

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

**September 2, 2008**

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 was Mayor Jeff McKeown and Councilors Michele Burnette, Mark Daily, Jon Eck, Stephanie Kramer, Gene Melton and John Muenchrath.

City staff present was City Manager Chuck Freeman, City Attorney Nate McClintock, City Clerk Vicki English, Police Chief Rodger Craddock, Fire Chief Stan Gibson, Public Works and Development Director Jim Hossley, Urban Renewal/Revitalization and Economic Development Manager Joyce Jansen and Deputy Finance Director Rae Lea Cousens.

### **Flag Salute**

Mayor McKeown opened the meeting and led the assembly in the flag salute.

### **Consent Calendar**

Mayor McKeown reviewed the consent calendar which consisted of approval of the Minutes of August 19, 2008, approval of the Mingus Park Pool Management Agreement, approval of the annual OLCC renewals and approval of the OLCC application for Sharkbites located at 242 South Broadway.

Councilor Burnette moved to approve the consent calendar as presented. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath voting aye.

### **Approval of Contract with the Building Department LLC for Consultant Services**

Chuck Freeman, City Manager, stated in an effort to reorganize the Public Works Department the Public Works Committee met with one of the principals from the Building Department, LLC earlier this month. Mr. Freeman said the focus of the discussion centered on our needs and the mission of the Building Department, LLC and what they can offer the City in an attempt to identify deficiencies in our service delivery. Mr. Freeman gave an overview of the objectives and scope of work they would provide. Among the objectives Mr. Freeman discussed were: an assessment of current building inspection services, a detailed report of assessment findings and recommendations to the City Manager in an action plan format, identification of building official needs, assistance to the City in development of an action plan to address the multistoried buildings in the downtown and assistance to the City in the assumption of electrical and plumbing permitting from the State. Mr. Freeman stated this plan will be used by the city to identify the following in the Building Department: necessary steps needed to improve productivity, efficiency and service delivery; core weaknesses, staff competency levels and ways to improve customer service. Charcie Kaylor, Building Official Manager of The Building Department, LLC, gave an informational presentation on the company and discussed with the Council any concerns or questions they had. Councilor Eck moved to approve a service contract

with The Building Department, LLC in the amount of \$7,515. Councilor Muenchrath seconded the motion which carried with Mayor McKeown and councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath voting aye.

**Public Hearing on the Appeal of Site Plan and Architectural Review for the Coos Bay Toyota Expansion**

Laura Barron, Planning Administrator read the public hearing disclosure. Ms. Barron gave a chronological overview of the proposed project and the appeal of the site plan. In summary, Ms. Barron stated, on January 8, 2008 the Planning Commission approved with conditions the replacement and enlargement of the Toyota dealership, on January 25, 2008 the decision was appealed by Mr. Bill Parham, director of the South Coast Gospel Mission, based on the increase in traffic on North 7th, on February 19, 2008, the City Council heard the appeal and voted to remand the proposal back to the Planning Commission for a traffic impact analysis, and on August 5, 2008 the City Council voted to reconsider the decision to remand the proposal to the Planning Commission based on new information provided by the applicant and set a hearing date of September 2, 2008. Ms. Barron reviewed the new information, clarification and revision to the original site plan. Ms. Barron stated the new information consisted of four points; 1) ingress and egress for the site onto North 7th is not a primary access; it will be used as an emergency access, 2) ingress and egress on the west side of 6th Street has been revised on the site plan to show a 2-way access, customers for the service area will enter and exit from the access off of 6th Street, 3) the vacated portion of Orchard Avenue is used as ingress and egress from the facility as well as public through traffic and unloading of vehicle transports, 4) Toyota recently acquired .75 acres on the southeast corner of Pine and 7th Street. Ms. Barron reported that after staff reviewed these points of clarification and revision they felt points 1, 2 and 4 addresses the concerns of the appeal; however, they do not agree with point 3. Ms. Barron said the concern was, vehicle transport will occasionally be parked in vacated Orchard Avenue and that would narrow the travel width available for two-way traffic from the dealership and for the general public. Ms. Barron said that there was a condition (#15) imposed at the original review of the Planning Commission. Ms. Barron said condition (#15) was specifically placed on the approval regarding thru traffic on Orchard Avenue. Condition 15 consisted of placing a sign “no thru traffic” at the southeast corner of 6th and Orchard. Ms. Barron reviewed the decision alternatives that could be made by the City Council, affirm, reverse, modify or remand the Planning Commission’s decision to approve the Site Plan and Architectural Review. Ms. Barron also stated the scope of the appeal is limited to the issues raised in the request for appeal which was Mr. Parham’s issues of the ingress/egress from the subject property onto North 7th Street, and the three (3) service entrances on the site all heading west. Mayor McKeown opened the public hearing.

John Bushmaker of 1050 Redwood, stated his concern with narrowing of 6th street if trucks would unload there. He also stated the increase traffic could be eliminated by removing the gate on 8th Street.

Susan Haney an emergency doctor residing at 2175 North 11th Street, stated she agrees with Mr. Bushmaker and feels that the 8th Street gate should be opened to increase access not decrease access in the neighborhood.

Leo Leberti of 1725 North 8th Street gave a brief history of the neighborhood and stated at one time there were more than 200 employees in the area and there never was a problem with traffic with both 8th and 7th street never being opened. Mr. Leberti said he would love to see a nice building in the area and feels there is less traffic than in the past.

Guy Hawthorne of the Toyota Dealership stated the egress and ingress will still be the same and narrowing 6th Street is for the safety of the people walking across the street. Mr. Hawthorne stated the flow of traffic will remain the same and in fact reduced since the eighteen-wheelers from Thomas Brothers and Stalcups have been eliminated. Mr. Hawthorne discussed the typical vehicle and foot traffic that would utilize 6th Street.

Rick Shearer of 2155 North 11th Street stated his concern was the danger of pulling out from Pine Street onto Highway 101. Mr. Shearer said for safety and convenience reasons he uses 6th Street to Coos Bay Boulevard and turns at the light and feels 6th Street once narrowed will be too congested with pedestrians and parked cars to use as a safer alternative to exit onto Highway 101. Mr. Shearer also stated there are approximately fifty drivers that live in the surrounding neighborhood that go in and out of that area daily and is opposed to the narrowing of 6th Street.

Dick Leshley, a Coos Bay resident stated, if 6th Street is narrowed the traffic will be directed down 7th Street by the Mission.

Steve Pickering of 2170 28th Street asked who will be responsible for maintaining 6th Street. Mr. Pickering stated if the City is responsible should we be putting speed bumps on a city street and if the Toyota Dealership is maintaining it will the city be giving up the right of way. Mr. Pickering also stated he felt narrowing 6th Street would be unsafe and an unacceptable way to utilize a city street.

Reverend Bill Parham, Executive Director of South Coast Gospel Mission, stated he was not concerned with the expansion of the dealership but some of the aspects of the expansion. Reverend Parham stated his concern with the narrowing of 6th Street and the additional traffic flow that will be diverted to North 7th Street, as well as the fact that the traffic study that the City Council required has not been done and feels that the four changes that the dealership is proposing should not change the necessity for that study. Reverend Parham commented that in the letter that Coos Bay Toyota presented to the city stated, the ingress and egress onto North 7th was not a primary access so why would the exit onto North 7th be necessary with two exits onto Pine Street. Reverend Parham also stated with the narrowing of 6th Street he was concerned about the maneuvering of emergency vehicles. Reverend Parham cited the Land Development Ordinance Chapter 5.1 and feels that all residents concerned were not considered and is asking that the 7th Street ingress and egress be eliminated and not to require the upgrade of Orchard.

There being no further public comments Mayor McKeown closed the hearing.

Councilor Kramer stated that we should consider the improvement of the entrance into Coos Bay which the new facility will bring and feels that Coos Bay Toyota addressed all the concerns from the appeal concerning 7th Street and further more the narrowing of 6th Street was not a concern at the appeal and would love to see the new facility on Highway 101. Councilor

Muenchrath stated that the changes that the Coos Bay Toyota Dealership proposed were reasonable. Councilor Muenchrath stated it was out of line to request one exit on to a street that is zoned commercial and industrial because if you have a business in an area that is zoned that way you should expect some business traffic. Councilor Muenchrath also stated that he felt that a “NO THRU TRAFFIC” sign should not be posted on the southeast corner of Orchard and 6th Street and stated that people would have enough sense to notice if there are trucks blocking the street. Councilor Eck stated the concern with the ingress and egress on 6th Street has been addressed. Councilor Daily stated that maybe the design could address visibility issue with the turn from Pine onto Bayshore. Lee Hawthorne addressed the issue of visibility. Mr. Hawthorne also stated that the city would be responsible for the maintenance of 6th Street. Mayor McKeown stated this is an opportunity to dramatically improve the look of our entrance to the city coming from the north. Mayor McKeown also stated he likes the development of Orchard but feels the “NO THRU TRAFFIC” sign is necessary. Mayor McKeown said all the concerns have been addressed. Lee Hawthorne stated that Orchard could widen to accommodate the trucks for unloading but feels closing the 7th Street exits would cause a safety hazard in the event of a fire. Councilor Muenchrath moved to approve the site plan and architectural review submitted by Coos Bay Toyota with the exception of eliminating the “NO THRU TRAFFIC” sign on Orchard. Councilor Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye and Councilor Daily voting no.

Ms. Barron added that there is a 21 day appeal period. Ms. Barron stated the findings would be modified to add the revised site plan and the new information presented by Toyota in a letter to the city dated August 23, 2008 (the four points discussed earlier). Also, the Condition #15 would be eliminated and the findings and condition require a traffic impact analysis would be eliminated.

**Public Hearing for the Rezone of Property Located at the Southeast Corner of Central Avenue and South 9th Street from Multiple Residential (R-3) to Residential Professional (R-4P) – Approval of the Rezone Will Require Enactment of the Proposed Ordinance**

Laura Barron, Planning Administrator, read the Public Hearing Disclosure. Ms. Barron stated that on August 12, 2008 the Planning Commission unanimously recommended approval of a proposal to change the zone designation of approximately .6 acre from “Multiple Residential (R-3)” to “Residential Professional (R-4P)” if approved this would be an extension of the existing R-4P district. Ms. Barron reported the applicants, Mr. and Mrs. Phil Marler, also representing landowners Mr. Ward Stolle and Mr. and Mrs. Daniel Loudonbeck, are proposing to change the zone designation of the subject property in order to allow a variety of professional and residential uses on the property. Mayor McKeown opened the Public Hearing. There being no further public comments, the hearing was closed. Councilor Burnette moved to approve the proposed zone change, enact the ordinance to change the zone designation from “Multiple Residential (R-3)” to “Residential Professional (R-4P)”. Councilor Daily seconded the motion. City Clerk Vicki English read the ordinance by title only and Ordinance No. 408 an ordinance changing the zoning designation for certain real property from Multiple Residential to Residential Professional was enacted with the following vote:

Aye: Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath

No: None

Absent: None

Ms. Barron added that there is a 21 day appeal period from the date the decision is put into writing.

**Public Hearing on the Request to Vacate a Portion of an Alley West of South 12th Street and South of Golden Avenue – Approval of the Street Vacation Will Require Enactment of the Proposed Ordinance**

Laura Barron, Planning Administrator, read the Public Hearing Disclosure. Ms. Barron stated that on August 12, 2008, the Planning Commission voted unanimously to recommend approval of the vacation of the south 350 feet of the alley, running north and south through Block 73, Railroad Addition to Marshfield, as measured from the north right of way line of Hall Avenue. Ms. Barron said Mr. Steve Donovan, a nearby landowner, gave testimony in opposition to the vacation of the north 150 feet of the alley resulting in a lesser portion of the alley being recommended for vacation. Mr. Donovan testified the watercourse, or drainage, in the northern 150 feet should continue to be maintained. Ms. Barron said the applicants, Mr. and Mrs. John Forrester, proposed the vacation to build a garage and they could not meet the set back requirements. Mayor McKeown opened the Public Hearing. There being no further public comments the hearing was closed. Councilor Muenchrath moved to enact the ordinance approving the proposed vacation of a portion of an alley west of south 12th Street and South of Golden. City Clerk Vicki English read the ordinance by title only and Ordinance No. 407 an ordinance providing for the vacation of the South 350 feet of the alley running north and south through block 73 located in the plat of railroad addition to Marshfield, S. 34AC, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, was enacted with the following vote:

Aye: Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath

No: None

Absent: None

Ms. Barron added that there is a 21 day appeal period from the date the decision is put into writing.

**Approval of an Award of Bid for the North 10th Street Overlay Project**

Jim Hossely, Public Works and Development director reported North 10th Street from Central Avenue to Hemlock Avenue is need of rehabilitation. Mr. Hossely stated to ensure adequate funding for the entire project; staff has separated the project into three sections, Central to 8th Terrace, 8th Terrace to Date Avenue and Date Avenue to Hemlock. Mr. Hossely said city staff evaluated each section to determine which section is in the worst condition and determined that the section from Date Avenue to Hemlock needed to be completed first. Mr. Hossely reported

the low bidder for the project was LTM in the amount of \$82,340.15. Councilor Eck moved to award the bid to LTM Incorporated in the amount of \$82,340.15 and a 10% contingency in the amount of \$8,234 for a total amount of \$90,574.15. Councilor Muenchrath seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath.

### **Approval to Publish a Request For Qualifications for an Architect of Record**

Chuck Freeman, City Manager, gave a list of typical examples of work that would be assigned to the Architect of Record. Mr. Freeman stated the advantage of having an Architect of Record would be to allow the city to become more efficient and timely with its projects. Mr. Freeman said the date for Council consideration of the contract would be the October 7, 2008 Council Meeting. Councilor Burnette moved to approve the Request for Qualifications for an Architect of Record. Councilor Melton seconded the motion which carried with Mayor McKewon and Councilors Burnette, Daily, Eck, Kramer, Melton and Muenchrath.

### **Public Comments**

Brian Menten from Sharkbites wanted to know if his Oregon Liquor Control Commission (OLCC) Liquor License Application was approved. The Council replied with an affirmative.

Camby Collier reported on her self guided tour of Steve Prefontaine's memorabilia and exhibits.

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

Nate McClintock, City Attorney, reported that the Fire Fighters and the City have come to an agreement but the contract still needs to be ratified.

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

Chuck Freeman, City Manager, reported that the Hollering Place meetings went well and the second meeting is scheduled for September 22, 2008. Mr. Freeman gave an update on the Lockhart Building stating we were working with the tenant on their relocation. Mr. Freeman announced the birth of Police Officer Summer Schwenninger son.

### **Council Comments**

Councilor Kramer stated that she was pleased with the turn out for the Hollering Place meetings. Councilor Burnette felt the Hollering Place meetings were productive. Councilor Melton also stated the Hollering Place went well and was well attended. Councilor Melton also stated he attended an Egyptian Theater meeting and was impressed with the dedication of the group of people who keep the theater running and added the theater needs support and encourages everyone to attend the events. Councilor Eck commented that he was pleased with the direction that the Hollering Place is going in and it is off to a good start. Councilor Eck reminded everyone of the upcoming Fun Festival and that the Volunteer Firefighters will be having a pancake feed. Mayor McKeown stated that he felt that the Hollering Place meetings went well. Mayor McKeown said he spent a couple of days in Silverton and commented on their

City Council Minutes – September 2, 2008

exciting downtown. Mayor McKeown also stated that we need to explore energy efficiency in future buildings constructed by the City.

**Adjourn**

There being no further business to come before the Council, Mayor McKeown adjourned the meeting at 8:52 p.m. until September 16, 2008 in the Council Chambers at City Hall.

---

Jeff McKeown, Mayor

Attest:

---

Rae Lea Cousens, Deputy Finance Director