

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

August 1, 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 in the Council Chambers at 6:00 p.m. and proceeding with a regular session in the Council Chambers at 7:30 p.m.

Those Present

Those present were Councilors Joe Benetti, Gary Combs, Cindi Miller, Don Spangler, Judy Weeks, and Dave Williams. City staff present included City Manager Bill Elliott, City Clerk Joyce Jansen, City Attorney Randall Tosh, Finance Director Gail George, Community Development Director Bruce Meithof, Police Chief Marc Adams, City Engineer Ralph Dunham, and Accounting Operations Manager Mary Beth Holst. Members of the media were also present.

Work Session

Tosh explained he had reviewed the Council Rules and made a number of revisions which he will discuss with the Council. He said the rules are the Council's internal rules of operation and procedure as to how the Council desires the meetings to operate. He said many councils adopt Roberts Rules of Order and then adopt Council Rules of procedure. Tosh explained that the revision addresses three issues; how to hold meetings, issues of order, and running the meeting. Councilor Combs asked if Roberts Rules of Order are better and if Council Rules are needed. Tosh stated that Roberts Rules are very technical and more difficult to follow and adopting Council Rules simplifies the running of the meeting. Councilor Weeks asked when Roberts Rules would be used and Tosh said when an issue is not addressed by the Council Rules, then Roberts Rules of Order would be followed.

Tosh remarked that the style of the Council seems to be to use relaxed procedural rules which is not in conflict with the current rules. Spangler said he disagreed with Tosh and the Council does restrict when and how long anyone is allowed to speak. Discussion followed as to who determines the length of time anyone is allowed to speak. Consensus of the Council is that it is at the discretion of the chair to decide and that anyone on the Council can call a point of order to extend speaker time.

Tosh reviewed the changes made to the section on Council Meetings in regard to calling a special meeting which is also addressed in the public meetings law. He suggested adding language for emergency meetings and a description of what constitutes an emergency meeting.

Tosh related the duties of the Presiding Officer as the one who controls the meeting. He noted that Pro Tem will be dropped from the title of Council President and explained that a Temporary Chairman is elected in the event the Mayor and Council President are absent.

Tosh reviewed the changes in Employee Duties for the City Attorney and noted the major change being the City Attorney shall be the Parliamentarian. Council discussion of the duties of the Sergeant of Arms followed with consensus of the Council that Tosh restate the language of this section for clarity.

Tosh discussed the reorganization of the section on Decorum and Order. He reviewed the changes made to the section on Removal of Any Person which addresses removal of any person in the event the Presiding Officer fails to do so and allowing the Council to authorize removal. Tosh spoke to the addition of a section on Censure which is adapted from Roberts Rules of Order. He said he would make a change to subsection b) in that the investigation and decision will be conducted in executive session and only the discipline will be decided on in regular session. Councilor Spangler asked if it is necessary for this section to be in the rules when the State already has rules to cover this action. Tosh replied that the State only covers violation of State laws and the Council Rules address violation of City ordinances. Spangler said this rule would put a chilling effect for debate and sets up the Council to impugn a member. Tosh said this would be used for a serious breach of duty and the Council has the right to discipline their members. Spangler asked if many other cities in Oregon have this rule and Tosh said most cities in Oregon have adopted Roberts Rules of Order.

Tosh said the change in Duties and Privileges is the addition of 'national origin' and the removal of the sentence limiting Councilors to speaking only twice on any subject without approval of the Council.

Tosh reviewed changes to Order to Business to bring the Council Rules into conformity with the City Charter. Council discussed placing items on the agenda and consensus of the Council was that items may be added to the agenda with a majority approval of the Council. Tosh stated that agenda items generally require Council action and other subjects come under Public Comments. Spangler expressed concern that this section limits citizens from placing items on the agenda and Tosh responded the language does not keep anyone from placing an item on the agenda.

Tosh explained the changes under Consideration of Business as clarification of voting. He said everyone must vote unless there is a conflict of interest or a special situation and a decline to vote will be counted as aye. He said a majority vote is required when passing an ordinance because an ordinance is a law.

President Benetti announced to the audience that the Council would continue the work session until 7:30 p.m.

Tosh reviewed the section on Public Comment. He explained the addition of a roster to insure a record of names and addresses for the City Clerk and City Attorney. He said this does not mean that citizens can not speak if they have not signed in. Tosh reviewed the procedure for the Council to deal with complaints that are presented to the Council. He said this section provides for determining if the complaint is legislative or administrative in nature and allows Council to refer the matter for study and recommendation. Spangler remarked that the Rules should refer to Citizen Comments or Public Comments throughout the document. He said the Rules should not limit the right of citizens to address the Council. Consensus of the Council is to change the phrase to Citizen/Public Comments.

Tosh noted the change in Procedures for Council Meetings was the addition of Construction of Rules of Order. Benetti noted other changes were from City Recorder to City Clerk.

Tosh explained that the section on City Boards, Commissions, Lay-Committees and Council Committees establishes that committees are to be set up by resolution or ordinance and sets the structure of the committees. He said this section applies to committees and boards not provided by

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statute. Spangler asked that a change be made that any one Councilor may make nomination for positions. It was the consensus of the Council that any one Councilor may make nominations for committee positions. He asked that under the section for Council Committee that the committees be allowed to select their chairperson rather than the Mayor making the appointment. Consensus of the Council was to accept the wording as presented.

Tosh said the addition under Miscellaneous is that anonymous and unsigned communications will not be submitted to the Council. Consensus of the Council is that the City Attorney will prepare another draft of the Council Rules reflecting that changes as discussed during the work session, for Council review at a future date.

COUNCIL MEETING

Flag Salute

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

Addition to Agenda

Council President Benetti asked that a request to award the bid for a service crane for the Department of Community Services be added to the agenda. Councilor Miller moved to add the item to the agenda as item number eight. The motion was seconded by Councilor Weeks and carried with all Councilors present voting aye.

Consent Calendar

Council President Benetti read the consent calendar which included the following items:

- a) Approval of minutes of the regular meeting of July 25, 1995
- b) OLCC application - Bob's Bistro, Inc.

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

Public Comments

Doreen Binder, North Bend, former director of the Womens Crisis Service. Ms. Binder expressed her thanks to the City of Coos Bay for their support over the years for the Womens Crisis Service. She said she will be moving to Portland and she introduced Marla Mason as the new director. Councilors Benetti and Spangler expressed appreciation for the work Ms. Binder has done for the community.

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Proclamation - Skateboarding Association

Councilor Miller read a proclamation recognizing the Coos Bay Skateboarding Association as a volunteer organization promoting safe skateboarding. Council President Benetti presented the proclamation to Jack Cunningham and Jackie Birch, representatives of the association. Cunningham and Birch expressed their appreciation to the City for supporting development of the skateboard park and for recognizing the association. Councilor Weeks asked Cunningham to notify the City Clerk of the association meetings.

Council Appointment - OCZMA Representative Alternate

Elliott explained the annual renewal of membership in the Oregon Coastal Zone Management Association is due and an alternate representative needs to be appointed. He said Cindi Miller is currently the City's representative. Councilor Benetti moved to appoint Councilor Spangler as alternate representative to OCZMA. The motion was seconded by Councilor Miller and carried with all Councilors present voting aye.

Request for Waiver of Ordinance No. 200 Requirements - Norma Frost - Property at 646 Schetter

Elliott reported that Bruce Meithof met with David and Norma Frost earlier this week. He said the problem of debris on the property has been resolved and will not require action from the Council.

City Property Use Permit - 2nd Court

Elliott explained Ken Hargens has requested permission to build an enclosure for the dumpsters and propane tanks located in Parking Lot D on South 2nd Court. He said the enclosure will not take away any parking spaces. Councilor Miller moved to approve the use permit for 2nd Court. The motion was seconded by Councilor Weeks and carried with all Councilors present voting aye. Councilor Williams commented that it is wonderful to have a citizen request to assist in beautifying the area.

Award of Bid for Service Crane

Elliott reported that one bid was received for the service crane and that they were told the 1996 prices would be higher. He said the current bid is for \$47,889 and \$49,000 was budgeted. Councilor Weeks moved to award the bid to Ken Ware Chevrolet for \$47,889. The motion was seconded by Councilor Combs and carried with all Councilors present voting aye.

City Attorney's Report

Spangler asked Tosh if he still has a conflict in dealing with the mission. Tosh said the appeal runs for a month and there probably would not be an appeal made, so theoretically he can represent the City in this matter.

City Manager's Report

Elliott said the Council received a new report from him which replaces the weekly update. He said he would like their comments on the report and that there may be items included in future reports that require input from the Council. He said he attended the Umpqua COG meeting and received a recap of the State's economic development issues. Elliott said he attended the Downtown Association meeting this morning and met with Teddie Stamper from Senator Packwood's office in the afternoon.

He reviewed a report from the City Engineer regarding development of the Chevron property located next to the Chamber of Commerce. Council discussed how many parking spaces would be available and the possibility of whether the development would qualify for 101 Corridor funding. Councilor Combs suggested that Kaffe 101 be contacted about combining their property with the Chevron property. The City Engineer will prepare a proposal to bring to the Council for consideration. Elliott reported staff is researching with ODOT for signing requirements and will bring a report to Council.

Council Comments

Councilor Spangler asked why he received a copy of Roger Gould's letter to the editor and said he found several mistakes in the letter. Elliott responded that the City forwards copies of letters to the Council if citizens make the request.

Councilor Weeks said she attended the Police Department's Strategic Planning meeting on the 26th and found it very informative.

Councilor Combs asked that someone from staff attend the Port meeting on Wednesday as the development of the Eastside boat ramp is on the agenda. He said the Parking Committee recently met and it appears the City has done a lot of work on developing a parking plan for the downtown area. He said the committee set goals and will be reviewing the parking inventory.

Councilor Williams said he was contacted by a citizen who is starting a business in Coos Bay and reported that he had a very positive experience with staff of the Community Development Department.

Councilor Miller said she attending the Strategic Planning meeting and found it informative. She said community policing is a great step for the City.

Councilor Benetti said he attended the Downtown Association meeting and he invited everyone to attend the Business After Hours being held on Thursday at United Grocers. He said the Saturday Market was very successful.

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Executive Session

On motion by Councilor Miller and seconded by Councilor Weeks, and with all Councilors present voting aye, the Council went into executive session pursuant to ORS 192.660 (1)(d) to discuss personnel matters. Those attending the executive session were Councilors Benetti, Combs, Miller, Spangler, Weeks, and Williams, City Manager Bill Elliott, City Clerk Joyce Jansen, City Attorney Randall Tosh, Police Chief Marc Adams, and media representative Elise Hamner.

Adjournment

There being no further business to come before the Council, Council President Benetti adjourned the meeting to 7:00 p.m. in the Council Chambers of City Hall on August 15, 1995.

Joe Benetti
Council President of the City of Coos Bay
Coos County, Oregon

ATTEST

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