

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Mary Cooper, and Ray Penick along with City Manager Justin Clifton. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the minutes of the May 6, 2014 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Bank of the West Landscaping Variance Request

City Manager Justin Clifton stated that a lot of the City's efforts and discussions recently have been centered around how to build a quality community without appearing insensitive to the difficulties that will be presented by the applicant in replacing some landscaping. The City invests a lot in the downtown area such as flowers. Staff is always trying to expand the landscaping throughout the city. There are also discussions to possibly form a business improvement district and generally speaking investing in making the downtown a more inviting place. The basis of staff's recommendation is to hold the line on current landscaping and if anything, make improvements to the aesthetics of the area. These kinds of variance requests generally oppose that direction and lose some of the aesthetics.

Community Development Director Glen Black stated that Bank of the West had some landscaping damaged by vandals and the city is requesting that Bank of the West replace the damaged living material with new living material. He provided some information from the Comprehensive Plan and the Delta Municipal Code regarding policies for landscaping in the downtown area. He stated that new development requires 40% of the landscaping to be living materials. Areas that are not new developments, staff is requiring that landscaping be replaced with similar landscaping material.

Mr. Black presented some photos of the Bank of the West landscaping showing they replaced the shrubs with rock. He also presented photos of various areas in the downtown area showing the various landscaping. He stated that staff's recommendation is to replace the removed landscape

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Bank of the West Landscaping Variance Request (cont.)

with similar material; it is the intent of the code to maintain existing landscaping in an appealing manner.

Mr. Black stated that staff would also recommend that the code be amended to make the code clearer on existing properties that landscaping would have to be replaced/maintained with living materials.

Councilmember Cooper questioned if there has been vandalism in this particular area before.

Mr. Black stated not to his knowledge.

Tracy German with Bank of the West stated this is the first vandalism that she is aware of.

Councilmember Cooper questioned if they could replace with a different material.

Mr. Black stated that there were discussions regarding xerioscape type plants that would be low maintenance. Staff stated they requested Bank of the West to propose something.

Councilmember Cooper questioned if Bank of the West feels this is a burden.

Ms. German stated that there is no irrigation to the island so in order for them to replant they would have to run irrigation. She commented on the trees that were removed in front of the church across that street that were not replaced. She stated that it's not that they can't do it; they don't think it's feasible.

There was discussion regarding xerioscaping.

Ms. German also commented on various other businesses that have removed their living landscape material and replaced it with decorative rock.

Mayor Sisson questioned how the existing plants are being watered.

Ms. German stated that to her knowledge they are not being watered.

Councilmember Penick questioned how section 15.04 of the code addresses this issue with Bank of the West.

Mr. Black stated that if any property is being commercially developed they have to develop to those standards. He explained that staff is using the intent of the code and the intent of the comprehensive plan to recommend that the applicant replace the landscaping with similar material. He stated that with new developments there are actual recorded maintenance agreements.

Councilmember Penick questioned what codes are being used to address this issue because section 15.04 of the code is for development and not existing properties.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Bank of the West Landscaping Variance Request (cont.)

Mr. Black reported that they are using section 15.04 to enforce the intent of the code regarding landscaping.

Mr. Clifton stated that he believes it's implied in the code. He also stated that prior to having an actual landscaping agreement; staff would rely on the current code language. The code does not say put the landscaping in and keep it; however, similar to sidewalks, if they removed them after a week, staff would require them to put them back in. Since the city has instituted a landscaping agreement it's not been necessary to go back and clarify that putting it in means keeping it.

Councilmember Penick stated that he agrees that if the city removes trees they should be replaced. If the city is expecting business to replace their removed landscaping with similar material then the city should be following those guidelines as well.

Mr. Clifton stated that a private property is contained in one spot and staff is requesting 40% of the landscaping to be living material. He believes you can take the same approach with the public space, where the city has more trees and landscaping in the inventory and more every year. Overall, staff is not diminishing the inventory of the landscaping throughout the community.

Councilmember Penick stated that the problem is the scope of the ownership of the property.

Mr. Clifton reported that staff honors the code as it is written, to have living landscape all around.

Councilmember Penick also questioned if xeriscaping is historical in the downtown area.

Mr. Black stated that staff runs on how Council wants them to interpret the code. Staff is requesting direction as to what Council would like to see.

There was discussion regarding historic landscaping.

Councilmember Raley questioned what Bank of the West is wanting.

Ms. German stated they were not planning on putting any other living material in the area. She explained that they have a very large area of landscaping that currently has living material. The bushes that were lost to the vandalism helped create a better view of traffic coming out of the alley. She stated that if their company is required to do it, then everyone else should be required to do it.

Mr. Clifton stated that it is Council's discretion; however, if the precedent is that interpretation of the code is to recognize these hardships then you may see these variances become more common.

Councilmember Raley questioned if the vandals are going to pay for the costs.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Bank of the West Landscaping Variance Request (cont.)

Ms. German stated that they have not submitted the amount for restitution as of yet. She explained that the improvements, so far, has cost \$2100.

Councilmember Cooper stated she is inclined not to approve the variance.

Councilmember Penick questioned what the time frame is for Bank of the West to replace the material.

Mr. Black reported that they have an administrative process that staff follows allowing them some time to get it completed.

Councilmember Cooper stated she believes Council needs more information.

Ms. German presented some photos of various businesses that do not having living landscaping.

Mr. Clifton stated that staff agrees that there may be areas that staff has missed; if there was another instance that staff felt they were not in accordance with the code it's a reasonable request to take the same approach and that would be his recommendation as well.

Councilmember Raley suggested looking into plants that would not require a drip system. He would like more information before approving the variance.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to table the Bank of the West landscaping variance request to a later date until Council can receive additional information. All in favor, motion carried.

Mr. Clifton stated that for clarification purposes, what he understands is that Council does not have enough information to sufficiently determine that a variance is required. If the applicant would like to come back and further explain hardship they can do that. As it stands right now the variance is tabled and not approved so staff will continue to move forward with the request to replace the damaged landscaping with living material.

Street Closure Permits for Delta Area Chamber of Commerce, Deltarado Days Parade (Main and 9th Streets)

The Clerk reported that the Delta Area Chamber of Commerce has submitted an application for street closure for their annual Deltarado Days Parade. The application states they would like to close 9th Street between Main Street and Grand Avenue at 8:00am for parade lineup and Main Street from 9th Street to 3rd Street at 8:45am for the parade that will start at 9:00am. All fees have been paid to the City.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the street closure permit for 9th Street between Main Street and Grand Avenue as well as Main Street from 9th Street to 3rd Street for the Deltarado Days Parade. All in favor, motion carried.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Street Closure Permits for Delta Area Chamber of Commerce, Deltarado Days Street Dance (4th Street)

The Clerk stated that the Delta Area Chamber of Commerce also submitted an application for street closure for the Deltarado Days Street Dance. The application stated they would like to close E. 4th Street between Main and Meeker Streets from 6:00pm to 11:30pm. All fees have been paid to the City.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the street closure permit for 4th Street between Main and Meeker Streets for the Deltarado Days Street Dance. All in favor, motion carried.

Public Hearing: Special Events Permit Application Delta Area Chamber of Commerce (Cleland Park)

The Mayor recessed the regular meeting and convened a public hearing.

The Clerk stated that the Delta Area Chamber of Commerce has submitted a Special Events Permit Application for their event during Deltarado Days on July 19, 2014 from 10:00am to 11:30pm at Cleland Park. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the location as required by law and no comments have been received by the Clerk.

The Mayor called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the Special Events Permit Application for the Delta Area Chamber of Commerce on July 19, 2014 at Cleland Park. All in favor, motion carried.

Public Hearing: Special Events Permit Application Delta Area Chamber of Commerce (4th Street)

The Mayor recessed the regular meeting and convened a public hearing.

The Clerk stated that the Delta Area Chamber of Commerce has submitted a Special Events Permit Application for their event during Deltarado Days on July 18, 2014 from 5:00pm to 11:30pm on 4th Street between Main and Meeker Streets. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the location as required by law and no comments have been received by the Clerk.

The Mayor called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Raley and seconded by Councilmember Penick to approve the Special Events Permit Application for the Delta Area Chamber of Commerce on July 18, 2014 on 4th Street between Main and Meeker Streets. All in favor, motion carried.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Hotel/Restaurant Liquor License Renewal and Report of Changes; Gerhards

The Clerk reported that Delta Fireside Inn, Inc. dba Gerhards has submitted their annual hotel/restaurant liquor license renewal. She stated that the application is complete and all fees have been paid. The police department is recommending renewal.

The Clerk also reported that Gerhards has submitted a Report of Changes. The form stated that Karen Sue Avila will be the new manager of the restaurant. Ms. Avila's fingerprint card has been submitted to obtain her criminal background. Staff recommends approving the change contingent upon receiving favorable results of the background investigation.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the renewal for Gerhards and also approve the report of changes contingent on receiving favorable results for the background check on the new manager. All in favor, motion carried.

Beer and Wine License Renewal; House of Chin

The Clerk stated that House of Chin has submitted their annual Beer and Wine License Renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the Beer and Wine License Renewal for House of Chin. All in favor, motion carried.

Rescheduling of the June 17, 2014 City Council Meeting

It was moved by Councilmember Penick and seconded by Councilmember Raley to reschedule the June 17, 2014 regular meeting to June 16, 2014. All in favor, motion carried.

Discussion Regarding Funding of Ballot Question Educational Materials

Manager Clifton stated that Council is considering two proposed ballot questions for the upcoming November election. He also stated that there have been discussions regarding providing citizens with some educational materials to help them understand the questions. He provided some information as to the cost of providing those materials.

There was discussion on what type of materials will be provided and the cost.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to authorize staff to spend up to and not to exceed \$10,000 for the educational materials for the two proposed ballot questions. All in favor, motion carried.

Discussion Regarding Funding of Ballot Question Educational Materials (cont.)

Mr. Clifton stated that he will report back to over the course of time and provide what has been produced and receive feedback from Council.

