

## **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**February 19, 2013**

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

### **Those Attending**

Those present were Mayor Crystal Shoji and Councilors Mark Daily, Jennifer Groth, Stephanie Kramer, Gene Melton, John Muenchrath, and Mike Vaughan. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Susanne Baker, Deputy Finance Director Amy Kinnaman, Economic Revitalization Administrator Joyce Jansen, Planning Administrator Laura Barron, Public Works and Development Director Jim Hossley, Library Director Sami Pierson, Fire Chief Stan Gibson, and Police Chief Gary McCullough.

### **Flag Salute**

Mayor Shoji opened the meeting and asked City Attorney Nate McClintock to lead the Council and assembly in the salute to the flag.

### **Public Comments**

No comments were given.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of February 5, 2013; 3b: acceptance of January 2013 accounts payable and payroll check registers; and 3c: acceptance of the January 2013 combined cash report. Councilor Melton moved to approve the consent calendar approving the minutes of February 5, 2013, accepting the January 2013 accounts payable and payroll check registers, and accepting the January 2013 combined cash report. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, and Muenchrath voting aye. Councilor Vaughan was absent.

### **Administration of the Oath of Office to a Police Officer**

Police Chief Gary McCullough introduced the City of Coos Bay Police Department's newest officer Christopher Krebs. Officer Krebs read the Police Officer's Code of Ethics. Chief McCullough administered the oath of office whereby Officer Krebs promised to support the Constitution of the United States of America, the Constitution and Laws of the State of Oregon, the laws and ordinances of the City of Coos Bay, and the rules and regulations of the Coos Bay Police Department.

Councilor Vaughan joined the meeting.

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### **Introduction of the New Battalion Chief Daniel Crutchfield**

Fire Chief Stan Gibson introduced Battalion Chief Dan Crutchfield who was recently promoted from Firefighter to Battalion Chief to fill the position vacated by former Battalion Chief Howard Owens.

### **Semi-Annual Report by Coos Bay Downtown Association President Brian Bowers**

Coos Bay Downtown Association (CBDA) President Brian Bowers stated the CBDA provided management services for the City of Coos Bay Main Street Program in effort to improve and revitalize downtown Coos Bay. Highlights included hiring of the Main Street Manager, membership drive, improvements on 4<sup>th</sup> Street, recruitment and relocation services, celebration of the 30<sup>th</sup> annual Blackberry Arts Festival, and growth of the Farmers Market. Future plans included completing an inventory of available space in downtown Coos Bay, implementation of a recruitment packet, virtual merchandising, improvements to 2<sup>nd</sup> Court, raising community awareness of the CBDA, and continued work on internal policies and procedures. Mayor Shoji read a letter of support she received from CBDA Board Member Larry Reiber.

### **Public Hearing to Consider Approval of a Proposed Ordinance Amending a Portion of Ordinance 103 Business License Generally – Approval Would Require the Enactment of the Proposed Ordinance; to Consider Approval of a Proposed Resolution to Consider Amending Fees for General Government Operations, Business Licenses – Approval Would Require the Adoption of Resolution 13-01; to Consider Approval of a Proposed Resolution to Consider Regulating Transient Business on Specifically Designated City-Owned Property and Public Right of Ways – Approval Would Require the Adoption of Resolution 13-02**

Planning Administrator Laura Barron stated on January 15, 2013 the Council directed staff to move forward with a draft ordinance to allow “transient business”, or vending, on various City-owned properties and rights-of-way. Ms. Barron advised the ordinance would amend Coos Bay Municipal Code Chapter 5.05, Business Licenses generally, by defining the use, transient business; which would be allowed on specifically designated city-owned properties and public rights-of-way.

Ms. Barron advised the proposed resolution would amend the fee schedule for governmental operations and services provided. Changes included the addition of an annual business license fee for a transient business of \$50; a Right-of-Way Use Approval fee of \$75 (not required to be renewed unless the business license expired); a \$25 fee for non-sufficient funds which would offset bank charges and labor involved with contacting the check-owner; a \$25 Card Room Work Permit fee; a revision to the text regarding the Card Room License Investigation to correspond with the text in the Card Room Ordinance.

Ms. Barron stated the proposed resolution would regulate transient business/vendor cart use on the specifically designated properties and public right-of-way by listing the designated properties and identifying conditions for the transient business use. Mayor Shoji suggested increasing the 200-foot parameter for special events.

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Mayor Shoji opened the public hearing. Beth Clarkson, Coos Bay: stated she was the owner of Checkerberry's Flowers and Gifts; expressed concerns about the \$25 weekly fee associated with the Farmers Market as opposed to lower fees proposed for vendor carts. City Manager Rodger Craddock noted the proposed conditions for vendor cart activity precluded vendor carts from operating during a special event. Councilor Daily suggested the proposed vendor cart fees were punitive to existing business. No further comments were given and the hearing was closed. Councilor Muenchrath moved to enact the ordinance amending a portion of Ordinance No. 103. Councilor Groth seconded the motion. Deputy Finance Director Amy Kinnaman read the ordinance by title only and Ordinance No. 451 was enacted by the following vote:

Aye:	Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath and Vaughan
Nay:	None
Absent:	None

Councilor Kramer moved to adopt Resolution 13-01 amending fees for general government operations and business licenses and for the matter to be reviewed in six months. Councilor Muenchrath seconded the motion. Discussion continued. A call for the question was made which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

Councilor Muenchrath moved to adopt Resolution 13-02 and to increase the parameter for special events to 300 feet or one city block, whichever was greater. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### **Public Hearing to Consider Approval of a Proposed Ordinance to Establish a Franchise with Telecommunications Provider Lightspeed Networks, Inc., DBA "LSN" – Approval Would Require the Enactment of the Proposed Ordinance**

Finance Director Susanne Baker stated the City of Coos Bay was approached by LSN to negotiate a franchise agreement for fiber connectivity. Ms. Baker advised LSN was a privately-held inter-exchange network services provider and competitive local exchange carrier for telecommunications. LSN operated a fiber optic backbone throughout Oregon, focusing on bring state-of-the-art connectivity to state/local governmental agencies, schools, hospitals, wholesale opportunities, and businesses. Ms. Baker noted the improved telecommunications would benefit the community with the installation of the improved infrastructure; franchise revenue would be seven percent of the franchisee's gross revenue, with construction anticipated to begin at the end of March 2013. Robin Smith, a representative of LSN, was present to answer Council questions.

Mayor Shoji opened the public hearing. No public comments were given and the hearing was closed. Councilor Groth moved to enact the proposed ordinance. Councilor Kramer seconded the motion. Deputy Finance Director Amy Kinnaman read the ordinance by title only and Ordinance No. 452 was enacted by the following vote:

Aye:	Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath and Vaughan
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Nay: None  
Absent: None

### **Presentation on the Draft Two-Prong Approach for the Empire Design Standards**

Planning Administrator Laura Barron stated on February 21, 2012 the Council directed staff to pursue the revision of the design standards for the Empire business district area. In March 2012 the City hired John Morgan of The Morgan CPS Group, Inc., to take the draft created by staff and the Design Review Committee and make revisions to develop “clear and objective standards” and a “two-prong approach” for the review of applications. Ms. Barron provided the Council with Mr. Morgan’s final draft proposal and stated the second prong provided a discretionary process giving applicants the flexibility to create alternatives to the specific design standards in exchange for a public hearing before the Planning Commission; noted many of the standards for prong one were modified from “shall” to “should” for the second prong. Ms. Barron also provided the Council with staff’s version of the two-prong approach which was based on the clear and objective standards derived from Mr. Morgan’s draft for the first prong. Staff requested direction from the Council whether to pursue the code amendment as created by the Morgan Group or pursue staff’s version of the code amendment.

Councilor Daily suggested having an architectural firm review applications rather than the Design Review Committee. Mayor Shoji and Councilor Groth also agreed that prong one applicants should not be reviewed by the Design Review Committee. Councilor Groth questioned whether the clear and objective standards were met. City Attorney Nate McClintock advised the clear and objective standards were provided by prong one but applicants could pursue other options with prong two. Councilor Daily suggested applicants could meet with the Design Review Committee as part of a pre-application process. Mayor Shoji and Councilor Kramer were in favor of the code amendment provided by the Morgan Group. Ms. Barron advised as part of the review criteria applicants could be referred to the Planning Commission and expressed concern about criteria noted in Section 6 of the Morgan Groups draft. Councilor Muenchrath moved to schedule a work session for further consideration of the matter. Councilor Vaughan seconded the motion which carried with and Councilors Daily, Melton, Muenchrath, and Vaughan voting aye and Mayor Shoji and Councilors Groth, and Kramer voting nay.

### **Report on the Coos Bay Public Library Relevance and Activities by Library Director Samantha Pierson**

Due to the late hour, City Manager proposed tabling the report on the Coos Bay Public Library in consideration of addressing other pressing agenda items.

### **Consideration of Establishing an Urban Renewal Agency Advisory Committee**

City Manager Rodger Craddock suggested establishing an Urban Renewal Advisory Committee to increase citizen involvement in city government and the urban renewal districts. Committee responsibilities could include, but not limited to, annual review of the proposed budget, consideration and recommendation of future projects and programs, prioritization of projects, review of plans, and recommendation on proposed plan amendments. Mr. Craddock noted there were nine overlapping taxing districts for the city’s two urban renewal districts. Other

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entities which could be represented in the committee were the Coos Bay Downtown Association, Community Coalition of Empire, and Eastside Neighborhood Group. If the committee were to be comprised of one representative from each group, committee membership would total twelve members. It was the consensus of the Council to direct staff to prepare options for establishing the Urban Renewal Agency Advisory Committee for future consideration.

### **Request for an Insurance Waiver for the Flower Basket Contract**

Public Works and Development Director Jim Hossley stated the City contracted with Cooper Goose Nursery to provide and hang 98 flower baskets throughout the community and requested a waiver of the City of Coos Bay Administrative Directive No. 6 Insurance Coverage requirements. The current cost of the Cooper Goose Nursery contract was approximately \$12,000 but it would increase by approximately 35%, or an additional \$4,000, if level two insurance were required as per the Administrative Directive No. 6. Mr. Hossley noted the City would be exposed to the possibility of liability should damage or injury occur associated with the installation of the flower baskets; and suggested the likelihood of damage or injury was relatively low. Councilor Groth moved to approve the insurance waiver requirements for Cooper Goose Nursery with the exception of requiring proof of tax exempt status and automobile liability. Councilor Muenchrath seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### **Discussion on the Streets Task Force**

Councilor Groth stated the outcome objective for the proposed committee was to make a recommendation to the Council relative to management and financing of future maintenance and growth for streets; noted the committees' effort and focus would be better defined as a task force; and recommended calling the committee the Street Task Force and provided the Council with the various steps and tasks envisioned for the task force. Considerations included the composition of the task force, selecting five at-large-members through a Council application process, and a City staff presentation outline. Councilor Daily suggested including someone to represent bicycle and pedestrian needs. It was the consensus of the Council to direct staff with moving forward with implementing the Streets Task Force as proposed.

### **City Attorney's Report**

No comments were given.

### **City Manager's Report**

City Manager Rodger Craddock stated the City was awarded a \$1,380,180 grant from the Oregon Department of Transportation (ODOT) for the second phase of the multi-modal improvements along Empire Boulevard.

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### **Report on the Coos Bay Public Library Relevance and Activities by Library Director Samantha Pierson**

Due to the late hour, Councilor Groth moved to postpone the report on the Coos Bay Library. Councilor Daily seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, and Muenchrath, and Vaughan voting aye.

### **Council Comments**

Councilor Vaughan reported continued progress on behalf of the Egyptian Theatre capital campaign fundraising efforts. Mayor Shoji announced the Temporary Help in Emergency (T.H.E.) House was looking for Board Members; and spoke of the Library Foundation's "spelling bee" contest and asked for the Council's help with the project.

### **Adjourn**

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for March 5, 2013 in the Council Chambers at City Hall.

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Crystal Shoji, Mayor

Attest:

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Susanne Baker, City Recorder