

**City Council Regular Meeting
220 N. Main St.
Phoenix Plaza Civic Center
Monday, June 15, 2020**

1. CALL TO ORDER

Mayor Luz called the regular meeting of the City Council to order on Monday, June 15, 2020, at 6:30 p.m. at the Phoenix Plaza Civic Center.

ROLL CALL

PRESENT: Chris Luz, Stuart Warren, Angie Vermillion, Jim Snyder, Robert Crawford, and Sarah Westover

STAFF PRESENT: Eric Swanson, Interim City Manager
Bonnie Pickett, City Recorder
Derek Bowker, Police Chief
Doug McGeary, City Attorney
Matias Mendez, Public Works Superintendent

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS

4. PUBLIC COMMENTS

Doug McGeary, City Attorney read a statement regarding the process for public comment during a public meeting.

Ike Eisenhower, Phoenix, noted that he does not want the Phoenix Police Department lumped in with the bad officers across the country. He noted that he will not sit by and watch the Police Department degraded. Mr. Eisenhower noted that we should have respect for our officers. He thanked each and every one of the Councilors serving on the Council as it is a thankless job.

Tony Chavez, Phoenix, read a letter that was read a few meetings back. He noted that Mayor Luz previously stated that he would continue to violate the freedom of speech law. Mr. Chavez requested a copy of the Mayor's statement in response to the letter received from Mr. Chavez's attorney.

Mikala Johnston, Grants Pass, noted that the Mayor does not hold the qualities of a leader. She alleged that during a protest in Medford, Oregon the Mayor hit her twice with his vehicle.

Andrew Barrow, Phoenix, noted that it would be a travesty to disband the Phoenix Police Department. He requested that incident stats be presented to the public for the Police Department. Mr. Barrow noted that the Police Department should get more training instead of being disbanded.

Clarence Carr, Medford, noted that protesters allowed him to confront the police officers that have wronged him. He noted that the youth are finding their voice and standing up for themselves. Mr. Carr noted that the Council should not stifle the voice of the children in the community.

Maren Ervin, Grants Pass, noted that until there is police reform to protect the citizens the police will not be respected. She noted that Mayor Luz blatantly disrespected the rights of people to speak. Ms. Ervin stated that a person in the Mayor's position should be a person of grace and empathy.

Taylor Graybehl, Grants Pass, asked the Council to take a stance on people open carrying guns and wearing large knives outside of a public meeting. He asked that the Council support an environment that is welcoming for people to speak.

5. CONSENT AGENDA

a. Reports for Information & Possible Action:

1. Resolution No. 1055 – A Resolution Certifying that the City of Phoenix Provides Four or More Municipal Services in Accordance with the Requirements of ORS 221-760, Section 1.
2. Resolution 1056 – A Resolution Authorizing the Transfer of Appropriations to Prevent Over-Expenditures of Appropriations for Fiscal Year 2019/20.
3. Hire Public Works Administrative Assistant
4. Planning – Building Aide Contract.
5. Date Established for LOC Training August 12, 2020.
6. IGA between City of Talent, Jackson County, and City of Phoenix to Facilitate Emergency Small Business and Microenterprise Grant Assistance Program (SBMA).
7. OLCC License – Clyde's Corner, LLC.
8. Hire Code Enforcement Officer.

b. Minutes to Approve and File:

1. Minutes from City Council Meeting, May 18, 2020

Councilor Vermillion requested item 5a2 be pulled from the consent agenda.

Mr. Chavez commented on the minutes from the previous meeting. He noted that if Mayor states something, he should own it.

Motion: To approve the consent agenda with amendments expect for 5a2. MOVED BY WARREN, SECONDED BY SNYDER. No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

6. Consent Agenda Items Pulled for Discussion

Consent agenda item 5a2

Councilor Vermillion questioned what the funds that are being transferred are being used for in the various department.

JC Boothe, Finance Director, explained the reasoning for the transfer of funds.

Motion: I move to approve consent agenda item 5a2 **MOVED BY CRAWFORD, SECONDED BY VERMILLION.** No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

7. PUBLIC HEARING

a. Resolution No. 1057 – A Resolution Declaring the City’s Election to Receive State Shared Revenues.

Councilor Westover asked if the Council would agree that the citizens that are open carrying outside the meeting be asked to put the guns away.

Mayor Luz asked Chief Bowker what his thoughts were on the Council requesting the people outside stop open carrying outside of the meeting.

Chief Bowker noted that there are two people open carrying outside of the meeting. He noted that he can ask them to stop open carrying.

The Council came to a census that they would like Chief Bowker to ask the two individuals outside of the meeting to stop open carrying because people feel intimidated.

Open public hearing at 7:08 pm

No comment

Closed public hearing 7:09

Motion: I moved to approve Resolution No. 1057, declaring the City’s election to receive State Shared Revenues. **MOVED BY SNYDER, SECONDED BY WARREN.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Snyder, Warren, Vermillion, Westover, Crawford

MOTION APPROVED WITH FIVE AYES

b. Resolution No. 1058 - A Resolution Adopting the Budget, Making Appropriations and Levying and Categorizing Taxes for Fiscal Year 2020/2021 for City of Phoenix.

Open public hearing at 7:10 pm

No comment

Closed public hearing 7:11

Motion: I moved to approve Resolution No. 1058, adopting the budget, making appropriations, and levying and categorizing taxes for fiscal year 2020/2021. MOVED BY WARREN, SECONDED BY CRAWFORD. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Warren, Crawford, Snyder, Vermillion, Westover

MOTION APPROVED WITH FIVE AYES

8. NEW BUSINESS

a. IGA with the Rogue Valley Council of Governments for Human Resource and Accounting Services.

Mr. Swanson explained the IGA with RVCOG for the Council.

Ann Marie Alfrey, Deputy Director RVCOG, explained the services RVCOG offer to jurisdictions in Jackson and Josephine Counties. Ms. Alfrey noted that Steve Weber will be assisting with Payroll and AP functions.

Motion: I move to direct the City Manager to sign an IGA with RVCOG for HR and Accounting functions effective June 16, 2020. MOVED BY WESTOVER, SECONDED BY VERMILLION. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Westover, Vermillion, Crawford, Snyder, Warren

MOTION APPROVED WITH FIVE AYES

b. KDP Audit Engagement Letter and Audit Committee.

Mr. Swanson explained the KDP engagement letter for audit services. He addressed the increase in cost for the audit. Mr. Swanson discussed creating an Audit Committee, City Council agreed to form an Ad hoc Audit Committee.

Motion: I move to approve the audit engagement letter and authorize the Interim City Manager to sign on behalf of the City of Phoenix. MOVED BY WESTOVER, SECONDED BY CRAWFORD. No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

c. City Council Support of Phoenix Police Chief Bowker's Statement Regarding George Floyd and Racial Equity.

Mr. Swanson recapped the public meeting that was held with Chief Bowker. He noted there was a great exchange about what is important for the Phoenix Police Department.

Mayor Luz noted that he walked away from the community meeting with the Chief feeling like most of the people are happy with the Phoenix Police Department as well as Chief Bowker.

Councilor Westover noted the statement made by Police Chief Bowker is a good starting point. She noted that there are things that can be added to strengthen the statement. (see attached).

Councilor Crawford noted that this is the second year where to play sports the students did not have to pay to play and this increased the number of Hispanic students joining the teams.

Mayor Luz suggested that they take in the information that was presented and discuss it in a study session.

Councilor Snyder noted that there are two different actions in front of them tonight. He noted that they could move forward with the piece regarding Chief Bowker's statement and then address the other at another time.

Councilor Warren thanked Sarah and the staff for adding this item to the agenda. He noted that he felt it was important to acknowledge the things that are going on in our community. Mr. Warren noted that the City Staff needs a strong leader that will not accept any bias. He noted that the government needs to begin having open communication with the people.

Councilor Vermillion noted that her heart hurts for all the pain and fear that is going in the world today. She noted that she agrees with Chief Bowker's statement and would like to see the Council move forward with improvements.

Jamie Powell, Phoenix, thanked the Council for discussing this topic. She also thanked Chief Bowker for his statement regarding the George Floyd incident. She noted that she is part of the Racial Equity Coalition and Deconstructing Whiteness groups, both groups work to fight racism. Ms. Powell noted she is here to nudge the Council to work toward a more racially equitable community.

Ms. Johnston thanked the Council for their recommendations for moving toward being more racially equitably. She stated that Mayor Luz's actions show that he does not agree with the protesters.

Andrea Adams, Medford, noted that as white people stating that the community had a good conversation with the police department is racist to people of color. She noted that the suggestions made by Councilor Westover need to be considered and added to Chief Bowker's statement. Ms. Adams recommended that the Council continue to educate themselves on social equity.

Christina, Medford, noted that the conversation needs to continue. That it is important to look at problem areas and not at what we are doing well. She suggested that translators be available and that brochures and other documents are available in other languages.

Trinity Shaw-Stewart, Medford, thanked the people that backed the statement about George Floyd and the words about change. Ms. Shaw-Stewart noted that she organized the protest in Medford and that she tried to keep it peaceful. She stated that if the Council is fine with the alleged actions of the Mayor, the rest of them are as bad as him.

Mr. Chavez noted that the work does not end with the police department. All the members of the community should work toward making everyone feel welcome in our community.

Councilor Crawford noted that the best thing that we can do about this situation is to talk about with your kids at home over dinner. He challenged the community to talk about it.

Mayor Luz noted that he has invited the Hispanic community through the local churches to become involved. He noted if anyone has ideas on how to encourage this, please let them know.

Councilor Westover noted that translation service should be available for the meetings and should be a budgetary item.

Hannah Fowl, Talent, noted that she strongly supports the statements that Councilor Westover put forward regarding structural racism and Council and City staff taking implicit bias training. Ms. Fowl commended the Phoenix school district for the steps they have taken to make resources available bilingually.

Motion: I move to approve Chief Bowker's letter. MOVED BY CRAWFORD, SECONDED BY SNYDER. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Westover, Vermillion, Crawford, Snyder, Warren

MOTION APPROVED WITH FIVE AYES

d. Community Conversation/City Visioning Meeting.

Councilor Warren suggested that the Council engage the Community during this time of crisis. He suggested it be less formal, making it more comfortable for people to come and speak to the council.

Councilor Westover suggested that the meeting be held on a different night than when the Council meeting is held. She also noted that there should be less strict to it so people can bring up anything they want to talk about.

9. Ordinance Reading/Adoption

a. Ordinance No. 1009 – An Ordinance Amending Chapter 15.04 of the Phoenix Municipal Code, In Accordance with Current Codes and Practices.

Mr. Swanson noted that Northwest Code Pros came to him stating that the code is out of date and difficult to enforce without the update. Mr. Swanson noted therefore the staff is requesting emergency adoption of the ordinance.

Ryan Nolan, Contract Planner, explained that before them is a basic update to the municipal code. Mr. Nolan noted that the code update clarifies the current applicable codes, clarifies the building official's authority and what issues he has authority over, clarifies building permits, refunds, certificates of occupancy, and revocation of permits when work has been done without permits and stop orders.

Mr. Nolan explained why the ordinance is being considered as an emergency.

Open public hearing 8:44 pm

No comment

Closed public hearing 8:44 pm

Motion: I move to approve ordinance 1009 amending current codes and practices.
MOVED BY VERMILLION, SECONDED BY WESTOVER. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Vermillion, Westover, Crawford, Snyder, Warren

MOTION APPROVED WITH FIVE AYES

10. STAFF REPORTS:

Doug McGeary, City Attorney, gave a shot out to the students at Phoenix High School scholarship recipients, Hannah MacLennan, Aldo Meza, Alex Macias – Montoya, Savanna Lyon, and Brandon Morrison.

Eric Swanson, Interim City Manager, gave a brief update on the Urbanization Element, TAP, submission of the TMDL plan, working with Councilor Warren on the Bear Creek clean up, and the Main St. project going out to bid in July.

11. MAYOR AND COUNCIL COMMENTS/ REPORTS:

Councilor Crawford no comment.

Councilor Snyder no comment.

Councilor Warren thanked Mr. Swanson for all the hard work he has been doing. He asked when the Parks and Rec and Bee City USA will be having a meeting again. Councilor Warren thanked everyone that came to the meeting and that he was disgusted with the people that came to the meeting brandishing firearms and that he will not accept this behavior going forward.

Councilor Vermillion noted she was happy to hear that three of the scholarship recipients were Latino. She noted that the fear on both sides is unbearable. She noted we all need to learn to love each other.

Councilor Westover noted that the decorum around public meetings should not allow people to open carry. She believes that people that open carry do this to intimidate others. She noted that she attended two of the BLM protests that were loosely organized and where she worked to keep the peace. Councilor Westover stated that she was embarrassed and sadden by the behavior of Mayor Luz at protests. She noted that she feels bad for the teenagers that were threatened and requested the Mayor resign.

Mayor Luz noted that he agrees with some of Councilor Westover's comments and other not at all. (Mayor Luz's comments are attached)

Motion: I moved to extend the meeting until 9:30 pm. **MOVED BY SNYDER, SECONDED BY WARREN.** No further discussion.

MOTION APPROVED BY UNANIMOUS VOTE

12. RECESS OPEN MEETING

13. CONVENE TO EXECUTIVE SESSION

ORS 192.660(2)(h). To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

14. CLOSE EXECUTIVE SESSION

15. RECONVENE OPEN MEETING

Mayor Luz noted the Council discussed a legal matter.

17. ADJOURNMENT

The meeting adjourned at 9:28 p.m.

Respectfully submitted by,



Bonnie Pickett
City Recorder



June 15, 2020

To: Eric Swanson, Phoenix City Manager

Regarding: Proposed changes to the City's Municipal Code- Council Meeting, June 15, 2002.

Eric,

As noted in my email earlier this morning, I am regretfully unable to attend the City Council meeting this evening as I had planned. The proposed changes to the Municipal Code relative to the Building Inspection program are on the agenda and I had intended to be present in case there were questions.

In the documents that have been prepared for the meeting, there is some detailed explanation for the various proposed changes. I anticipate that those explanations should adequately cover the background and reason for the changes in my absence.

There is another aspect to the changes, beyond the technical items outlined in the proposed draft and I want to add some comments contained herein. **The issue is the urgency surrounding the proposed changes.** The primary focus of the proposed changes is to address the regulation (i.e. permits/inspection) of structures that are not under the direct authority of Building Codes Division (BCD). The technical details are covered in the draft proposed changes.

To the matter of urgency, due to the changes that have been made by Oregon Building Codes Division, at the current time there is no authority for the City to regulate the structures such as the cell towers, site retaining walls, etc. Without the changes, these types of structures could be constructed without any review or inspection by the City. **The current lack of authority to regulate these structures could very well present some significant fire and life-safety concerns.**

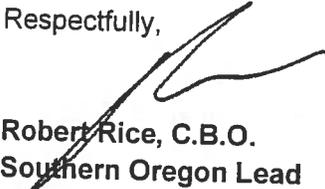
This issue is not unique to the City of Phoenix. Each jurisdiction in Oregon is needing to address this. As such, I had prepared the draft version of the changes for the Council's consideration as well as the other cities in Southern Oregon that I provide services for.

For clarity, as stated in the draft document, the final version and adoption of these changes are under the authority of the City Council since it is the City that operates the Building Inspection program; not Northwest Code Professionals. The role of Northwest Code Professionals, and

thereby, my role as Building Official, is to assist the City in the operation of the Building Inspection program.

Feel free to contact me if you have any questions on this or any other matter.

Respectfully,



Robert Rice, C.B.O.
Southern Oregon Lead
Building Official | Plans Examiner | Inspector
Northwest Code Professionals, LLC
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Suggestions for Phoenix City Council Statement

- The City of Phoenix condemns the murder of George Floyd at the hands of the Minneapolis Police Department. We acknowledge and condemn excessive use of force by police which disproportionately impacts black and brown communities nationwide.
- As publicly elected officials we recognize the importance of using this moment for reflection and critical examination of the entrenched bias that pervade our institutions. We accept the responsibility of being responsive to community concerns and commit ourselves to critically engaging in difficult conversations around police practices and accountability.
- We appreciate our local police department for its commitment to continued education, training and practices that help to prevent escalation and violence. We believe that community conversations about police accountability and opportunities for improvement are still vital and necessary.
- As a city we will work to support and, where possible, invest financially in new and existing social programs. We will prioritize connecting community members with services instead of police intervention wherever possible. This includes those in need of service related to mental health, addiction and homelessness.
- We acknowledge that police aren't always the most appropriate first responders for every situation and that we must have other social supports in place. We will support local efforts to establish and fund community-based (Non-law enforcement based) mobile crisis intervention programs similar to the Eugene-based CAHOOTS model (Crisis Assistance Helping Out on the Streets).
- We recognize that bias and racism are deeply ingrained into all aspects of American culture including our government. The city of Phoenix will commit to securing annual training on implicit bias for ALL city staff and elected city officials so that we can learn more about how to challenge oppression in our everyday environments.

I support and stand firmly with the kind hearted, loving people of Phoenix. From our seniors at Bear Lake Estates, RV South, Creekside and Greenway Village to the apartment dwellers on Cheryl and Bolz, to the residents of the Barnum and Phoenix Hills sub divisions I stand with you. To all those in every neighborhood in Phoenix I stand with you and for you. We will not allow our small city to be tarnished. We love and care for all our neighbors and for the men and woman that provide for the public's safety. My fellow wonderful citizens, hold your heads high and continue to be proud of our city. Be kind and love one another.

Chris Luz
Phoenix Mayor