

**City Council Regular Meeting  
220 N. Main St.  
Phoenix Plaza Civic Center  
Monday, August 03, 2020**

**1. CALL TO ORDER:**

Mayor Luz called the regular meeting of the City Council to order on Monday, August 03, 2020, at 6:30 p.m. at the Phoenix Plaza Civic Center.

**ROLL CALL:**

**PRESENT:** Chris Luz, Stuart Warren, Angie Vermillion, Robert Crawford, Sarah Westover, Andrew Barrow, and Al Muelhoefer

**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:**

Clearance Carr, Medford, noted that he is disappointed City Governments say that they want to change, but have done nothing to clean up their City offices. Mr. Carr noted his surprise that Mayor Luz has remained in his position.

Terry Baker, Phoenix, thanked the new Councilors for joining the Council. Mr. Baker gave the new and current Councilors a piece of advice, listen to hear. He wished the Council good luck.

Tony Chavez, Phoenix, welcomed the new Councilors. He thanked Councilor Warren for reading his statement at the last meeting. Mr. Chavez noted that Mayor Luz was cleared of criminal charges, not of any wrongdoings. He noted that the Mayor should step down and let the City move on.

**5. CONSENT AGENDA:**

**a. Reports for Information & Possible Action:**

1. Awarding Contract for Hwy 99 Modification Project.
2. Mayor Censure Hearing (set date August 17th).
3. Community and Economic Development Director Contract Service Agreement.

b. Minutes to Approve and File:

1. Minutes from City Council Meeting, July 20, 2020

Motion: To approve the consent agenda. **MOVED BY WARREN, SECONDED BY VERMILLION.** No further discussion.

**MOTION APPROVED BY UNANIMOUS VOTE**

**7. NEW BUSINESS:**

- a. Resolution 1060 – Declaring a Local State of Emergency in the City of Phoenix as a Result of the COVID-19 Pandemic.

Mr. Swanson introduced Joe Slaughter, Community and Economic Development Director to the Council.

Mr. Swanson noted that Mr. Slaughter has helped him with the update to the resolution, implementing changes at City Hall, and obtaining PPE. He noted that we are updating the resolution to recognize all the things that have changed when dealing with the COVID-19 pandemic.

Motion: I move to approve the proposed declaring a local state of emergency in the City of Phoenix as a result of the COVID-19 pandemic. **MOVED BY WARREN, SECONDED BY CRAWFORD.** No further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Warren, Crawford, Vermillion, Westover, Barrow, Muelhoefer**

**MOTION APPROVED WITH SIX AYES**

- b. Discussion – Main Street/Streetscape Committee.

Mayor Luz appointed four individuals to the Streetscape Committee. The committee will include Al Muelhoefer, Terry Helfrich, Zoe West, and Mayor Luz. Mayor Luz noted it shouldn't take the committee more than 60 days to determine the direction staff will be given.

Councilor Muelhoefer noted that he has been speaking with Zoe West for the past year about an artist's perspective for the streetscape of Phoenix. He said that she has looked at several locations where murals could be placed, sculptures, and metal artwork.

Councilor Westover questioned where the funding would come from the project. She also suggested moving forward that someone under the age of 50 is selected for committees to fill the generational gap.

Councilor Warren questioned if the streetscape update would be removing the current light posts and benches or would be adding to what is already there.

Mr. Swanson noted that the project would be adding to the work that has already been done.

Councilor Warren noted that the Council should stay focused on building a new police station verse spending funds on updating the streetscape.

Councilor Vermillion noted that if the City has a nice streetscape it may work in favor of the development of the lots next to the Civic Center.

Councilor Muelhoefer noted that in past projects done by Taylored Elements Construction they were not involved in the streetscape.

Councilor Westover questioned the timeline for the streetscape project.

Mayor Luz noted that this isn't something that will be done right away, it could take some time to be complete.

Andrea Adams, Medford, noted that her business was severely impacted when the last construction was done on Main St. She noted after several conversations with the contractors and City staff she was finally able to have the concrete in front of the building completed properly. Ms. Adams noted that she is better prepared to deal with any issue the upcoming construction may impact her business.

Councilor Muelhoefer noted that he remembers the issues that Ms. Adams faced in the past and asked that asked the City Manager to be in direct contact with Ms. Adams about any effects the upcoming road construction will have on her business.

Mr. Swanson noted that the contractor and the engineer will be holding a pre-construction meeting to discuss the project. He noted this will help with knowing who to contact about access issues. Mr. Swanson noted that most of the construction is scheduled to occur at night, having minimal impact on businesses.

c. City of Phoenix Sponsored Community Conversations/Town Hall Events.

Mr. Swanson noted that after meeting with The Phoenix Voice, Carolyn Marshall has agreed to host September 24, 2020, Town Hall. The topics of discussion will be the PHURA properties around the Civic Center, the Main Street Project, and the New Police Station.

Motion: I move the approval of City of Phoenix Sponsored Community Conversations/Town Hall Events planning as presented and modified during City Council deliberations. **MOVED BY MUELHOEFER, SECONDED BY BARROW.** No further discussion.

**MOTION APPROVED BY UNANIMOUS VOTE**

Ms. Adams noted that the Town Halls are a great place for people to get their voices heard, she would like to see the information gathered and presented to the Council so that it could be implemented.

d. Standards, Criteria, and Policy directives for the hiring of the Chief Executive Officer, the City Manager (Public Hearing).

Doug McGeary, City Attorney, explained the process for finalizing the criteria for hiring a Chief Executive Officer. He noted that the public will be able to comment on the criteria during the public hearing.

Public hearing opened at 7:11 pm

Terry Baker, Phoenix, noted that the Council should find a good listener, to be able to better serve the needs of the Council. Mr. Baker suggested that they hire a team player that will fit well on the team of the Council.

Tony Chavez, Phoenix, noted that he was not supportive of Mr. Swanson when he started in Phoenix, after several conversations he has changed his mind and thinks that the City couldn't do better than Mr. Swanson.

Andrea Adams, Medford, noted that the criteria for the City Manager be clear to protect them from any misunderstandings. She suggested that the person hired be supported by the Council.

Christine Totten, Medford, noted that the Council should hire someone that will stand up to the Mayor.

Public Hearing closed at 7:17 pm

#### **8. STAFF REPORTS:**

City Attorney no comment

City Manager reminded the Council about the upcoming training on August 12, 2020, facilitated by Patty Mulvilhill, head Council for the League of Oregon Cities. The training will be from 8:00 am to 5:00 pm. Mr. Swanson mentioned that the City has been awarded two grants to assist businesses and individuals during this economic downturn. He noted that the Social Equity Policy will be brought before the Council during the August 17, 2020 meeting for approval. Mr. Swanson noted the franchise fee agreement extension is about to expire for Pacific Power and he will be signing another six-month extension to allow time to work out of the details of the agreement.

#### **9. MAYOR AND COUNCIL COMMENTS/ REPORTS:**

Councilor Barrow wanted to recognize the City Staff (Public Works, Police Department, and City Hall) for all the hard work that they are putting in during these difficult times. Mr.

Barrow thanked the staff and noted how appreciative he is for all they do to keep the City running.

Councilor Crawford noted that he is excited that his son will be coming home next week after ten months of deployment. He thanked all the men and women that serve and the families they had to leave behind.

Councilor Muelhoefer notes the Blue Heron Community Garden looks great. People are excited about growing their own food this year. He noted that there are twenty-four plots in use with three people on a waiting list. Councilor Muelhoefer noted that there is also a Pollinator garden in Blue Heron Parks that promotes bee-friendly plants. He mentioned while walking downtown he notices that the Rogue Valley Pollinator has 29 little signs in front of the building with bee-friendly plants listed. Councilor Muelhoefer noted on this same walk he came upon the Oregon Cheese Cave, where there was a person outside selling pastries. He would like to see more of this in Phoenix.

Councilor Warren noted that Parks and Recreation should be meeting in August to discuss the Bear Creek Restoration Project. He noted that he is hoping to get input from Public Works and the Police Department. Councilor Warren requested the Mayor step down.

Councilor Vermillion noted that she is thankful for the smoke-free blue sky.

Councilor Westover noted that she would like the change in process from meeting to meeting to stop. This continued behavior is why the citizens don't like the Council or trust that they are going to be heard. She noted on two separate occasion the Mayor tried to make changes to make the conversation advantageous. Councilor Westover noted that they need to stick to the clear and concise process they have in place. She requested the Mayor step down.

Mayor Luz noted that there hasn't been a limit to public comment in the past. He noted that he is not making rules up on the fly, he just goes by Council rules. Mayor Luz said he may not be perfect but he tries to be fair. Mayor Luz noted that La Tapatia is putting in a patio to add outdoor seating. He noted that when speaking with Meme from Puck's Donuts she suggested that the City-wide yard sale happens in the fall due to it being canceled. Mayor Luz read public comments from Lorraine Eileen regarding the dog park (see attached).

**10. RECESS OPEN MEETING:**

5 Minute recess

**11. CONVENEN TO EXECUTIVE SESSION:**

a. ORS 192.660 (2) (a). To consider the employment of a public officer, staff member, or individual agent.

**12. CLOSE EXECUTIVE SESSION:**

**13. RECONVENE OPEN MEETING:**

Mayor Luz noted the discussion was regarding hiring Eric Swanson for the City Manager position. He noted the Council came to a consensus to offer the contract to Mr. Swanson.

The Council discussed and agreed on compensation and workdays that will be in the contract to be presented at the next council meeting.

**14. ADJOURNMENT:**

The meeting adjourned at 8:37 p.m.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Bonnie Pickett".

Bonnie Pickett  
City Recorder

## Bonnie Pickett

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**From:** Clarkie <clarkie@realskate.com>  
**Sent:** Friday, August 14, 2020 2:26 PM  
**To:** angie.vermillion@phoenixoregon.gov; andrew.barrow@phoenixoregon.gov; sarah.westover@phoenixoregon.gov; stuart.warren@phoenixoregon.gov; chris.luz@phoenixoregon.gov; eric.swanson@phoenixoregon.gov; robert.crawford@phoenixoregon.gov; Bonnie Pickett; Derek B  
**Subject:** Re: Fwd: Resolution No. 1059 – City of Phoenix Social Equity Policy  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mayor and Council, et. al:

Thank you for giving the public an opportunity to comment on Resolution No. 1059. I did not see a cut off date or know when the item was coming back to council, so I hope I am not too late to comment. I just have some minor changes to be considered for the final draft:

1st Whereas: George Floyd's death was on May 25th, not the 26th.

2nd Therefore:

Reads: We will support local efforts to establish and supporting funding a community-based (Non- law enforcement based) mobile crisis intervention program in the Rogue Valley similar to the Eugene-based CAHOOTS model (Crisis Assistance Helping Out on the Streets).

As you know, Ron Wyden recently introduced the "CAHOOTS Act" which compliments the bill Kamala Harris, Cory Booker, et. al. introduced prior. Wydens act embeds funding for this type of intervention with new Federal Medicaid legislation which will be set in action at the state level. I don't think it is wish to proclaim that we will commit local funding to a program that will take a long time to develop and put into action. Already, I have seen local non-profits with their eyes on this funding and I have strong doubts of their qualifications. I have for decades supported mental health and drug addiction be under the medical field and not law enforcement. I see this is finally happening. I think we need to wait on commitments just yet at the local level. It is important the players be highly professional, and degree'd in the disciplines required such as mental health, physical health, psychiatry, and social service. I think better wording would be something to the effect that we support Harris and Wyden's legislative actions and as a city look forward to our involvement in CAHOOTS-type services.

3rd Therefore:

Reads: The City of Phoenix will commit to securing annual training in implicit bias for all city staff and elected city officials so that we can learn more about how to recognize and challenge oppression in our everyday environments.

Suggested change: The City of Phoenix will commit to requiring annual training of all those serving as city employees, commissions, committees, volunteers, and elected officials and develop procedures for reporting any of the above for exhibiting bias, racism, stereotyping, inequality, and general unfairness in all aspects of city operation.

4th Therefore:

Reads: The City of Phoenix will explore Spanish translation services for written materials and public meetings.

Since translation services are already a requirement of the Open Meetings Laws 192.630 at the request of the public in 48 hrs. notice, I don't think we want to admit that we have not been providing this service by saying "explore Spanish translation services." And I don't think we should limit it to Spanish speakers.

Suggested change: The City of Phoenix will make every effort to accommodate and encourage non-English speakers and those requiring sign language to take advantage of the open meeting laws concerning translation and help them feel more welcome coming to meetings and all city functions.

Respectfully submitted,

Clarkie Clark

Phoenix

## Bonnie Pickett

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**From:** Marissa W <marissawoltanski@gmail.com>  
**Sent:** Sunday, August 16, 2020 11:23 PM  
**To:** bonnie.pickett@phoenixoregon.gov  
**Subject:** Public comment on Lux for 8/17

As a nearly lifelong resident of Phoenix I expect any city officials or "leaders" to fall somewhere between feckless and straight out public embarrassment. Well Chrissy boy, you've really outdone yourself this time haven't you? We've heard many stories of your less than professional behavior over your tenure, but this last one really takes the cake.

The fact that you were overwhelmed by a couple of minors expressing their First Amendment Rights in a way that didn't agree with is such a clear indicator that you lack the self control, morals, ethics, and respect to represent this community.

Like a petulant child who wasn't getting what they wanted you chose to lean on your horn and instigate this whole interaction. When instead you could have sucked it up, put your big boy pants on and then turned down 8th Ave and moved on with your life. Instead, you showed the world that you think you are too important to be inconvenienced for TWO BLOCKS.

Do us all a favor and move on to the next career where you can continue to be the sad mediocre little person you are.

Best,  
Marissa Woltanski

## Bonnie Pickett

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**From:** Anna Sloan <sloan.anna@gmail.com>  
**Sent:** Monday, August 17, 2020 10:29 AM  
**To:** stuart.warren@phoenixoregon.gov; angie.vermillion@phoenixoregon.gov;  
robert.crawford@phoenixoregon.gov; sarah.westover@phoenixoregon.gov;  
al.muelhoefer@phoenixoregon.gov; andrew.barrow@phoenixoregon.gov  
**Cc:** eric.swanson@phoenixoregon.gov; bonnie.pickett@phoenixoregon.gov  
**Subject:** comment re: censure of Chris Luz

To the Phoenix City Council,

I am a concerned Southern Oregon resident writing to ask you to vote YES on the censure of Mayor Chris Luz, and to hold him accountable for his inappropriate behavior towards peaceful protesters on June 1, 2020.

As leaders of our communities, members of public office should act role models to the citizenry, and always work in our best interest. I was immensely disturbed to learn about Mr. Luz's aggressive confrontation towards teenagers at the June protest. Behavior of this nature should NOT be tolerated from public officers. I do not have faith that this person is able to fulfill the role of Mayor in a way that serves the Phoenix community well. Mr. Luz has shown his character through this incident, and his lack of accountability for his actions speaks volumes. This behavior has put members of our community at risk -- massively inappropriate, especially from a Mayor -- and this alone should be enough to remove him from his office.

I appreciate the Council's consideration of these concerns.

Respectfully,

Anna Sloan  
[sloan.anna@gmail.com](mailto:sloan.anna@gmail.com)