

City Council Meeting/ Executive Session  
Agenda

August 21, 2023

6:30 p.m. Public Meeting

**Hybrid Meeting in Person and Via Zoom**

Phoenix Plaza Civic Center 220 N. Main St./Via Zoom

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*A complete agenda packet is available on the city's website. This meeting is being conducted in person and virtually to allow for public participation. A recording of the meeting in its entirety will be posted to [www.phoenixoregon.gov](http://www.phoenixoregon.gov). To comment on agenda items, please write your name on the sign-in sheet and include the item number, if attending via Zoom raise your hand when the topic is discussed by Council. **If you need special accommodations, please give the City Recorder 72-hours prior notice.***

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Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81232946135?pwd=RU12Ty9JMctScFFWRXVsbzc3eExvZz09>

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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. Pledge of Allegiance**

**3. Presentations**

- a. Richard Randleman, HMK – Government and Public Safety Center update,.....5

**4. Public Comments**

*This item is for persons wanting to present information or raise an issue, not on the agenda. Each person shall be limited to three minutes and may not allocate their time to others unless authorized by the Presiding Officer. To comment, please write your name on the sign-in sheet. When your name is called, step forward to the podium and state your name and address for the record. If attending virtually, please raise your hand and wait to be allowed to speak. When your name is called, please unmute yourself and state your name and address for the record. (In accordance with state law, a recording of the meeting will be available at city hall, but only your name will be included in the meeting minutes). While the Council or staff may briefly respond to your statement or question, **the law does not permit action on, or extended discussion of, any item not on the agenda** except under special circumstances.*

**5. 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:

- 1. Approval of Application for Special Public Works Funding (SPWF) Through Business Oregon and the Infrastructure Financing Authority (IFA),..... 12

b. Minutes to Approve and File:

- 1. Minutes from City Council Meeting August 07, 2023,.....14

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

**7. New Business**

- a. Appointment of Rosa Van Gordon to the Parks and Recreation Committee,.....19

**8. Ordinance: Reading/Adoption**

- a. Ordinance No. 1032 – An Ordinance Annexing 0.39 Acres, Including the Adjacent Right-of-way Within the City’s Urban Growth Boundary Pursuant to ORS 222.170, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867(3),.....23
- b. Ordinance No. 1034 – An Ordinance Accepting Dedication of Right-of-Way and a Public Utility Easement in the City of Phoenix,..... 35

**9. Staff Reports**

- a. City Attorney
- b. City Manager
- c. CEDEV Director

**10. 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.*

**11. Recess Open Meeting**

5 Minutes Recess

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City Council Executive Session

Agenda

August 21, 2023

Immediately following the City Council Meeting

Phoenix Plaza Civic Center 220 N. Main St.

**12. Convene to Executive Session**

- a. ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

**13. Close Executive Session**

**14. Reconvene Open Meeting**

**15. Adjournment**



City of Phoenix

Heart of the Rogue Valley

Future agenda summary 08/21/23

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**To be scheduled: City Council**

**To be scheduled: PHURA**

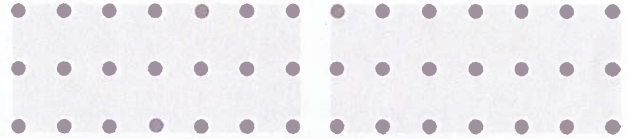
- Annual Report

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**Upcoming City of Phoenix Meetings:**

August 28, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 5, 2023	City Council Meeting ( <b>Tuesday</b> ) 6:30 pm at 220 N. Main St. Pre-Launch Review of New City Website
September 11, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 16, 2023	<b>Phoenix Rising Event</b> 215 N. Rose St.
September 18, 2023	PHURA Board Meeting 6:00 pm at 220 N. Main St.
September 18, 2023	City Council Meeting 6:30 pm at 220 N. Main St.
September 21, 2023	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
September 25, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
October 02, 2023	City Council Meeting 6:30 pm at 220 N. Main St.
October 09, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
October 16, 2023	City Council Meeting 6:30 pm at 220 N. Main St.

***All of the above meetings are tentative and are subject to change.***



July 2023



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## PROJECT END OF MONTH REPORT

### PROJECT

GOVERNMENT AND PUBLIC SAFETY CENTER

### PROJECT DESCRIPTION

- Construct a new combined city facility, replacing the Phoenix Fire Station (JCFD 5 Station 3)
- The new building incorporates the footprint of the City Hall, Fire Station, and Police Station
- The 2-story building efficiently collocates and stretches resources to enhance public safety

SCHEDULE & KEY MILESTONES	START	COMPLETION	% CPL	COMMENT
1 <sup>st</sup> Floor Ext. Wall Framing A/B	05/22/23	07/07/23	100%	
Steel Columns and Beams A	07/03/23	07/12/23	100%	
Ext. Wall Framing Sector B 2 <sup>nd</sup> Floor	07/03/23	08/18/23	40%	
Building Construction	03/02/23	03/14/24	38%	
Substantial Completion	12/06/22	03/29/24	58%	

## CURRENT ACTIVITIES

### Construction

Roof trusses for Sector A were delivered and substantially completed in July. This is a significant milestone toward getting the building “dried in.” Having the building dried in enables contractors to continue work in adverse weather such as summer heat. The next step for the Sector A roof will be decking material much like what is shown in the picture for the Sector B sub-floor decking.



Roof trusses at sectors A were substantially complete in July



The staff stair rough-in was complete in July

Another achievement was the rough in completion of the staff staircase to the Sector B top floor. Having the staircase in place enables contractors to work on the second floor and move materials from the ground more safely without the use of scaffolding or ladders.

Exterior wall framing on the second floor of Sector B was laid out and walls will be tilted up in August. Framing on Sector C (fire apparatus bay) exterior walls began as well.

The framer also made progress on the mock-up or "Z-wall" by adding exterior sheeting and eaves. The purpose of the Z-Wall is to prepare examples of how items like the tongue and groove eaves will be built to ensure the new building is constructed in a way that prevents weather penetration but is also easier to maintain.



The mockup "Z-Wall" is almost ready for product and install evaluations



## Social Media

In the month of June, the Government and Public Safety Center project achieved over 30,000 impressions, 11,500 social media accounts reached (Facebook, LinkedIn, and Instagram) along with 874 engagements among community members. In July, the project achieved over 40,000 impressions, reaching almost 10,000 accounts.

## Budget

In July staff approved a value engineering item identified by the construction team in the amount of \$35,267. This item replaced metal cabinets with plywood recommended by the cabinet subcontractor and substituted less expensive and more durable Formica laminate panels for difficult to build and maintain wood paneling. To date, value engineering items identified and accepted resulted in \$128,400 in reduced costs. HMK is working with Adroit to finalize other value engineering items with a total cost reduction of approximately \$50,000 to \$100,000.

## **HIGHLIGHTS, CHALLENGES, SOLUTIONS**

### **Highlights / Challenges:**

- ✓ First floor framing and structural steel at Sectors A and B were completed.
- ✓ Sector A roof trusses were substantially completed.

## **ACTIVITIES SCHEDULED FOR NEXT PERIOD**

- ✓ Roof decking at Sector A will be completed.
- ✓ Sector B second floor exterior walls will be completed.

## **REVENUE / PROJECT BUDGET REPORTS**

See attached reports

## **ADDITIONAL INFORMATION**

For questions, comments or additional information, please contact:

Richard Randleman, Senior Project Manager  
[richard.randleman@hmkco.org](mailto:richard.randleman@hmkco.org) | <https://hmkco.org/cityofphoenix/> | 541.821.3674





**CITY OF PHOENIX  
CITY GOVERNMENT BUILDING PROJECT  
REVENUE BUDGET  
JUNE 30, 2023**

<b>Program Revenue<sup>1</sup></b>	<b>Original Budget</b>	<b>Received to Date</b>	<b>Allocated to Date</b>	<b>Unallocated Balance</b>	<b>Revised Budget</b>
<b>Bond and Other Proceeds</b>					
House Bill 5006	\$ 13,804,000	\$ 4,630,017	\$ 13,804,000	\$ -	\$ 13,804,000
House Bill 5202	\$ 2,534,000	\$ -	\$ 2,534,000	\$ -	\$ 2,534,000
FEMA - Public Assistance	\$ 200,000	\$ -	\$ 319,322	\$ -	\$ 319,322
	\$ -	\$ -	\$ -	\$ -	\$ -
Other Revenue Sources ( Federal, State, ETO)	\$ -	\$ -	\$ 3,088,861	\$ 119,322	\$ 3,208,183
<b>Total Revenue</b>	<b>\$ 16,538,000</b>	<b>\$ 4,630,017</b>	<b>\$ 19,746,183</b>	<b>\$ 119,322</b>	<b>\$ 19,865,505</b>

1. Program Revenue Budgets are an estimate. Accuracy should be verified by City personnel.



**CITY OF PHOENIX  
PUBLIC SAFETY BUILDING  
PROJECT BUDGET  
JUNE 30, 2023**

Program Expense		Original Budget	Paid to Date	Remaining Balance	Revised Budget
<b>Hard Cost</b>					
Maximum Allowable Construction Cost (MACC)		\$ 13,421,067	\$ 2,195,521	\$ 13,053,322	\$ 15,248,843
1.5% Solar Requirement (1.5% of Total Project Budget)		\$ 270,325	\$ 2,737	\$ 228,733	\$ 228,733
Construction Contingency		\$ 671,053	\$ -	\$ 754,759	\$ 754,759
<hr/>					
<b>Construction Sub Total</b>		<b>\$ 14,362,446</b>	<b>\$ 2,198,258</b>	<b>\$ 14,036,814</b>	<b>\$ 16,232,335</b>
<b>Soft Cost</b>					
<b>Administrative Cost</b>					
Legal Fees	1	\$ 15,000	\$ 23,559	\$ 1,441	\$ 25,000
Builders Risk Insurance	2	\$ 100,000	\$ -	\$ 67,275	\$ 67,275
Project Management		\$ 608,575	\$ 472,579	\$ 135,996	\$ 608,575
Reimbursable Expenses		\$ 15,000	\$ 978	\$ 14,022	\$ 15,000
Other Administrative Charges		\$ -	\$ -	\$ -	\$ -
<b>Site Cost</b>					
Site Survey	2	\$ 24,280	\$ 11,030	\$ -	\$ 11,030
Geo-Tech Report		\$ 48,560	\$ 30,999	\$ 1	\$ 31,000
<b>Planning Cost</b>					
Design Fees		\$ 1,214,005	\$ 932,012	\$ 167,988	\$ 1,100,000
A & E Reimbursable Expenses		\$ 15,000	\$ 393	\$ 14,607	\$ 15,000
Commissioning	2	\$ 60,700	\$ 7,469	\$ 43,419	\$ 50,887
Printing & Plan Distribution		\$ 2,500	\$ -	\$ 2,500	\$ 2,500
Hazardous Materials Consultant	2	\$ 36,420	\$ 16,153	\$ 6,147	\$ 22,300
Building Envelope Consultant		\$ 60,700	\$ 26,072	\$ 37,728	\$ 63,800
Constructability Review	2	\$ 48,560	\$ -	\$ -	\$ -
Plan Review & Building Permits		\$ 121,400	\$ 10,877	\$ 110,523	\$ 121,400
Special Inspection and Testing		\$ 60,700	\$ 16,561	\$ 44,139	\$ 60,700
Miscellaneous Fees		\$ 63,560	\$ 62,016	\$ 1,544	\$ 63,560
Relocation Cost		\$ -	\$ 20,251	\$ 79,749	\$ 100,000
Kitchen		\$ 24,280	\$ -	\$ -	\$ -
<b>Miscellaneous</b>					
Legal Advertisements		\$ 2,500	\$ 433	\$ 2,067	\$ 2,500
Furniture, Fixtures, and Equipment (FF&E)	1	\$ -	\$ -	\$ 750,000	\$ 750,000
Technology		\$ -	\$ -	\$ -	\$ -
Technology (Design)		\$ 24,280	\$ -	\$ 24,280	\$ 24,280
Acoustics		\$ 24,280	\$ -	\$ -	\$ -
Criminal Background Checks		\$ 2,500	\$ -	\$ -	\$ -
System Development Charges		\$ 121,400	\$ -	\$ 121,400	\$ 121,400
Value Engineering		\$ -	\$ -	\$ -	\$ -
Utility Connection Fee		\$ 121,400	\$ 11,657	\$ 109,743	\$ 121,400
Unallocated Owner Contingency	1, 2	\$ 843,633	\$ -	\$ 136,241	\$ 136,241
Inflation		\$ -	\$ -	\$ -	\$ -
<hr/>					
<b>Sub Total Soft Cost</b>		<b>\$ 3,659,233</b>	<b>\$ 1,643,040</b>	<b>\$ 1,870,808</b>	<b>\$ 3,513,848</b>
<hr/>					
<b>Total Project Cost</b>		<b>\$ 18,021,679</b>	<b>\$ 3,841,298</b>	<b>\$ 15,907,622</b>	<b>\$ 19,746,183</b>

1. Reallocated funds within budget (09.30.22)
2. Reallocated funds within budget (12.31.22)

# HMK COMPANY



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City of Phoenix  
*Heart of the Rogue Valley*

## Agenda Report to Mayor and Council

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**Agenda item title:** Approval of application for Special Public Works Funding through Business Oregon and the Infrastructure Financing Authority (IFA)

**Meeting Date:** August 21, 2023

**From:** Eric Swanson, City Manager

**Action:**  Motion,  Ordinance,  Resolution,  Information only,  Other

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### SUMMARY

Approval of application for Special Public Works Funding (SPWF) through Business Oregon and the Infrastructure Financing Authority (IFA).

### BACKGROUND AND DISCUSSION

Phoenix has been without a working fire station since the 2020 Almeda Fire destroyed more than 560 residential units and over 40 non-residential structures in Phoenix, including the dormitory portion of the fire station. The fire station was owned by the City of Phoenix and operated by Jackson County Fire District No 5 who is responsible for fire protection in and around Phoenix. Along with the partially destroyed fire station, the property contained a decades-old double-wide manufactured structure that served as the City's police station and a roughly 60-year-old former library building that served as City Hall. The fire presented the problem of needing to replace the fire station and provide space for an increased City staff due to fire recovery efforts. The fire recovery has presented the opportunity to replace these functionally obsolete facilities (fire, police, city hall) within a joint facility that will provide for reduced costs and better efficiencies.

Because the City and the District had been considering how best to replace the functionally obsolete fire, police and city hall facilities for years prior to the Almeda Fire, alternatives for how best to address the problem of replacing these structures had already been considered. Alternatives included buying additional land and developing separate buildings or using the existing space to build a combined facility. The choice to use the existing property and build a single combined facility was selected both because it was the fastest route to replacing the facilities and because it provided a significant cost savings compared to other alternatives.

The City of Phoenix Government and Public Safety Center (GaPSC) will house a combined Emergency Operations Center (EOC), a new fire station, new space for the Phoenix Police Department and a new City Hall. Over the past almost 3 years, the City and District have been diligent in seeking alternative revenue streams for the expressed purpose of developing the GaPSC. Through these efforts the City and the District have brought in nearly \$17,000,000 in outside funding, but the total project cost is exceeding original estimates by over \$3,000,000 and the City and District have agreed that each will be responsible for paying their 50% share of the project budget shortfall. As the building owner, the City intends to acquire needed financing for the budget shortfall and the District will

repay its portion of the debt through semi-annual rent payments. The project is under construction with an anticipated completion date of March/April 2024.

The City has been invited to make application to Business Oregon and the Infrastructure Financing Authority for SPWF to be used to complete the GaPSC. This financing provides favorable terms compared to other options in both the initial cost of borrowing the money and available interest rates. If this agenda item is approved via consent calendar, it will authorize the Mayor to sign the application to Business Oregon and the Infrastructure Financing Authority for this purpose.

### **COUNCIL GOALS SUPPORTED**

**Goal 6:** Build the new public safety building on time and on budget.

**Goal 14:** Create and maintain the best disaster preparedness and fire-resistant community in the Rogue Valley. Enhance public participation.

**Goal 16:** Continue pursuit of all available grant funding – public and private.

### **FISCAL IMPACT**

The City plans to finance \$3 - \$3.5 million for a term of 30 years. The City and Jackson County Fire District No. 5 are in the process of finalizing a lease agreement to cover the portion of the funding shortfall financed on behalf of the District.

### **RECOMMENDATION**

Recommend approval to apply for SPWF through Business Oregon IFA. Final terms and conditions for financing to be considered later during approval phase of application process. IFA Board meets in October to consider the application.

### **PROPOSED MOTION**

*"I move approval of SPWF Application and authorize the Mayor to sign the application on behalf of the City of Phoenix."*

### **ATTACHMENTS**

# **City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, August 07, 2023**

## **1. CALL TO ORDER:**

Mayor Baker called the City Council's hybrid meeting to order on Monday, August 07, 2023, at 6:30 p.m.

## **ROLL CALL:**

**PRESENT:** Terry Baker, Karen Shrader, Angie Vermillion, Scott Clauson, Krista Peterson, and Jim Snyder (left at 7:36 p.m., excused)

**STAFF PRESENT:** Eric Swanson, City Manager  
Bonnie Pickett, City Recorder  
Joe Slaughter, CEDEV Director  
Derek Bowker, Chief of Police  
Matias Mendez, PW Superintendent  
Doug McGeary, City Attorney

## **2. PLEDGE OF ALLEGIANCE:**

## **3. PRESENTATION:**

a. John Vial, Medford Public Works Director – Regional Water Reclamation.

Eric Swanson introduced John Vial, Public Works Director, and Ryan Martin, Medford Finance Director.

John Vial presented to the Council the history of the sewer treatment plant in White City. He explained to the Council the needed improvements to the sewer treatment plant by 2030. Mr. Vial presented the options for improvement they had to choose from. He advised which option was chosen and explained the timeline for the improvements.

Ryan Martin spoke to the Council about the financial impacts of the required improvements to the sewer treatment plan. He explained the financing options available for the project to Medford. Mr. Martin answered questions from the Council.

Mr. Vial answered questions from the Council regarding funding for the project and aspects of the project requirements.

b. John Vial, Medford Public Works Director – South Stage Overcrossing/Interchange.

Mr. Swanson noted that Mr. Vail would give a brief update on this project and explained the City's interest in the interchange.

Mr. Vial noted this project has been in the works for some time. He advised the goal is to offer relief to the South Medford Interchange and, in the future, the Phoenix Interchange. Mr. Vial spoke about the study that will be completed for the overcrossing/interchange at the South Stage location to determine which option would be best for the project. He gave a timeline for when the analysis/study will be completed.

The Council thanked Mr. Vial for his time and dedication.

***Mayor Baker moved items 8a and 8b up on the agenda, allowing all of the Council to participate in the discussion.***

**ORDINANCE: READING / ADOPTION**

- a. Ordinance No. 1032- An Ordinance Annexing 0.39 Acres, Including the Adjacent Right-of-Way Within the City's Urban Growth Boundary Pursuant to ORS 222.170, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867(3).

Joe Slaughter presented Ordinance 1032 to the Council to annex a piece of property into the City of Phoenix.

Open Public Hearing: 7:17 p.m.

Public Comment: No comment

Close Public Hearing: 7:18 p.m.

Motion: I Move to Approve, on Reading by Title Only, Ordinance 1032 Annexing Property Identified as Tax Lots 400 & 401 on Assessor Map 38-1W-09A, Located at 157 N. Phoenix Rd. and to Rezone the Property from Jackson County Urban Residential (UR) to Commercial Highway (C-H), Consistent with the Comprehensive Plan and the Zoning on Abutting Properties. **MOVED BY PETERSON, SECONDED BY VERMILLION.** No further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Peterson, Vermillion, Shrader, Snyder, Clauson**

**MOTION APPROVED WITH FIVE AYES**

- b. Ordinance No. 1033 – An Ordinance Annexing 345 Acres Within the City's Urban Growth Boundary Pursuant to ORS 222.170, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867(3).

Mr. Slaughter presented maps to the Council to give more detail for the city-imitated annexation of the PH3 area into the City of Phoenix. He spoke about the City working to resolve the Charlotte Ann Water District issues by taking the water district into the City of Phoenix. Mr. Slaughter advised that the City sent letters to residents in the PH3 area asking if they would like to annex into the City of Phoenix with an amazing response of

property owners wanting to annex. He noted that we will annex the rights-of-way and the owner's properties. Mr. Slaughter spoke about the properties in the PH5 area, requesting to be annexed into the City of Phoenix. He noted the timeline for the properties to be annexed into the City of Phoenix.

The Mayor and Council thanked Mr. Slaughter for his outstanding presentation.

Mr. Slaughter answered questions from the Council regarding the annexation.

Open Public Hearing: 7:33 p.m.

Public Comment: No comment

Close Public Hearing: 7:34 p.m.

Motion: I Move to Approve, on reading by Title Only, Ordinance 1033, An Ordinance Annexing 353 Acres Within the City's Urban Growth Boundary Pursuant to ORS 222.170, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867(3).  
**MOVED BY VERMILLION, SECONDED BY CLAUSON.** No further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Vermillion, Clauson, Shrader, Snyder, Peterson**

**MOTION APPROVED WITH FIVE AYES**

**4. PUBLIC COMMENT:**

None

**5. CONSENT AGENDA:**

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

1. Phoenix Police Department Surplus Vehicles
2. Resolution No. 1113 – A Resolution Authorizing the City Manager or His Designee to Apply for a Transportation Growth Management Grant Offered by ODOT and DLCD's TGM Grant Program for the Purpose of Updating the 2019 Transportation Plan and Delegating Authority to the City Manager to Sign the Application
3. Approval of Application for Mass Timber Code-Up Phase II

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

1. Minutes from City Council Meeting July 17, 2023

Motion: I Move to Approve the Consent Agenda. **MOVED BY PETERSON, SECONDED BY SHRADER.**

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Peterson, Shrader, Vermillion, Clauson**

**MOTION APPROVED WITH FOUR AYES**

**6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:**

None



**7. NEW BUSINESS:**

a. Phoenix Government and Public Safety Center (PGAPSC) Lease Agreement.

Mr. Swanson spoke about the lease agreement details between Fire District No. 5 and the City of Phoenix.

Mayor Baker noted that Mr. Swanson has been excellent in keeping the Council informed on the project every step of the way.

Motion: I Move to Authorize the City Manager to Negotiate a Lease Agreement with Jackson County Fire District No. 5 for the Use of the Fire Station Portion of the Phoenix Government and Public Safety Center. **MOVED BY PETERSON, SECONDED BY VERMILLION.** No further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Peterson, Vermillion, Clauson, Shrader**

**MOTION APPROVED WITH FOUR EYES**

b. Selection of a Council Representative to serve on the South Stage Project Advisory Committee (PAC).

Mr. Swanson noted that Mr. Vial explained the commitment to being on the PAC.

Motion: I Nominate Terry Baker to Serve on the PAC. **MOVED BY VERMILLION, SECONDED BY SHRADER.** No further discussion.

**ROLL CALL VOTE AS FOLLOWS:**

**Ayes: Vermillion, Shrader, Clauson, Peterson**

**MOTION APPROVED WITH FOUR EYES**

**8. ORDINANCE: READING / ADOPTION:**

a. Ordinance No. 1034 – An Ordinance Accepting Dedication of Right-of-Way and a Public Utility Easement in the City of Phoenix.

Mr. Slaughter presented Ordinance 1034 to the Council about the upcoming Golf Garage in Phoenix. He answered questions from the Council.

Open Public Hearing: 7:48 p.m.

Public Comment: No comment

Close Public Hearing: 7:48 p.m.

Motion: I Move Approval for First Reading, by Title Only, Ordinance 1034, An Ordinance of the City of Phoenix Accepting the Right-of-Way Dedication Shown on Exhibit A of the Ordinance. **MOVED BY PETERSON, SECONDED BY SHRADER.** No further discussion.

**ROLL CALL VOTE AS FOLLOWS:  
Ayes: Peterson, Shrader, Vermillion, Clauson  
MOTION APPROVED WITH FOUR AYES**

**9. STAFF REPORT:**

- a. City Attorney Doug McGeary, no comments.
- b. CEDEV Director Joe Slaughter, no comments.
- c. City Manager Eric Swanson discussed a meeting with Medford Water tomorrow regarding integrating the Charlotte Ann Water District into our system. He spoke about Mr. Jones attending the meeting and his tremendous support of Phoenix.

**10. MAYOR AND COUNCIL COMMENT / REPORTS:**

Councilor Shrader spoke about the size of the new Government and Public Safety Center and how amazing the addition it will be for Phoenix.

Mr. Swanson noted that the Police would finally have a facility that would work well for them and the EOC, allowing staff training in Phoenix.

Councilor Vermillion noted that there did not seem to be enough room where the old City Hall was to build such a big building. She spoke about the blessing of PH3 and PH5 for the City of Phoenix.

Councilor Peterson spoke about everything that has happened since she was elected to the Council. She noted the addition of PH3 and PH5 is huge for Phoenix. Councilor Peterson thanked the Council and staff for all they do for the City.

Councilor Clauson noted tonight was a good night of governance. He noted that he is busy like everyone is, but this is never a waste of time.

Mayor Baker noted that we are experiencing many "once in a lifetime" scenarios since the tragedy of the Alameda Fire. He spoke about the fellowship of suffering and how the fire has brought the Council, staff, and the community closer. Mayor Baker stated that things are going so well because we are all dedicated to doing the right thing for the right reason. He spoke about Mr. Swanson's great leadership for staff through the difficult times since the fire. Mayor Baker noted that he is blessed and privileged to work with such a great group of people.

**11. ADJOURNMENT:**

The meeting adjourned at 8:01 p.m.

Respectfully submitted by,

Bonnie Pickett  
City Recorder



City of Phoenix  
*Heart of the Rogue Valley*

Agenda Item #: 7a.

## Agenda Report to Mayor and Council

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**Agenda item title:** Appointment of Rosa Van Gordon to the Parks and Recreation Committee

**Meeting Date:** August 21, 2023

**From:** Bonnie Pickett, City Recorder

**Action:**  Motion,  Ordinance,  Resolution,  Information only,  Other

---

### SUMMARY

Please see the attached application for a seat on the Parks and Recreation Committee. The term of this appointment will end December 31, 2024.

### BACKGROUND AND DISCUSSION

Currently, we have two open seats for the Parks and Recreation Committee.

### FISCAL IMPACT

N/A

### RECOMMENDATION

If Council concurs, the mayor will appoint Rosa Van Gordon to the Parks and Recreation Committee to serve the remaining four-year term ending December 31, 2024. If Rosa Van Gordon is appointed she will be seated on the Committee, but will not be a voting member until she reaches her year of residency requirement in November 2023.

### PROPOSED MOTION

"I move to appoint Rosa Van Gordon to the Parks and Recreation Committee."

### ATTACHMENTS

Rosa Van Gordon Parks and Recreation Committee Application

# Parks and Committee Application

112 W. 2nd St. | PO Box 330 - Phoenix, OR 97535 | ph. (541) 535-1955



## APPLICATION INFORMATION

Name: Van Gordon Last Rosa First

Street Address: [Redacted] Phoenix City OR State 97535 Zip Code

Mailing Address: [Redacted] City OR State 97535 Zip Code

Telephone Number: [Redacted] Home/Cell phone [Redacted] Work phone

E mail Address: [Redacted] Years of Residency in Phoenix: 1yr

Occupation: Sex Trafficking Intervention coordinator Place of Employment: Community Works

## QUESTIONNAIRE

1. Please give a statement indicating the reason you would like to serve on the Parks and Recreation Committee I enjoy event planning, I would like to make connections within my community of Phoenix, OR and to give more time + energy to my community.
2. What personal and/or professional experience do you possess that will help you to be a great member for the City of Phoenix? I have served on several teams + planning committees. I was a residential assistant in college for 3 years at SOU, I was the Multi-Disciplinary/child Fatality coordinator through the children's Advocacy center for 3 years, and coordinate the Jackson county Coalition Against sex trafficking Taskforce
3. What do you like best about living in Phoenix? I like how quiet and peaceful Phoenix is, I am inspired by the community's resilience through the fires, and the people are very kind.
4. What one thing would make Phoenix a better place to live? I would love to see more small businesses come to Phoenix; mainly because I love food + vintage shops.

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

I grew up in Bend, OR. I love how Bend's community comes together to plan events for the holidays and comes up with creative ways to bring the community together.

6. Are there any particular community development issues that most interest or concern you?

My day job at community works allows me to get involved with our communities issues such as the homeless task-force, addiction recovery services/population, and victimized populations. I am passionate about our criminal justice system + improving lawenforcements relations with our community.

7. Do you feel as a citizen of the community that you are able to provide objective recommendations to the Parks and Recreation Committee or other boards, as needed?

Yes, I believe I will be able to provide objective recommendations to this committee.

8. Do you feel you have any conflicts of interest that may arise due to your appointment to the Parks and Recreation Committee?

No, I have great partnerships with many agencies across Jackson County.

9. List any special skills, interests, and hobbies that you believe would bring special value to your ability to serve on this board:

I am really crafty and love cooking/baking and anything to do with gardening + plants.

10. How did you hear about this position? My neighbor, Melissa told me about

this position and how to apply :)

11. Would you be interested in serving on an advisory board in the future?

Potentially if I find time! I work M-F + some Saturdays at Dos Maniposas vine yard + lavender Farm as my 2nd job.

**OTHER VOLUNTEER BOARD, COMMISSION, OR COMMITTEE EXPERIENCE**

No volunteer experience, only the paid work I listed on back page!

Organization 1: ~~Phoenix Community Safety Partnership~~ \_\_\_\_\_  
Name Type Phone Number

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Address Start Date End Date

Role: \_\_\_\_\_

If you are still serving in this capacity, do you foresee any conflicts between this board and the position you currently hold?

Yes  No

Organization 2: \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Name Type Phone Number

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Address Start Date End Date

Role: \_\_\_\_\_

If you are still serving in this capacity, do you foresee any conflicts between this board and the position you currently hold?

Yes  No

**REFERENCES**

<u>Chelsea Sunitsch</u> <small>Name</small>	<u>[Redacted]</u> <small>Phone Number</small>	<u>Supervisor @ Community works</u> <small>Relationship</small>
<u>Jill Wenzel</u> <small>Name</small>	<u>[Redacted]</u> <small>Phone Number</small>	<u>Friend; Detective for JCSO</u> <small>Relationship</small>
<u>Lisette Leal</u> <small>Name</small>	<u>[Redacted]</u> <small>Phone Number</small>	<u>Supervisor @ Dos ManiPosas</u> <small>Relationship</small>

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any advisory board, committee or commission I may be appointed to. All information/documentation related to service on this board is subject to public record disclosure.

Signature: Rosalyn Garcia Date: 7/14/23

Please return this application to the City Recorder, 112 W. 2nd St., P. O. Box 330, Phoenix, OR 97535 or [bonnie.pickett@phoenixoregon.gov](mailto:bonnie.pickett@phoenixoregon.gov)



City of Phoenix  
Heart of the Rogue Valley

## Agenda Report to Mayor and Council

**Agenda item title:** AN23-03 - An ordinance of the City of Phoenix annexing 0.39 acres of land and adjacent right-of-way located at 157 N. Phoenix Road.

**Meeting Date:** August 21, 2023 (second reading).

**From:** Zac Moody, Planning Manager

**Action:** \_\_\_ Motion, **X Ordinance**, \_\_\_ Resolution, \_\_\_ Information only, \_\_\_ Other

### SUMMARY

The proposal is for annexation of a tract of land 0.39-acre in size and the adjacent right-of-way within the City's Urban Growth Boundary. The property is zoned Urban Residential (UR) and described as Township 38 South, Range 1 West, Section 09A, Tax Lots 400 & 401 located at 157 N. Phoenix Road.

The City is in receipt of an application from the property owner containing the required consent to annexation as well as a recommendation for approval by the Phoenix Planning Commission.

### BACKGROUND AND DISCUSSION

First reading of this Ordinance was held on August 7, 2023 during an open public hearing. No changes were requested by Council and no changes have been made to the ordinance.

### COUNCIL GOALS SUPPORTED

Goal 8: Promote and encourage developers. Maintain responsive and effective planning and building services.

### FISCAL IMPACT

After annexation the City will collect property tax revenue from the subject property. Annexation will also allow for water service connection resulting in an additional water customer.

### RECOMMENDATION

The Planning Commission recommends approval of the requested annexation.

### PROPOSED MOTION

*"I move to approve, on second reading by title only, Ordinance 1032 annexing property identified as Tax Lots 400 & 401 on Assessor Map 38-1W-09A, located at 157 N. Phoenix Rd. and to rezone the property from Jackson County Urban Residential (UR) to Commercial Highway (C-H), consistent with the Comprehensive Plan and the zoning on abutting properties.*

### ATTACHMENTS

- Ordinance No. 1032

**ORDINANCE NO. 1032**

**AN ORDINANCE ANNEXING 0.39 ACRES, INCLUDING THE ADJACENT RIGHT-OF-WAY WITHIN THE CITY'S URBAN GROWTH BOUNDARY PURSUANT TO ORS 222.170, REMOVING THE AREA FROM JACKSON COUNTY FIRE DISTRICT NO.2 PURSUANT TO ORS 222.524 AND ANNEXING THE AREA TO JACKSON COUNTY FIRE DISTRICT NO.5 PURSUANT TO ORS 198.867(3)**

**WHEREAS**, the owner of two parcels totaling approximately 0.39 acres in size has consented in writing to annexation and subsequent rezone from county to city zoning; and

**WHEREAS** the properties will be assigned City zoning which is consistent with the City's Comprehensive Plan Map and is generally equivalent to the County zoning it replaces, as depicted in the Comprehensive Plan Designation map and Zoning Designation map attached as Exhibit "A"; and

**WHEREAS**, as part of this annexation, the City will also annex all portions of City right-of-way abutting the subject parcel; and

**WHEREAS**, the subject property is addressed at 157 N. Phoenix Road and specifically identified as Tax Lots 400 & 401 on Jackson County Assessor Map 38-1W-09A; and

**WHEREAS**, the subject property is currently zoned Jackson County Urban Residential (UR), and the property will be rezoned to city Commercial Highway (C-H); and

**WHEREAS**, the subject property is designated Commercial on the City of Phoenix Comprehensive Plan map; and

**WHEREAS**, the subject property abuts lands designated Commercial on the City of Phoenix Comprehensive Plan map, and zoned Commercial Highway (C-H); and

**WHEREAS**, annexation of the subject property does not commit the City or any public or private utility to provide services to the subject property at taxpayer expense; and

**WHEREAS**, the Planning Commission of the City of Phoenix, after providing the required public notification, held a public hearing on July 24, 2023, 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 State law, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the annexation; 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 is 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 July 24, 2023 hearing, on file in the city offices, are true and correct and are hereby adopted as findings of the City 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 Urban Residential (UR) to City of Phoenix Commercial Highway (C-H) and Commercial on the Comprehensive Plan map.

**Section 3.** The City Recorder 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.

**PASSED AND ADOPTED** by the City Council and signed by me in open session in authentication thereof this 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
Terry Baker, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Bonnie Pickett, City Recorder

\_\_\_\_\_  
Douglas McGeary, City Attorney

Exhibit "A"

**See attached legal descriptions, 2 page total**

After recording, please return this deed to, and (until a change is requested) send tax statements to:

Shanna Trumbly  
120 Thomason Lane  
Eugene, OR 97404



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Christine Walker - County Clerk

The identities of the Grantor(s) and Grantee(s) are:

Grantor:

Walter R. Bolz and Eleanor M. Bolz Revocable Living Trust  
5494 Coleman Creek Road  
Medford, OR 97501

Grantee:

Shanna Trumbly, Monica Trumbly and Oliver Trumbly  
120 Thomason Lane  
Eugene, OR 97404

STATUTORY WARRANTY DEED

Margaret Ann Croly, the sole successor Trustee of the WALTER R. BOLZ AND ELEANOR M. BOLZ REVOCABLE LIVING TRUST U.T.A.D. January 22, 2003 (the original Co-Trustees, Walter R. Bolz and Eleanor M. Bolz, now being deceased), *Grantor*, hereby conveys and warrants to SHANNA TRUMBLY, MONICA TRUMBLY and OLIVER TRUMBLY, as equal tenants in common, *Grantees*, the real property described on Exhibit "A" attached hereto, free of encumbrances other than encumbrances of record on the date of this conveyance and those matters which would be shown by an accurate survey or inspection of the premises.

The true consideration for this conveyance is \$0.00.

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010. This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010.

DATED this 2 day of April, 2018.

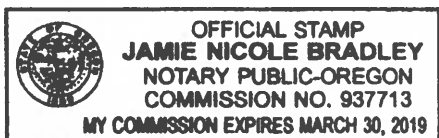
GRANTOR: WALTER R. BOLZ AND ELEANOR M. BOLZ REVOCABLE LIVING TRUST

Margaret Ann Croly, Trustee  
Margaret Ann Croly, Trustee

STATE OF OREGON )  
County of Jackson ) ss.

The foregoing instrument was acknowledged before me this 2 day of April, 2018, by Margaret Ann Croly, Trustee of the Walter R. Bolz And Eleanor M. Bolz Revocable Living Trust, *Grantor*.

WITNESS my hand and official seal.



Jamie Bradley  
Notary Public

**EXHIBIT "A" TO STATUTORY WARRANTY DEED**  
[Bolz Trust to Trumbly]

**Description of Property Transferred**

**Parcel #1:** 157 Fern Valley Road (381W09A 400)

Commencing at a 3/4 inch iron pin as described in Instrument No 73-09688 recorded in the Official Records of Jackson County, Oregon, said pin bears North 771.48 feet and East 1637.27 feet from the South-Southeast corner of Donation Land Claim No 41, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 25°57'00" West, along the Boundary Line Agreement described in said Instrument, 23.91 feet to the POINT OF BEGINNING, said point also being on the Right of Way line established by Instrument No 2014-007644 recorded in said Official Records; thence continuing along said Boundary Line Agreement, North 25°57'00" West, 180.24 feet to the South line of the Tract of Land described in Instrument No 73-06218 recorded in the Mortgage Records of Jackson County, Oregon; thence South 75°33'00" West, along said South line, 42.94 feet; thence South 0°14'30" East, 177.32 feet to said Right of Way line; thence along said Right of Way, North 80°47'40" East, 27.99 feet; thence North 77°29'57" East, 62.03 feet; thence North 75°39'06" East, 32.53 feet to the POINT OF BEGINNING.

**Parcel #2:** 137 Fern Valley Road (381W09A 500)

Beginning at a point on the East Line of the tract described in Volume 268, Page 563, Deed Records of Jackson County, Oregon, said point being South 0' 12' East, 1779.96 feet, from the Northeast corner of Donation Land Claim #44, Township 38 South, Range 1 West of the Willamette Meridian, in Jackson County, Oregon; thence South 73' 33' West, 127.18 feet; thence South 11' 40' East, 126.82 feet to the Northerly right-of-way line of the Edwards County Road; thence along said line North 75' 24' East, 100.0 feet; thence North 0' 12' West 135.0 feet to the point of beginning. EXCEPTING from the above described tract a strip of land 15.0 feet in width along the entire East side for road purposes: Subject To easements of record.

**Parcel #3:** (381W09A 401)

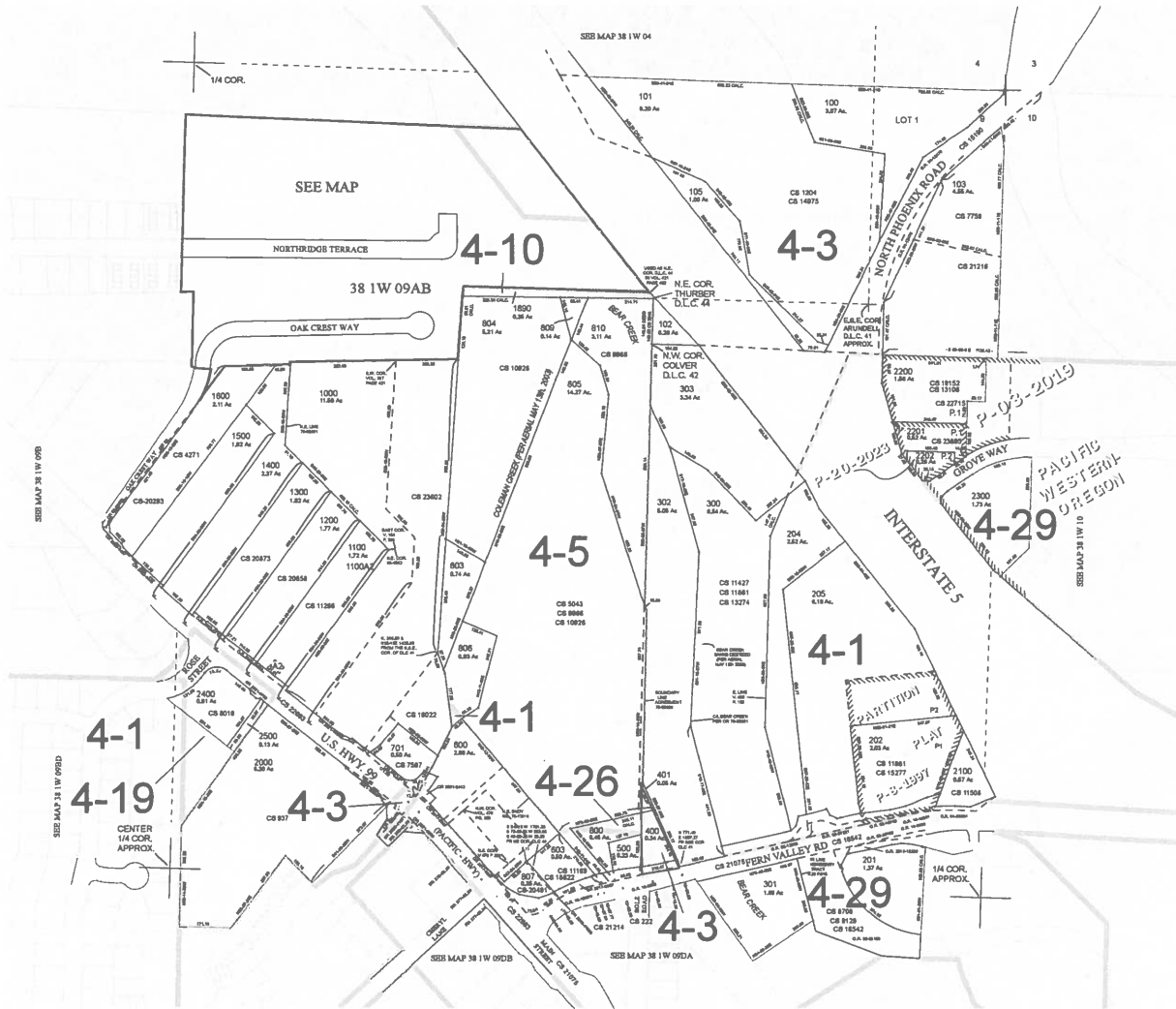
Commencing at a 3/4 inch iron pin as described in Instrument No 73-09688 recorded in the Official Records of Jackson County, Oregon, said pin bears North 771.48 feet and East 1637.27 feet from the South-Southeast corner of Donation Land Claim No 41, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 25°57'00" West, along the Boundary Line Agreement described in said Instrument, 23.91 feet to a point, said point also being on the Right of Way line established by Instrument No 2014-007644 recorded in said Official Records; thence continuing along said Boundary Line Agreement, North 25°57'00" West, 180.24 feet to the South line of the Tract of Land described in Instrument No 73-06218 recorded in the Mortgage Records of Jackson County, Oregon, and the POINT OF BEGINNING; thence South 75°33'00" West, along said South line, 42.94 feet; thence North 0°14'30" West, 97.01 feet to said Boundary Line Agreement; thence South 25°57'00" East, along said Line, 95.97 feet to the POINT OF BEGINNING.

Exhibit "B"  
**See attached maps, 3 pages total**

FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4 SEC. 9 T. 38S. R. 1W. W.M.  
JACKSON COUNTY  
1" = 200'

381W9A  
PHOENIX

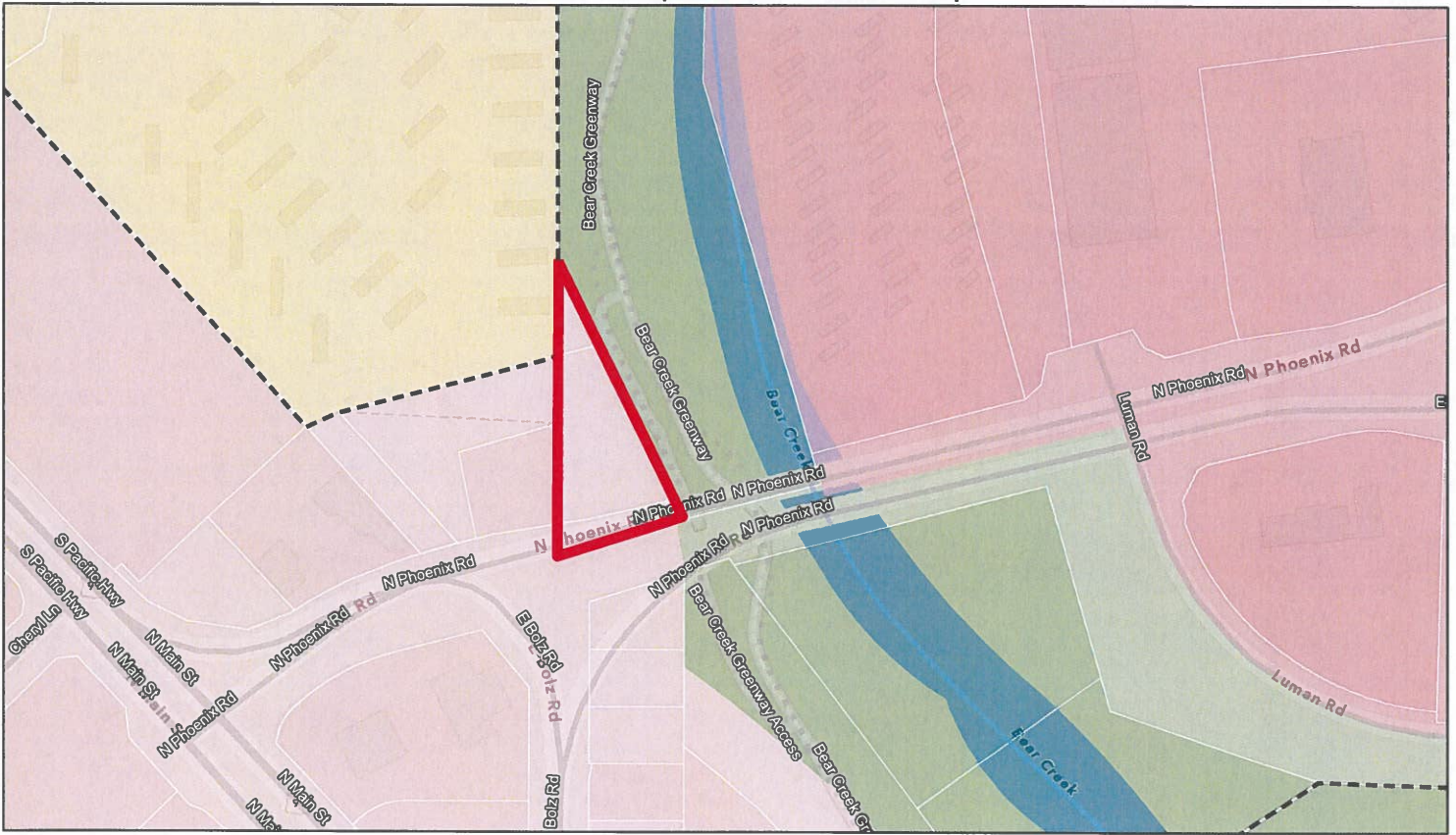


CANCELLED TAX LOT NUMBERS  
 104 ADDED TO 103  
 106 KILLED TO STREET  
 107 KILLED TO STREET  
 1700 REMAPPED TO 381W09B  
 1701 REMAPPED TO 381W09B  
 1700 ADDED TO 1700  
 1802 ADDED TO 1901  
 200 REMAPPED TO 381W10  
 203 ADDED TO 305  
 205A1 KILL ONLY  
 206 ADDED TO 305  
 207 KILLED TO STREET  
 304 KILL ONLY  
 305 KILLED TO STREET  
 501 KILL ONLY  
 601 ADDED TO 600  
 602 ADDED TO 600  
 604 ADDED TO 907  
 605 KILLED TO STREET  
 606 KILLED TO STREET  
 700 ADDED TO 1000  
 801 ADDED TO 600  
 802 ADDED TO 600  
 807A1 ADDED TO 807  
 808 ADDED TO 600  
 811 KILLED TO STREET  
 900 ADDED TO 1000

GIS DATA  
02/21/2023 1:03:41 PM H:\BIB\CG

381W9A  
PHOENIX  
NEW MAP March 22, 2006  
REV June 21, 2023

# Phoenix Comprehensive Plan Map



7/17/2023, 2:14:38 PM

City Limit (Ord 1026 Eff 02 21 2023)

Urban Growth Boundary (Ord 1020 Eff 10 19 2022)

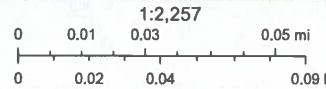
Comprehensive Plan Designations (Ord 1022 Eff 01/04/2023)

Medium Density Residential

Bear Creek Greenway

Commercial

Interchange Business

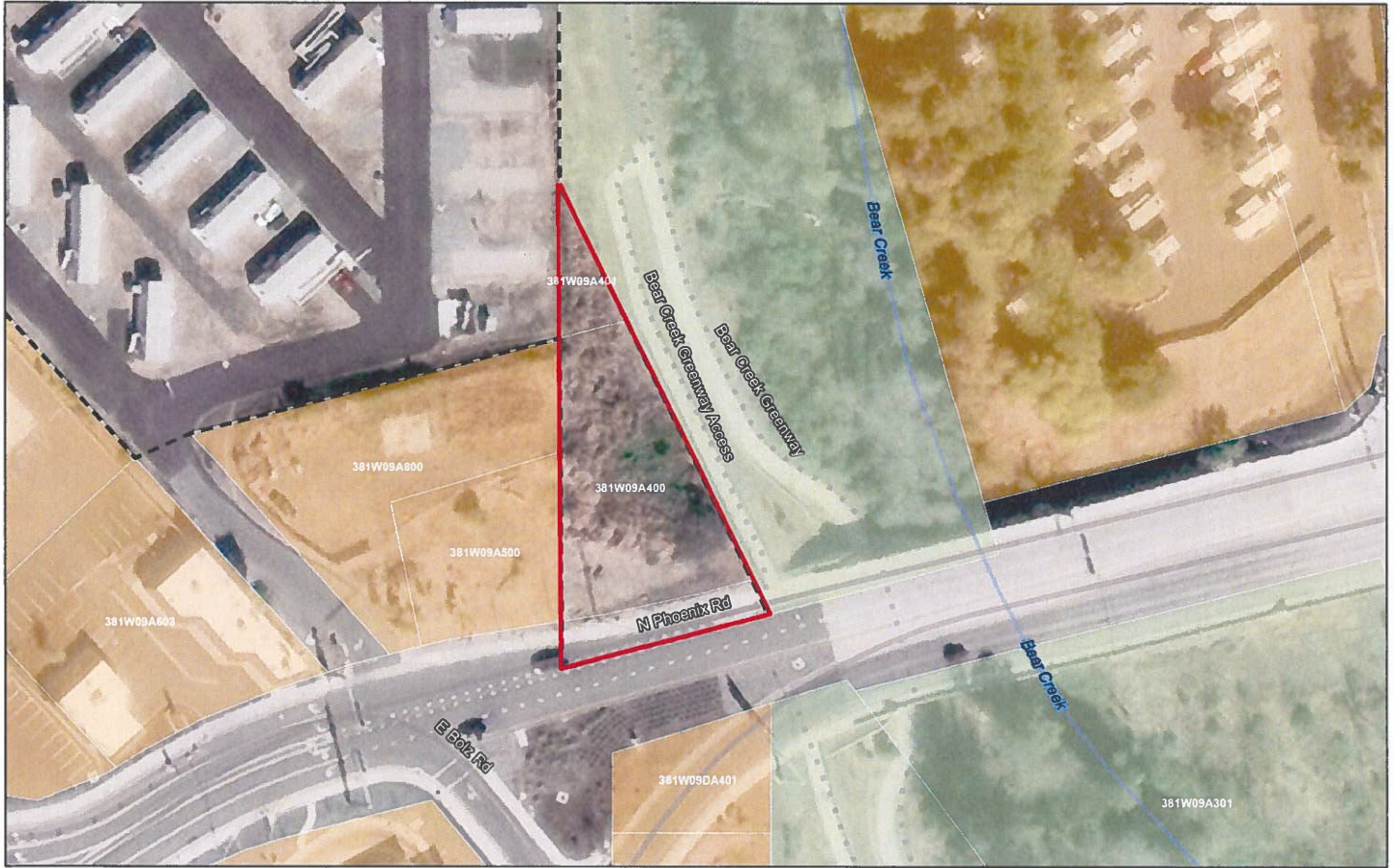


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Mapped by:

Please extend credit to Jackson County GIS in any subsequent works derived from its data, such as maps. | Esri Community Maps Contributors, County of Jackson, OR, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies.

# Phoenix Zoning Map



7/17/2023, 3:28:34 PM

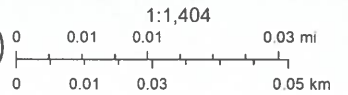
City Limit (Ord 1026 Eff 02 21 2023)

Urban Growth Boundary (Ord 1020 Eff 10 19 2022)

Land Use Districts (Ord 1026 Eff 02/21/2023)

Commercial Highway (C-H)

Bear Creek Greenway (BCG)





## 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**

Adopted by ORD 1008 Page 24

#### **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.

## Agenda Report to Mayor and Council

**Agenda item title:** Second Reading by Title Only of Ordinance No. 1034 – An Ordinance Accepting Dedication of Right-of-Way in the City of Phoenix

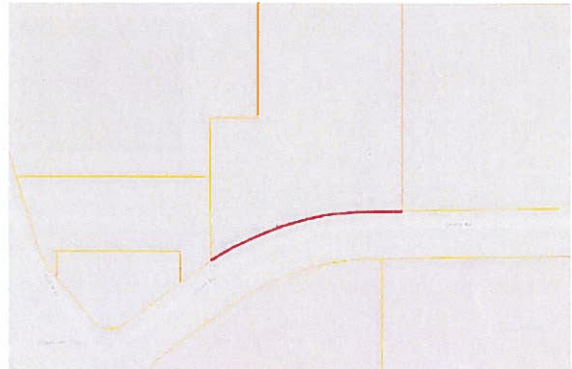
**Meeting Date:** August 21, 2023

**From:** Zac Moody, Planning Manager

**Action:** \_\_\_ Motion, X Ordinance, \_\_\_ Resolution, \_\_\_ Information only, \_\_\_ Other

### SUMMARY

This request is for second reading of the requested right-of-way dedication approved on August 7, 2023.



### BACKGROUND AND DISCUSSION

Pursuant to the Phoenix Land Development Code (PLDC), Chapter 3.5.2(A)(2) and the conditions of approval outlined in the Planning Commission Final Order for Conditional Use Permit File CU23-01, the developer of the property is required to dedicate the right-of-way necessary to construct a planter strip and sidewalk. Currently, the right-of-way adjacent to Grove Road does not have sufficient width to accommodate the required facilities. The dedication of the additional 2.5 feet of right-of-way and expansion of the 10-foot Public Utility Easement will allow the planter strip and sidewalk adjacent to this development to properly align with the recent construction of street facilities to the west adjacent to Garrison's Home.

### COUNCIL GOALS SUPPORTED

**Goal 8:** Collaborate with local businesses and regional partners to promote growth and economic development

### FISCAL IMPACT

There is no direct fiscal impact to the city should the request be approved because the right-of-way is currently developed to collector standards. Upon dedication of this right-of-way, the property owner will be able to properly construct the necessary planter strip and sidewalk required as a condition of approval of their Conditional Use Permit (CU23-01).

### RECOMMENDATION

Staff recommends approval of the ordinance.

### PROPOSED MOTION

*"I move approval for second reading, by title only, Ordinance 1034, an ordinance of the City of Phoenix accepting the right-of-way dedication shown on Exhibit A of the ordinance".*

### ATTACHMENTS:

- Ordinance No. 1034

**CITY OF PHOENIX, OREGON**

**ORDINANCE NO. 1034**

**AN ORDINANCE ACCEPTING DEDICATION OF RIGHT OF WAY AND A PUBLIC UTILITY EASEMENT IN THE CITY OF PHOENIX**

**RECITALS:**

WHEREAS, the City of Phoenix, Jackson County, Oregon, has received a consent to dedicate right-of-way and public utility easement adjacent to the property identified below:

Parcel 2, Partition Plat P-18-2023 and recorded as filed survey number 23822 in the Clerk's Office, Jackson County, Oregon.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Phoenix, Jackson County, Oregon acting pursuant to the authority granted by its Charter that the property identified in the Affidavit of Consent is hereby dedicated.

1. The City Manager is hereby authorized to execute all documents necessary to carry out the intent of this Ordinance.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 21<sup>st</sup> day of August 2023.

\_\_\_\_\_  
Terry Baker, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Bonnie Pickett, City Recorder

\_\_\_\_\_  
Douglas McGeary, City Attorney

# Exhibit A

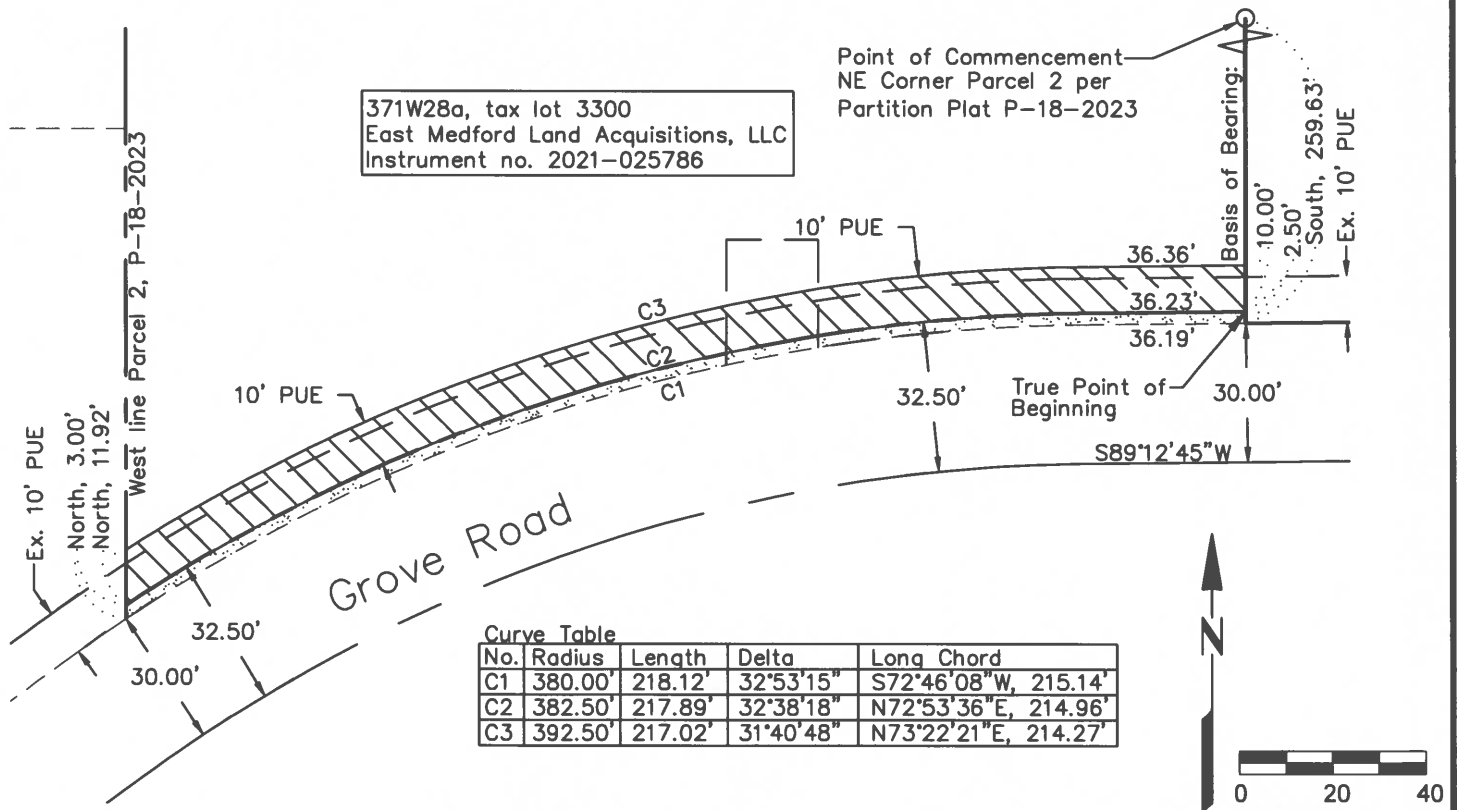
Located at: NW ¼ Section 10, Township 38 South, Range 1 West, W.M.,  
City of Phoenix, Jackson County, Oregon

**Right of Way Parcel:** A parcel of land located in the NW quarter Section 10, Township 38 South, Range 1 West, W.M., City of Phoenix, Jackson County, Oregon and more particularly described thus:

Commencing at the northeast corner of Parcel 2, Partition Plat P-18-2023 of the records of partition plats in Jackson County, Oregon; thence South, along East line of said Parcel 2, 259.63 feet said point also being on the north line of Grove Road; thence North along said east line, 2.50 feet to the **True Point of Beginning**; thence South 89°12'45" West, 36.23 feet; thence along the arc of a 382.50 foot radius curve to the left (the long chord of which bears S72°53'36"W, 214.96 feet) 217.89 feet, to a point on the west line of said Parcel 2; thence South, along the west line of said Parcel 2, 3.00 feet to a point on the north line of said Grove Road; thence along the arc of a 380.00 foot radius curve to the right (the long chord of which bears N72°46'08"E, 215.14 feet) 218.12 feet; thence North 89°12'45" East, 36.19 feet to the sw corner of said Parcel 2; thence North, along the said east line, 2.50 feet to the point of beginning.

**Public Utility Easement Parcel:** A parcel of land located in the NW quarter Section 10, Township 38 South, Range 1 West, W.M., City of Phoenix, Jackson County, Oregon and more particularly described thus:

Commencing at the northeast corner of Parcel 2, Partition Plat P-18-2023 of the records of partition plats in Jackson County, Oregon; thence South, along East line of said Parcel 2, 259.63 feet said point also being on the north line of Grove Road; thence North, along said east line 2.50 feet to the **True Point of Beginning**; thence South 89°12'45" West, 36.23 feet; thence along the arc of a 382.50 foot radius curve to the left (the long chord of which bears S72°53'36"W, 214.96 feet) 217.89 feet; to a point on the said west line of Parcel 2; thence North along the west line of said Parcel 2, 11.92 feet; thence along the arc of a 392.50 foot radius curve to the right (the long chord of which bears N73°22'21"E, 214.27 feet) 217.02 feet; thence North 89°12'45" East, 36.36 feet to a point on the east line of said Parcel 2; thence South, along the east line of said Parcel 2, 10.00 feet to the point of beginning.



Project: **Right of Way Dedication**



**Pariani Land Surveying**  
PHONE: (541) 890-1131 EMAIL: JOHN@PARIANILS.COM

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*John R. Pariani*  
**OREGON**  
July 13, 1989  
**JOHN R. PARIANI**  
#51382

DRAWN BY: **JRP** HORZ SCALE: 1" = 40' DATE: **July 19, 2023**

Renews: December 31, 2022

BIN: 00292051-1

Name on Bank Account: CITY OF PHOENIX

## Confirmation

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You have successfully submitted your tax payment. Please keep this confirmation number for your records. You must have this number for future inquiries regarding this payment. Please make sure sufficient funds are in your account. Your payment will be considered received by the Oregon Department of Revenue on the "Date of Payment"; however your account will be debited on the following Banking Day.

\*Confirmation Number:34735368110803

\* Please print this page or note Confirmation Number for your records.

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### Payment Information:

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Quarter and Year for Payment: Second - 2022

Date of Payment: 8/7/2023

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State Unemployment Tax: \$	0.00
State Withholding Tax: \$	4115.06
Tri-Met Transit District Excise Tax: \$	0.00
Lane Transit District Excise Tax: \$	0.00
Worker's Benefit Fund Assessment: \$	49.45
<hr/>	
Total Combined Payroll Tax Payment: \$	4164.51

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