

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

February 21, 2012

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 Library Meeting Room, 525 Anderson Avenue, Coos Bay, Oregon.

### Those Attending

Those present were Mayor Crystal Shoji and Councilors Jennifer Groth, Jon Hanson, 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, Public Works and Development Director Jim Hossley, Planning Administrator Laura Barron, Operations Administrator Randy Dixon, Library Director Samantha Pierson, Fire Chief Stan Gibson, and Police Chief Gary McCullough.

### Flag Salute

Mayor Shoji opened the meeting and asked Boy Scouts from Troop 68 to lead the Council and assembly in the salute to the flag. Members of Troop 68 performed a flag ceremony and read aloud excerpts from the poem "I am Old Glory" by Senior Master Sergeant Don S. Miller, USAF (Ret.).

### Public Comments

Becky Nichols, 324 Ackerman St. Coos Bay: stated she wanted to open a flower cart but the City had a public ordinance prohibiting street vendors. Mayor Shoji requested a review of the street vendor ordinance be placed on a future agenda. Sherry Hill, Coos Bay: recommended several different suggestions for improving the local area including painting the Prefontaine mural, dinner cruises, and restoring the Egyptian Theatre. Yasmine Dahere, Coos Bay: expressed her support for growing Coos Bay, shopping local, and the Egyptian Theatre. Brian Bowers, Coos Bay: advised the Main Street Program Coordinator, Sheri Stewart would be in Coos Bay next week to provide hands on training to the Main Street Committees and would be making recommendations for simple low-cost improvement projects.

### Consent Calendar

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of February 7, 2012; 3b: acceptance of January 2012 accounts payable and payroll check registers; and 3c: acceptance of the January 2012 combined cash report; 3d: approval of an OLCC change of ownership license for EZ Thai Restaurant; 3e: approval of an OLCC full on-premises sales license for Sunset Bay Café; and 3f: adoption of Resolution 12-06 approving a supplemental budget for the Wastewater Improvement fund. Councilor Muenchrath moved to approve the consent calendar approving the minutes of February 7, 2012, accepting the January 2012 accounts payable and payroll check registers, and accepting the January 2012 combined cash reports, approving an OLCC change of ownership license for EZ Thai Restaurant, approving an OLCC full on-premises sales license for Sunset Bay Café, and adopting Resolution 12-06 approving a supplemental budget for the Wastewater Improvement

## **City Council Minutes – February 21, 2012**

fund. Councilor Melton seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### **Presentation of an Appreciation Plaque for Rex Miller and Steve Donovan for their Service on the Planning Commission**

In consideration of Rex Miller's service from June 17, 2003 to December 31, 2011 and Steve Donovan's service from January 2, 2007 to December 31, 2011 on the Planning Commission, Mayor Shoji presented Mr. Miller and Mr. Donovan with appreciation of service plaques. Mr. Donovan stated it was his pleasure to serve the citizens of Coos Bay. Mr. Miller expressed his thanks and stated there was a lot of work to be done in Coos Bay but felt the City was headed in the right direction. Mayor Shoji thanked Mr. Miller and Mr. Donovan for their dedication and volunteer effort.

### **Presentation by Executive Director Roger Langlie of the Bob Belloni Ranch**

Executive Director Roger Langlie of the Bob Belloni Ranch provided a brief history of the Bob Belloni Ranch. Mr. Langlie stated he wanted to publically recognize Police Chief Gary McCullough for his contributions and for making a difference in the lives of the youth and staff at the Bob Belloni Ranch. Mr. Langlie presented Mr. McCullough with a plaque in appreciation of his years served on Board of Directors.

### **Approval to Accept Liability for Use of VISA Credit Cards by City Employees While Conducting City Business – Approval Would Require Adoption of Resolution 12-05**

Finance Director Susanne Baker stated VISA credit card had changed their process for issuing credit cards to government entities. The change required individual employee names on each card and submittal of an authorization form with the employee's social security number and date of birth. Both VISA and Umpqua bank informed the City that the primary card hold in each department would be personally liable for charges made on city credit cards issued in their name(s). Umpqua bank suggested to their governmental clients that their respective governing body pass a resolution transferring the personal liability from the employee to the City for use of the credit card during the normal course of conducting city business. Councilor Melton inquired as to the security parameters for the use of the city credit cards whereby City Manager Rodger Craddock advised the main purpose of use for city credit cards was for travel purposes. Councilor Groth moved to adopt Resolution 12-05. Councilor Melton seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### **Approval of an Intergovernmental Agreement (IGA) Between the City of Coos Bay and Coos Bay Urban Renewal Agency Authorizing Du Jour Financing – Approval Would Require Adoption of Resolution 12-07**

Finance Director Susanne Baker stated the proposed IGA between the City and the Urban Renewal Agency would approve the \$1,557,794 appropriation in Du Jour financing. This action would provide the debt mechanism necessary to convert tax increment revenues into spendable debt proceeds for expenditure by the Urban Renewal Agency. The financing would provide resources for budgeted planned projects up to \$728,083 in the Empire District and up to

## City Council Minutes – February 21, 2012

\$829,581 in the Downtown District. Councilor Kramer inquired what the money would be used for. City Manager Rodger Craddock identified several different projects which included the Dolphin Theatre, Improvement of S. Empire Boulevard, and the Egyptian Theatre. Councilor Kramer moved to adopt Resolution 12-07 approving an IGA between City of Coos Bay and the Coos Bay Urban Renewal Agency authorizing up to \$1,557,794 of Du Jour loans to finance projects up to \$728,083 in the Empire District and up to \$829,581 in the Downtown District. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### Discussion on the Empire Design Standards

Planning Administrator Laura Barron stated Coos Bay Municipal Code (CBMC) Chapter 17.240, Empire Waterfront Settlement Design review set forth goals and standards to review the exterior of structures and signage along Newmark Avenue between Ocean and S. Empire Boulevards. Ms. Barron stated the standards were based on an architectural style from the late 1800's and noted concerns that the standards were difficult to implement. Staff requested direction on the various aspects of the Empire design standards. Ms. Barron reviewed a staff report memo on Empire Design Standards received from John Morgan of Morgan CPS Group, Inc. City Attorney Nate McClintock agreed with Mr. Morgan's assessment that in order to comply with Oregon law, design standards needed to be clear and objective; advised changing some of the current standards. Councilor Muenchrath inquired about the design/decision making process for the urban renewal façade program. Mr. McClintock advised the urban renewal's façade program was administered using urban renewal funds and was separate from design standards. Councilor Kramer inquired if the City was still considering hiring Mr. Morgan to complete the design standards. City Manager Rodger Craddock advised that was a consideration if the Council's intent was to have standards.

Butch Schroeder, North Bend: stated he had a project he wanted to work on in the Empire district and expressed the need for quick resolution. Hillary Baker, Coos Bay: stated as Chair of the Design Review Committee she agreed with Mr. Morgan's feedback on the design standards and the two pronged approach; suggested the current standards were no longer relevant and was hopeful the Council would address continuity and consistency citywide. Christine Coles, Coos Bay: stated as Chair of the Planning Commission she agreed with Ms. Baker's comments and encouraged implementation of consistent design standards. Ms. Barron pointed out a section of Mr. Morgan's letter which addressed the legal issue of providing a system of clear and objective standards as required by Oregon law; further noting the two-prong approach would resolve legal issues raised against processes based on standards that were subjective and arbitrary.

In consideration of the current design standards in Empire, Councilor Muenchrath suggested some of the successful businesses noted as meeting design standards did not actually conform to 1800's standards; and was in favor of abandoning the 1800's requirement. Councilor Vaughan suggested continuity within a given block and surrounding buildings with regards to texture and use of materials was the most significant consideration. Councilor Groth and Councilor Melton agreed with Councilor Muenchrath and Vaughan's assessments. Councilor Kramer did not want to abandon all of the design standards within Empire but had no objection with doing away with the 1800's design standards. Councilor Hanson suggested standards should not be prohibitive to development. Mayor Shoji stated she did not see any point in

## **City Council Minutes – February 21, 2012**

maintaining existing standards that were not clear and objective. Councilor Groth inquired if it was Council's position to revise or direct new standards whereby City Manager Rodger Craddock advised it was Council's decision to either place a moratorium on the existing standards or leave the existing standards in place until a new ordinance could be developed and voted on.

Councilor Muenchrath expressed concern about freedom of choice for property owners. Councilor Groth suggested there were aspects of the existing framework that were worth saving. Councilor Vaughan stated standards provided assurances to future investors and existing property owners. Councilor Muenchrath noted there was an appeals process in place which allowed applicants to appeal the design standards. Mayor Shoji stated she was not opposed to placing a moratorium on the current standards until new standards were developed; noting downtown Coos Bay did not have design standards. Councilor Muenchrath inquired if there was something in the current design criteria in which the Council was opposed. Ms. Barron advised if the Council was to place a moratorium on the current design standards that there would not be any standards in place related to the design of a building; and noted the area in question was located in the general commercial (C-2) zoning district which had no requirements for set-backs, off street parking, or height restrictions. Councilor Groth stated the section of Empire that design standards covered was evolving into a core area and felt there were several elements within the standards that were important. Mr. Craddock estimated it would take six months for the development and implementation of new standards.

Councilor Groth moved to keep the design standards as they currently existed until staff had time to develop clear and objective standards which would include removing references to the 1800's. Councilor Melton seconded the motion. Councilor Muenchrath suggested implementing the two-pronged approach into the revised standards. Councilor Groth revised the motion to keep the design standards as they currently existed until staff had time to develop new standards which would include removing references to the 1800's, making the standards more clear and objective, and implementing the two pronged approach. Councilor Melton re-seconded the revised motion. Councilor Hanson suggested gathering input from building owners in the Empire area as part of the process for developing the revised standards. Mayor Shoji expressed concern about new business having to meet the existing 1800's design standards. Mr. McClintock advised against ignoring the existing ordinance through an appeals process and recommended placing a moratorium on the ordinance if the existing design standards were not going to be upheld. A call for the question was made which carried with Councilors Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye and Mayor Shoji and Councilor Hanson voting nay.

### **Approval of a Contract for the 2012 Timber Management Services**

Public Works and Development Director Jim Hossley stated the City and Coos Bay-North Bend Water Board (Water Board) jointly owned 3,000 acres of forest land within the Pony Creek Watershed. As such, planning and conducting a timber sale involved a joint collaboration with the Water Board and required a qualified forester consultant to assist with the collaborative effort, prepare prospectus for the future 2012 timber sale, and conduct and manage the timber sale. In the past Stuntzner Engineering & Forestry, LLC provided timber management services to the City and Water Board. Mr. Hossley stated due to the timing of the timber sale it was essential the selected consultant had working knowledge of the watershed and was familiar with

## City Council Minutes – February 21, 2012

the City and Water Board; and requested a contract for Timber Management Services be awarded to Stuntzner Engineering & Forestry, LLC for the 2012 City Timber Sale for a duration through December 31, 2014, on an as needed basis, and for a contract amount not to exceed \$54,990. Councilor Vaughan inquired as to the basis of Stuntzner Engineering's fee. Mr. Hossley advised the fees were based on time and materials of the services requested. Councilor Melton moved to approve the contract for Timber Management Services for the 2012 City Timber Sale to Stuntzner Engineering & Forestry, LLC and authorize the City Manager to sign the contract on behalf of the Council. Councilor Muenchrath seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, Muenchrath, and Vaughan voting aye.

### City Attorney's Report

No report was given.

### City Manager's Report

City Manager Rodger Craddock delegated his report to Randy Dixon to provide an update on the Parks Master Plan and City Hall Seismic Project. Mr. Dixon presented the Parks Master Plan schedule and a zone map which identified six different zones within Coos Bay and provided an overview of the development process for a comprehensive plan. Mayor Shoji inquired if the waterfront was included in the Parks Master Plan whereby Mr. Dixon confirmed the waterfront was part of the plan. Mr. Dixon stated full construction on the City Hall Seismic project began in January 2012; and noted various efforts underway to seismically stabilize the building which included reinforcement of columns, shear walls, footing bases, and the addition of cross supports.

### Council Comments

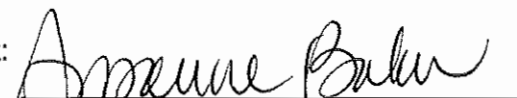
Councilor Hanson expressed his thanks to the Boy Scouts and thanked them for the flag salute. Councilor Melton also expressed his thanks to the Boy Scouts. Councilor Vaughan noted the waterfront art structure he built was visited by knitters who placed turtlenecks on the rails as part of the worldwide "Bombs Away Crochet" movement.

### 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 6, 2012 in the Meeting Room at the Coos Bay Public Library.

  
Crystal Shoji, Mayor

Attest:

  
Susanne Baker, City Recorder