

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

March 19, 1996

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

Those Present

Those present were Council President Joe Benetti, Councilors Cindi Miller, Don Spangler, Judy Weeks, and Dave Williams. Mayor Joanne Verger and Councilor Gary Combs were out of town and unable to attend the meeting. City staff present were City Manager Bill Grile, City Clerk Joyce Jansen, City Attorney Randall Tosh, Finance Director Gail George, Community Services Director Bruce Meithof, Police Chief Marc Adams, and Accounting Operations Supervisor Mary Beth Holst. Members of the media were also present.

WORK SESSION

Council President Joe Benetti reviewed the consent calendar. Councilor Weeks inquired if tourism should be made a part of the mission statement. City Manager Grile responded that tourism would be addressed under diversified economy. Councilor Benetti said the Bay Area Market Association was requesting renewal of the Saturday Market agreement with a change of the opening date to July 4th. Mr. Grile commented a representative of J C Penney reported the Saturday Market had had a positive effect on their sales. Councilors Weeks and Williams expressed concern about the regulations being too restrictive. City Attorney Randall Tosh said the Bay Area Market Association had an agreement with the Eugene Saturday Market in order to use the name. Mr. Tosh reviewed the changes in the agreement to Section 3 - dates of use, Section 12 - revenue, and notice of change of address. The agreement provided that for the first year no fee be paid to the City with provision to negotiate an annual fee during the second year of the agreement. Finance Director Gail George reported the Bay Area Market Association last year paid the flea market fee of \$25, plus \$1 for each booth. After further discussion, consensus of the Council was to waive the annual fee. Councilor Spangler suggested a better structure design of the booths. City Manager Grile reported the zone change for City property on Morrison would allow a full range of park use for the property. Councilor Weeks declared ex parte contact. Councilors Williams and Spangler commented that a conditional use permit would allow the City to develop a ball field and still give the City other options in the future. Community Services Director Meithof said a number of complaints had been received regarding the City stacking brush and storing gravel on the property, and if zoned for a park, accessory use of this nature would be permitted. City Manager Grile reported that by selling urban renewal bonds for the library expansion there would be money for other projects under urban renewal. Mr. Grile reported he and Mr. Meithof had met with Steve Clay regarding the project for Block IV. He said it would be more cost effective to have Mr. Clay do the whole project and the fee would be \$7,314. Mr. Grile commented on a change in the definition in Ordinance No. 225 and suggested Chief Adams give a report during the regular meeting. Mr. Grile reported Ordinance No. 226, addressing graffiti, does not make it illegal to possess certain materials only illegal to use the

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materials to apply graffiti. Mr. Grile reported Ordinance No. 227 repealed Ordinance No. 2706 which would allow the use of Block IV to include parking. Councilor Weeks expressed concern that Ordinance No. 228 did not require impounding skate boards until the third offense. She inquired whether parental responsibility could be the same in this ordinance as in the graffiti ordinance. City Attorney Tosh responded that graffiti was actual property damage. Mr. Grile commented the skate board could be seized on the first offense and held as evidence, and forfeiture occurs on third offense. Councilor Spangler suggested the ordinance be amended to cover more than just downtown Coos Bay.

COUNCIL MEETING

Flag Salute

Council President Benetti called the meeting to order and led the assembly in the salute to the flag.

Consent Calendar

Council President Benetti read the consent calendar which consisted of the following items:

- a) approval of the minutes of the regular meeting of March 5, 1996
- b) approval of the minutes of the special meeting of March 2, 1996
- c) adoption of the City's mission statement

Councilor Miller moved approve the consent calendar as presented. The motion was seconded by Councilor Weeks and carried with all Councilors present voting aye.

Chamber of Commerce Report - Crystal Shoji

Chamber Manager, Crystal Shoji, said she had enjoyed working with the City and thanked the City Council and staff for their cooperation and support of the Chamber of Commerce. She said she would be with the Chamber until June. Mrs. Shoji reported tourism statistics for the past year showed an increase in inquiries and a decrease in visitations. She commented the City's positive attitude had been helpful in increasing membership in the Chamber of Commerce. Councilor Benetti said it had been a pleasure working with Mrs. Shoji and on behalf of the City Council expressed gratitude for her work.

Request to Renewal Saturday Market Agreement - Steven Chamberlain

Mr. Chamberlain was not present for the meeting and the request was rescheduled for the April 2, 1996 council meeting.

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Initiation of Zone Change for City Property on Morrison Street

Councilor Weeks declared ex parte contact stating she had talked with Dave Stevenson about the property. Councilor Benetti reported the Parks Commission had requested a zone change on this property to enable development of a ball field. Councilor Miller moved to leave the property zoned residential. Councilor Williams seconded the motion. Councilor Miller expressed concern about the expense of developing an additional park, and suggested the idea be revisited at a future date. Councilor Spangler commented that one of the City's goals was to create more ball fields. He suggested the property remain zoned residential and a conditional use permit be pursued for development of the ball park. Councilor Benetti said he would not support a change in the zoning because the City's carryover balance was being depleted and suggested Council revisit the matter after the budget process had been completed. Councilor Miller withdrew her previous motion and moved the Council take no action at this time to initiate a rezone. Councilor Williams seconded the motion which carried with all Councilors present voting aye.

Authorization to Proceed with Library Expansion Project

City Manager Grile said there had been concern the library project would leave no money for other projects, and reported that by selling urban renewal bonds for the library project there would be urban renewal funds for other projects. Mr. Grile commented proposed urban renewal projects would be discussed during the budget process. He commended Rich Turi, Carol Ventgen and the Library Board for their efforts in curtailing costs for the project.

Chris Guernsey, Library Board Chair, reported the project had begun two and a half years ago with the establishment of a committee to study whether the library should be expanded. She said the committee worked diligently conducting a citizen's survey and reviewing community and staff library requirements, before recommending the expansion to the City Council. She asked the Council to approve the \$2,719,500 project and approve the sale of the bonds. Councilor Spangler asked if the Library Board would object to an advisory ballot being placed in the City newsletter and Mrs. Guernsey said they would not object. She commented that surveys and questionnaires had been placed throughout the community and there had been overwhelming support of the expansion project. Glen Marker, Coos Bay, said there had not been enough publicity and a \$4 million project should require a vote from the public. He commented that urban renewal money should be spent in blighted areas and with computers in everyone's homes the library expansion was not necessary. Don Tomlinson, Coos Bay, commented the money should be spent in the Empire area. Councilor Benetti explained the Empire area was not in this district and the funds could not be spent in Empire. Mr. Tomlinson said he supported leaving the Morrison Street property zoned residential and suggested the City sell the property to place it on the tax rolls. Ralph Larson, Coos Bay, said he concurred with Councilor Spangler that the people should vote on the library expansion. Flora Lee Lockhart, Coos Bay, expressed concern that the Council was spending money on a feel good project when repairs were needed on the sewer system, streets, parking lots, and sidewalks.

Councilor Spangler said the earliest the library expansion project could be placed on the ballot was November and asked if it would be possible to run an advisory ballot in the City newsletter. Councilor Miller commented she was pleased with Mr. Grile's list of urban renewal

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projects and said she had received 62 phone calls supporting the library expansion and four calls against the project. Councilor Williams commented the proposal to expand the library was brought to the Council only after an extensive study had been completed and he was amazed anyone would think the project was being done in secret. Mr. Williams asked if the bonds would affect the City tax limit and Finance Director George said it would not. Councilor Weeks said there was strong support in the community for the library expansion, and she had recently toured the facility and found it very cramped. Councilor Benetti pointed out that a November ballot would delay the project and said he felt it was not necessary. He expressed that using the City News would not be very accurate. City Attorney Tosh said the City's ordinance required that an advisory ballot be an election. Mr. Benetti further commented that the library project had been before the citizens and City Council for two years; there had been public hearings including advertising and notices, and the majority of the citizens support the project. He said there was objection that all the urban renewal funds would be used for the library project and now with selling bonds, there would be funds for other projects.

Councilor Benetti moved to approve the library expansion project and authorize staff to explore selling urban renewal bonds. Councilor Miller seconded the motion which carried with Councilors Benetti, Miller, Weeks and Williams voting aye. Councilor Spangler voted no.

Authorization to Execute Architect Agreement - Mall Block IV Project

City Manager Grile reported he and Community Services Director Bruce Meithof had met with Steve Clay regarding the design for Mall Block IV. Mr. Grile said Mr. Clay's proposal for the design and handling the project was for \$7,344 and he recommended accepting the proposal. Councilor Spangler commented two bids had been received and the other bid was \$14,000. Councilor Benetti said Mr. Clay would be at the library for citizen input on the project on April 6, 1996 from 9:00 a.m. through 4:00 p.m. Councilor Miller moved to accept the agreement for \$7,344. Councilor Weeks seconded the motion which carried with all Councilors present voting aye.

Ordinance No. 225 - Declaring Specified Crime Property to be a Nuisance

Chief Marc Adams reported the police department receives many calls from citizens regarding drug dealings in their neighborhoods. He stated the police department needs tools to combat these kinds of problems and Ordinance 225 would expand their role in preventing crime. City Attorney Randall Tosh commented the ordinance compliments State statute, and would give the City the ability to abate certain types of behavior. Mr. Tosh reviewed salient points of the ordinance. David Tilton, Oregon Legal Services, spoke in support of the ordinance and reported that during the last legislature session the landlord/tenant act was amended to improve the process for dealing with drug problems. He expressed concern with Section 4c in that he felt it could be open to abuse of disfavored people. Sargent Webster, North Bend, reported the difficulty landlords experience in trying to evict tenants. He said he supported the ordinance and felt it would be beneficial. Barb Dillinger, Coos Bay, commented there had been problems in her neighborhood and they had been working with the police department for nine months. She said she supported Ordinance 225 and felt it would help solve the drug problems. Paul Frazier from the District Attorney's Office, said he had been asked to review the ordinance and commended Mr. Tosh on

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doing a good job of writing the ordinance. He said the ordinance does not go after innocent landlords and as for concerns of potential abuse of certain people, the Police Chief would be aware if this happened. Tom Bentz commented the ordinance would enable law enforcement to do a better job with working with landlords dealing with nuisance and drug problems.

City Attorney Tosh noted that Ordinance No. 225 was an emergency ordinance and takes effect immediately. City Clerk Joyce Jansen read the ordinance by title only and read the change in the definition for specified crime property. The Council was polled with the following results:

Voting aye: Councilors Benetti, Miller, Spangler, Weeks, and Williams

Voting no: None

Absent: Joanne Verger and Councilor Combs

Ordinance No. 226 - Making it Unlawful to Possess Graffiti Implements

City Manager Bill Grile commented the ordinance would make it unlawful to possess implements with the intent to apply graffiti. City Clerk Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

Voting aye: Councilors Benetti, Miller, Spangler, Weeks, and Williams

Voting no: None

Absent: Joanne Verger and Councilor Combs

Ordinance No. 227 - Repealing Ordinance No. 2706 Providing for the Establishment of a Pedestrian Mall (Block IV)

City Manager Bill Grile reported it would be necessary to repeal Ordinance No. 2706 in order to develop a non-pedestrian use of Mall Block IV. City Clerk Joyce Jansen read the ordinance by title only and read Section 1 to correct a typo. The Council was polled with the following results:

Voting aye: Councilors Benetti, Miller, Spangler, Weeks, and Williams

Voting no: None

Absent: Joanne Verger and Councilor Combs

Ordinance No. 228 Regulating the Use of Skateboards

City Manager Bill Grile commented ordinance 228 was drafted with progressive discipline built in, and that during the work session interest was expressed for expanding coverage to other

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areas in the city. Tammy Cummings, Marshfield High School, expressed concerns that so many restrictions were being placed on the youth by adults. Ms. Cummings said that to many of the skateboarders, skateboarding was their life and kept them from doing other things. She was concerned about the anger that would occur when skateboards were confiscated. City Attorney Tosh commented the ordinance addresses reckless skateboarding. Ms. Cummings inquired if empty parking lots could be used for skateboarding. Mr. Tosh said the existing ordinance already covers parking lots. Hal Ford, Coos Bay, reported he owned some parking lots and he had experienced problems with skateboarders, litter, and graffiti. Ralph Larson, Coos Bay, asked if the ordinance included roller blades and Mr. Tosh responded yes. Mr. Larson said he had told his son to roller blade on the street because rollerblading was too fast to do on the sidewalk and his son received a ticket for rollerblading on the street. Mr. Larson's concern was that rollerblading on the sidewalk was too dangerous for pedestrians. Mr. Grile responded that Section 2b of the ordinance doesn't prohibit the use of sidewalks, only if done in an unsafe or negligent manner. Chief Adams commented that at one time skateboarders were allowed the use of the Blossom Gulch School parking lot until property damage occurred. He said it isn't the skateboarding that is the problem; its property being damaged and a pedestrian safety issue. Flora Lee Lockhart, Coos Bay, reported that frequently there are skateboarders in the downtown area and it is very dangerous for pedestrians. Councilor Weeks commented she had supported spending the \$12,000 to develop the skateboard park and was concerned with safety for the skateboarders and for citizens. She commended Mr. Tosh on preparing the ordinance. Councilor Benetti suggested staff prepare information on where skateboarding would be acceptable.

Councilor Weeks moved to enact Ordinance No. 228 with an amendment to include coverage of other areas. Councilor Miller seconded the motion. City Clerk Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

Voting aye: Councilors Benetti, Miller, Spangler, Weeks, and Williams

Voting no: None

Absent: Joanne Verger and Gary Combs

Approval to Proceed with Timber Sale Haul Route

City Manager Bill Grile reported the City would save approximately \$1,000 by using an alternate route and recommended Council authorize staff to negotiate an agreement with Michael Freeman. Councilor Williams moved to accept staff's recommendation. Councilor Miller seconded the motion which carried with all Councilors present voting aye.

Public Comments

Dave Stevenson, Coos Bay, said he had purchased property in which the lien search showed there was no lien, and was notified later of a sewer assessment on the property. Councilor Benetti responded this was to be discussed during executive session. Mr. Stevenson said he had turned the matter over to his attorney Steve Wilgers. City Attorney Tosh said fees in lieu of assessment are

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used in Oregon and are not considered a lien. Mr. Stevenson asked when he could expect a response from the City and Mr. Tosh said it probably would not be resolved tonight. Mr. Benetti said the City would try to resolve the matter quickly and get back to him.

Flora Lee Lockhart, representing the Coos Bay Downtown Association, reported that an earlier expansion plan for the Chamber building had included an office for the downtown association and inquired if the current expansion plan would have an office for them. Crystal Shoji responded the earlier plan required the downtown association to pay \$7,000 for their share of the expansion, and the association had pulled out of the project. Mrs. Shoji said the current plan does not include office space for the downtown association and no one had approached Chamber for space.

Steve Auer, Coos Bay, said he had approached the Council in the fall of last year for a local improvement district on Blanco Avenue. He inquired if the project could be moved up and Mr. Grile responded the City projects could be reviewed. Councilor Weeks suggested a report be submitted at the April 2nd council meeting with a recommendation from Mr. Grile.

City Attorney's Report

Mr. Randall Tosh said his comments would be during the executive session.

City Manager's Report

City Manager Grile distributed a written report to the Council and said he would be on vacation next week. Mr. Grile commented that a public hearing on the proposed City goals would be held at the April 2nd council meeting and the Parking Committee's proposal to open Block 0 of Central Avenue would be on the April 16th council agenda.

Mayor and Council Comments

Councilor Weeks inquired if the Council would have the opportunity to have input on the 101 Enhancement Project regarding development of a sidewalk in the Timber Inn area. City Manager Grile responded that after the project has gone to bid the Council would then prioritize the projects. He said the sidewalk proposal was outside the enhancement project. Councilor Weeks reported she attended the volunteer firefighter's banquet and commended Debbie Erler for doing a great job of arranging the banquet and the employee awards banquet.

Councilor Benetti commented the Chamber would be affected if mall block 0 were opened to traffic. City Manager Grile said staff would bring a report back to the Council on this matter. Councilor Benetti inquired who would be attending the CEDCO regional sewer meeting and Mr. Grile responded Bruce Meithof and Randall Tosh would be attending. Councilor Benetti requested a staff report on the Parking Committee's recommendation to build a parking structure and the report should include the recommendation of the previous Parking Committee. Councilor Benetti reported that the resignation of Councilor Miller from the Tourism Promotion Committee was due to the City discovering they were not in compliance with the Tourism Promotion agreement. He stated Councilor Miller had been involved with the promotion committee for many years and had done an outstanding job on the committee.

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Executive Session

On motion by Councilor Miller seconded by Councilor Weeks with all Councilors present voting aye, the Council went into executive session pursuant to ORS 192.660 (1) (h) for the purpose of discussing pending litigation.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to April 2, 1996 at 6:00 p.m. in the Council Chambers of City Hall.

Joe Benetti
Presiding Officer of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
City Clerk of the City of Coos Bay
Coos County, Oregon