

MINUTES OF THE PROCEEDING OF THE CITY COUNCIL

April 4, 1995

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a work session at 7:00 P.M. in the Council Chambers of City Hall and proceeding to regular session in the Council Chambers at 7:30 P.M.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Cindi Miller, Don Spangler and Judy Weeks. City staff present included City Manager Bill Elliott, City Recorder/Finance Director Gail George, City Attorney Randall Tosh, Planning Coordinator Kevin Cupples, Fire Chief Cliff Vaniman, Police Chief Marc Adams, and Public Works Director Ralph Dunham. Members of the media were also present.

Work Session

Mayor Verger reviewed the agenda for the meeting. City Manager Bill Elliott asked where questions about rules of order and parliamentary procedures should be directed. Consensus was that questions should be directed to the presiding officer who could then call on the attorney for any advice desired.

Councilor Spangler asked where the Saturday Market request was. Elliott replied he had been given direction to review their proposal and develop a policy for the entire boardwalk area, and would be getting to it soon now that the budget is done and labor negotiations are slowing down. He suggested the Council might want to look at the market concept before working on a general policy. Verger remarked she would like high standards to be set in any policy adopted.

Elliott explained there is \$12,000 available for construction of a skateboard park in the current budget and the design desired by the skateboarders cannot be built for that amount. Spangler said he understood that the funds in this year were a start and the park could be expanded if funds were available at a later date. Elliott explained that Public Works Director Ralph Dunham has requested additional funds in next year's budget, but they have been cut from the proposed budget as it now stands.

Elliott recommended that the Council ask if there is any additional public input on the Empire Urban Renewal District, let him make some comments, and then proceed. Spangler asked about the maps and was told that they were merely three concepts and the district could wind up looking different than any of them. Verger said she felt the area of Ocean and Norman, included on one of the maps was not currently blighted. Spangler said the area contained some vacant commercial property.

Elliott corrected some information in the Council agenda material regarding prior insurance agents. He reported that prior to Andy Nasburg being appointed agent of record, there was a committee consisting of Nasburg, Bill Huggins and Harry Abel Sr. that handled the City's insurance.

Elliott told the Council he was not changing his recommendation based on his understanding of the Council's desire to rotate among the local qualified and interested agents. Verger asked if it was difficult for staff to change agents every three to five years. Elliott replied that there was a learning

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curve, but changing agents would not be that difficult. Verger then said changing agents every few years depends on the Council philosophy, whether to rotate or keep good service.

COUNCIL MEETING

Flag Salute

Mayor Verger called the meeting to order and led the assembly in the salute to the flag.

Consent Calendar

Mayor Verger read the consent calendar which included the following items:

- a) Approval of the minutes of the regular meeting of March 21, 1995.
- b) Approval of the minutes of the regular meeting of March 28, 1995.
- c) Accepting Promotions Grant and appropriating funds - adoption of Resolution 95-5 which is attached hereto and made a part of thereby.
- d) Approval of OLCC application for Bruce Allen and Rebecca Sue Parry for the Englewood Market.
- e) Adopting proclamation for National Community College Month.

Councilor Miller moved for approval of the consent calendar. The motion was seconded by Councilor Weeks and carried with the Mayor and all Councilors present voting aye.

Citizen Comments

.Carl Simenow, Coos Bay, remembered discussion of an area where the City stores brush and clippings being developed as an area for playing sports in the Empire area and would like to see that idea pursued. Mayor Verger said that would fit in with the Council goals

Flora Lee Lockhart, Coos Bay Downtown Association, presented a report on parking. She reported that the lot at the Tioga rents spaces for \$15.00 per month and although they were full, they do have a waiting list. She noted the Association has a parking committee consisting of Pat Lay, Rosemary Padgett and herself. The committee would like to see the three-hour spaces by the Chamber of Commerce building made into two-hour spaces as the all day parking in the three-hour spaces makes the lot look full. They would also like to see the RV spaces turned into employee parking from October through April, the RV parking on the north side of the Chamber along Highway 101 turned into three-hour spaces and the block between Highway 101 north and south turned into three-hour parking. Verger asked if she would like to see the City move back to a parking committee with a representative from the Downtown Association and Lockhart responded in the affirmative.

Report from Coos Art Museum - Helen Scully

Verger thanked Helen Scully for the nice letter sent to the City. Scully thanked the Council for their support of the museum and read the letter sent to the Council. The letter noted their contribution to the quality of life in the bay area through support of the museum. It also mentioned appreciation for the painting and upkeep of the building noting how many visitors remark on the good condition of the building. The letter from the Coos Art Museum also said they were looking forward to additional activities being planned by the City and offered their support. Scully ended by thanking the City and residents in the area for their help and support and reported on some past and future activities at the museum and the organizations involved.

Special Event Permit - Use of City Park - Neil Jones

Neil Jones requested permission to play amplified music, mostly in Ed Lund Park, with no specific dates requested. The request was reviewed by the Parks Commission who recommended denial of the application. City Attorney Randall Tosh apprised the Council that under our current ordinance, allowing Jones request would then require us to allow any similar request in the future. Tosh felt there might be another problem as allowing this request might be construed as establishing a religion and would be contrary to the U.S. Constitution. Mayor Verger moved to accept the recommendation from the Parks Commission and deny the request. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

Skateboard Park Proposal

City Manager Bill Elliott said staff was recommending proceeding with the \$12,000 available in the current budget and build as much of a park as possible, noting this would at least provide a place to skate. Councilor Miller asked if there was an organized group the City was dealing with and Public Works Director Ralph Dunham replied four different groups had given him input on the design of the park. Miller felt that the youth might be able to raise money to add to what the City has. Councilor Spangler would like to see the skateboard group buy into the project by raising funds to help with the construction. Dunham replied that it would be easy to expand if more funds became available. Councilor Weeks asked when the park could be constructed and Elliott replied that it would be completed by July 1, 1995. Dunham said he had asked the youth involved to help scale down the project, but it was still estimated at twice the cost of available funds. He noted that the original estimate was based on a park in Eugene, but the skaters asked for a lot more than the Eugene park has. The Council felt that some of the key people involved in skateboarding should be notified but that staff should proceed with the funds available. The mayor offered to meet with any of them that were dissatisfied with this position.

Review of Phase II of Pirates Court Subdivision Tentative Plat - Located on Morrison between Taylor Avenue and Lakewood Lane

Councilor Miller moved that the tentative plat of Phase II of Pirates Court Subdivision be approved. The motion was seconded by Councilor Weeks and carried with the Mayor and all Councilors present voting aye.

Award of Insurance Agent of Record

Bill Elliott said Nasburg has been the City's agent of record since at least 1983 and the City was satisfied with their service. He reported that proposals had been received from Huggins Insurance, Nasburg & Co. Insurance and Abel and Swank Insurance Managers. He said his recommendation was based on his understanding that the Council would like to see this position rotated among the qualified local agencies who have applied. On that basis, he recommended that Abel and Swank be appointed Insurance Agent of Record for the City. Mayor Verger invited anyone from the audience who wished to speak on this item to come forward. Andy Nasburg introduced Ed Ellingson, the current owner of Nasburg & Co. who then addressed the Council. Ellingson said in his opinion, unless all public agencies used the rotating process, it is not really a fair process. Mayor Verger pointed out even if this council wants the position to rotate, they cannot bind future councils and feels the rotation concept will not work. She says the Council's position will be whether or not they feel the business should be given to another qualified agent at this time. Ellingson suggested that the process be changed with specifications for what the City wants and how much the agent will charge to provide the desired services. He feels this would be more subjective than the process currently used. Councilor Benetti asked if this was done elsewhere and could be done here and Elliott said it probably has been done somewhere and could be done here if someone on staff had the time and expertise to develop the specifications. Nasburg said he felt their performance over the last twelve years was showing in the reductions seen in the cost of the City's insurance and that the cost appears to be decreasing further. He would not like to see the City change insurance carriers.

Harry Abel of Abel and Swank Insurance said he expected to be held accountable for everything submitted in his proposal. Spangler asked him how he felt about the bid process and Abel replied that setting out all the services desired would be very difficult, especially knowing all the right questions to ask. He said he expected to be rated on the services he provided. He noted that the industry is working towards a fee for service as opposed to commission type arrangement. Benetti asked if the City would need to change carriers if they changed agents. Abel replied that the carrier could remain the same, but the agent would look for the best carrier for each coverage.

Verger asked why this was coming to the Council at this time and Elliott replied that when the contract was awarded last year, staff was directed to go out to bid in the spring with another request for proposals. Councilor Spangler suggested we continue with our current agent and do a different type of bidding next year. Councilor Weeks and Miller favored staying with Nasburg at the present time. Benetti said he favored rotating and if the City wanted a different bidding process, they could go out to bid again next year. Verger said that she would like to hear from the two councilors not present before a decision is made. Consensus was to hold the item over to the next meeting. Able reported that the Oregon Administrative Rules (OAR) set out the conditions of awarding a bid for Agent of Record. City Recorder Gail George said she understood that section of the OAR had been repealed. Abel disagreed, and City Attorney Randall Tosh said he would check into it.

Decision on Empire Urban Renewal District

Mayor Verger asked if anyone in the audience had any further comment on this issue. Stan Ellis, Coos Bay, said he felt the establishment of a district would help point out the need for the Bay Area Rescue Mission, because a district could cause rents and property values to rise, creating a

hardship on local residents of the Empire area. He related that many local residents already eat at the mission and more would probably have to eat there in the future. Councilor Spangler asked him what experience he had with Urban Renewal and Ellis cited experience in Sacramento.

Sergeant Webster, North Bend, said he was in favor of the Urban Renewal district in Empire and he did not feel any people would be displaced. He said he understood that the purpose of Urban Renewal was to bring in private investment and improve the area and he felt that would benefit the entire City.

George Hennessey, Coos Bay, reported that he paid for all the streets, sidewalks, and other improvements in his neighborhood and did not think it was right for Urban Renewal to pay for things for others. Verger asked him if he was speaking only about residential areas and Hennessey said he objected to any more Urban Renewal taxes on his tax statement.

Flora Lee Lockhart asked if the boundaries for the district had been set and was apprised they were not.

No one else appeared to speak on the issue and Verger closed public input.

City Manager Bill Elliott noted that this was the first time the Council was addressing this as an agenda item, and due to the negative comments received, advised them to proceed with caution and discuss all the pros and cons of the issue. He stated staff was not giving the Council a recommendation, but merely outlining what action would need to be taken to begin the process of establishing a district. Elliott said the steps outlined could be taken at any time and as long as the process is started by June, the County's October deadline for tax assessment can be met. Verger outlined the history of this issue including the three public meetings held. She stated that the Council has never had a policy of improving residential streets without the monetary participation of the residents. She asked the Council how they wanted to proceed and said it was her understanding that the first step would be to hire the consultant. Councilor Miller said she liked what she has heard so far and asked who would set the boundaries of the district. Elliott replied the boundaries would be decided during the preparation of the report and plan and the consultant would probably want input from the Council on what they would like to see. Miller said she was happy to see so much involvement by the citizens of Empire and wants to remind them the Council wants to look at all aspects before making such a major decision. Councilor Benetti said he is also in favor of the district but does not want to rush into anything. He said he appreciated comments made at the last public hearing about the area of the district and would like more time to review the area and visit the site before making a decision. Councilor Weeks also felt the Council needed to walk the area and does not feel it should include any residential area. Councilor Spangler asked why the Council is waiting since a process has been followed, three public meetings have been held, and he does not feel anything is being rushed. He says he looks at all areas included in items on the agenda before each council meeting and noted the rest of the process calls for more public hearings. Councilor Spangler would like the Council to proceed with forming a district and direct staff to prepare the plan and report. He said he felt staff could prepare the plan and report without spending a lot of money for an outside consultant. Verger asked him why he was so insistent on making a decision since some of the Council are not comfortable making a decision yet, and there is sufficient time to look at the issue further. Spangler said he saw no reason for the Council to not start the formal process now, since the actual decision is made after the plan and report are prepared. Verger reported that Councilor Williams was not in favor of making a decision to proceed at this meeting and had so informed her in case he did not make it back for the meeting. City Attorney Randall Tosh outlined the difference between the Council making decisions and acting as the Urban Renewal Agency and making decisions. Verger said that as she understood it, the Council would make the

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decision as to whether or not to pursue forming an Urban Renewal district in Empire and then the rest would be left up to the Urban Renewal Agency. Discussion ensued about what constituted the “downtown Empire” business district. Benetti said he was uncomfortable because of Spangler’s references to conversations with Meithof, some of which are contrary to what was said in an earlier council meeting about staff having the time to prepare the report.

Roger Gould asked to be allowed to make a comment and shared his discomfort that it appears there are certain individuals using this process for their own particular needs, especially when he hears talk of disallowing certain uses in the area. He advised the Council to proceed cautiously when it appears that certain people are using the process for other than the good of the whole community. City Attorney Randall Tosh advised against continuing discussion along this line in open session.

Councilor Weeks moved that the motion be tabled until Council has a chance to visit the area. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present except Councilor Spangler voting aye. Councilor Spangler voted no.

City Attorney Report

City Attorney Randall Tosh reported he has reviewed the changes to the Local Contract Review Board Rules suggested by the City Manager and will be bringing them to the Council along with suggestions of his own at the next meeting. He said he has also been reviewing the Council Rules and will be recommending some changes in them at the next meeting. Tosh related he has contacted a mediator who has agreed to contact the Mission and the Empire Association but would like a local person to serve as a co-mediator and asked the Council for suggestions. He asked if the Council had any questions on the memo submitted to the Council on minutes for executive sessions.

Verger and Benetti said that they had been given advice at a League of Oregon Cities meeting to only take general minutes and not record the meetings.

City Manager Report

City Manager Bill Elliott informed the Council he would be on the morning radio show on KBBR and would be out of town at the end of the week. He asked the Council to appoint a member to serve on the consultant selection committee for the Senior Center. Councilor Spangler volunteered to serve on that committee. He apprised the Council that we would be trying some different things with the sound system in the Council Chambers.

Mayor and Council Comments

Councilor Benetti reported attending the Coos Bay Downtown Association meeting where a suggestion was made to have the City water and maintain some hanging flower baskets they would like to install. He suggested they find some other way of taking care of them. Benetti asked about the Chevron property being turned into a parking lot and was informed that it was part of the Highway 101 enhancement project.

Councilor Weeks asked how much of the rock work will be showing when Mingus Lake is refilled. Kevin Cupples said he thought two or three rows of block would show. Weeks asked if the Council was going to get together and visit the Mall renovation site. Mayor Verger suggested that they also have some other sites to view.

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Councilor Spangler asked for a work session on the report on crime from the Council-Citizen Committee. Verger asked that it be placed on the agenda for Council action. Spangler said the flags on Newmark look great.

Mayor Verger expressed her interest in having a sign designating the downtown business district put on Highway 101. She also said the Council needed a work session on the tree ordinance and noted some of her recent speaking and public engagements. Verger reported all of the contestants in the recent Miss Coos County pageant felt the biggest problem in their respective schools was drugs and all felt peer counseling was the best answer to the problem.

Executive Session

On motion by Mayor Verger, seconded by Councilor Miller, and with the Mayor and all Councilors present voting aye, the Council went into executive session pursuant to ORS 192.660 (1) (d) to discuss personnel matters, (e) to discuss real property transactions and (h) to discuss litigation. Those attending the executive session were the Mayor and all Councilors, City Manager Bill Elliott, City Recorder Gail George, City Attorney Randall Tosh, Police Chief Marc Adams and Library Director Carol Ventgen. Members of the media were also present.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to 7:00 o'clock P.M. in the Council Chambers of City Hall on April 18, 1995.

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Gail George
Recorder of the City of Coos Bay
Coos County, Oregon