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**City Council Meeting**  
**Agenda**  
**October 05, 2020**  
6:30 p.m. Public Meeting  
Zoom Meeting

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A complete agenda packet is available on the city's website. *Office of the Governor Executive Orders require that the governing body of a public body hold public meetings and hearings in compliance with social distancing and face-covering requirements. This meeting is being conducted by virtual means in compliance with the Governor's Orders. A recording of the virtual meeting in its entirety will be posted to [www.phoenixoregon.gov](http://www.phoenixoregon.gov)*

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You are invited to a Zoom webinar.  
When: Oct 1, 2020, 06:30 PM Pacific Time (the US and Canada)  
Topic: City Council Meeting

Please click the link below to join the webinar:  
<https://zoom.us/j/99897963547?pwd=cWI6NVpsTmNlMXoyZkNLTnJUK011UT09>  
Passcode: 561808

Or iPhone one-tap :  
US: +16699006833,,99897963547# or +12532158782,,99897963547#

Or Telephone:  
Dial(for higher quality, dial a number based on your current location):  
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799  
Webinar ID: 998 9796 3547  
International numbers available: <https://zoom.us/u/ad8Xsmgdhs>

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**1. Call to Order / Roll Call / Confirmation of a Quorum**

Except as provided in Section 33 of the City Charter, a minimum of four Council Members are needed for a quorum and to conduct city business. If the Mayor is needed to establish a quorum, then he/she may become a voting member for that meeting (*Phoenix Municipal Code, Chap. 2.28.020.A.4*).

**2. Presentations**

**3. Public Comments**

**4. Consent Agenda**

Items on the Consent Agenda are considered routine and will be adopted by one motion. There will be no separate discussion of these items unless it is requested by a member of the Council or staff. If so requested, that item will be pulled from the Consent Agenda and considered separately immediately following approval of the remaining items.

a. Reports for Information & Possible Action:

None

b. Minutes to Approve and File:

- 1. Minutes from City Council Meeting August 17, 2020, .....3
- 2. Minutes from City Council Executive Session August 17, 2020,.....16
- 3. Minutes from City Council Study Session September 14, 2020,.....18

**5. Consent Agenda Items Pulled for Discussion**

**6. New Business**

- a. Executive Order 2020-01 Addressing Temporary Emergency Accommodations Within the Urban Boundary of the City of Phoenix.....20

**7. Staff Reports**

- a. City Attorney
- b. City Manager

**8. Mayor and Council Comments / Reports**

Any Councilor may make an announcement or raise any item of business that is not on the agenda. While other Councilors or city staff may briefly respond or comment, the law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. If extended deliberation or potential action on a matter is desired, Council may direct staff to place the item on a future meeting agenda.

**9 Adjournment**

**City Council Regular Meeting  
220 N. Main St.  
Phoenix Plaza Civic Center  
Monday, August 17, 2020**

**1. CALL TO ORDER:**

Mayor Luz called the regular meeting of the City Council to order on Monday, August 17, 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:**

Mayor Luz gave a brief recap of the League of Oregon Cities, Facilitation training for Council, Staff, and the public held on August 12, 2020.

Mayor Luz gave a brief overview of the meeting of the Streetscape Committee regarding how to improve the look of Main Street.

Councilor Muelhoefer noted that the upgrades they are looking at are not expensive and will enhance the look of Main Street. He noted the Committee plans to get their ideas in order and present them to the public for input.

Councilor Warren noted that the Council did not approve the Streetscape Committee. He noted that the Council is required to approve committees not just the Mayor.

**4. PUBLIC COMMENTS:**

Sharon Schmidt, Phoenix, noted that Bee City USA would like to use the funds they were awarded to have a film made about the accomplishments of Bee City USA because they were unable to have the Pollinator Palooza due to the Pandemic. Ms. Schmidt would like the Council to consider a native City Bee and City Flower.

Christine Totten, Medford, asked that Council to remember to keep their masks on while making comments. Ms. Totten expressed her feelings regarding Mayor Luz's actions

during the Black Lives Matter riot and his possible involvement with armed citizens that attended the Council meeting. She noted that her mind will not be changed no matter what the outcome may be.

Andrea Adams, Medford, noted that she finds it offensive that the Mayor points out that she does not live in Phoenix and that this discounts her opinion. Ms. Adams noted that the censure hearing is about looking into the unchecked behavior of an elected official regardless of the role of that person on the Council. She noted that the public is looking to the Council to indite the person for their unchecked behavior.

Carolyna Marshall, Phoenix, presented Bonnie Pickett the City Recorder with flowers and a card, thanking her for all the work she does. Ms. Marshall presented the Council with a toy elephant. Ms. Marshall noted on September 24<sup>th</sup> there will be a community-led meeting with one of the topics being streetscape. She noted there will also be a candidate night on October 29, at 7:00 pm at the Civic Center. Ms. Marshall noted her vote for the Dog park name, is "My Best Friends Dog Park". She noted that she enjoyed the council facilitation.

## **5. CONSENT AGENDA:**

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

1. Parks and Recreation Committee Appointment.
2. City Manager Employment Agreement.

### **b. Minutes to Approve and File:**

1. Minutes from City Council Meeting, August 03, 2020.
2. Minutes from Executive Session August 03, 2020.
3. Minutes from Executive Session June 15, 2020.

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

## **MOTION APPROVED BY UNANIMOUS VOTE**

Mayor Luz congratulated Mr. Eric Swanson on his contract approval as the new City Manager for Phoenix.

## **7. NEW BUSINESS:**

- a. Resolution 1059 – Phoenix Social Equity Policy.

Mr. Swanson discussed the policy and the steps that have been taken to obtain opinions on what should be included in the final draft.

Councilor Vermillion addressed comments that were received by Clarkie Clark regarding the Social Equity Policy.

Councilor Westover noted she read the legislation that would create another stream of funding through Medicare for people needing services. She noted this could take a year or not happen at all and should not let this get in their way when creating the policy.

Councilor Warren noted that he agrees translation services should not be limited to Spanish speaking residents.

Councilor Barrow expressed his concerns about the funding of the CAHOOTS program and would suggest waiting until other Cities in the area are willing to join with the City of Phoenix.

Councilor Muelhoefer noted that the statement about CAHOOTS in the resolution is good and does not need to be changed. He stated that he agrees that the Council and staff should get the same message/training about social equity.

Councilor Warren noted that the resolution is not stating that they are going to fund the program now, but in the future, if the opportunity arises.

Councilor Westover noted that the CAHOOTS program would be a regional effort, not just the City of Phoenix effort. She noted that the resolution is a general statement of support.

Mayor Luz agreed to use the statement that was provided by Clarkie for translation services. He suggested changing the language in the resolution regarding the police and the language regarding Latino residents.

Councilor Westover stated that she disagrees with the language change regarding the police and that they could use the word significant for the number of Latino residents in Phoenix.

Councilor Crawford noted that the decision on how the resolution is worded is a Council decision, not a Mayor's decision.

Motion: I move to allow public comment on this item. **MOVED BY WESTOVER, SECONDED BY BARROW.** No further discussion.

#### **MOTION APPROVED BY UNANIMOUS VOTE**

Ms. Totten thanked the Council for allowing extra time to speak on this item. She commended them for following the rules but asked that they don't restrict people from commenting on items after they have been deliberated on by the Council.

Ms. Adams noted that language regarding the police in the resolution does not say all police, it is condemning the acts of brutality by the police.

Ms. Marshall noted that she agrees with Ms. Adams's statement. She noted that they are not after all the police, just the ones that are using brutality.

Terry Baker, Phoenix, noted that the Council needs to listen to opposing views. He noted the language of the resolution is important and should include the positive points of the opposing views.

Motion: I move to keep the language as written on page 34, except that instead of the language that states "The City of Phoenix will explore Spanish translation services for written materials and public meetings" we could say instead "The City of Phoenix will make every effort to accommodate and encourage non-English speakers and those requiring sign language to talk advantage of the open meeting laws concerning translation and help them feel more welcome coming to City Council meetings and all city functions".  
**MOVED BY WESTOVER, SECONDED BY CRAWFORD.**

Councilor Vermillion added a friendly amendment to the motion to include changing the language from "large to significant" under the fourth whereas in the resolution.

Councilor Westover accepted the amendment.

Mayor Luz requested the word "some" be used under the first whereas.

The Council agreed not to add the Mayor's language to the resolution.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Westover, Crawford, Warren, Vermillion, Barrow, Muelhoefer**  
**MOTION APPROVED WITH SIX AYES**

**b. Naming of the City Dog Park**

Mr. Swanson noted that there are several options in front of them to choose from. He noted the estimated cost of the sign is \$350.00. Mr. Swanson noted that the dog park has been a well-loved addition to the City's park system.

Councilor Barrow noted that he had heard from a citizen that the dog park should be called "My Best Friend's Park".

Motion: I move that we name the dog park the Colver Dog Park. **MOVED BY MUELHOEFER, SECONDED BY WARREN.** No further discussion.

**MOTION APPROVED BY UNANIMOUS VOTE**

**8. STAFF REPORTS:**

City Attorney, Doug McGeary, noted he enjoyed participating in the facilitation provided by the League of Oregon Cities.

City Manager, Eric Swanson, thanked everyone for their participation in the facilitation and that the training objectives were met. He noted that Mr. Paul Kay has been doing so

great sustainable improvements on his commercial properties. Mr. Swanson noted he attended a transportation meeting in Medford regarding the Mega Corridor and the South Stage Freeway crossing. He thanked the Council for the employment agreement approved by the Council.

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

Councilor Westover noted she was so excited by the new pub Clyde's Corner. She noted it is important to support small businesses.

Councilor Vermillion noted how lucky the City of Phoenix is to have Carolyn Marshall, she is a peacemaker, community feeder, Thank you, Carolyn.

Councilor Warren apologized for having to leave the facilitation early. He was scheduled to attend the Land Conservation retreat which was structured similarly to the facilitation and is something they are required to do yearly. He noted that the Council should look into doing something similar yearly as well. Councilor Warren noted that he is starting his busy season at work and will answer phone calls and emails as quickly as possible.

Councilor Muelhoefer noted that Paul Kay's development is called Phoenix Industrial Studios. He noted that he has contacted local artists to have them look at these spaces for art classes. Councilor Muelhoefer also expressed his concern about the number of empty businesses in Phoenix.

Councilor Crawford congratulated Mr. Swanson on his new position. He noted that the Ashland National Guard will be returning home tomorrow.

Councilor Barrow noted that he would like to look into possibly making changes to the height restriction of the fence ordinance in the city.

Mayor Luz welcomed Mr. Swanson aboard. He noted that during the facilitation one of the trainers said to focus on the behavior not the interruption of the behavior, he found this to be interesting.

**10. RECESS OPEN MEETING:**

5 Minute recess

**11. CONVENEN TO EXECUTIVE SESSION:**

a. ORS 192.660(2) (b). To consider dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

**12. CLOSE EXECUTIVE SESSION:**

**13. RECONVENE OPEN MEETING:**

Councilor Warren read the attached statement.

Mayor Luz stated that he was pleased that the City Council decided not to move forward with the censure due to the lack of evidence. He noted he looks forward to continuing to work to improve the lives of the citizens of Phoenix.

**14. ADJOURNMENT:**

The meeting adjourned at 9:14 p.m.

Respectfully submitted by,

Bonnie Pickett  
City Recorder

DRAFT

On August 12<sup>th</sup> the League of Oregon Cities hosted a full day facilitation for Phoenix staff, Mayor and Councilors.

There was general agreement with Phoenix staff, Mayor and Councilors that there is always room for improvement in the ways that we conduct business. We agreed that we would do the following:

We will strive to be consistent with following the Council Rules of Procedure so council, staff and the public become familiar with what to expect

As we move through agenda items the general procedure will be for the presiding officer to read the agenda item and then ask staff to brief council regarding the item. The City Manager or someone he assigns will brief council and then council will have time to ask staff questions regarding the agenda item. Next, council will engage in discussion regarding the agenda item followed by public comment. Finally, council will deliberate and render a decision. This allows for council to discuss an item before public comment. The theory is that some questions that the public has may be addressed by staff and council before the public comment period. Of course, the public comment period will allow council will factor in public comments before engaging in final deliberations.

Council agreed to be a bit more formal when deliberating in that we will seek to be recognized before speaking and that the presiding officer will act as more of a facilitator before rendering an opinion.

As to agenda item #4, public comment about issues not on the agenda, the presiding officer will read a statement before accepting comments so that we all can be consistent and know what to expect. Sometimes comments directed to council and staff can get a bit "heated". The League of Oregon Cities facilitators recommended that we do not engage in a discussion with a citizen but simply listen no matter how the comments are voiced. ~~As one facilitator suggested that we "just take it"~~. There may be times when the presiding officer or a councilor may ask the speaker to maintain better decorum and discourage them from speaking inappropriately. At no time can a speaker threaten people or property.

When it comes to people that interrupt a council meeting, under the rules of procedure:

## 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:** Flagged

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)

(not exactly as ordained) The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of councilor's motives, and confine councilor debate to the question under discussion. The Sergeant-at Arms to, at the direction of the Presiding Officer, or by a majority of the Council, may, after a warning has been issued, remove any person from the Council chamber for the duration of the meeting:

COMMENT

The Phoenix City Council disagrees with the actions of Mayor Luz during the June 1 Black Lives Matter protest. The Council cannot substantiate the allegations made that Mayor Luz invited armed individuals to the June 15<sup>th</sup> city council meeting. At this point, we cannot find enough evidence to move forward with the censure of Mayor Luz.

**City Council Executive Session Meeting  
220 N. Main St.  
Phoenix Plaza Civic Center  
Monday, August 17, 2020**

**CALL TO ORDER**

Mayor Luz called the executive session of the City Council to order on Monday, August 17, 2020, at 7:58 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, City Manager  
Douglas McGeary, City Attorney  
Bonnie Pickett, City Recorder

Mayor Luz convened into executive session at 7:58 p.m. under ORS 192.660(2) (b), to consider dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual agent who does not request an open hearing.

Discussion followed and no decisions were made. Mayor Luz closed the executive session and convened into a general session at 9:13 p.m. Following the executive session, the Council President read the attached statement

The meeting adjourned at 9:14 p.m.

Bonnie Pickett  
City Recorder

The Phoenix City Council disagrees with the actions of Mayor Luz during the June 1 Black Lives Matter protest. The Council cannot substantiate the allegations made that Mayor Luz invited armed individuals to the June 15<sup>th</sup> city council meeting. At this point, we cannot find enough evidence to move forward with the censure of Mayor Luz.

**Special City Council Study Session  
220 N. Main St.  
Phoenix Plaza Civic Center  
Monday, September 14, 2020**

**1. CALL TO ORDER:**

Mayor Luz called the Special Study Session of the City Council to order on Monday, September 14, 2020, at 5:00 p.m. via zoom.

**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  
Joe Slaughter, Community, and Economic Director  
Shannon Bell, Jackson County Finance Director

**2. UPDATE ON COORDINATION EFFORTS AND RESPONSE TO THE ALMEDA FIRE INCIDENT BY THE CITY OF PHOENIX ALONG WITH LOCAL, STATE, FEDERAL OFFICIALS AND NON-PROFIT AGENCIES:**

City staff gave assessment reports on the status of Phoenix since the fire on September 8, 2020.

A water boil notice is in place for residents that are living in Phoenix, per Matias Mendez, Public Works Superintendent.

Brent Barry, Phoenix-Talent School District Superintendent, noted that all of the schools were saved in the Phoenix-Talent area. Mr. Barry noted that they would like to see the students come back as soon as they can. He noted that the district has set up a distribution center at Orchard Hill Elementary School.

There was a discussion of using some of the property the school district owns for temporary housing for the residents that were displaced.

Reports of power being restores were happening during the meeting.

Mayor Luz noted that businesses should apply for EIDL Help funding to assist with their losses.

Councilor Warren noted that a donation center has been set up in the parking lot at Home Depot to assist with food and other items that the fire victims may need. He thanked the Police and Public Works for all the extra hours they have been working.

Councilor Westover thanked the incredible staff, council members, and community members for all they are doing. She noted that the meeting was not set up to answer questions directly. Councilor Westover noted several ways to donate to the relief effort.

Councilor Crawford noted that if you are not able to help financially offer a helping hand to those that need assistance.

Councilor Muelhoefer thanked Chief Bowker and his staff for the police presence on the streets. He thanked Matias and the Public Works staff for all the work they have been doing. Councilor Muelhoefer was impressed by how the community has come together to help each other.

Councilor Barrow noted how the community has rallied around those that were affected. He noted we are Phoenix and we are going to rise from the ashes.

Fire Chief Hanley noted that the incident has been turned over the local agencies and will be run through the EOC. He stated the next step is to get the Fire Department back up and running in Phoenix.

Councilor Vermillion was impressed by all the help the state legislators have available for the victims of the fire.

**3. ADJOURNMENT:**

The meeting adjourned at 6:35 p.m.

Respectfully submitted by,

Bonnie Pickett  
City Recorder

**EXECUTIVE ORDER 2020-01 DATED SEPTEMBER 25, 2020**

**Issued by the**

**City Manager of the City of Phoenix, Oregon**

**EXECUTIVE ORDER Addressing Temporary Emergency Accommodations Within the Urban Boundary of The City of Phoenix**

The City Manager of the City of Phoenix finds that:

- A. On September 14, 2020, the City Council of the City of Phoenix passed Resolution No. 1062, declaring a local state of emergency in the City of Phoenix as a result of the Almeda-Glendower Fire.
- B. Resolution No. 1062, Section 5, delegated to the City Manager the authority to institute special regulations as specifically needed for recovery from the disaster, including foregoing enforcement of certain PMC sections related to permits, illegal occupancy, campgrounds and campers, and vehicle restrictions in public areas and any other ordinances that may be problematic for persons contending with the fire's aftermath, subject to imminent health or safety concern.
- C. Resolution No. 1062 also directed the City Manager to take "all necessary steps authorized by law to coordinate the response to and recovery from this emergency, including but not limited to, requesting financial and other relief measures from the State of Oregon and/or the Federal government."
- D. Eligibility for receiving FEMA funding and housing is dependent upon conditions that such housing and its placement is compliant with local and state laws.
- E. Oregon Revised Statutes ("ORS") 446.265 authorizes local governments to establish limited-basis transitional and emergency housing accommodations, such as yurts, huts, cabins, fabric structures, tents, and similar accommodations, (together, "Temporary Emergency Accommodations") inside an urban boundary that may be used as individual living units by one or more individuals who lack permanent or safe shelter and who cannot be placed in other low-income housing.
- F. ORS 466.265 provides that Temporary Emergency Accommodations may provide parking facilities, walkways, and access to water, toilet, shower, laundry, cooking, telephone, or other services either through separate or shared facilities, subject to any public health best practices for shared health and sanitation facilities for transitional housing accommodations developed by the Oregon Health Authority ("OHA").
- G. During the effective period of Declaration of Local State of Emergency, the City Manager's actions to modify restrictions on occupied RVs and other Temporary Emergency Accommodations, with safeguards to mitigate public health impacts and impacts on surrounding

neighborhoods will allow for additional, temporary housing for displaced individuals until additional housing is available.

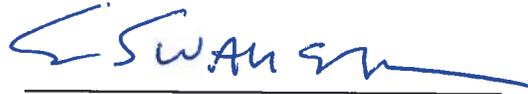
Now, therefore, based on the foregoing findings, the CITY MANAGER OF THE CITY OF PHOENIX ORDERS AS FOLLOWS:

1. The City will allow and support applications for short term Temporary Emergency Accommodations consistent with ORS 466.265 for those Phoenix residents who lost their homes in the Almeda wildfire, subject to resources available to the City through sources provided by city, county, state, federal or community volunteers.
2. The City shall develop a reasonable application process, consistent with ORS 466.265 and OHA public health sanitation best practices and taking into account state COVID-19 physical distancing guidelines, for rapid allowance of Temporary Emergency Accommodations within the urban growth boundary.
3. In addition to RVs already permitted under the PMC and PLDC, RVs may be occupied outside of RV parks consistent with the subsections below and it is the intent of this Order to suspend enforcement of applicable PMC and PLDC sections to the extent necessary and as otherwise in accord with Resolution No. 11062 Order, Section 5.
4. Consistent to the terms under Resolution No. 11062 Order, Section 5, one Temporary Emergency Accommodation (in addition to those already allowed under the PMC and PLDC) shall be allowed to be occupied for each residential lot, either parked on the private property or parked within lawful parking spaces in the right-of-way abutting the property, with the property owner's permission.
  - a. If Temporary Emergency Accommodations such as RVs are parked in the right-of-way;
    - i. Shall not obstruct the travel lanes;
    - ii. Shall not be located across the street from another Temporary Emergency Accommodation parked within the right-of-way if the two parked Temporary Emergency Accommodation obstruct travel lanes to the extent emergency services vehicles cannot pass;
    - iii. Extending panels on the Temporary Emergency Accommodation shall not be expanded further into the travel lane portion of the right-of-way;
    - iv. Shall not be parked within fifty (50) feet of an intersection;
    - v. Shall not be parked in a location that creates visibility problems for other drivers such as the inside of a curve in the roadway (visibility concerns will be addressed on a case-by-case basis when complaints are received).
5. Residents of occupied RVs or other Temporary Emergency Accommodations will have access to sanitation facilities, either within the RV or through access to sanitation facilities in the abutting permanent residence.
6. Owners of residential properties larger than 0.25 acres, or commercial or industrial parcels of any size, may apply to the City Manager for permission to have multiple Temporary Emergency Accommodations parked or lodged on a single parcel. City Manager approval will be consistent with Resolution No. 11062 Order, Section 5, and depends on a satisfactory site plan, appropriate sanitation, impact on surrounding properties, and affordability of the spaces provided.

7. The City may test one or more pilot models while the Temporary Emergency Accommodations application and guidelines processes are being developed.
8. TERM: This Order shall remain in full force and effect for so long as Resolution No. 11062 remains in effect or as it is amended, or this Order is terminated by the City Council or Executive Order of the City Manager.

PASSED by the City Manager and signed by me in authentication of its passage this 25<sup>th</sup> day of September 2020.

ATTEST:   
Bonnie Pickett  
City Recorder

  
Eric Swanson  
City Manager

THIS ORDER HEREBY is ratified City Council on October 5, 2020.

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Mayor