

City Council Meeting/Public Hearing
Agenda

September 03, 2024

6:30 p.m. Public Meeting

Hybrid Meeting in Person and Via Zoom

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

*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. 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.***

Please click the link below to join the webinar:

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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

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. None

b. Minutes to Approve and File:

1. Minutes from City Council Meeting August 19, 2024,.....5

6. Consent Agenda Items Pulled for Discussion

7. New Business

a. Resolution 1129 – A Resolution Establishing Policies for Placement of Memorials within City of Phoenix Parks,.....9

8. Ordinance: Reading/Adoption

a. First Reading by Title Only of Ordinance No. 1042 – An Ordinance Dedicating Right-of-Way in the City of Phoenix (second reading on September 16, 2024),..... 16

9. Staff Reports

a. City Attorney

b. City Manager

c. Community Development Manager

d. Contracted Finance Director – Finance Update,.....27

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. Adjournment



City of Phoenix

Heart of the Rogue Valley

Future agenda summary 09/03/24

To be scheduled: City Council

To be scheduled: PHURA

- Annual Report – TBS

Upcoming City of Phoenix Meetings:

September 09, 2024	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 16, 2024	PHURA Board Meeting 6:00 pm at 220 N. Main St
September 16, 2024	City Council Meeting 6:30 pm at 220 N. Main St.
September 19, 2024	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
October 07, 2024	City Council Meeting 6:30 pm at 220 N. Main St.
October 14, 2024	Planning Commission Meeting 6:30 pm at 220 N. Main St.
October 17, 2024	Parks and Recreations Committee Meeting 6:00 pm at 220 N. Main St.
October 21, 2024	City Council Meeting 6:30 pm at 220 N. Main St.
November 04, 2024	City Council Meeting 6:30 pm at 220 N. Main St.
November 12, 2024	Planning Commission Meeting (Tuesday) 6:30 pm at 220 N. Main St.
November 18, 2024	City Council Meeting 6:30 pm at 220 N. Main St.

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

City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, August 19, 2024

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, August 19, 2024, at 6:31 p.m.

ROLL CALL:

PRESENT: Terry Baker, Angie Vermillion, Scott Clauson, Karen Shrader, Krista Peterson, Jillian Shainholtz, Larry Dickson

STAFF PRESENT: Eric Swanson, City Manager
Doug McGeary, City Attorney
Bonnie Pickett, City Recorder
Derek Bowker, Chief of Police

2. PLEDGE OF ALLEGIANCE:

3. PRESENTATION:

a. Acting Fire Chief Aaron Bustard – Fire District #5 Update

Eric Swanson, City Manager, introduced Acting Fire Chief Aaron Bustard and Board Member Chris Luz.

Acting Chief Aaron Bustard gave a brief update on the changes occurring with Fire District #5 to ensure they meet the public's needs. He explained the reason for the delayed move into the Phoenix Fire Station and answered questions from the City Council.

Board Member Chris Luz proposed some suggestions on how Fire District #5 should deal with the lease agreement.

Chief Bustard answered questions on the financial situation the district has found them in currently.

Mr. Swanson gave an update on the motors for the fire station doors.

Chief Bustard explained the reasoning behind the doors purchased for the new fire station in Phoenix and answered questions regarding the lease for the new station.

Mr. Swanson advised that he would keep the Council informed as Fire District #5 continues to work through the situation.

4. PUBLIC COMMENT:

Tony Chavez, Phoenix, thanked Chief Aaron Bustard for sharing what is going on with the Fire District. He spoke about comments Mayor Baker shared at the last City Council meeting, requesting that the meeting be live-streamed and that reader boards be used to let citizens know when the meetings will be held.

Scott Sinner, Medford, requested that the Council review and possibly revise the water rates. He spoke about the rate increase for his rentals and the burden on the water users.

Paul Kay, Phoenix, thanked all of the Council members for their volunteerism and professionalism. He also thanked the city for its support of the event held at Phoenix Industrial Studios and gave a brief update on the event's success.

5. CONSENT AGENDA:

a. Reports for Information & Possible Action:

1. General Service Agreement for General Engineering Services with RH2

b. Minutes to Approve and File:

1. Minutes from the City Council Meeting July 15, 2024.

Motion: I Move to Approve the Consent Agenda Minus Item 5a1. MOVED BY VERMILLION, SECONDED BY CLAUSON. No further discussion.

ROLL CALL VOTE AS FOLLOWS

Ayes: Vermillion, Clauson, Peterson, Shrader, Dickson, Shainholtz

MOTION APPROVED WITH SIX AYES

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:

Councilor Shrader pulled item 5a1 for discussion.

Mr. Swanson gave a brief update on the process for the RFQ that awarded RH2 the agreement to continue General Engineering Services.

Motion: I Move to Approve Item 5a1 on the Consent Agenda. MOVED BY VERMILLION, SECONDED BY DICKSON. No further discussion.

ROLL CALL VOTE AS FOLLOWS

Ayes: Vermillion, Dickson, Clauson, Shainholtz, Peterson, Shrader

MOTION APPROVED WITH SIX AYES

7. NEW BUSINESS:

a. Resolution No. 1128 – A Resolution of the City of Phoenix Granting a Franchise to Qwest Corporation D/B/A CenturyLink QC on Behalf of Itself and its Operating Affiliates ("CenturyLink") to Operate and Maintain a Telecommunications System in the City of Phoenix, Oregon.

Mr. Swanson noted this item is to update the franchise agreement with CenturyLink to continue the agreement. He answered questions from the Council

Doug McGeary, City Attorney, explained a franchise agreement and how they work in Cities.

Motion: I Move to Approve Resolution No. 1128 – A Resolution of the City of Phoenix Granting a Franchise to Qwest Corporation D/B/A CenturyLink QC on Behalf of Itself and its Operating Affiliates ("CenturyLink") to Operate and Maintain a Telecommunications System in the City of Phoenix, Oregon. **MOVED BY VERMILLION, SECONDED BY SHAINHOLTZ.** No further discussion.

ROLL CALL VOTE AS FOLLOWS

Ayes: Vermillion, Shainholtz, Peterson, Shrader, Dickson, Clauson

MOTION APPROVED WITH SIX AYES

b. General Service Agreement for General SCADA Services.

Mr. Swanson explained the SCADA system and how it works with the city water system. He noted this is a renewal of the service agreement. Mr. Swanson answered questions from the Council regarding the agreement.

Motion: I Move to Approve the General Service Agreement for General SCADA Services. **MOVED BY VERMILLION, SECONDED BY SHAINHOLTZ.** No further discussion.

ROLL CALL VOTE AS FOLLOWS

Ayes: Vermillion, Shainholtz, Clauson, Dickson, Shrader, Peterson,

MOTION APPROVED WITH SIX AYES

8. STAFF REPORTS:

a. Derek Bowker, Chief of Police, thanked the Council for their support of the new Government and Public Safety Center. They have received so many compliments about the building. Chief Bowker reminded everyone that school will be back in session soon, so please be aware of the kids on the roads. He spoke about the speed limit being dropped to 25 on Main St. He answered questions about his new vehicles and patrolling the PH3 area.

Eric Swanson, City Manager, noted that the staff had received a few comments regarding the out-of-city water rates and will address their concerns. He spoke about the completion of the water line along Highway 99, which has contributed to the water rates outside of Phoenix. Mr. Swanson noted that ODOT has begun working on the project that will enhance the entrance into Phoenix. He spoke about funding conversation around the South Stage Overpass project. Mr. Swanson spoke about the top-notch workplace that has benefited city staff. He gave an update on the work Public Works completed due to the storm over the weekend.

9. MAYOR AND COUNCIL COMMENTS / REPORTS:

Councilor Peterson asked when the monument policy would be brought back to the Council for review. She asked when the Grand Opening for the Phoodery is going to be held. Councilor Peterson asked for an update at the next meeting on where we are in the audit process since September 1 is coming up. She noted that at the last Parks and Recreation Committee meeting, they discussed the people from the U of O coming down to the Community Dinner on September 12 to hand out a survey regarding the city parks. They will also be at the Ice Cream Social on September 13 at the Civic Center, asking residents to fill

out surveys on the city parks. Councilor Peterson noted that the Parks and Recreation Committee will also be holding a Trunk or Treat Event in Phoenix on Halloween this year, with a time and location to be determined.

Councilor Dickson thanked the Police Department for their response during the storm.

Councilor Shrader noted it was interesting to hear what Fire District #5 had to say. She also noted she is interested in hearing about the audit process.

Councilor Vermillion did not comment.

Councilor Clauson thanked the City Manager for the communication sent to the Council prior to the storm and noted that he appreciates the Public Works folks getting on it.

Councilor Shainholtz noted she missed the storm, but the hail destroyed her tomatoes. She was glad to hear from Fire District #5 about what was going on with the district. Councilor Shainholtz noted school will be back in session on September 3. She noted that the Phoodery has been a great meeting place for the school staff.

Mayor Baker noted that the Police did a great job during the storm. He expressed his concern about what is happening with Fire District #5 and thanked the Council for their service.

10 ADJOURNMENT:

The meeting adjourned at 7:40 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder



Agenda Report to City Council

Agenda item title: Resolution 1129 – A Resolution Establishing Policies for the Placement of Memorials within City of Phoenix Parks

Meeting Date: September 3, 2024

From: Zac Moody, Community Development Manager

Action: ☒ Motion, ☐ Ordinance, ☐ Resolution, ☐ Information only, ☐ Other

SUMMARY

Many individuals and groups have contributed resources and time to Phoenix's parks and the City of Phoenix appreciates and encourages such contributions and continues to strongly urge those wishing to commemorate persons, groups or events to consider making a contribution without requiring a physical memorial. A guiding principle is for the park itself to be the showpiece or center of activity, rather than a site containing memorials. The proposed resolution outlines policies and guidelines that provide specific criteria for design and placement of memorials and establishes clear and consistent processes for applications, reviews, approvals and implementation of all requested proposals, something the City does not currently have in place.

BACKGROUND AND DISCUSSION

The Park Memorial Policy details how requests for memorials will be considered, including four policies that must be demonstrated in a request for a memorial. The policy gives the City Council broad decision-making authority but is clear that under some circumstances, memorial requests may still be rejected. Section III of the policy details the four policies that must be met for consideration.

The policy also provides criteria for the location, character, fees associated with installation of the memorial and details the responsibility of ongoing maintenance and costs.

Section V and VI detail the types of memorials that may be considered and Section VII outlines the application process. As proposed in the policy, the application will be initially reviewed by city staff and once determined complete, a meeting will be scheduled with the Parks and Recreation Committee. The Parks and Recreation Committee will review the application at their regularly scheduled meeting and provide a recommendation, by motion, to the City Council. The proposed policy also requires that the City Council review the policy every five years to assess its effectiveness and to solicit feedback from the community.

Section VIII details the installation responsibilities, including coordination and financing fabrication of the memorial, delivery and installation of the memorial and coordination with Public Works staff prior to installation.

Removal, replacement and the timeframe the memorial is authorized is detailed in Section IX. This section allows the city to move, remove or replace in approved memorial to accommodate changes to the park, safety concerns, damage or evolving community standards. After a period of 10 years, memorials will expire and be returned to the donor.

COUNCIL GOALS SUPPORTED

Goal 1: Concise, transparent and frequent communication to build a culture of respect, accountability and excellence. Leadership that is accessible, responsive and proactive.

Goal 11: Build, create and maintain the best, safest and most family-friendly park system in the Rogue Valley. Enhance opportunities for recreation, functionality and civic engagement in public spaces.

FISCAL IMPACT

Approval of the policy provides and application process where the review is supported by a fee established by resolution. Initial and ongoing costs associated with the memorial are the responsibility of the donor and clearly detailed in the policy. Fiscal impact is reduced with the establishment of a clear policy that includes a review fee to cover the staff time associated with the request.

RECOMMENDATION

Approval of the proposed Park Memorial Policy and direction to establish an application review fee to be adopted by a separate resolution.

PROPOSED MOTION

"I move to approve Resolution 1129, A Resolution establishing policies for the placement of memorials within the City of Phoenix Parks."

ATTACHMENTS

Draft Resolution 1129

Draft Phoenix Parks Memorial Policy

**CITY OF PHOENIX
PHOENIX, OREGON**

RESOLUTION NO.1129

**A RESOLUTION ESTABLISHING POLICIES FOR THE PLACEMENT OF
MEMORIALS WITHIN CITY OF PHOENIX PARKS**

WHEREAS, the City Council of the City of Phoenix deems it necessary to establish policies for evaluating requests for memorials within City parks;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Phoenix Oregon adopts the Phoenix Parks Memorials Policies attached as Exhibit "A".

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on September 3, 2024.

Terry Baker, Mayor

ATTEST:

Bonnie Pickett, City Recorder

Exhibit A

PHOENIX PARKS MEMORIALS POLICY

I. Introduction:

Many individuals and groups have contributed resources and time to Phoenix's parks. The Phoenix City Council appreciates and encourages such contributions and strongly urges those wishing to commemorate persons, groups or events to consider making a contribution without requiring a physical memorial. A guiding principle is for the park itself to be the showpiece or center of activity, rather than a site containing memorials.

This statement of policy and guidelines is designed to:

- A. Provide specific criteria for design and placement of memorials
- B. Establish a clear and consistent process for application, review, approval and implementation of all proposals
- C. Define ongoing maintenance responsibilities of the donor and of the City

II. Definitions:

- A. Timelessness: Refers to the lasting significance or relevance of a memorial beyond the immediate time of its creation, ensuring its meaning endures for future generations.
- B. Appropriate: Involves the suitability of the memorial's purpose, design, and materials to the park's intended use, aesthetic qualities, cultural significance, and environmental context.
- C. Permanent: The use of durable materials and design elements that ensure the longevity of the memorial, minimizing the need for frequent repairs or replacements.

III Policy:

Consideration will be given to proposals to install memorials on City controlled lands under one or more of the following circumstances (*Complying with some or all of the listed policy elements alone does not automatically secure approval*):

- A. The feature will enhance the park and be in character with the purpose for which the park was created.
- B. The person or group memorialized has contributed significantly to Phoenix's parks.
- C. When the memorial has a sense of timelessness; defined as relevance or significance that transcends current events and remains meaningful and appropriate to future generations of park patrons. Timelessness may include recognition of historic events, long-standing community contributions, or elements that are integral to the park's identity and purpose. Appropriateness refers to the alignment of the memorial's purpose, design, and materials with the aesthetic, cultural, and environmental characteristics of the park.
- D. A donation is made that constitutes more than fifty percent (>50%) of the total cost, including acquisition, installation, and initial maintenance, of a new park feature or facility, or fifty percent (>50%) of the resources required for the development of an existing park feature or facility. This rule applies to any proposed memorial, whether for new installations or enhancements of existing structures.

IV. Criteria and Rationale

- A. Phoenix's parks are established to provide areas or structures for passive or organized active recreation, trails, open space, aesthetic benefits and environmental protection and

enhancement. Memorials will be in character with and not detract from the purpose of the park or facility. Appropriateness, consistent with its general definition above, will be assessed based on the memorial's relevance to the community, its aesthetic compatibility with park design, and its alignment with the park's cultural and environmental context. The city will prioritize memorials that complement existing park features, enhance visitor experience, and reflect the park's historical or cultural significance.

- B. There must be justification for the existence and location of all memorials in accordance with Policy III above.
- C. The preferred location for a memorial acknowledging a structure is inside or immediately adjacent to the subject structure such as a building or parking area or entrance to a structure or trail. Development of a trail, renovation of a feature or structure or restoration of a natural area may be acknowledged by a sign or plaque within its access or parking area or within or on an existing structure.
- D. Memorials placed outdoors should be part of a landscape design plan and carefully incorporated so as to be part of the fabric of the site, rather than a feature of the site.
- E. Memorials to individuals may be incorporated into structures or amenities recommended by the Parks and Recreation Committee. A newly installed park structure or amenity may be considered for a particular site if the park plan designates the need.
- F. Memorials related to community history or natural history may be placed in accordance with the park plan, if one exists, or as recommended by the Parks and Recreation Committee.
- G. The donation amount required to establish a memorial will include the actual costs of installing the memorial as well as maintenance costs associated with the memorial itself and general parks maintenance activities. Maintenance costs, including those for routine upkeep, repair, and any additional costs due to damage or vandalism, shall be assessed at the beginning of each year and adjusted as needed to reflect changing material and labor costs. The City Manager will provide donors with a detailed breakdown of these costs at the time of the application, and donors will be notified of any changes or additional charges that may arise during the lifespan of the memorial.

V. Memorials that may be considered:

A. Historic Events

Events significant to the park's formation or development or in the development to the area of town in which the park is located.

B. Persons, Groups or Organizations

Community members, groups or organizations that were influential in promoting, developing or preserving parks and recreation locally or regionally, as well as those who have contributed in other ways to the community of Phoenix.

C. Structures

Commemorating the roles of individuals, such as designers, government agencies and others in the development and construction of new structures located in the park.

VI. Monument Types:

- A. **Memorials Fulfilling a Park Need:** Preference will be given to memorials incorporated into a needed park feature, such as bridges, gazebos, trails, paths, picnic shelters, sports courts and other park amenities listed in the Parks Master Plan. All locations, types of materials and any other considerations will follow all parks policies and standards. Plaques made of permanent materials such as bronze, other metals or stone may be mounted in walls, in paving, or on cast concrete or can be attached to the donated item. Effort will be made to encourage donations

that will address current needs within the park system before new additions to the park system are considered.

B. Other Memorials: All proposed memorials not mentioned in the Parks Master Plan.

VII. Application Process

A. Parties involved:

1. Donor: Individual or group proposing a memorial.
2. City Manager (or designee): Staff to review application for completeness and schedule hearings with the Parks and Recreation Committee and City Council.
3. Parks and Recreation Committee: The Parks and Recreation Committee reviews proposals in accordance with standards described herein and makes recommendations on memorial requests to the Council.
4. City Council: Council to approve or deny memorial proposals.

B. Process:

1. For all memorials:
 - a. The donor will review this policy statement and submit a preliminary proposal in writing to the City Council.
 - b. The City Manager (or designee) will receive the application along with applicable application fees, review the application for completeness, draft a cost estimate for installation and maintenance, and schedule hearings with the Parks and Recreation Committee and City Council.
 - c. The proposal must demonstrate how the proposed memorial is consistent with sections II - V above and must indicate who or what is being commemorated, the type of memorial desired, the preferred location, maintenance considerations and justification for the request.
 - d. The Parks and Recreation Committee will review proposal and make a recommendation to the Council.
 - e. Councilors will approve or deny the proposal.

C. PERIODIC POLICY REVIEW:

- a. The Phoenix Parks Memorials Policy will undergo a formal review every five years, or as deemed necessary by the City Council, to assess its effectiveness and relevance in meeting community needs, preserving park integrity, and upholding city values. Feedback from community members, donors, and stakeholders will be solicited as part of this review process.

VIII. Installation

Upon final approval of the memorial proposal, it becomes the donor's responsibility to coordinate and finance the fabrication, delivery and installation of the plaque or memorial with City staff. Any changes to the memorial approved by City Council will require a new application and fee and will be reviewed following the same processes as the original approval.

The Public Works Superintendent inspects the memorial before and after installation to ensure that all the conditions of approval have been met.

IX. Removal, Replacement and Expiration

The City reserves the right to move, remove, or replace any memorial within any property under its jurisdiction for any reason, including but not limited to changes in park use, safety concerns, damage, or evolving community standards. The City will make reasonable efforts to contact the original donor before removal or relocation. A formal process will be followed to ensure transparency and community involvement where appropriate. If the memorial becomes damaged beyond repair, an attempt will be made to contact the donor to repair or replace the item, or it may be removed.

After a period of ten years, memorials will expire and become available for rededication. The donor who initially established the expired memorial will be contacted when possible and be provided an opportunity to re-dedicate the memorial by going through the formal approval process.

X. Fee Established

Application fee shall be adopted by a separate resolution and included in the city's master fee schedule.

XI. Date of Effect of these Guidelines

The guidelines become effective upon adoption by City Council.

Agenda Report to Mayor and Council

Agenda item title: First Reading by Title Only of Ordinance No. 1042 – An Ordinance dedicating Right-of-Way in the City of Phoenix (second reading on September 16, 2024)

Meeting Date: September 3, 2024

From: Zac Moody, Community Development Manager

Action: ☐ Motion, ☒ Ordinance, ☐ Resolution, ☐ Information only, ☐ Other

SUMMARY

The request is for the dedication of right-of-way to allow for the construction of infrastructure to serve PH-10 and to allow for the installation of water, sewer, and storm facilities to serve a planned affordable housing project. Installation of the proposed collector street and infrastructure is funded by a \$1.65 million SB 1530 grant.



BACKGROUND AND DISCUSSION

In late October 2023, the city received a request from an affordable housing developer to construct an 80-unit apartment complex on the corner of Grove Road and Fern Valley Road. Due to the required access location on Grove Road and the need to meet block length standards pursuant to the Phoenix Land Development Code, a new street is required north of the development site. In addition, the site is not currently served by public sewer or water and the nearest sewer connection is over ¼ of a mile west of the project development site.

In March of 2024, Senate Bill 1530 was approved by the Governor and allocated nearly \$90 million for water and sewer projects that support affordable housing projects across the state. With this housing project in mind and as a means to reduce the project costs, the city applied for and received a grant of \$1.65 million to extend the services to the site and construct the street to support the construction of the required stormwater facilities.

The proposed dedication of right-of-way is a voluntary donation of land to allow for the infrastructure to be installed to support the proposed housing development. Typically, these types of dedications are completed through a land division or site development plan, however, the grant funds must be expended by June 2025 and with the housing project and proposed partition still under development, it is not possible to secure the required right-of-way dedication in time to meet that deadline. Given these constraints, the property owner has agreed, with the understanding that the right-of-way will be constructed, to dedicate the land outside of the normal land division process.

The property owner has drafted the required bargain and sale and donation deeds as well as the survey required for the dedication to proceed. Dedication of this right-of-way with the donation deed rather than through the land division allows the city to immediately control the property for infrastructure development and allows for the City Engineer to begin the design and engineering process and to begin to work with Rogue Valley Sewer Services to secure the necessary construction permits. This process also allows the city to announce the project and put it out to bid sooner, rather than later and ensures that we will be successful in completing the project in the required timeframe.

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. The right of way is being donated by the property owner at no charge. The city will construct the street segment and related water, sewer and stormwater facilities with funds provided by grant. Future sidewalks and/or multi-use paths will be the responsibility of the adjacent property owners at the time of development.

Dedication of the proposed right-of-way will facilitate development of the proposed affordable housing project in pursuant to the requirements of SB 1530 grant funding and facilitate the orderly development of a street infrastructure to serve PH-10, providing the necessary transportation system to support future development.

RECOMMENDATION

Staff recommends adoption of the ordinance.

PROPOSED MOTION

"I move approval on first reading by title only of Ordinance 10XX, an ordinance of the City of Phoenix dedicating public right-of-way as described in Exhibit A of the ordinance".

ATTACHMENTS:

1. Ordinance No. 1042
2. Bargain and Sales Deed
3. Donation Deed
4. SB 1530 Grant Award

CITY OF PHOENIX, OREGON

ORDINANCE NO. 1042

**AN ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY
IN THE CITY OF PHOENIX**

RECITALS:

WHEREAS, the City of Phoenix, Jackson County, Oregon, has received a request to dedicate right-of-way east of Grove Road and north of Fern Valley Road as follows:

See EXHIBIT "A"

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 dedication and modification located as referenced is within the City of Phoenix municipal boundaries and is hereby accepted.

1. The City Manager is hereby authorized to execute all documents necessary to carry out the intent of this Ordinance.
2. This Ordinance shall be in full force and effect upon adoption.
3. Prior to recording this Ordinance, the map for the dedicated area shall be attached hereto and incorporated herein as Exhibit A.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 3rd day of September 2024.

Terry Baker, Mayor

ATTEST:

Approved as to form:

Bonnie Pickett, City Recorder

Douglas McGeary, City Attorney

LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION

A 65.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF DEED DOCUMENT NO. 2015-009637, JACKSON COUNTY DEED RECORDS, LOCATED IN THE SAMUAL COLVER DLC 42, BEING IN THE NORTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF PHOENIX, JACKSON COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "LJ FRIAR AND ASSOC." (PER SN 17270, JACKSON COUNTY SURVEY RECORDS) AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT OF LAND, BEING THE INTERSECTION OF THE EAST BOUNDARY LINE OF SAID TRACT OF LAND AND THE NORTHERLY RIGHT OF WAY LINE OF FERN VALLEY ROAD (30.00 FEET FROM THE CENTERLINE THEREOF);

THENCE ALONG SAID EAST BOUNDARY LINE, NORTH 01°41'50" EAST, 636.20 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID EAST BOUNDARY LINE, NORTH 01°41'50" EAST, 65.03 FEET;

THENCE LEAVING SAID EAST BOUNDARY LINE, NORTH 89°57'19" WEST, 402.46 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 140.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 20°43'06" (THE CHORD BEARS SOUTH 79°41'07" WEST, 50.35 FEET) AN ARC DISTANCE OF 50.62 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF GROVE ROAD (VARIABLE IN WIDTH);

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 33°06'49" EAST, 13.22 FEET;

THENCE SOUTH 26°36'49" EAST, 52.84 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 75.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 14°21'11" (THE CHORD BEARS NORTH 88°52'05" EAST, 18.74 FEET) AN ARC DISTANCE OF 18.79 FEET;

THENCE SOUTH 89°57'19" EAST, 400.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 28,317 SQ. FT. OR 0.650 ACRES, MORE OR LESS.

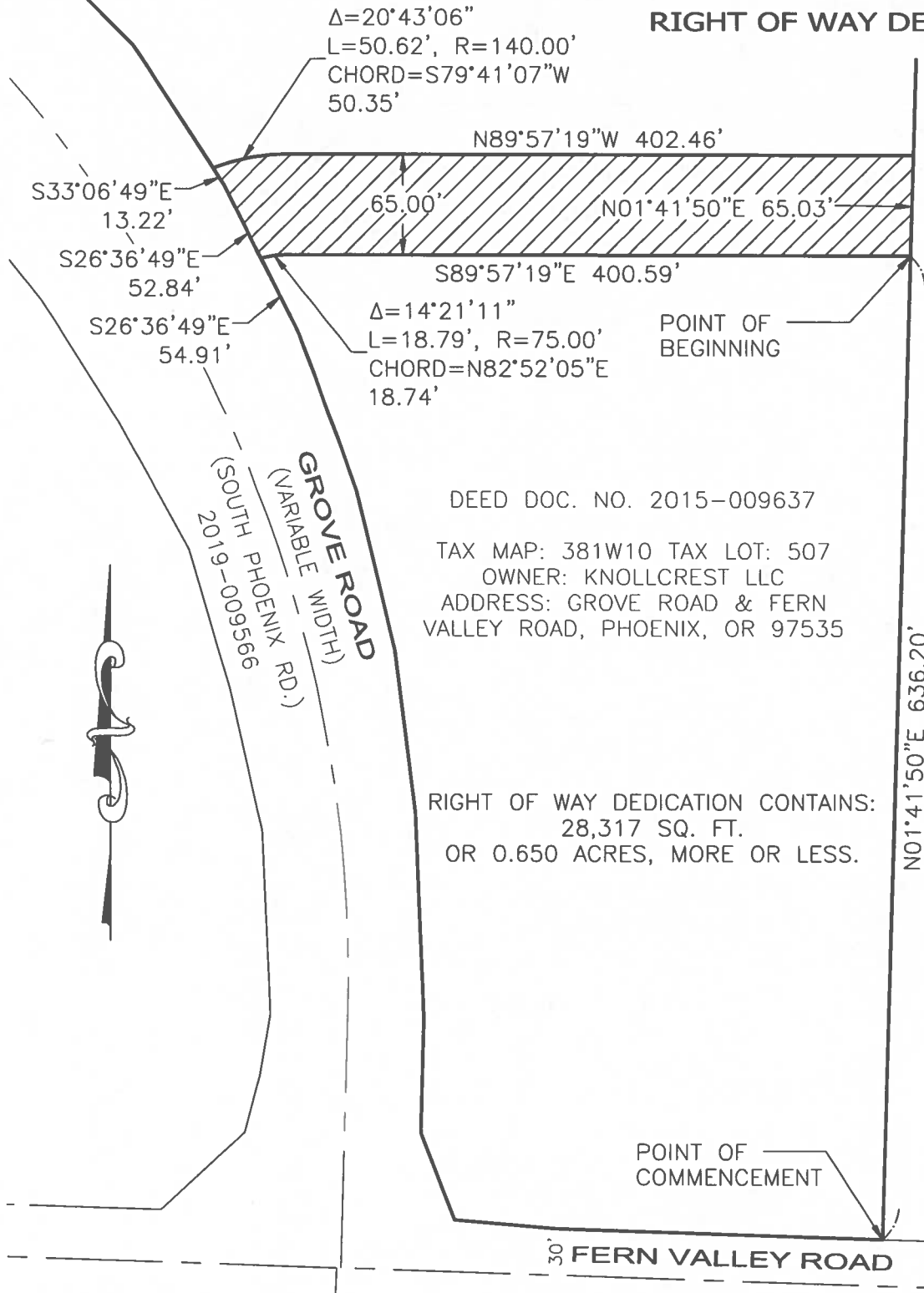
EXCEPTING THEREFROM ANY PORTION LYING WITHIN DEDICATED RIGHT OF WAYS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 12, 2005
ERIC D. LYNCH
56544 PLS

RENEWES 12/31/2024

EXHIBIT A RIGHT OF WAY DEDICATION



S&F Land Services

Land Surveying & Remote Sensing
 4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225

Date: 8/22/2024

Proj No: 23-041-11

WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM

Information Required by Statute:

Type of Instrument: **BARGAIN AND SALE DEED**

Grantor: KNOLLCREST, LLC, an Oregon limited liability company

Grantee: THE CITY OF PHOENIX, OREGON, an Oregon municipal corporation

True and Actual Consideration: This is a donative conveyance for which the Grantee has paid no consideration.

Until a change is requested,
all tax statements shall be sent to:

City of Phoenix
112 W. 2nd Street
Phoenix, OR 97535

After recording return to:

City of Phoenix
112 W. 2nd Street
Phoenix, OR 97535

=====

BARGAIN AND SALE DEED

KNOLLCREST, LLC, an Oregon limited liability company, Grantor, hereby conveys to The City of Phoenix, Oregon, an Oregon municipal corporation, Grantee, the real property (for right of way purposes only excluding any improvements) situated in Jackson County, Oregon, the legal description of which appears on Exhibit "A" attached hereto and by this reference incorporated herein.

This is a donative conveyance for which the Grantee has paid no consideration.

WARNING STATEMENT FOR DEEDS ORS 93.040(1)

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 DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR

BARGAIN AND SALE DEED

Page 1 of 3

Dated this _____ day of September, 2024.

Louis F. Mahar, Member of Knollcrest, LLC

City of Phoenix, Oregon, an Oregon
municipal corporation

By: Eric Swanson, City Manager Date _____

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me on this ____ day of September, 2024, by David D. Lowry as a Member of Knollcrest, LLC, an Oregon limited liability company, and on behalf of the company.

Notary Public for Oregon
My Commission Expires: _____

Page 2 of 3

CONTINUED FROM PAGE 2

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me on this ____ day of August, 2024, by Louis F. Mahar as a Member of Knollcrest, LLC, an Oregon limited liability company, and on behalf of the company.

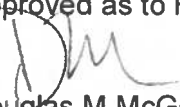
Notary Public for Oregon
My Commission Expires:_____

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me on this ____ day of August, 2024, by Eric Swanson as City Manger of the City of Phoenix, an Oregon municipal corporation, and on behalf of the corporation.

Notary Public for Oregon
My Commission Expires:_____

Approved as to Form


Douglas M McGeary
City Attorney

BARGAIN AND SALE DEED

Page 3 of 3

Information Required by Statute:

Type of Instrument: **DONATION DEED**

Grantor: KNOLLCREST, LLC, an Oregon limited liability company

Grantee: THE CITY OF PHOENIX, OREGON, an Oregon municipal corporation

True and Actual Consideration: This is a donative conveyance for which the Grantee has paid no consideration.

Until a change is requested,
all tax statements shall be sent to:

City of Phoenix
112 W. 2nd Street
Phoenix, OR 97535

After recording return to:

City of Phoenix
112 W. 2nd Street
Phoenix, OR 97535

=====

DONATION DEED

KNOLLCREST, LLC, an Oregon limited liability company, Grantor, for zero dollars and other good and valuable consideration hereby conveys to The City of Phoenix, Oregon, an Oregon municipal corporation, Grantee, the real property (for right of way purposes only excluding any improvements) situated in Jackson County, Oregon, the legal description of which appears on Exhibit "A" attached hereto and by this reference incorporated herein.

This is a donative conveyance for which the Grantee has paid no consideration.

WARNING STATEMENT FOR DEEDS ORS 93.040(1)

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 DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION 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

DONATION DEED

Page 1 of 2

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 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.

Dated this _____ day of September, 2024.

David D. Lowry, Member of Knollcrest, LLC

Louis F. Mahar, Member of Knollcrest, LLC

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me on this ____ day of September, 2024, by David D. Lowry as a Member of Knollcrest, LLC, an Oregon limited liability company, and on behalf of the company.

Notary Public for Oregon
My Commission Expires:_____

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me on this ____ day of September, 2024, by Louis F. Mahar as a Member of Knollcrest, LLC, an Oregon limited liability company, and on behalf of the company.

Notary Public for Oregon
My Commission Expires:_____



April 22, 2024

Honorable Terry Baker, Mayor
City of Phoenix
PO Box 330
Phoenix, OR 97535

RE: Legislative Appropriation for Water, Sewer, and Stormwater Infrastructure Improvements to Extend Water Line to Service Developable Property, \$1,650,000 funded with the 2024 General Fund appropriation.

Dear Mayor Baker:

As identified in SB 1530 of the 2024 Oregon legislative session, your organization was awarded an allocation of General Funds for the above referenced project. Prior to moving forward with a grant award contract, Business Oregon must verify the project status and its eligibility as an infrastructure project to support the development of housing under the bill guidelines.

Please note that the legal obligations for funding and for reimbursement of project expenses are subject to execution of a contract between your jurisdiction and the State acting by and through Oregon Business Development Department.

Business Oregon, in partnership with League of Oregon Cities (LOC) will be hosting an informational webinar with Q&A for recipients on Friday May 3rd at noon. An invitation will be forthcoming from LOC.

Attached to this letter is a Project Information Form for collecting details on your project. This information will help us understand the nature of the project, expedite contract development, determine readiness to proceed, and understand if additional resources are needed.

Please submit the completed Project Information Form to your Regional Project Manager (RPM), Tawni Bean, via email to tawni.bean@biz.oregon.gov. Should you have any further questions, please contact your RPM at 503-551-0957.

Sincerely,

Mollie Croisan

Mollie Croisan, J.D., Projects and Services Manager
Business Oregon

C: Eric Swanson, City Manager
Tawni Bean, Regional Project Manager
Marta Tarantsey, Regional Development Officer



Agenda Report to City Council

Agenda item title: City of Phoenix Water Rate – Concerns & Frequently Asked Questions

Meeting Date: September 3, 2024

From: Denise Woodman, Contract Finance Director;
Zac Moody Community Development Director

Action: ☐ Motion, ☐ Ordinance, ☐ Resolution, ☒ Information only, ☐ Other

SUMMARY

During the last City Council meeting on August 19th, councilors heard comments from Mr. Sinner, a local owner of two fourplexes on Northridge Terrace in the newly expanded urban growth boundary. It was mentioned by Mr. Sinner that the current rate structure will be a significant disincentive for new multi-family housing both in Phoenix and the service area. To date, the city has not seen a decrease in multi-family development. In fact, the opposite is true. For example, in the past 3 years the city has approved four multi-family developments totaling 169 new units. One of these developments was formally in the unincorporated area of the city and has since annexed. In addition, the city is currently processing pre-applications and formal site plan reviews for at least another 90 units, 80 which are part of an affordable housing project funded by a LIFT (Local Innovation and Fast Tract) grant. These new developments are billed monthly using the same per unit rate Mr. Sinner is being charged. Of importance to note, the per unit rate structure that is in question has been in place since April 19, 1982. Since 1982, residents within the city limits of Phoenix have paid a base rate for each unit similar to that charged to former CAWD customers.

In response to a number of questions regarding the outside water rates for former Charlotte Anne Water District customers now in the city's urban growth boundary, the city's Finance Department has assembled a list of Frequently Asked Questions (FAQs), response to those questions and an example inside/outside customer rate comparison. In addition, the city has gone to great lengths to provide this information in a number formats and locations.

There are multiple locations where Phoenix water customers can review the current rates for services located inside or outside of the city limits and learn about how rates are calculated. Below are the locations this information can currently be found:

City's Website – www.phoenixoregon.gov/water-rates

City's Website - www.phoenixoregon.gov/utility-billing/frequently-asked-questions

City Hall Lobby Monitors – Monitor above the utility billing and cashier counter

City Hall – Printed handouts are available at the customer's request

COUNCIL GOALS SUPPORTED

Goal 1: Concise, transparent and frequent communication to build a culture of respect, accountability and excellence. Leadership that is accessible, responsive and proactive.

FISCAL IMPACT

None

RECOMMENDATION

None

PROPOSED MOTION

None

ATTACHMENTS

Water Rate Frequently Asked Questions

Water Rates Comparison

Single Family Residence	Total Consumption		14,212				
	Inside City Limits	Outside City Limits		Number of Units	Inside City Customer	Outside City Customer	Difference Between Customers
Base Charge	45.68	68.52	5000	1	45.68	68.52	
5,000 - 10,000	2.44	3.66	5000		12.20	18.30	
10,000 - 50,000	3.04	4.56	4212		12.80	19.21	
50,000+	3.41	5.115	0		0.00	0.00	
			14212		70.68	106.03	
Street User Fee					2.44		
Hwy 99 Fee					0.52		
Public Safety Fee					3.00		
Park Maintenance Fee					2.00		
Total Utility Bill					78.64	106.03	27.38



Multi Family Four Plex	Total Consumption		18700 Per Unit consumption				
	Inside City Limits	Outside City Limits		Number of Units	Inside City Customer	Outside City Customer	Difference Between Customers
Base Charge	45.68	68.52	5000	4	182.72	274.08	
5,000 - 10,000	2.44	3.66	0				
10,000 - 50,000	3.04	4.56	0				
50,000+	3.41	5.115	0				
			5000		182.72	274.08	
Street User Fee					6.64		
Hwy 99 Fee					1.43		
Public Safety Fee					9.00		
Park Maintenance Fee					6.00		
Total Utility Bill					205.79	274.08	68.29

Water Rate Frequently Asked Questions

Why did my water bill increase?

The City of Phoenix adopted Resolution #1040 effective July 1, 2019 setting water rates for a ten-year period for customers residing within the city limits. Effective July 1, 2024, the rates moved to the Year 6 step on the rate schedule

I am in the former CAWD. Why is my water rate different?

The City of Phoenix adopted Resolution #1126 effective July 1, 2024 setting water rates for service provided outside the city limits to former Charlotte Ann Water District customers in the Phoenix UGB. Resolution #1126 set the rate for outside city limits customers at 1.5 times the Inside City rate. The City established the rate to account for the additional expenses and recover the cost of the \$2.1 million investment to provide service to these customers.

How is my water bill calculated?

The city of Phoenix uses a tiered rate structure with a base fee plus consumption. A base fee is assessed for each residential unit serviced by a meter.

For example:

A Single Family Residence is assessed one base fee.

A Quadplex is assessed four base fees.

Why does the City of Phoenix charge the monthly base rate on units rather than meter size?

Using a unit base rate allows the City to spread the cost of operations equitably across all water customers. Each unit equates to one residential customer.

