

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

**May 2, 2000**

The minutes of the proceedings of the regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning at 7 p.m. with a work session in the Council Chambers and proceeding to a regular session at 7:30 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

### **Those Present**

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Bill Finney, Fire Chief Stan Gibson, and Police Chief Chuck Knight.

### **WORK SESSION**

Mayor Verger reviewed the consent calendar and noted a correction of a typo on page 95 of the minutes, correction of a figure in Resolution 00-17, and correction in Item No. 2c to Sun Wah Restaurant. City Manager Bill Grile reported Item No. 2d approval to continue a hearing for determination of a public nuisance, and Eva Shimatakahara's report were pulled from the agenda. Councilor Weeks inquired if the resurfacing of Mingus Park upper tennis courts should be tabled until the price would go down. Mr. Grile reported the project was tabled from last summer when a quote for \$10,800 was received and the price has not come down. Councilor Weeks noted tennis court surfaces are a specialized process. Mr. Grile requested a short turn around on enforcement be considered for the nuisance at 764 South 7<sup>th</sup>. Staff has sent a number of notices to the property owner and plenty of time given to abate the nuisance.

Mr. Grile reported the bids for the Mingus Park Stage project came in at \$64,700 to \$75,300 and staff is recommending awarding the bid to Steve Auer Construction. The architect's estimate for the project was \$30,000 and he has recommended rebidding the project. Mr. Grile noted staff is recommending not cutting anything from the project and transferring from other line items to make up the difference. Councilor Spangler commented it is unfair to ask for a bid when staff keeps adding items to the project. Community Services Director Bill Finney reported it is the design reviewed and approved by the City Council and all the components were listed as part of the project. Councilor Spangler expressed concern that a number of projects have come in much higher than the estimates. Councilor McKeown commented the problem is not with staff, but with the architect. Mayor Verger reported the City could do what we have budgeted funding for the project and budget for the completion of the stage. Councilor Miller suggested asking the public for financial support and Councilor Weeks suggested applying for grants. Mr. Grile explained the additional funding is available from Community Services and City Hall budgets without depleting the line items.

### **COUNCIL MEETING**

#### **Flag Salute**

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

#### **Consent Calendar**

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Mayor Verger reviewed the consent calendar which consisted of approval of the minutes of March 21, 2000, adoption of Resolution 00-14 requesting support for changing the boundaries of the Bay Area Enterprise Zone, and approval of OLCC license renewals for Bassett-Hyland Energy Co., Smith's Bayway Market, Sun Wah Restaurant, and T N T Market. Councilor Miller moved to approve the consent calendar as corrected. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Annual Report from the Coos Art Museum by Director Helen Scully**

Helen Scully, Director of the Coos Art Museum, reported 2000 is the golden anniversary of the museum which had its beginning in the old Carnegie Library Building in the 1960s and moved to the old post office building in 1983. Ms. Scully reported on the past year's exhibits, the art education program in the schools, and the establishment of space for the permanent collection. The project for putting the collection on a web site has been completed and will be of help to teachers and students. Improvements to the museum have been made possible by two grants and the Council was invited to visit the museum for a tour.

### **Department Head Report by Police Chief Chuck Knight**

Chief Chuck Knight reported Officer Peter Kirk is back from the Academy and received an award for physical fitness, and introduced two new officers, Hugo Hatzel and Terry (Scott) Rogers. The officers were invited to give comments to the Council; Officer Hatzel said he was pleased to be part of the City of Coos Bay and has high hopes and things he would like to accomplish. Officer Rogers also expressed his pleasure in being a part of the department and commented he recently moved from Kansas City, Missouri. Mayor Verger welcomed the officers to the City. Chief Knight reported training on the new phone system will be done this week and the system will be switched over at 5 p.m. on Thursday. Councilor Weeks inquired if the phones would be answered by machine and Mr. Grile reported staff would still be answering the phones, however, voice mail will be an option. Chief Knight commented the new system includes a paging system which will allow for emergency evacuation notice to all departments.

### **Authorization to Proceed with Re-surfacing of Mingus Park Upper Tennis Courts**

City Manager Bill Grile reported the bid came in at \$10,550 to resurface the upper Mingus Park tennis courts. The project is budgeted at \$7,000 and was bid last July. One bid for \$10,820 was received and Council directed staff to rebid the project in the Spring. Staff's recommendation is to award the bid using \$7,000 from the tennis court re-surfacing line item and \$3,550 from the tree planting line item. Councilor Miller moved to award the bid to Atlas Track in the amount of \$10,550. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Determination of Nuisance Violation for 764 South 7<sup>th</sup> Street – Adoption of Resolution 00-16**

City Manager Bill Grile reported staff is recommending adoption of Resolution 00-16 ordering the abatement of the nuisance at 764 South 7<sup>th</sup> Street. The property owner will have 48 hours to abate the nuisance. Councilor McKeown commented a lot of staff time has been given to this matter. Councilor Miller

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moved to adopt Resolution 00-16. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Award of Contract for the Mingus Park Stage Project – Adoption of Resolution 00-17**

Architect Stuart Woods reported he has reviewed the project and is at a loss to explain why the bids have come in so high. He commented one of the issues is the time frame for the project and there could be an increase in cost associated with the color of the brick selected. Mr. Woods reported the electrical and retaining wall are beyond the original scope of the project and increase the cost by several thousand dollars. Councilor Stufflebean said he would like to see the project move ahead and noted a major swim meet will be held in July at the park. Councilor Spangler inquired about the bond that was forfeited by one of the bidders and Mr. Woods reported the bond is 10% of the project.

City Attorney Randall Tosh reported if bids exceed the City's cost estimate, the City may negotiate with the lowest bidder, but cannot negotiate a considerable change in the scope of the project, and negotiation would not be appropriate in this situation. Councilor Benetti did not agree that there would be a major change in the scope of the project for considering colorization of the concrete. Mr. Tosh commented it would change the scope and other bidders would come in lower; as would deleting elements of the project such as electrical. Councilor Benetti commented looking at the color of the concrete and availability of the brick wouldn't be more than a 10% cost adjustment. Councilor Spangler commented the law is quite clear and changes in the scope of work cannot be made by negotiation. Mayor Verger inquired if staff had reviewed the bids and Mr. Finney responded the bids had been reviewed and were broken down by activity of work. Mayor Verger asked the Council to consider giving staff direction to rebid if the negotiation is not an option. Councilor Stufflebean expressed concern about the amount of time it would delay the project if the City were to proceed with a rebid. Councilor McKeown asked Mr. Woods for an estimate on the cost of the coloration of the concrete and Mr. Woods said approximately \$1000. Councilor Weeks moved to award the contract to Steve Auer Construction in the amount of \$64,751. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Mr. Grile explained resolution 00-17 authorizes the transfer of funds from other general fund line items to pay for the stage. The funds identified are \$3,000 from city hall building and grounds maintenance, \$5,500 from parks improvement/tree planting, \$6,000 from parks improvement/construction and \$6,000 parks improvement/skateboard park. Funding from the insurance settlement for the Park House in the amount of \$33,633 and donations will cover the project. Councilor Stufflebean moved to adopt Resolution 00-17. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Award of Contract for the Design of Front Street Paving**

City Manager Bill Grile reported bids were received from Stuntner Engineering for \$27,366 and Dyer Partnership for \$29,700 and staff's recommendation is to award the contract to Dyer Partnership. The Front Street paving project is one of the first steps in revitalizing the Front Street area and would pave Front Street from Fir Avenue to Market Avenue. Councilor Stufflebean inquired if sidewalks could be part of the project and Community Services Director Bill Finney reported staff had not looked at including sidewalks. City Manager Grile commented the paving project should not be held up, but staff would review constructing sidewalks and report back to the Council. Councilor Miller moved to award the contract to Dyer Partnership in an amount not to exceed \$29,700. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

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**Enactment of Ordinance No. 292 Providing for Regulations for Public Rights-of-Ways and Requiring Security as a Condition for the Construction of Public Improvements and Repealing Ordinance Nos. 175 and 235**

City Attorney Randall Tosh reported the ordinance had been reviewed by the Council previously and would combine two existing ordinances into one, and provide provisions to cover a gap that currently results when developers wish to make improvements that are not part of the Land Development Ordinance. Councilor Weeks moved to enact Ordinance No. 292. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title and the four corrections to the ordinance, and polled the Council with the following results:

Voting Aye: Mayor Verger and Councilors Benetti, McKeown, Miller, Spangler, Stufflebean, and Weeks  
Voting No: None  
Absent: None

**Enactment of Ordinance No. 293 to Amend the Land Development Ordinance Adopting a Definition for “Homeless Shelter” and Listing the Use in the “Industrial/Commercial Zoning District**

City Manager Bill Grile reported the Planning Commission has reviewed the amendment to add homeless shelter to the definitions of the Land Development Ordinance, and is recommending enactment of Ordinance No. 293. If a homeless shelter is proposed within 400 feet of a residential district, the approval of a site plan and architectural review would be required. Councilor Weeks moved to enact Ordinance No. 293. Councilor Miller seconded the motion. Deputy Recorder Joyce Jansen read the ordinance by title and the Council was polled with the following results:

Voting Aye: Mayor Verger and Councilors Benetti, McKeown, Miller, Spangler, Stufflebean, and Weeks  
Voting No: None  
Absent: None

**Approval of a Policy for Use of Downtown Parking Lots – Adoption of Resolution 00-15**

City Manager Bill Grile reported Resolution 00-15 establishes a policy for the use of downtown parking lots and procedure for street closures for special events. One of the requirements is that Council will approve citywide events and street closures. Mayor Verger noted request for approval would be a consent calendar item, however, items can be removed from the consent calendar for discussion. Councilor Miller moved to adopt Resolution 00-15. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

**Public Comments**

There were no public comments given.

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

City Manager Bill Grile reported on a meeting with North Bend Administrator Gary Combs and John Craig with the Corp of Engineers regarding the flooding problems in the Pony Creek area. They are requesting the City of Coos Bay contribute funds towards paying for a study. Mr. Grile commented the Coos Bay Planning Commission has not approved development of this area and he does not see this as a Coos Bay issue. Consensus of the Council to agree with Mr. Grile's opinion.

### **Mayor and Council Comments**

**Councilor McKeown** commented the welcome sign located at the city's north entrance on Hwy 101 is really in need of improvement. Community Services Director Bill Finney reported staff researched purchasing a larger sign and the estimated cost was \$10,000. Mayor Verger suggested putting something behind the sign to make it appear larger. Councilor McKeown requested staff to further research improvements for the sign.

**Councilor Stufflebean** reported the Boys and Girls Club is on schedule; the Airport Advisory Committee is recruiting businesses for the area and are targeting companies at \$3 million or less with 100 employees or less; and the lunch at Madison School was a success. Councilor Stufflebean commented there is a lot of misinformation regarding the 5<sup>th</sup> Street Plaza. City Manager Bill Grile reported the information is on the City's web site and Councilor McKeown suggested information be placed in the next issue of the City News.

**Councilor Benetti** inquired if there is now a limit on the amount of brush that will be picked up during the brush pickup. City Manager Bill Grile responded there is a limit on the amount that will be picked up at no charge. Councilor Benetti suggested the City consider charging bars if there are multiple re-occurrences requiring a police officer at their establishment. Chief Knight reported the police activity log will appear in the newspaper.

**Councilor Miller** reported the Madison School luncheon was wonderful and thanked Emily Rittenhouse for being her guide. Councilor Miller commented the Commission on Children and Families will be holding forums throughout the county to develop a comprehensive plan for children and families. She requested an update on providing restrooms for the downtown area.

**Councilor Spangler** apologized for missing the Madison School lunch and reported attending the Sunset School Back to School event. Councilor Spangler noted the school received a \$6,000 grant from the Commission on Children and Families, and he will be in Eugene on Friday for a Fiber South meeting.

**Councilor Weeks** commented the Madison School luncheon was great and congratulated the Art Museum for their 50<sup>th</sup> anniversary.

**Mayor Verger** enjoyed the luncheon at Madison School luncheon and thanked her escort Justin, and commented the Home Show was a success. Mayor Verger reported in recent meetings she has heard comments about businesses in the Portland area not getting a quality workforce and she encouraged businesses to come to Coos Bay. She commented the hotel tax is now at 11% in Portland.

### **Continuance of the Council Meeting**

Mayor Verger moved to continue the meeting to a time certain and convene the Urban Renewal Agency. Councilor Benetti seconded the motion which passed with the Mayor and all Councilors present voting aye.

### **Executive Session**

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Mayor Verger moved to meet in executive session pursuant to ORS 192.660 (1) (d) for the purpose of consulting with legal council regarding labor negotiations. Councilor Benetti seconded the motion which passed with the Mayor and all Councilors present voting aye.

The Council reconvened into regular session.

### Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to May 16, 2000 at 7 p.m. in the Council Chambers of City Hall.

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

ATTEST:

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Joyce Jansen  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon