board/commission members throughout the year and will hold applications until vacancies exist on specific boards/commissions.

**AGENDA BILL**

AGENDA ITEM: 7A

**AGENDA TITLE:** First Reading by Title Only of an Ordinance Amending Chapter 5.18 of the Phoenix Municipal Code Pertaining to the Regulations of the Time, Place, and Manner of Commercial Cannabis Facilities, Second Reading and Public Hearing Scheduled for August 15, 2016

**DATE:** August 1, 2016

**ACTION REQUIRED:**

ORDINANCE: \_\_\_\_\_

RESOLUTION: \_\_\_\_\_

MOTION: XX

INFORMATION: \_\_\_\_\_

**EXPLANATION:**

This the first reading on extending the hours that commercial cannabis facilities may be open in the City of Phoenix. The City of Phoenix places certain restrictions on establishments selling cannabis as duly enacted in Ordinance 958 on December 14, 2016. This amendment to the ordinance would allow for commercial cannabis facilities to be open until 10:00 PM. The current municipal code 5.18 allows such facilities to be open from the hours of 8:00 AM to 8:00 PM. The City does not anticipate any additional demand on the provision of public services and infrastructure related to commercial cannabis facilities and has not observed any additional law enforcement demands associated with the operations of such cannabis facilities since they began operation in 2015. A second reading and public hearing for this item will take place at the August 15, 2016 City Council meeting.

**FISCAL IMPACT:**

There is no immediate capital expense for the City.

**ALTERNATIVES:**

The Council may refuse to read the proposed ordinance by title and fail set a date for a Second reading and Public Hearing.

**STAFF RECOMMENDATION:**

Staff recommends the Mayor read the ordinance by title only and schedule a Second Reading and Public Hearing for the next regular City Council meeting on August 15, 2016. This will be the second evidentiary hearing and public comment will be heard.

**MOTION: "I MOVE THAT THE PROPOSED ORDINANCE BE READ BY TITLE ONLY AND THAT A SECOND READING AND PUBLIC HEARING BE SET FOR AUGUST 15, 2016."**

PREPARED BY: Sarah Lind REVIEWED BY: \_\_\_\_\_

**CITY OF PHOENIX  
PHOENIX, OREGON  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 5.18 OF THE CITY MUNICIPAL CODE  
PERTAINING TO THE REGULATION OF THE TIME, PLACE, AND MANNER OF  
COMMERCIAL CANNABIS FACILITIES**

**WHEREAS**, the City of Phoenix duly enacted Ordinance 958 on December 14, 2014, thus establishing a Cannabis Facility License program and regulations on time, place, and manner for cannabis facilities; and

**WHEREAS**, the City will, from time to time, adjust regulations to address the effects of said regulations on the public health, safety, welfare, as well as the efficient and productive operation of commercial enterprises operating within the City of Phoenix; and

**WHEREAS**, the City does not anticipate any additional demand on the provision of public services and infrastructure related to the proposed adjustment of regulations on the time, place, and manner of operation of cannabis facilities engaged in the distribution of cannabis to the general public, whether the intended use of the cannabis is for medical or non-medical purposes; and

**WHEREAS**, the City has not observed any additional law enforcement demands associated with the operation of such cannabis facilities since they began operation in 2015.

**NOW THEREFORE**, the City of Phoenix **ORDAINS** as follows:

**Section 1.** The Municipal Code of the City of Phoenix is hereby amended as proposed in Exhibit A.

**PASSED AND ADOPTED** by the City Council and signed by me in authentication of thereof on this 1<sup>st</sup> day of August, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Recorder

**EXHIBIT A**  
**CHAPTER 5.18 OF THE CITY OF PHOENIX MUNICIPAL CODE, AS AMENDED BY**  
**ORDINANCE 967 ON OCTOBER 5, 2015, SHALL READ AS FOLLOWS:**

**Chapter 5.18 – Cannabis Facility License**

**Sections**

- 5.18.010 Purpose**
- 5.18.020 Definitions**
- 5.18.030 License Required**
- 5.18.040 Application Procedures**
- 5.18.050 Standards for Review and Facility Operation**
- 5.18.060 Period of Validity**
- 5.18.070 Transfer of License Prohibited**
- 5.18.080 Ineligibility for Noncompliance**
- 5.18.090 Annual License Renewal Procedures**
- 5.18.100 Revocation of License for Noncompliance**
- 5.18.110 Appeal of Denial or Revocation of a Dispensary License Application**
- 5.18.120 No Vested Rights**
- 5.18.130 Enforcement**

**5.18.010 Purpose.**

- A. The City of Phoenix intends to protect the public health, safety, and welfare of persons and property within its jurisdiction.
- B. The City of Phoenix wishes to protect the residential character and quality of life within its predominately residential neighborhoods.
- C. The City of Phoenix endeavors to manage its public safety and other municipal resources in the most effective and efficient way possible.
- D. The City of Phoenix has planned, and desires to create a thriving, walkable City Center, that attracts visitors of all ages and backgrounds and provides goods and services to the community within which it is located.
- E. The City of Phoenix wishes to minimize potential adverse secondary effects upon children and other members of the public that may reasonably be anticipated to occur in the absence of the following regulation.

**5.18.020 Definitions.**

- A. "Cannabis" or "marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include industrial hemp, as defined by ORS 571.300, the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- B. "Cannabis containing products" or "Cannabis derived products" means any compound, manufacture, salt, derivative, mixture, extract, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include industrial hemp, as defined by ORS 571.300, the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- C. "Cannabis cultivation" means the agricultural or industrial practice of growing cannabis from seed or immature plant, as defined by the laws and administrative rules of the State of Oregon. It may include the harvesting and drying of cannabis cola and leaves that have been grown upon the same premises. Cannabis cultivation does not include the agricultural or industrial practice of growing industrial hemp, as defined by the laws and administrative rules of the State of Oregon. Nor does it include the mere incidental possession of immature cannabis plants by a cannabis processor or wholesale or retail distributor.
- D. "Cultivation area" means the area within which plants are grown. All parts of a plant grown within a cultivation area shall be contained within the perimeter of the cultivation area. No part of a plant, except for rhizomal matter, roots, etc., grown within a cultivation area shall grow past the perimeter of the cultivation area.
- E. "Distribution of cannabis" means the physical transfer of any amount of cannabis, marijuana, or taxonomically related plant in any form by one person to any other person or persons, regardless of whether any consideration is paid or received.
- F. "Facility, cannabis" means real property, whether improved or not, whereupon cannabis, cannabis containing products, or products derived from cannabis are distributed, produced, processed, or cultivated. Premises whereupon a resident grower cultivates cannabis for personal consumption as permitted by Chapter 2 of the Phoenix Land Development Code and applicable laws and administrative rules of the State of Oregon are not cannabis facilities.
- G. "Licensed activity" shall mean any single activity for which a cannabis facility license is required including retail and wholesale distribution, production or processing of cannabis containing or derived products, and cultivation.
- H. "Operator" means the person who is the proprietor of a facility, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. If the operator is a corporation, the term operator also includes each and every member of the corporation's Board of Directors whose directorship occurs in a period during which the facility is in operation. If the operator is a partnership or limited liability company, the term operator also includes each and every member thereof whose membership occurs in a period during which the facility is in operation.
- I. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

- J. "Premises" means real property at or in which a Cannabis Facility is located.
- K. "Production or processing of cannabis containing or derived products" means the production of substances and finished products by mixing, extraction, or other preparations of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the production of substances and finished products containing or derived from industrial hemp, as defined by ORS 571.300, the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- L. "Purchase or sale" means the acquisition or furnishing for consideration by any person of cannabis or cannabis containing or derived products within the City.
- M. "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority."
- N. Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide cannabis and/or cannabis containing or derived products to purchasers for money, credit, property or other consideration.

**5.18.030 License Required.**

It is unlawful for any persons acting as principal, clerk, agent or servant to engage in the cultivation, processing, production or distribution of cannabis, cannabis containing or derived products and byproducts, otherwise permitted under State law without first obtaining a license from the City of Phoenix. This license shall be an addition to any and all other licenses and permits held by applicant.

- A. Cannabis facilities engaged in the retail distribution of cannabis must obtain separate licenses in order to engage in the retail distribution of cannabis that is intended for medicinal consumption under the OMMP and cannabis that is intended for non-medicinal, "recreational" consumption. The foregoing notwithstanding, only one licensed activity may be conducted at a particular cannabis facility.
- B. Cultivation of cannabis conducted by a "resident grower" as defined by Chapter 2 of Phoenix Land Development Code shall not require a cannabis facility license but must comply with the provisions of Chapter 2 and all other applicable regulations and laws.

**5.18.040 Application Procedures.**

An applicant shall complete an application for a license on a form provided by the City and containing the following information:

- A. A notarized statement that the applicant is the owner of record for the property at which the cannabis facility would operate, accompanied by proof of ownership, or, if the applicant is not the owner of record for the property, a notarized statement that the owner authorized the application for the license.

- B. The full name, mailing address, email address, and telephone number of the owner of record for the property if the applicant is not the owner of record for the property.
- C. Payment of an applicable license review fee established by resolution of the City Council.
- D. A floor plan and site plan, with accurate dimensions and drawn to scale, depicting the enclosed and locked location in the building where cannabis and cannabis containing and derived products will be stored, and detailing security measures undertaken to secure that location and the premises in general;
- E. For safety and building code requirements, a description detailing the electrical, plumbing, and any other building modifications and improvements utilized in the distribution, production, and/or cultivation of cannabis plants and cannabis containing and derived products;
- G. Documentation of any building, development, or other permits and licenses as required and issued by the City or State including a business license as required by Chapter 5.04 of the Phoenix Municipal Code and any licenses issued by the State of Oregon authorizing the distribution, cultivation, or production of cannabis and cannabis containing or derived products.
- H. The names and addresses of all persons that
  - 1. Have an ownership interest in the cannabis facility;
  - 2. Have loaned or given money or real or personal property to the applicant for use by the facility within the preceding year;
  - 3. Will act as an operator.
- I. The Chief of Police shall conduct background checks to determine whether any person named therein has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person's lifetime.
- J. Any additional information as may be deemed necessary by the Chief Law Enforcement Official or the Planning Director.
- K. The City shall issue, in writing, a decision approving, approving with conditions, or denying the requested cannabis facility license within 60 days of submission of a completed application.

#### **5.18.050 Standards for Review and Facility Operation**

In order to qualify for a cannabis facility license, the facility must meet all of the following standards:

- A. Cannabis facilities may not operate within R-1, R-2, R-3, or C-C land use districts. Production of cannabis containing and derived products is further prohibited in these districts and in the C-H district. This provision shall not be read so as to release cannabis facilities from other requirements to obtain additional land use and building permits as required by the Phoenix Land Development Code and state building and fire codes.
- B. A cannabis facility shall be located more than 250 feet from any R-1, R-2, or R-3, residential zones or a property that is legally used for residential purposes. The minimum separation between the cannabis facility or use and any and all residential property, as defined by this section, shall be calculated using the method described below in 5.18.050.F.

- C. A cannabis facility shall be located more than 250 feet from any park or recreational facility meeting the following standards:
  1. A public park or recreation facility that has been identified in the City's Comprehensive Plan, with the exception of the Bear Creek Greenway;
  2. A public library;
  3. A commercial or residential recreational facility, which serves children under 18 years of age;
  4. The minimum separation between the cannabis facility and any and all parks and recreation facilities property as defined by this section shall be calculated using the method described below in 5.18.050.F.
- D. All cannabis facilities shall be located more than 1,000 feet from any public or private school, with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of not fewer than 30 children who are under 18 years of age. This minimum separation between the cannabis facility and any and all schools shall be calculated using the method described below in 5.18.050.F.
- E. The cannabis facility shall be located at least 1,000 feet from another cannabis facility.
- F. Minimum distance shall be measured using the following method:
  1. The entrance to the cannabis facility that is nearest to the nearest residential, school, park or recreational facility property, as defined by this section shall be identified.
  2. A straight line shall be drawn from that point to the nearest point on the property line of the nearest residential, school, park or recreational facility property.
  3. To measure minimum distance between two cannabis facilities, the entrances to each facility closest to one another shall be identified, and a straight line shall be drawn between these two entrances.
  4. The distance as measured using the procedures in 5.18.050.E.1-3 must be less than the minimum spatial separation distances delineated in 5.18.050 B, C, D, and E.
- G. The cannabis facility shall be located in a permanent building and may not be located in a motor vehicle, cargo container, tent, trailer or other temporary structure.
- H. All cannabis and cannabis containing and derived products shall be contained within a secure, locked case, cabinet, safe, or similar enclosure that is not accessible without restricted means of entry.
- I. At no time shall cannabis and cannabis containing and derived products or any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with cannabis and cannabis containing and derived products be visible by passers-by.
- J. Outdoor storage of cannabis, cannabis containing and derived products, or other raw materials for use in the production of cannabis containing or derived products, is strictly prohibited.
- K. The exterior of the building within which the cannabis facility is located shall be consistent in appearance with buildings in immediate vicinity and comply with any applicable architectural design standards. Any modification to the premises or exterior of a building in which a cannabis facility is located shall be subject to Chapter 4.2 of the Phoenix Land Development Code.

- L. Drive-up or drive-through facilities are expressly prohibited for cannabis facilities.
- M. Cannabis facilities shall provide for secure disposal of cannabis remnants, waste and byproducts; such materials and substances shall not be disposed of in unsecured refuse collection containers.
- N. A cannabis facility engaged in the distribution of cannabis to the general public, whether the intended use of the cannabis is for medical or non-medical purposes, shall only operate between the hours of 8:00AM and 10:00PM.
- O. Cannabis and cannabis containing or derived products shall not be consumed on the premises, unless the Cannabis Facility is registered with the State of Oregon Health Authority as a Medical Marijuana Facility, and only then may this activity occur according to applicable state statutes and the rules promulgated there from.
- P. The facility shall utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
- Q. No minor is allowed on the premises unless the minor is a registry identification cardholder, is accompanied by a parent or guardian, and the Cannabis Facility is registered with the State of Oregon Health Authority as a Medical Marijuana Facility, and only then may this activity occur according to applicable state statutes and the rules promulgated there from.
- R. A person who has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person's lifetime shall not
  1. Be an operator of a cannabis facility;
  2. Have an ownership interest of 5% or more in the facility or in any entity that has a 25% or more ownership interest in the facility;
  3. Provide equity or debt financing for the facility; or
  4. Have an ownership interest of 5% or more in any entity that provides or has provided equity or debt financing for the facility.
- S. All cannabis facilities that are licensed by the State of Oregon shall provide proof of current registration as required by state law and administrative rules.
- T. A cannabis facility shall display its current permit inside the facility in a prominent place easily visible to persons conducting business in the facility.
- U. Cannabis facilities engaged in commercial cultivation shall meet the standards and requirements established in the Phoenix Land Development Code.
- V. Cannabis facilities engaged in commercial cultivation may also be required to post a performance bond or other form of financial surety, the amount of which shall be calculated by City staff to recover all reasonably anticipated costs associated with the removal and disposal of cannabis plants and related materials and equipment.

**5.18.060 Period of Validity.**

A license granted under these provisions shall be effective and valid for a period of up to one year from issuance or, in the case of facilities licensed by a State agency, until the expiration of that registration whichever occurs first.

**5.18.070 Transfer of License Prohibited.**

No license issued under the forgoing provisions may be sold, transferred, or otherwise assigned from the original license holder to another person or corporate entity.

**5.18.080 Ineligibility for Noncompliance.**

No license shall be issued to or renewed for a cannabis facility that

- A. Is not in compliance with the building and property management codes enacted by the City and the International Fire Code;
- B. Has not been issued a valid certificate of occupancy, if applicable;
- C. Is in violation of Chapter 3.17 of the Phoenix Municipal Code.

**5.18.090 Annual License Renewal Procedures.**

Prior to the expiration of the original one year license, a license renewal application fee as established by the City Council, shall be filed with the City. Any changes to the information provided on the original application shall be indicated on the license renewal application.

- A. Prior to license renewal approval, the Chief Law Enforcement Official, or designee thereof, and the City's building inspector and/or Planning Director, may inspect the licensed facility. The inspection shall include, at minimum, a review of storage areas and security measures.
- B. All requirements established in this section must be satisfied in order for a person to be eligible to renew its license to distribute cannabis and cannabis containing and derived products.
- C. The applicant must be current on all applicable Cannabis Facility Taxes and fees as established in Chapter 3.17 of the Municipal Code.
- D. If the Chief Law Enforcement Official, Planning Director, or designee thereof determines that the cannabis facility is in compliance with these requirements, a one year license renewal shall be issued.
- E. A license renewal application shall be submitted requesting renewal annually at least 30 days prior to expiration of the current permit. The premises used as a cannabis facility may be inspected by the Chief Law Enforcement Official, Planning Director, or a designee thereof, and the City's building official, to ensure compliance with this ordinance.

**5.18.100 Revocation of License for Noncompliance.**

In the event of any noncompliance with this provision after a license has been issued, the license may be revoked upon any of the following findings by order of the Chief Law Enforcement Official, a designee thereof, the Planning Director, or the City's building official, until noncompliance has been corrected as determined by the aforementioned agent(s):

- A. A violation of any state or local regulations, the provisions of this ordinance, or the provisions of the license;
- B. Operation of a cannabis facility that cultivates, distributes, produces cannabis or cannabis containing products, or otherwise assists a patient, client, or customer, in

the use of cannabis or cannabis products in an unlawful manner or in a manner contrary to the public health, safety, and welfare;

- C. Any attempt to transfer, assign, or sell a license to another location or to use the same improperly;
- D. The information provided with the license application was falsified, incomplete, and/or inaccurate;
- E. Failure to pay any duly enacted fees or taxes

**5.18.110 Appeal of Denial or Revocation of a Cannabis Facility License Application.**

An application for an original or renewal license which has been denied, or an existing license that has been revoked by the Chief Law Enforcement Official, a designee thereof, the Planning Director, or the City's building official, may be appealed to the Phoenix City Council.

**5.18.120 No Vested Rights.**

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

**5.18.130 Enforcement.**

A. A person who violates any provision of this chapter, or the terms, conditions, or provisions of a license, is responsible for a municipal civil infraction, and shall be subject to all fines as established from time to time by resolution of the City Council.

B. In order to secure, remove, and dispose of cannabis plants or cannabis containing or derived products that remain upon the premises of a cannabis facility after it has ceased operations, the City may enter upon the premises.

C. Nothing in this section shall be construed to limit the remedies available to the City in the event of a violation by a person of this chapter and/or a license. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense.

exterior of a building in which a cannabis facility is located shall be subject to Chapter 4.2 of the Phoenix Land Development Code.

- L. Drive-up or drive-through facilities are expressly prohibited for cannabis facilities.
- M. Cannabis facilities shall provide for secure disposal of cannabis remnants, waste and byproducts; such materials and substances shall not be disposed of in unsecured refuse collection containers.
- N. A cannabis facility engaged in the distribution of cannabis to the general public, whether the intended use of the cannabis is for medical or non-medical purposes, shall only operate between the hours of 8:00AM and ~~8:00~~10:00PM.
- O. Cannabis and cannabis containing or derived products shall not be consumed on the premises, unless the Cannabis Facility is registered with the State of Oregon Health Authority as a Medical Marijuana Facility, and only then may this activity occur according to applicable state statutes and the rules promulgated there from.
- P. The facility shall utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
- Q. No minor is allowed on the premises unless the minor is a registry identification cardholder, is accompanied by a parent or guardian, and the Cannabis Facility is registered with the State of Oregon Health Authority as a Medical Marijuana Facility, and only then may this activity occur according to applicable state statutes and the rules promulgated there from.
- R. A person who has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person's lifetime shall not
  1. Be an operator of a cannabis facility;
  2. Have an ownership interest of 5% or more in the facility or in any entity that has a 25% or more ownership interest in the facility;
  3. Provide equity or debt financing for the facility; or
  4. Have an ownership interest of 5% or more in any entity that provides or has provided equity or debt financing for the facility.
- S. All cannabis facilities that are licensed by the State of Oregon shall provide proof of current registration as required by state law and administrative rules.
- T. A cannabis facility shall display its current permit inside the facility in a prominent place easily visible to persons conducting business in the facility.
- U. Cannabis facilities engaged in commercial cultivation shall meet the standards and requirements established in the Phoenix Land Development Code.
- V. Cannabis facilities engaged in commercial cultivation may also be required to post a performance bond or other form of financial surety, the amount of which shall be calculated by City staff to recover all reasonably anticipated costs associated with the removal and disposal of cannabis plants and related materials and equipment.

#### 5.18.060 Period of Validity.

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**AGENDA BILL**

**AGENDA ITEM:** **7B**

**AGENDA TITLE: SECOND READING AND PUBLIC HEARING OF AN ORDINANCE APPROVING THE ANNEXATION OF LAND WITHIN THE URBAN GROWTH BOUNDARY INTO THE CITY.**

**DATE: August 1, 2016**

**ACTION REQUIRED:**

**ORDINANCE: XX**

**RESOLUTION: N/A**

**MOTION: XX**

**INFORMATION: N/A**

---

**EXPLANATION:** This is a public hearing on a project that involves the annexation of 2.47 acres located at 3960 Hilsinger Road and 1680 Camp Baker Road into the City of Phoenix. Upon annexation, the property would also be rezoned from the current Jackson County zoning of RR2.5 to the City's R-1 H-O, Single Family Residential Hilsinger Overlay zone district.

Property owners within 200 feet of the subject property have been notified of the pending annexation and rezoning. At the time of writing of this Agenda Bill and during the first public hearing held on June 13, 2016, staff has not received any comments against this annexation. However, so far we have received two comments in favor of the annexation.

The Planning Commission conducted public hearings on this request at their June 13, 2016 meeting and has recommended that the City Council approve the request subject to the conditions contained in the accompanying Annexation Agreement.

**FISCAL IMPACT:** Development of the site will generate payment of System Development Charges, which will be paid at the time of issuance of building permits.

There is no immediate capital expense for the City, however, the City will have to maintain any public infrastructure constructed as part of the project.

**ALTERNATIVES:** The Council may refuse to read the proposed ordinance by title.

**STAFF RECOMMENDATION:** Staff recommends City Council move to approve the ordinance approving annexation of land at 3960 Hilsinger Road and 1680 Camp Baker Road into the City of Phoenix.

**MOTION: " I MOVE TO APPROVE ORDINANCE NO. \_\_\_\_\_, APPROVING THE ANNEXATION OF LAND WITHIN THE URBAN GROWTH BOUNDARY INTO THE CITY."**

**PREPARED BY:** Steffen Roennfeldt

**REVIEWED BY:**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE FOR ANNEXATION OF TWO PARCELS WITHIN TOWNSHIP 38 SOUTH, RANGE 1 WEST, SECTION 16 AC**

**AN ORDINANCE PROCLAIMING ANNEXATION TO THE CITY OF PHOENIX OF TWO PARCELS TOTALING 2.48 ACRES AND INCLUDING A PORTION OF PUBLIC RIGHT-OF-WAY UNDER JACKSON COUNTY JURISDICTION, KNOWN AS HILSINGER ROAD. THE SUBJECT ANNEXATION IS COUNTY ZONED SINGLE-FAMILY RESIDENTIAL (RR-2.5) AND IS SURROUNDED BY LANDS ALREADY WITHIN THE CITY LIMITS. IF NOT APPEALED, THIS ORDINANCE IS EFFECTIVE 30 DAYS FROM THE DATE OF THE CITY COUNCIL APPROVAL.**

**WHEREAS**, the property owner of parcels in the territory to be annexed has consented in writing to the annexation; and

**WHEREAS**, the Planning Commission of the City of Phoenix, after providing the required public notification, including notification to the Department of Land Conservation & Development, held a public hearing on June 13, 2016, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the City of Phoenix Land Development Code, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the property owner's request; and

**WHEREAS**, notice of the City Council public hearing was published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of the published notice, and it appears to be in the best interest of the City and the area involved that it be annexed to the City of Phoenix; and

**WHEREAS**, the City Council finds and determines that the facts and conclusions in the staff report issued for the Planning Commission's June 13, 2016 hearing, on file in the City Offices, are true and correct and are hereby adopted as findings of the council.

**NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:**

**Section 1.** The City Council declares and proclaims that the territory described in Exhibit "A" and depicted in Exhibit "B" is annexed to the City of Phoenix.

**Section 2.** The zoning of the above-described properties shall be amended from Jackson County SR-2.5 to City of Phoenix R-1 H-O, Single Family Residential with Hilsinger Overlay.

**Section 3.** The City Recorded is directed to

- A. File the following with the Secretary of State and Department of Revenue:
  - a. A copy of this ordinance;
  - b. A copy of the land owner statement of consent.

B. Mail a copy of this Ordinance to Jackson County, to all service providers and to any other parties entitled to receive this notice of its adoption.

**Section 4.** This application complies with the City’s Comprehensive Plan and ORS Chapter 222.120 attached as Exhibit “C” and incorporated herein by reference.

**Section 5.** The Annexation Agreement between the City of Phoenix and Randall and Vicki Williams attached as Exhibit “D” and incorporated herein by reference shall be executed prior to recording of this annexation. The applicant is responsible to pay for all annexation and recording fees.

**Section 6.** This annexation shall become effective 30 days from the date of City Council approval.

**PASSED AND ADOPTED** by the City Council and signed by me in open session in authentication thereof this \_\_\_\_ day of July, 2016.

---

Mayor Jeff Bellah  
City of Phoenix

Attest:

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Janette Boothe  
City Recorded

Exhibit "A"

**Tax Lot 600**

Beginning at an iron pin, said pin being the Northeast corner of Lot 16 in HILSINGER SUBDIVISION, in section 16, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South  $0^{\circ}03'$  West along the East line of said Lot, 269.02 feet, more or less, to the Northeast corner of that tract described in Volume 530, Page 476, Jackson County, Oregon, Deed Records; thence West along the North line of said tract 236.55 feet, more or less, to the East line of that tract described in Document No. 77-10232, Official Records of Jackson County, Oregon; thence North  $02^{\circ}56'$  West along said East line 267.92 feet, more or less, to the North line of said Lot 16; thence North  $89^{\circ}40'$  East along said North line 250.50 feet, more or less, to the point of beginning.

**Tax Lot 500**

Commencing at the Northeast corner of Lot Sixteen (16) of HILSINGER SUBDIVISION in Jackson County, Oregon, according to the official plan thereof, now of record, and running thence South  $89^{\circ}40'$  West, along the North line of said Lot, a distance of 250.50 feet to the true point of beginning; thence South  $2^{\circ}56'$  East 401.11 feet to the South line of said Lot; thence West 119.75 feet to the Southwest corner of said Lot; thence North 400.0 feet to the Northwest corner thereof; and thence North  $89^{\circ}40'$  East, along the North line of said Lot, a distance of 98.50 feet to the true point of beginning.

Exhibit "B"

**Legend**

- UGB
- City Limits
- Taxlots
- Streets
- Subject Area



Exhibit "C"

**ORS § 222.120**

Procedure without election by city electors

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
  - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
  - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), prior to the public hearing held under subsection (2) of this section; or
  - (c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), owner or landowner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcels land mass and assessed value for

purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

## **CITY OF PHOENIX LAND USE ELEMENT**

As Amended ORD 788 Page 22 Land Use Element March 2, 1998 Phoenix Planning Department  
Updated September 15, 2008 – ORD 905

### **Policy 3.1**

The City Council may approve annexations, without referral to the City's entire electorate, when findings and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and:

- A) That development on the land proposed for annexation can be served with all urban services and facilities without adverse impact on the availability, quality, quantity, or reliability of City services provided to or likely to be needed by;
  - 1. Existing development within the incorporated area, and
  - 2. Undeveloped, partially vacant, or redevelopable incorporated land (considering approved development plans or permissible densities as set out in the Plan), and
- B) Population impacts of the proposed development will not cause the City's population to grow at a rate in excess of the Comprehensive Plan, Populating Element's planned population. The population impact of residential lands development shall be computed by:
  - 1. Multiplying the gross area in square feet times 72 percent (to account for lands dedicated to streets) then,
  - 2. Dividing by the maximum lot size permissible within the zone that would be applied to the property if annexed, and then,
  - 3. Multiplying by the average occupancy associated with the dwelling type based upon the most recent U.S. Census.

Such analysis shall be submitted by the applicant at the time of application.

An annexation conforms to the Population Element if the average rate of population growth likely to result from annexation (considering development phasing of the proposed annexation) when added to the development of previously annexed lands (considering their phasing and historical rate of development) will not exceed 133 percent of the average annual population growth rate computed as follows:

Planned Population – most recent PSU1 estimate of population Forecast Year – the year of the most recent estimate

### **Policy 3.2**

The City Council may, at its discretion, refer to the City's electorate any annexation that does not fully comply with Policy 3.1. The procedures described within ORS 222.130 regarding

annexation elections shall be followed. A simple majority of votes cast shall determine the outcome.

**Policy 3.3**

The Council may annex territory to the City, and dispense with the requirements of Policy 3.1 and 3.2 where the Oregon Health Division has issued a finding that a danger to public health exists because of conditions within the territory.

**Policy 3.4**

All properties annexed to the City shall eventually be improved to City standards; including but not limited to street improvements, curbs, gutters, lighting, and other improvements included within the City's development standards or as may otherwise be specified by the City's Engineer, Public Works Director, or Planner and approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council.

**Policy 3.5**

The City shall initiate proceeding to annex "islands" of unincorporated area within the City Limits immediately following their creation or as soon thereafter as practical when deemed to be in the overall best interest of the City. Such annexations are required to ensure orderly and equitable provision of public improvement, utilities, and community services, and to further growth and development of the community in accordance with this Plan.

**Policy 3.6**

The City Council may initiate "contract annexation" or an alternative procedure, other than standard annexation, when it is determined that the community will derive significant economic advantage.

Exhibit "D"

**City of Phoenix  
Annexation Agreement (A16-01/ZO16-01)**

This agreement is made between the City of Phoenix, a municipal corporation of the State of Oregon, hereinafter called "City", and Randall and Vicki Williams, hereinafter called "Williams". In consideration of the City holding the necessary public hearings, investigating the facts, and consideration surrounding the application of Williams for annexation of their land, Williams hereby acknowledges and hereby agrees to fully comply with the conditions set forth below, which are imposed by the City. The property being annexed is known as follows:

The parcels know as Jackson County Assessor Map No 381W16AC, Tax Lot 500 and 600

It is agreed that in the event of annexation, zone change, and other proceedings related to the application of Williams is challenged or found invalid for any reason whatsoever, the applicant hereby agrees to hold harmless the City, its agents, employees, and officer, including any legal expenses or court costs before the Land Use Board of Appeals, incurred by the City. Williams agrees that the following conditions of annexation be considered a restriction made upon the property by its present owner and its successors or assigns and developers and until all conditions have been fully met, such conditions shall run with the land.

The conditions of annexation are as follows:

1. The plans and all stipulations included in the applicant's submittal shall be completed as proposed unless modified by the following conditions.
2. Upon annexation, development of the properties shall be subject to City standards.
3. The properties shall be rezoned R-1 H-O, Single Family Residential Hilsinger Overlay under the Phoenix Land Development Code.
4. The extension of utilities to serve the subject properties shall be the responsibility of the property owner.
5. All properties will be served by Rogue Valley Sewer Services. A sewer connection must be done in accordance with RVSS standards.
6. This annexation agreement shall be executed prior to recording of this annexation; The applicant is responsible to pay for all annexation recording fees.

Executed by Randall and Vicki Williams on this \_\_\_ day of July, 2016.

City of Phoenix

Randall L Williams

\_\_\_\_\_  
Jeff Bellah, Mayor

\_\_\_\_\_  
Vicki I Williams

STATE OF OREGON            )  
                                          )SS  
COUNTY OF JACKSON        )

Personally appeared, the above named  
Jeff Bellah, Mayor, who acknowledged  
the foregoing instrument to be her  
voluntary act and deed.

Before me: \_\_\_\_\_  
                                          Notary Public of Oregon

My commission expires: \_\_\_\_\_

STATE OF OREGON            )  
                                          )SS  
COUNTY OF JACKSON        )

Personally appeared, the above named  
Randall L Williams, who acknowledged  
the foregoing instrument to be her  
voluntary act and deed.

Before me: \_\_\_\_\_  
                                          Notary Public of Oregon

My commission expires: \_\_\_\_\_

STATE OF OREGON            )  
                                          )SS  
COUNTY OF JACKSON        )

Personally appeared, the above named  
Randall L Williams, who acknowledged  
the foregoing instrument to be her  
voluntary act and deed.

Before me: \_\_\_\_\_  
                                          Notary Public of Oregon

My commission expires: \_\_\_\_\_



Department

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

**File Number:** A16-01 & ZO16-01

**Request:** Petition for Annexation and Rezoning, Type IV Legislative Action & Type III Quasi-Judicial Action

**Street Address:** 1680 Camp Baker Road, Medford, OR 97501

**Parcel Number(s):** 38 1W 16AC TL500, TL600

**Date of Application:** April 6, 2016

**Applicant:** Randall and Vicki Williams

Phone: 541-292-1933  
541-227-3964

**Applicant Address:** 3960 Hilsinger Road  
Phoenix, OR 97535

**Information Reviewed:** Application file

**Related permits:** VAR16-01, MLP16-01, MLP16-02

**Date of 1<sup>st</sup> Evidentiary Hearing:** June 13, 2016

**Date of 2<sup>nd</sup> Evidentiary Hearing:** TBD

**Staff Recommendation:** Accept Findings of Fact and Conclusions of Law as presented in the staff report and recommend approval of the request for annexation to the Phoenix City Council and approve the request for zone change from Jackson County Rural Residential 2.5 to City of Phoenix R-1, Hilsinger Overlay.



Department

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Office: 541-535-2050

## Projection Description

1. **Subject Property Legal Description:** see Exhibit 1

2. **Subject Property Characteristics and Features:** Two parcels with a combined land area of 2.49 acres, located on the west side of Hilsinger Road, north of Camp Baker Road. A single family home and four outbuildings are located on TL 600, and the home is occupied by the applicant. One of the outbuildings would be removed, the others would remain. Lot 500 is vacant with the exception of an existing shop building.

The subject is roughly level, with no significant topographic variation. Open, undeveloped land has been used for pasture. There are several "significant" trees as defined the City's Land Development Code including a row of cedars and Cyprus located on the southern property line of TL 600. Note: the applicant has identified preservation of these and several other trees as a principal justification for maintaining lot sizes that exceed the maximum allowed within the Hilsinger Overlay district.

3. **Land Entitlement Status:**

- a. **Subject Property Current Zoning:** Jackson County, Rural Residential 2.5
- b. **Subject Property Proposed Zoning:** City of Phoenix R-1, Hilsinger Overlay Zone
- c. **Subject Property Current Comprehensive Land Use Plan Designation:** Low Density Residential
- d. **Subject Property Proposed Comprehensive Land Use Plan Designation:** Low Density Residential

4. **Neighborhood Characteristics and Features:**

- a. **Adjacent Zoning:** North, R-1 Low Density Residential Hilsinger Overlay District; East Jackson County RR2.5; R-1 Low Density Residential Hilsinger Overlay; South, Jackson County EFU
- b. **Adjacent Comprehensive Land Use Designations:** N, Low Density Residential; East, undeveloped & Low Density Residential; West, Low Density Residential; South, agricultural (active vineyard and winery).

5. **Utilities and Infrastructure:** the property is served by full urban infrastructure that is available throughout the surrounding neighborhood.

- a. **Electricity:** Pacific Power
- b. **Natural Gas:** Avista
- c. **Potable Water:** the existing single family home is property is served by a 1" meter (slightly larger than typical residential meter).
- d. **Sanitary Sewer:** Sanitary sewer, provided by Rogue Valley Sewer Services, is available to the subject
- e. **Transportation:** Access to the subject is provided from Camp Baker Road, Hilsinger Road, and Pacific Lane
- f. **Police:** The property is within the Phoenix UGB and already served by the Phoenix Police Department.



Department

112 W. 2<sup>nd</sup> Street, Phoenix, Oregon 97535

Office: 541-535-2050

- g. **Fire:** Fire protection is provided by Jackson County Fire District #5.

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## Review

### Request for Annexation

Annexation is governed by the City's Land Development Code, Municipal Code, Comprehensive Plan, its Urban Growth Boundary Management Agreement with Jackson County, and state law. The Land Development and Municipal Codes do not define specific standards of review for a proposed annexation.

Requests for annexation are evaluated using a Type IV Legislative procedure. The Planning Commission recommends action, but does not have authority to render a final decision. The City Council must ratify a proposed annexation by ordinance.

ORS 222.111 provides the statutory authority for a city in Oregon to expand its territory assuming that

1. The land to be annexed is contiguous with the existing political boundaries of the city in question; and
2. The petition for annexation has been "initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed".

Section 170 of ORS 222 further requires that more than half of the property owners who own more than half of the total assessed valuation within the area to be annexed must consent to the annexation.

### Findings of Fact:

1. The subject property is contiguous with the current Phoenix city boundary.
2. The petitioner is the only property owner involved in the request for annexation.

### Conclusions of Law:

The requested action **CONFORMS TO THE REQUIREMENTS OF ORS 222.111** for annexation.

---

The City of Phoenix and Jackson County manage the urbanization of land through an Urban Growth Boundary and Policy Agreement that was ratified by in 1995. According to this *agreement*

1. *City annexation shall occur only within the officially adopted Urban Growth Boundary.*
2. *Specific annexation decisions shall be governed by the official annexation policy of the City. The City will provide an opportunity for the County to respond to pending requests for annexation.*
3. *Establishment of an Urban Growth Boundary does not imply that all land within the boundary will be annexed to the City.*



Department

112 W. 2<sup>nd</sup> Street, Phoenix, Oregon 97535

Office: 541-535-2050

4. *Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the City Comprehensive Plan, prior to or concurrent with the land use changes.*

**Findings of Fact:**

1. The subject is located within the officially adopted Urban Growth Boundary.
2. The City has notified the County of the proposed annexation and has not yet received any comments.
3. All urban infrastructure is available to the subject property and has sufficient capacity to accommodate development in this vicinity. Hilsinger Road does not meet current City standards, but improvements are considered to be a high priority within the City's Transportation System Plan and Capital Improvement Plan.

Historically, there have been concerns about water pressure in this part of Phoenix. Improvements made to the system have improved pressure, and recent measurements from hydrants in this area indicate sufficient pressure for fire suppression and domestic water supply. If, upon review of a subdivision plan, minor lot partition, site design or development review application, it is demonstrated that pressure is insufficient for minimum domestic water supply and fire suppression standards, the City may consider requiring further improvements at the developer's, users, and/or City's expense. Concerns about water pressure may also be allayed by the fact that the property owner has suggested using TID for irrigation, thus reducing one of the most significant demands on municipal water systems during parts of the year when water supplies are under greatest demand.

The subject is within the Fire District 5, Phoenix City Police Department, and Talent/Phoenix School district service areas.

Because the precise nature of development is not known, future impacts on City infrastructure and services are somewhat speculative and should be left to later phases in the development review process. Considering the size of the annexation, it is unlikely that future development of these lands

**Conclusions of Law:**

The requested action **CONFORMS TO THE REQUIREMENTS OF THE PHOENIX URBAN GROWTH BOUNDARY POLICY AGREEMENT** for annexation.

Last, the Land Use Element of the City's Comprehensive Plan provides goals and policies for annexation. Goal 3 is to "Manage annexations to achieve the objectives of the Plan by ensuring that the cumulative effect of annexations decision are considered." Policy 3.1 states that

*The City Council may approve annexations, without referral to the City's entire electorate, when findings of facts show that development of the property or properties proposed for annexations would be consistent with the Plan and A) That development on the land proposed for annexation can be served with all urban services and facilities without adverse impact on the availability, quality, quantity, or reliability of City services provided to or likely to be needed by; 1) Existing development within the incorporated area, and 2) Undeveloped, partially vacant, or*



Planning & Building

Department

112 W. 2<sup>nd</sup> Street, Phoenix, Oregon 97535

Office: 541-535-2050

*redevelopable incorporated land (considering approved development plans or permissible densities as set out in the Plan), and B) Population impacts of the proposed development will not cause the City's population to grow at a rate in excess of the Comprehensive Plan, Population Element's planned population [...]An annexation conforms to the Population Element if the average rate of population growth likely to result from annexation (considering development phasing of the proposed annexation) when added to the development of previously annexed lands (considering their phasing and historical rate of development) will not exceed 133 percent of the average annual population growth rate computed as follows: Planned Population - most recent PSU<sup>1</sup> estimate of population.*

Policy 3.4 requires that "All properties annexed to the City shall eventually be improved to City standards [...]If required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council."

#### **Findings of Fact:**

1. The subject property is served by all urban infrastructure and services (see discussion below throughout review of request for zone change).
2. Provision of the services can be accomplished without adversely affecting existing or future development within the City's current Urban Growth Boundary.
3. The proposed annexation would accommodate a maximum of 6 new dwelling units.
4. The current average household size for the City of Phoenix is 2.2 persons/household.
5. The maximum population added to the City's current population of 4,955 within the City's political boundaries (PSU 2015 certified population estimate) due to the proposed annexation would be 14 or 0.003% more than the current population.
6. Development upon the annexed property must comply with the City's Land Development Code which requires improvements to infrastructure and facilities that meet the City's specifications. This would be reviewed during subdivision and site design/development review.

#### **Conclusions of Law:**

The requested action **CONFORMS TO THE REQUIREMENTS OF THE PHOENIX COMPREHENSIVE PLAN** for annexation.

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#### **Request for Zone Change ("Rezoning")**

The criteria for review of a quasi-judicial map amendment are set forth in Chapter 4.7.3.B Criteria for Quasi-Judicial Amendments and are stated as follows:



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1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*
3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.*

**Findings:**

**Compliance with Comprehensive Plan**

**1. Population Element.**

Goal 1 of the Population Element is to “Plan, design, and implement programs, plans and projects which will support a year 2016 population of 5,250.” The City’s current population is 4,955, according to the certified population estimated determined by Portland State University. The proposed annexation, which would not accommodate more than 4-6 dwelling units, will not exceed this planning goal. As a recently completed Residential Buildable Lands Inventory and Housing Needs Assessment observe, much of the City’s buildable residential land within its current political boundaries has been built-out. Accommodating population growth within the City will need to be achieved through the annexation of land within the Urban Growth Boundary. **Z016-01 is consistent and complies with Comprehensive Plan policies.**

**2. Natural Resources Element.**

This element of the Comprehensive Plan provides goals and policies for cultural, historical, natural, and open space resources, most of which are considerations for development and are applied during consideration of proposed development. **NOT APPLICABLE.**

**3. Historic Element.**

No historic assets were identified within the subject property. The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

**4. Natural Hazards.**

There are no natural hazards as identified by this element that are unique to the subject or its proposed R-1, Hilsinger Overlay zoning. The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

**5. Public Facilities.**



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According to the applicant, they “developed Pacific Lane to city standards in 1997 and all basic utilities are available therein. Storm drain collection systems are in place on Pacific Lane as well as a French drain along the southern aspects of Pacific Lane to Hilsinger Road. Individual Parcel, storm water control, will be developed by with the city of Phoenix by builders at the time of site development.” Findings of Fact prepared by the applicant further state that “All services are available at suitable gradients to service the subject properties. Utility connections can be made with input and direction from the controlling utility services [...] Required on-site improvements will be furnished and paid for by the property owner at the time of development, thereby insuring the Orderly and Economic Extension of the Urban Facilities and Services” (p. 4). Staff concur with these statements.

At a Pre-Application meeting, Phoenix Public Works Department staff and Fire District 5 representatives provided comments on the application, and all were satisfied that the current water distribution system would be sufficient to provide to minimum domestic water and fire suppression flow. Rogue Valley Sewer Services has also indicated that sanitary sewer facilities within the vicinity have capacity to accommodate additional residential development.

Another, higher density residential neighborhood on Tracey Lane is located directly to the west of Tax Lot 500 and was able to be served by urban infrastructure and services when it was developed in 2005-6. **Z016-01 is consistent and complies with Comprehensive Plan policies.**

## 6. Housing Element.

Goal 1 of this element is “To provide, promote, and facilitate as appropriate the provision of housing consistent with the needs and financial capabilities of the City’s residents” (p.25). Several policies developed to achieve this goal are relevant to the current application. They are:

*Policy 1.2: The City shall promote home ownership by emphasizing housing types and densities within the plan which are conducive to home ownership.*

*Policy 1.2.a: The Plan shall provide for an increasing incidence of home ownership through designation of sufficient lands and at appropriate plan/zone designations, to provide for 65% home ownership by 2016.*

The comprehensive plan land use map designation for the subject property is “Low Density Residential”. The Comprehensive Plan Housing Element established allocations of various types of residential land (and densities) based on a housing needs analysis performed at the time the current Housing Element was written. Target population that was to be housed within the current Urban Growth Boundary was around 5,200, and the Housing Element accounted for this target in setting residential densities throughout the City. The proposed annexation is consistent with densities needed to meet the target.



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According to a Housing Needs Assessment completed in 2016, most demand for new housing will be single family detached, although more higher density housing will need to be built in order to meet demand for different types of housing that are affordable to households representing divergent life circumstances. The study found that 447 dwelling units will need to be developed on lands designated by the current comprehensive plan land use map as Low Density Residential. The study also found that city-wide overall vacancy rates (for sale and rent) are at record lows in the Rogue Valley. Without new supply, prices for existing units will continue to climb and become less and less affordable. Residential development across a range of densities is essential to alleviate a growing housing shortage and affordability crisis. **Z016-01 is consistent and complies with Comprehensive Plan policies.**

#### 7. Parks & Recreation Element.

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

#### 8. Urbanization Element.

Goal 4, Maximum Efficiency of Land Use Within and on the Fringe of the Existing Urban Area, states as follows (underlines for added emphasis):

*A. The City/County Urbanization Agreement provides for a coordinated transition for rural to urban development as the City grows. Land that is currently within the City will be developed first, if possible followed by lands adjacent to the City limits to avoid "leap-frogging".*

As demonstrated by the Housing Needs Assessment, completed in April 2016, much of the existing residential land within the City has been developed. Very little infill land remains within the existing City boundaries. The vast majority of remaining developable residential lands are located outside of the City's boundaries. This is true for the subject property which is adjacent to the current boundary.

The goal further states

*B. All areas within the proposed UGB can be provided with urban level services and facilities. These will be adequately in condition and capacity to serve the new growth prior to or concurrent with any land use changes or annexations, in accordance with City development and annexation policies.*

As previously discussed in both Transportation and Public Facilities sections elsewhere in this report, urban infrastructure and services are available to the subject property.

The goal also requires that

*D. The development of potential in the downtown (core) area of the community will be maximized by providing adequate opportunities for commercial development and expansion, and by locating higher density residential areas within easy walking distance of shopping and employment. A total of 190 multi-family dwellings are proposed to be*



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*added within the present City limits and all will be within walking distance (not more than four blocks) of the business district and shopping.*

The proposed zone for the newly annexed land would be low density, not higher density that, according to this goal, should only be located in close proximity to the city's downtown.

The appropriate or ideal location of low density residential development is further described in the following:

*E. The City has been careful to plan for fringe-area land uses that will be the most compatible with agricultural uses outside the UGB, where they occur. Only low-density single-family residential lands will abut agricultural lands to minimize the numbers of dwellings and people that will be exposed to any potential conflicts.*

Higher density residential is not recommended for land located in the vicinity of the subject; lower density residential is recommended for lands on the edge of the Urban Growth Boundary, particularly those that are adjacent to agricultural lands in order to reduce or eliminate land use conflicts that can occur between urbanized and rural/working lands.

Section 6 of Goal 4 actually identifies lands of which the subject is part, as desirable for annexation and development at lower densities:

*F. Urbanizable lands in the southwestern portion of the UGB consist of many small "rural-residential" home sites of one or two acres, or less. There are no major farm units in this area and most agricultural that exists is being pursued for personal use or as a hobby for extra income. This area, because of its density and need for public facilities, such as water and sewer, will benefit by eventual annexation to the City.*

The subject is located within the "southwestern portion of the UGB" and, as the goal states, would benefit by annexation to the City and the provision of urban infrastructure and services.

Finally, Goal 7 addresses these potential conflicts further, stating that

*C. Southwest of the City, the area is already divided into many small rural-residential lots. The proposed low-density development will have no adverse impact on these areas, or larger farm units to the west.*

The subject property is located within the southwest of the City, and urbanization should not adversely affect nearby agricultural operations.

**Z016-01 is consistent and complies with Comprehensive Plan policies.**

#### **9. City Center.**

**Finding:** The subject property is not located in the City Center area.

**Conclusion: NOT APPLICABLE.**

#### **10. Transportation Element.**



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The portion of Hilsinger Road within the annexation area does not meet current City standards, but improvements are planned for Hilsinger Road according to the City's most recent version of its Transportation System Plan (to be adopted July, 2016) and Capital Improvement Plan. Improvements are planned for Camp Baker road as land within the Urban Growth Boundary and along its south side develops over the next 5-20 years. **Z016-01 is consistent and complies with Comprehensive Plan policies.**

#### 11. Land Use Element.

*Policy 5.1* of the Land Use Element explains the connection between Comprehensive Plan Land Use Map designations and Land Use District or "zoning" map. Its stated goal is to "Utilize the descriptions included in the Section of the Land Use Element entitled "Plan Designations" as policy. As such the descriptions of plan designations will be the controlling document for the purpose of administration of the zoning and subdivision ordinances or other pertinent land use regulations and codes." The Comprehensive Plan map designates the subject property as "Low Density Residential". The Land Use Map District used to implement this designation is "R-1 Low Density Residential". The further application of the "Hilsinger Overlay H-O" designation is intended to achieve other goals and objectives described elsewhere in the Comprehensive Plan (see discussion of the "Urbanization Element" above). **Z016-01 is consistent and complies with Comprehensive Plan policies.**

#### 12. Economic Element

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

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#### Compliance with Transportation Planning Rule

Chapter 4.7.6 further states that a zone change (land use district change) must also comply with the Transportation Planning Rule as delineated in OAR 660-012-0060.

#### Findings:

Chapter 4.7.6 implements OAR 660-012-0060 locally by requiring that a development application be reviewed to "determine whether it significantly affects a transportation facility" when the application includes a comprehensive plan amendment or land use district change. A proposal is considered to "significantly affect a transportation facility" when it would

1. *Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of collector street classification, requiring a change in the classification to an arterial street, as identified by the Comprehensive Plan and the Transportation System Plan; or*
2. *Change the standards implementing a functional classification system; or*
3. *Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or*
4. *Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and the Transportation System Plan.*



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The Zone Change is not likely to significantly affect a transportation facility. The petition, therefore, satisfies the requirements of OAR 660-012-0060 without need for further review. **ZO16-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.**

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#### Conclusions of Law

1. A16-01, an application to annex land located at 1680 Camp Baker Road and 3960 Hilsinger Road, and consisting of 2.47 acres and identified by parcel numbers 38 1W 16AC tax lots #500 & #600, **has been found to comply with the standards of review and approval for an annexation of unincorporated land into the City of Phoenix.**
  2. ZO16-0, an application to change the land use designation of land located at 1680 Camp Baker Road and 3960 Hilsinger Road, and consisting of 2.47 acres and identified by parcel numbers 38 1W 16AC tax lots #500 & #600, from Jackson County Rural Residential RR 2.5 to City of Phoenix Low Density Residential R-1 Hilsinger Overlay H-O, **has been found to comply with the standards of review and approval for an application to change land use designation.**
- 

#### Staff Recommendation

1. Planning Commission should recommend approval of A16-01 to City Council.
2. Planning Commission should approve ZO16-01, make findings and adopt conclusions of law, and direct the Planning Director to prepare an order to be executed expeditiously by an appropriate member of the Planning Commission and the Director.

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Matt Brinkley, AICP  
Planning Director  
City of Phoenix  
Department of Planning & Building

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Date

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Wednesday, July 13, 2016**

**CALL TO ORDER**

Mayor Jeff Bellah called the special meeting of the City Council to order on Wednesday, July 13, 2016 at 6:30 p.m. in the Public Works Office.

**ROLL CALL**

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

**Staff Present:** Matt Brinkley, Interim City Manager  
Janette Boothe, Interim Finance Director/City Recorder  
J. Ryan Kirchoff, City Attorney

Mayor Bellah convened into executive session at 6:30 p.m. under ORS 192.660 (2)(e), which allows the City Council to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session and convened into a general session at 6:55 p.m. Following the executive session, Mayor Bellah gave an overview of what was discussed.

Mayor Bellah convened into a second executive session at 7:00 p.m. under 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.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session and convened into a general session at 7:40p.m. Following the executive session, Mayor Bellah gave an overview of what was discussed.

**CALL TO ORDER**

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

**Staff Present:** Matt Brinkley, Interim City Manager  
Janette Boothe, Interim Finance Director/City Recorder  
J. Ryan Kirchoff, City Attorney

**MAYOR'S COMMENTS**

The Mayor noted that Dog Days of Summer is this upcoming Saturday, the 23<sup>rd</sup>. He will send a press release to media in Phoenix this Friday as an event reminder.

**DISCUSSION OF AND INITIATION OF NEGOTIATIONS WITH BARGAINING UNITS**

Mayor Bellah noted this was covered extensively in the executive session. Council's consensus was to request a financial summary of negotiation scenarios for the August 1 executive session.

**DISCUSSION OF BANNER POLICY**

Moonlighter Signs installs banners for about \$110. Estimates for City Banners were at \$400 at the highest. The car show banner was also discussed. The fees on banner policy will have to be revisited. It is up to Council whether to allow sponsors on banners or not. Councilor S. Bartell inquired as to whether or not it is acceptable to have sponsors on banners. Attorney Kirchoff noted there are no legal issues with putting sponsor logos on banners. The banner in question is for the upcoming car show. Council had questions about why the City's logo could not be put on the banner in the case of waiving the banner installation fee. Further discussion followed.

**ADJOURNMENT**

The meeting adjourned at 8:00 PM.

Respectfully submitted,

Janette Boothe

Sarah Lind  
Executive Assistant

Interim Finance Director/City Recorder

**City of Phoenix  
City Council Meeting  
Public Works Office  
1000 S. "B" Street  
Monday, July 18, 2016**

**DRAFT**

**CALL TO ORDER**

Mayor Jeff Bellah called the regular meeting of the City Council to order on Monday, July 18, 2016 at 6:30 p.m. in the Public Works Office.

**ROLL CALL**

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

**ABSENT:** Stan Bartell

**Staff Present:** Matt Brinkley, Interim City Manager  
Janette Boothe, Interim Finance Director/City Recorder  
Derek Bowker, Chief of Police  
J. Ryan Kirchoff, City Attorney

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS:**

The Mayor, taking recent events into consideration, wanted to show recognition and have a moment of silence for police officers and their families. He emphasized the positive role of police officers in the community and the difficulty of their jobs. The City of Phoenix, as a community, is not anti-police and the Mayor and Council expressed their support to the Phoenix Police.

**UPDATES/REPORTS:**

- 1) PHURA Al Muelhoefer discussed the plaza building plans. PHURA has come up with a short list of potential contractors for the project: Adroit Construction, Architectural Design Works, and Kistler, Small and White. These are the three finalists who were reviewed by the committee and a final decision will be made by July 27, 2016. All said construction would start between 6 and 7 months after selection, which is right along the timeline of the project. The Home Power building is fully leased with a coffee roaster, solar power company, and aromatherapy business. When PHURA looks to sell the building it will be easier since it is fully leased. The negotiations with Dollar General are continuing. John Rogers of John L. Scott Real Estate has been selected to be the broker. Councilor C. Bartell asked if the PHURA board will choose the architect. Mr. Muelhoefer clarified that the committee would make a suggestion and the PHURA board would make the selection. Councilor Snyder thanked Mr. Muelhoefer for spending time updating him on the topics.
- 2) PHURA Invoices

Mayor Bellah moved this topic up from the end of the agenda. The Mayor wanted to clarify the use of staff time on the May and June invoices in regards to when payment is due to the City based on the MOU, in particular what can be paid now and what is deferred. Mr. Brinkley responded that PHURA is in a position to pay those bills and the MOU or IGA can be referred to for further clarification. Councilor C. Bartell inquired about itemizing hours for staff. Mr. Brinkley noted he would get that information reflected in the invoice. Further discussion followed.

3) Parks and Greenway Commission

Councilor C. Bartell started off by reminding that the Dog Days of Summer event is taking place this Saturday at Colver Park. Two new members have applied for the Parks Commission. Bat houses were discussed at the last Parks meeting. Since bats are pollinators, the Bee Committee will look into bat houses. Next week there will be a presentation on maintenance along the Bear Creek Greenway. Mayor Bellah inquired as to the primary focus of the maintenance – whether it would be pavement, blackberries, or otherwise. Councilor C. Bartell explained the cost associated with maintenance is based upon population and that Community Justice will do the maintenance. The cost would be an additional \$3,500 over what Phoenix is paying now. Councilor Sophie suggested looking at the cost per mile of maintenance.

4) City Council Tracking Log

The tracking log was gone through item by item. Further discussion took place as needed.

**ORDINANCES:**

Mayor Bellah switched the order of the annexation and amendment.

a) First Reading by Title Only of an Ordinance Approving the Annexation of Land Within the Urban Growth Boundary Into the City

This would be the first annexation application since 2006 for roughly 2.47 acres located at Camp Baker and Hilsinger Roads. The applicants are Randall and Vicki Williams who are seeking to annex the remaining part of their property to complete the subdivision. The second reading will take place at the next City Council Meeting on August 1, 2016.

**MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE FIRST READING BY TITLE ONLY OF THE ANNEXATION OF LAND WITHIN THE URBAN GROWTH BOUNDARY INTO THE CITY.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

b) First Reading by Title Only of an Ordinance Amending Chapter 5.18 of the Phoenix Municipal Code. Second Reading and Public Hearing Scheduled for August 1, 2016

The Mayor started off by saying this would be a relatively small change to the marijuana ordinance: one that allows the two businesses in town who sell marijuana to stay open until 10:00 PM. Due to confusion on the agenda, discussion followed on whether to table the item until the next meeting or approve it. The item was tabled and Councilor Helfrich suggested notifying the business that applied why the process was delayed.

**CONSENT CALENDAR:**

- 1) Approval of Minutes from July 5, 2016 Regular City Council Meeting.
- 2) Acknowledge Approved Minutes from June 13, 2016 Planning Commission Meeting
- 3) Acknowledge Minutes from April 14, 2016 Parks Commission Meeting. **MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE THE CONSENT CALENDAR.** There was no further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, S. Bartell, Luz, Helfrich, and Snyder**  
**MOTION APPROVED WITH SIX AYES**

Discussion followed about the redwood tree that was cut down without proper authorization. Mayor Bellah moved New Business up in the agenda.

**NEW BUSINESS:**

- 1) Appointments to Comprehensive Plan CAC

Mr. Brinkley introduced Krista Peterson and gave a brief background on her. She has been involved with city redevelopment projects in the past. The Mayor suggested having Councilor Snyder be the Council Representative on the CAC. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY HELFRICH, TO APPROVE KRISTA PETERSON AND SARAH WESTOVER FOR THE CITIZEN ADVISORY COMMITTEE AS WELL AS JIM SNYDER FROM CITY COUNCIL AND GEORGE "IKE" EISENHAUER FROM PLANNING COMMISSION.**

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, S. Bartell, Luz, Helfrich, and Snyder**  
**MOTION APPROVED WITH SIX AYES**

- 2) Approval of Contract for Local Economic Opportunity Study

The City has begun its Urban Growth Boundary Amendment process. During that process, it must update its "Local Economic Opportunity Analysis" and employment buildable land inventory. Councilor Helfrich suggested contacting Southern Oregon Regional Economic Development Inc. (SORED) to see if they would like to be involved in the process. Mayor Bellah suggested a study session on the topic for August. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY HELFRICH, TO APPROVE RESOLUTION NO. 971 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT TO PRODUCE A LOCAL ECONOMIC OPPORTUNITY ANALYSIS.**

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, S. Bartell, Luz, Helfrich, and Snyder**  
**MOTION APPROVED WITH SIX AYES**

- 3) Discuss Supplemental Drinking Water Testing

Mr. Brinkley has received a variety of calls regarding concerns about lead in water. The City is being proactive and doing additional drinking water testing. The Public Works Staff identified old homes (1950 and older) which were more likely to use pigtails in their water systems. In addition, long dead end runs are other places which will be tested for other

substances as well as lead. Public facilities such as parks will be tested, while schools have already done their testing. The tests require homeowners to not use any water for several hours and let it sit in order to get accurate test results. Three homeowners are participating in the sampling and testing is being done at Otto Caster Park. Once the results from the samples are obtained the next step in the process will be determined. Mr. Brinkley clarified that the City does test its water regularly and the last testing was in 2015. Councilor Helfrich suggested putting the findings of the testing in the Mayor's newsletter.

4) Approve New Hire for Utility Worker

Steven Hall currently works as a temp employee with the City and will become the newest Utilities employee upon passing background checks. **MOVED BY C. BARTELL, SECONDED BY SOPHIE, TO OFFER EMPLOYMENT, CONTINGENT ON PASSING BACKGROUND CHECKS AND EMPLOYMENT SCREENING, TO STEVEN HALL AS A UTILITY WORKER WITH THE CITY OF PHOENIX, OR.**

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Sophie, C. Bartell, S. Bartell, Luz, Helfrich, and Snyder**  
**MOTION APPROVED WITH SIX AYES**

**STAFF REPORTS:**

Mayor Bellah reorganized these topics in the agenda.

1) City Attorney's Report:

a) Attorney Kirchoff

There was nothing to report for the open meeting. Attorney Kirchoff is working on things from the recent executive session.

**COUNCIL ITEMS, COMMENTS/REPORTS:**

- 1) Councilor Luz related a story about his son playing Pokemon Go after they went to dinner and the people at the cemetery at 10:00 PM.
- 2) Councilor Sophie gave a reminder that MPO and RVCOG will be cancelled for July.
- 3) Councilor C. Bartell brought up that Iron Skillet is not doing very well. They are one of the businesses that support local events on a regular basis. The Parks Department wants to have dinner there and provide Iron Skillet with a plaque recognizing their donations and contributions.

**UNFINISHED BUSINESS:**

1) City Manager Recruitment

Mr. Brinkley proposed a ten step recruitment strategy. Council will have to determine if they want to use a professional recruiter. The position will be publicized as quickly as possible. Ideally, the position will be filled by the end of November 2016 and have a competitive, qualified candidate pool to select from prior to that. It would be publicized via the League of Oregon Cities, ICMA, and OCCMA. Mrs. Boothe will oversee a lot of the process to relieve any sense of impropriety about the recruitment strategy. Mayor Bellah suggested meeting on Thursday and verifying the recruitment announcement. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO DIRECT THE INTERIM CITY MANAGER TO IMPLEMENT THE RECRUITMENT STRATEGY AS DISCUSSED.**

**ROLL CALL VOTE AS FOLLOWS:**

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

**MOTION APPROVED WITH SIX AYES**

2) City Manager's Report:

a) Mr. Brinkley announced that Mrs. Boothe is requesting to cash out 40 hours of vacation time before she loses the hours. This would be a unique situation as she is unable to take leave currently due to her workload.

Andrea Adams has submitted an application for a liquor license and needs City approval before proceeding to the OLCC. Councilor C. Bartell pointed out that the application was not submitted in time to be put on the agenda and therefore, to err on the side of caution, should not be approved because it was not made public prior to the meeting. Further discussion followed. Attorney Kirchoff confirmed that since the application was submitted the morning of the City Council meeting and not on the agenda, it would be better to not approve it for liability purposes; for example, if an issue arose at the event, it could be traced back to the Phoenix City Council for approving it without due procedure. Council concurred with this statement and requested the applicant be contacted and given the reason for declining to approve the liquor license application. In addition, the Council emphasized they would be happy to support such an event in the future with more advance notice.

The meeting adjourned at 8:38 PM.

Respectfully submitted,

Janette Boothe

Sarah Lind  
Executive Assistant

Interim Finance Director

**AGENDA BILL**

AGENDA ITEM: 80

AGENDA TITLE: Approval of a Liquor License for Pizzatori LLC, 721 Main St C3, Phoenix OR 97535.

DATE: August 1, 2016

**ACTION REQUIRED:**

ORDINANCE: \_\_\_\_\_

RESOLUTION: \_\_\_\_\_

MOTION: XX

INFORMATION: \_\_\_\_\_

**EXPLANATION:**

Rick Hobson, owner of Pizzatori LLC, 721 Main St. C3, is requesting Council approve his application for Off-Premise sales. Pizzatori LLC is applying as a limited liability company. A copy of his application was sent to the Police Chief and Planning Director on July 18, 2016. The application was reviewed and approved by Chief Derek Bowker on July 18, 2016.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends Council approve Mr. Hobson's application for a liquor license under the consent calendar for August 1, 2016 City Council Meeting.

**MOTION: "I MOVE TO AUTHORIZE THE MAYOR TO SIGN THE LIQUOR LICENSE FOR PIZZATORI LLC FOR OFF PREMISES SALES UNDER THE CONSENT CALENDAR FOR AUGUST 1, 2016."**

PREPARED BY: Sarah Lind REVIEWED BY: \_\_\_\_\_



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

OK OK  
m m

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: \_\_\_\_\_

### ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

### 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: \_\_\_\_\_

Date: \_\_\_\_\_

90-day authority:  Yes  No

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

① Pizzatori LLC ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Pizzatori

3. Business Location: 721 Main St C3 Phoenix Jackson OR 97535  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 111 Phoenix OR 97535  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-897-4455  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: \_\_\_\_\_

9. Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an individual History form)

10. What is the local governing body where your business is located? Phoenix  
(name of city or county)

11. Contact person for this application: Rick Hobson 541-897-4455 541-621-5111  
(name) (phone number(s))  
3881 Mallard Lane 97504 rick@pizzatori.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 Rick Hobson Date 7-12-16 ③ \_\_\_\_\_ Date \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

**AGENDA BILL**

AGENDA ITEM: 9A

AGENDA TITLE: City Manager Recruitment Update

DATE: August 1, 2016

**ACTION REQUIRED:**

ORDINANCE: \_\_\_\_\_

RESOLUTION: \_\_\_\_\_

MOTION: \_\_\_\_\_

INFORMATION: xx

**EXPLANATION:**

At the City Council meeting on July 18, 2016, Council directed the Interim City Manager to conduct a plan for recruitment for the position. Council decided the Interim Finance Director, Janette Boothe, would be responsible for the process of receiving and sorting through applications in order to avoid a conflict of interest should the Interim City Manager choose to apply for the position. Since then, a job listing has been posted on the City of Phoenix Website and League of Oregon Cities website. Discussion will now take place regarding the next steps for the recruitment process.

**FISCAL IMPACT:**

At this time, there is no significant fiscal impact because the City has not chosen to use a recruiter for this part of the process. There may be minimal fiscal impact to post the job listing in some locations.

**ALTERNATIVES:**

N/A

**STAFF RECOMMENDATION:**

N/A

**MOTION: “.”**

**PREPARED BY: Sarah Lind REVIEWED BY: \_\_\_\_\_**

**AGENDA BILL**

**AGENDA ITEM:** 10 A

**AGENDA TITLE:** Approval of Finance Director Job Description and Discussion of Finance Director Recruitment

**DATE:** August 1, 2016

**ACTION REQUIRED:**

**ORDINANCE:** \_\_\_\_\_

**RESOLUTION:** \_\_\_\_\_

**MOTION:** \_\_\_\_\_

**INFORMATION:** XX

**EXPLANATION:**

City Council will review the updated job description for the Finance Director and discuss recruitment for the position.

**FISCAL IMPACT:**

None

**ALTERNATIVES:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends Council review and approve the updated Finance Director job description.

**MOTION: "I MOVE TO APPROVE THE FINANCE DIRECTOR JOB DESCRIPTION."**

**PREPARED BY:** Sarah Lind **REVIEWED BY:** \_\_\_\_\_

CITY OF PHOENIX  
FINANCE DIRECTOR  
JOB DESCRIPTION

JOB TITLE: Finance Director  
DEPARTMENT: Finance  
REPORTS TO: City Manager  
FSLA STATUS: Exempt  
UNION POSITION: No  
Effective Date: May 2, 2016

DEFINITION: Provide leadership, management, direction, planning and goal setting for the City's Finance Department to ensure delivery of quality municipal services. The Director is responsible for strategy and planning for all financial issues facing the city. Conduct special projects as assigned by the City Manager.

This position works under the general supervision of the City Manager. As a member of the City's executive leadership team, this position has direct input into City policies and procedures and advises the City Manager on related issues.

ESSENTIAL DUTIES AND RESPONSIBILITIES

*The duties and responsibilities are not to be construed as all-inclusive. The essential duties will include other responsibilities as assigned and required.*

1. Develops and directs the implementation of policy and operational goals through department divisions and programs in response to service demands, and consistent with performance standards.
2. Directs the preparation and implementation of the department's annual operating and capital budget consistent with program goals and objectives; responds to requests from City Manager and Budget Committee members and other departments regarding the department budget request, and in the preparation of annual comprehensive financial statements.
3. Ensures compliance with all state, federal and local laws, department rules, and City policies and procedures; monitors and enforces safety rules established for assigned work areas.
4. Establishes annual department goals including ongoing confirmation and/or recommended updates to strategic direction, and provides periodic reports of the status of progress toward goals.
5. Sets and attains professional development goals; maintains proficiency in area of responsibility; stays current on area of expertise; demonstrates unquestionable integrity at all times, serving as a role model for appropriate public service ethics and effective leadership.
6. Prepares and presents written and oral reports to the City Manager, City Council, boards, commissions, other government agencies, and community groups including the presentation of findings related to executive and elected officials' requests for research and information; advise the City Manager and City Council on department-specific issues.
7. Serves as a member of the City's executive leadership team; participates in recurring and special meetings and workshops including internal staff meetings, City Council meetings, Council

workshops and study sessions, commission and committee meetings, and department staff meetings. Coordinates activities of the department with other departments, other public agencies, and various community groups.

8. Represents the City at community and/or inter-agency meetings and functions, as appropriate; establish and maintain effective relationships with peers in other agencies and organizations, city departments, citizens, the business community, special interest groups, and the general public.
9. Recommends programs and techniques to improve the effectiveness of the City and its services.
10. Provides assistance to the City Manager, as directed and needed.

DEPARTMENT SPECIFIC:

1. Prepares a budget document that details all City expenditures and revenues in accordance with generally accepted governmental accounting practices. In conjunction with City Manager, presents final budget document to budget committee for approval.
2. Directs the maintenance of the City's fiscal accounting system in a manner consistent with established and accepted municipal accounting principles and practices and City finance policies, and in sufficient detail to produce adequate revenue, expenditure and statistical data for management purposes and to meet statutory requirements.
3. Monitors departmental expenditures for the purpose of advising departments and City Manager of budget status, and insuring conformance with budget provisions and maximum expenditure amounts.
4. Maintains City's investment portfolio. Makes investments of idle funds, oversees reconciliation of all bank statements and accounting records monthly, and prepares information necessary for periodic audits. Ensures annual financial audit is conducted; assists and confers with independent auditor(s) as necessary.
5. Oversees preparation of City's payroll, accounts payable, and accounts receivable functions, including preparation and processing, monthly reports, and associated deposits.
6. Administers the City's participation in the Oregon Public Employees Retirement System (PERS).
7. Prepares necessary documents for approval, advertisement, printing, and sale of warrants to finance the construction, and bonds to provide long-term financing, of public improvements for the City; signs and delivers bonds when sold, and receives monies; provides the necessary documents for the acceptance of the bonds.
8. Provides for preservation, retention, and destruction of city finance records in accordance with state and federal laws and City policy.
9. Disseminates financial notices and information to departments, financial institutions, and state, federal and private agencies as required.

## NECESSARY KNOWLEDGE, SKILLS & ABILITIES

*To successfully perform this job, one must possess the following:*

1. Knowledge of modern principles and techniques of governmental and municipal accounting and finance laws and rules, administration, organizational management, supervision, budget, and policy.
2. Ability to effectively apply management techniques, supervise subordinate personnel, and ensure that the department adheres to state and federal laws, department rules, City codes and policies. Ability to read, comprehend, interpret and apply laws and regulations. Ability to establish and maintain effective working relationships with other public officials, employees, vendors, the general public, and other individuals with which the incumbent comes in contact during the course and scope of employment.
3. Skills necessary to effectively perform the duties and responsibilities of the position, including: excellent communication and negotiation skills; management and supervision; writing and public presentation skills; computer skills sufficient to proficiently use word processing, spreadsheet and database applications.

## JOB QUALIFICATIONS:

*Job education and prior work experience requirements are minimum standards. Other equivalent combinations of education, training and experience which ensure the ability to perform the work will be considered.*

### Education:

Bachelor's degree from an accredited college or university in Accounting, Finance, Business Management or closely related field required. Certified Public Accountant (CPA) or Professional Finance Officer Certification preferred.

### Prior Experience:

Five years of progressively responsible related experience, including experience in a leadership role.

## PHYSICAL DEMANDS OF POSITION:

While performing the duties of this position, the employee is frequently required to stand, walk, reach, bend, kneel, stoop, twist, crouch, crawl, climb, balance, see, talk, hear, smell and manipulate objects. Manual dexterity and coordination are required for less than half of the daily work period, which is spent either sitting while operating office equipment such as computers, keyboards, 10-key, telephones, and other standard office equipment or driving to meeting locations. The position requires a degree of mobility and moving materials weighing up to 5 lbs. frequently, up to 10 lbs. occasionally, and up to 40 pounds infrequently. This position requires both verbal and written communication abilities.

WORKING CONDITIONS:

While performing the duties of this position, the employee is generally working indoors in an office environment. The office setting does not expose the employee to hazardous conditions. The noise level in the office environment is usually moderate and lighting is adequate. Travel is required less than 10% of the work period.

**AGENDA BILL**

AGENDA ITEM: 10 B

AGENDA TITLE: A Resolution allowing a budget increase pursuant to ORS 294.471(1)(a) providing for the receipt and expenditure of Unexpected Monies for FY 2016-2017.

DATE: July 21, 2016

**ACTION REQUIRED:**

ORDINANCE: \_\_\_\_\_

RESOLUTION: XX

MOTION: \_\_\_\_\_

INFORMATION: \_\_\_\_\_

**EXPLANATION:**

On June 20, 2016, City Council approved Resolution No. 969, authorizing the Mayor to execute a settlement agreement and mutual release of claims between the cities of Phoenix and Talent to resolve water losses suffered by the City of Phoenix that were not compensated for in the period incurred.

Attached is a Resolution increasing the budget pursuant to ORS 294.471(1)(a) providing for the receipt and expenditure of the one-time payment of \$40,000 received from the City of Talent.

**FISCAL IMPACT:**

\$40,000.00 Increase both revenue and expenditure

**ALTERNATIVES:**

None offered.

**STAFF RECOMMENDATION:**

Staff recommends that Council approve the Resolution allowing a budget increase for the receipt and expenditure of unexpected monies in FY 2016-2017.

**MOTION: "I MOVE TO ADOPT RESOLUTION NO. \_\_\_\_\_, ALLOWING A BUDGET INCREASE PURSUANT TO ORS 294.471(1)(a) PROVIDING FOR THE RECEIPT AND EXPENDITURE OF UNEXPECTED MONIES FOR FISCAL YEAR 2016-2017."**

PREPARED BY: Janette Boothe

REVIEWED BY: \_\_\_\_\_

CITY OF PHOENIX  
PHOENIX, OREGON

RESOLUTION NO. \_\_\_\_

**A RESOLUTION ALLOWING A BUDGET INCREASE PURSUANT TO ORS 294.471 (1)(a), PROVIDING FOR THE RECEIPT AND EXPENDITURE OF UNANTICIPATED MONIES IN FISCAL YEAR 2016-2017.**

**WHEREAS**, the City of Phoenix approved Resolution No. 969, authorizing the Mayor to execute a settlement agreement and mutual release of claims between the Cities of Phoenix and Talent; and

**WHEREAS**, the City of Phoenix will receive the settlement amount agreed upon by the cities; and

**WHEREAS**, this revenue was unanticipated when the fiscal year 2016-2017 budget was adopted; and

**WHEREAS**, ORS 294.471 (1)(a) allows budget increases after the adoption of the budget by providing for an occurrence or condition that is not ascertained when preparing the original budget and that requires a change in financial planning

**BE IT RESOLVED**, by the City Council of Phoenix, Oregon, to appropriate the unanticipated \$40,000 to the following budget line items.

<u>WATER FUND</u>	<u>ADOPTED</u>	<u>INCREASE/ DECREASE</u>	<u>AS AMENDED</u>
Revenue:			
Miscellaneous	\$2,395	\$40,000	\$42,395
Expenditure:			
Materials and Services:	\$553,320	\$40,000	\$593,320

**PASSED AND ADOPTED** by the City Council of the City of Phoenix, Oregon, on the 1st day of August, 2016, and signed by me in authentication thereof.

\_\_\_\_\_  
Jeff Bellah, Mayor

ATTEST:

\_\_\_\_\_  
Janette Boothe, City Recorder

**AGENDA BILL**

**AGENDA ITEM:** 11 B

**AGENDA TITLE:** Review of Application for Sarah Westover for the Citizens Advisory Committee

**DATE:** August 1, 2016

**ACTION REQUIRED:**

**ORDINANCE:** \_\_\_\_\_

**RESOLUTION:** \_\_\_\_\_

**MOTION:** \_\_\_\_\_

**INFORMATION:** XX

**EXPLANATION:**

Sarah Westover applied for the Citizens Advisory Committee in July of 2016. Her application was not included in the packet for the previous meeting and is attached for review at the August 1, 2016 meeting. She was approved for the CAC along with Krista Peterson at the previous City Council Meeting on July 18, 2016.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

**STAFF RECOMMENDATION:**

N/A

**MOTION:** “.”

**PREPARED BY:** Sarah Lind **REVIEWED BY:** \_\_\_\_\_



## Citizens Advisory Committee Application

Name: Sarah Westover

Date: 7/14/16

Address: 204 2nd st. Phoenix

Phone: 541-972-0869

Email: westover.sarah@gmail.com

### I. Background

When did you move to Phoenix?

I grew up in the Rogue Valley and moved to Phoenix 2 years ago.

Occupation?

Community Organizer and small business owner, Homegrown Nursery LLC.

Educational background?

B.S. Political Science and Criminal Justice, Southern Oregon University. Graduated Summa Cum Laude 2010.

Current and previous civic and volunteer activities?

- AmeriCorps Member, Kids Unlimited Medford (2010-2011)
- Board member at Rogue Climate (2014-current)
- Volunteer with Rogue Valley Transit Now (2016)
- Volunteer with Lotus Rising Project and PRIDE (current)

### II. Capabilities and Commitment

What personal and/or professional experience do you possess that will make you a valuable member of the Citizens Advisory Committee for the City of Phoenix?

Though I am new to participating in local government, I believe the experience and skills I have developed working with community groups will translate nicely. These skills include strategic planning, organizational development, community outreach and education, mediation and consensus building.



## Citizens Advisory Committee Application

What do you like best about living in Phoenix?

I like the feel of living in a small town in such a beautiful region while not being too far from bigger cities. It's nice to be able to say that I know all my neighbors! I also like having access to affordable housing which is becoming more and more difficult to find in the valley.

What one thing would make Phoenix a better place to live?

A pub :)

What is an example of a great city, neighborhood, or other place, and what makes it great?

Before I moved to Phoenix I lived in Talent. I love the way I see Talent developing in that they are slowly expanding while maintaining a small town feel and creating a walkable downtown.

I think a great city has:

- Lots of community spaces for all ages including parks and gardens
- Safe and walkable neighborhoods and
- Meaningful avenues for citizen participation.

I also think great cities find an appropriate point of growth that meets the community's needs but doesn't threaten our bio region with over development.

Are there any citizen issues that most interest or concern you?

I have a pretty balanced interest in local issues generally. I am mostly interested in helping Phoenix to develop in a positive way because I plan to live here for quite a while and want to make that investment of time in my community.

Do you feel as a citizen of the community that you are able to provide objective recommendations on housing, economic, land use, comprehensive plan updates, and other issues?

Yes. As a social scientist, I value decision making based on evidence and best practices as opposed to personal opinion.

I think even the most controversial issues are fundamentally about a balancing of needs. I have lots of experience helping diverse communities come together in support of a shared vision and goals.

I also think that as a young person living in the Rogue Valley, I will be able to offer unique insights and observations that will be an asset to the commission.



## Citizens Advisory Committee Application

Do you feel you have any conflicts of interest that may arise due to your appointment to the Citizen Advisory Committee?

None that I can think of. If a decision ever came before me that met that legal threshold I would happily abstain from that decision.

The proper function of the Citizen Advisory Committee depends on a reliable, engaged membership. This typically requires approximately 3 hours a month to attend 1 regular meeting on a Monday night and the preparation required for those meetings. There may be times when that commitment involves an additional meeting or, only rarely, two. Given your schedule and current responsibilities, do you foresee any problems attending meetings on a regular basis?



## Citizens Advisory Committee Application

No, I should be able to attend regularly.

### III. Special Notice

Please be advised that members of the City Council, Planning Commission, and Citizen Advisory Committee are required to file an annual State of Economic Interest with the State of Oregon. A sample reporting form is available from the administrative office at City Hall.

### IV. Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Sarah Westover  
Name (printed)

Sarah Westover 7/14/2016  
Signature

Date