

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 18, 2001

The minutes of the proceedings of the 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 Present

Those present were Mayor Joe Benetti and Councilors Anna Marie Larson, Jeff McKeown, Don Spangler, Kevin Stufflebean and Judy Weeks. Councilor Cindi Miller was absent. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Shanda Shribbs, Finance Director Janell Howard, Fire Chief Stan Gibson, Library Director Carol Ventgen, Planning Administrator Laura Barron, and Police Chief Chuck Knight.

Flag Salute

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

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of approval of a proclamation of support and solidarity for our Nation's recovery from the September 11th attack on New York City and Washington DC, approval of a proclamation for Disability Employment Awareness Month, approval of special event permit for Farwest Lapidary and Gem Society, Inc., approval of CEDCO request for consent of Coos Bay-North Bend Street vacation and approval of the July 31, 2001 council meeting minutes.

Mayor Benetti requested the approval of the CEDCO street vacation request be removed from the consent calendar and placed as a regular agenda item. Councilor Weeks moved to approve the consent calendar as amended. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. Mayor Benetti read the proclamation to the assembly.

Department Head Report by Police Chief Chuck Knight

Chief Chuck Knight reported last Tuesday was a tragic day for our country, and for the City of Coos Bay, it allowed staff to activate the City's emergency center. A meeting to review the preparedness of the community was held and included representatives from the Bay Area Hospital, Port of Coos Bay, City of North Bend, and the Red Cross. Chief Knight commented the city hall disaster plan has also been reviewed and staff is comfortable that Coos Bay is prepared for emergencies.

Chief Knight reported the department currently has two police officer openings and is in the process of recruiting to fill the positions. The closing date is Friday of this week and to date 52 applications have been received; 44 male and 8 female; 21 are from Coos County, 23 from other parts of Oregon, and eight from out of state. Chief Knight commented the amount of time necessary to go through the process and testing the positions will be filled by the end of the year.

City Council Minutes – September 18, 2001

Chief Knight commented the Fun Festival was an excellent event for the community and there were only two situations relating to alcohol, one fight, and one dog bite. Staff will debrief and come up with recommendations for the Fun Festival and Prefontaine committees. Chief Knight reported the Meth Task Force is moving ahead with hiring a coordinator with preliminary interviews scheduled for Wednesday. He noted some positive comments have been received regarding the taxi ordinance and there may be amendments recommended to the Council. Chief Knight reported staff met with Marshfield High School representatives and a resident adjacent to the high school regarding difficulties in the area. The meeting was productive and the resident was pleased with the outcome of the meeting.

Request by CEDCO for Approval for Consent of Coos Bay-North Bend Street Vacation

Councilor Weeks declared a conflict of interest in the matter of CEDCO's request for a street vacation. Councilor Spangler inquired if the request has gone through the North Bend Planning Commission. Planning Administrator Laura Barron reported CEDCO is the applicant and will go to the North Bend Planning Commission and then to the North Bend Council, however, Coos Bay is the first step. City Manager Bill Grile commented the Coos Bay-North Bend Water Board is the property owner and the vacation requires approval by the City Council. Mayor Benetti moved to approve CEDCO's request for approval of the street vacation. Councilor McKeown seconded the motion which passed with the Mayor and Councilors Larson, McKeown, Spangler and Stufflebean voting aye. Councilor Miller was absent.

Enactment of an Ordinance Amending the Coos Bay Estuary Management Plan

Planning Administrator Laura Barron reported the purpose of the ordinance is to satisfy Task II of the Periodic Review Work Program to update the city's estuary plan. Making the changes to the plan would comply with the changes that have occurred through statewide Goals 16 and 17. Ms. Barron commented the City is not required to eliminate any uses already provided in the estuary plan; and if a use is permitted by the goal, but not in the City's plan, a plan amendment may be done. The Planning Commission reviewed the amendments at their August 14th meeting and approved the changes. Ms. Barron noted there is a 21 day appeal period. Councilor Weeks moved to enact Ordinance No. 312 amending the Coos Bay Comprehensive Plan 2000, Volume III, Coos Bay Estuary Management Plan, to comply with statewide planning goals 16 and 17. Councilor Stufflebean seconded the motion and Deputy Recorder Joyce Jansen read the ordinance by title only and the Council was polled with the following results:

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

Award of Contract for Design of Newmark Avenue Widening Project

City Manager Bill Grile reported the Council had met on August 29th to discuss the Newmark project and it is staff's understanding the Council's preference is to move forward with the design of the whole project. The cost for Dyer Engineers to design the project is \$260,000. Councilor Weeks commented during the previous discussion, it was proposed that some Urban Renewal funds be used, and she has heard a number

City Council Minutes – September 18, 2001

of positive comments for this plan. Councilor Spangler stated he has a problem with coming in at Fir Street and recommended doing the project in one phase. He commented safety should be the top priority and with Phase I, development is moved ahead of safety. Councilor McKeown agreed with doing the whole project at one time and with using urban renewal funds. He commented the reason for doing the project in phases was due to availability of funds. He further commented, very few dollars would be spent from Fir Street to Staples, and with the improvements there is a chance that Wal-Mart will expand and they can pay for some of the improvements. It is not a matter of one phase having priority over another, it is the need of the City Council to be fiscally responsible.

Councilor Larson inquired where police statistics show the most accidents occur on Newmark. Ms. Shribbs reported Newmark is broken down by block; the Y intersection being the 1300 block and Fir Street at the 2100 block. The highest number of accidents occurred at the 2000 block which is where Wal-Mart is located. There were no fatalities, 35 non-injury, and 8 injury accidents in this block. Ms. Shribbs reviewed the stats for the remaining blocks along Newmark.

Ms. Shribbs explained the award of bid would be for design only and would give the City real numbers on the cost of the project. Councilor Spangler asked if the contract would prohibit the Council from beginning the project at Staples and going west. Ms. Shribbs reported the engineer will design whatever pieces the City requests, and if they see prices are much higher than anticipated, they will work with the City on how to design the project to fit our budget. Mr. Grile commented the advantage to starting at Fir Street is that the Planning Commission will be discussing with Wal-Mart about sharing in the improvements. Mayor Benetti noted with the design done by the City, it would allow Wal-Mart to participate in the improvements because the groundwork would already be done. He further commented the City only has so much money to use from the jurisdictional exchange; only the interest from the fund can be used.

Mayor Benetti reported comments given at the August 29th indicate the City should do the whole project at once and that safety is a high priority. Mayor Benetti commented \$85,000 could be used from urban renewal funds and there would still be funding for other urban renewal projects. Ms. Shribbs commented 82 percent of the street distance from LaClair to the Y is within the Empire urban renewal district and that is how staff came up with the dollar amount. Councilor Spangler expressed concern about the higher cost of improvements for this section and Ms. Shribbs explained the expense is due to easements and retaining walls. Mayor Benetti commented the community would like to move forward with the project without delay.

Councilor Weeks moved to accept staff's recommendation to award the contract to Dyer Partnership in the amount of \$259,800; \$117,038 from jurisdictional exchange funds, and \$142,672 from the Empire Urban Renewal Agency upon approval of the Agency. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Stufflebean and Weeks voting aye. Councilor Spangler voting no and Councilor Miller was absent. Councilor Weeks moved to direct staff include provisions for negotiating contract amendments for bidding and contracting and construction of Phase I and II of the contract. Councilor Stufflebean seconded the motion which passed with Mayor Benetti and Councilors Larson, McKeown, Stufflebean and Weeks voting aye. Councilor Spangler voting no and Councilor Miller was absent.

Award of Contract for Street Repair and Overlay Project on 6th Avenue

City Council Minutes – September 18, 2001

City Manager Bill Grile reported the Eastside 6th Avenue project would be the first maintenance work to be done under the jurisdictional exchange fund. The Street crew has evaluated the 23-lane miles as well as asking Johnson Rock and Bracelin and Yeager to review the streets, and it was determined 6th Avenue had the highest priority. Mr. Grile reported staff's recommendation is to proceed with the project. Mr. Brad Carlson, City Street Superintendent, recommended proceeding with maintenance now because after a normal winter, it would be more expensive to make the repairs.

Councilor Weeks commented it was her understanding that ODOT would be responsible for repair work on this portion of highway. Ms. Shribbs reported ODOT's responsibility begins just beyond 10th Avenue and they will maintain the highway until 2005. Councilor Spangler asked where, according to staff's review, would Newmark Avenue fall as a priority. Mr. Carlson reported Newmark is not as bad as 6th Avenue and estimated it would need repairs in two to five years. Ms. Shribbs commented the report on the 23-lane miles has been completed, using the highest estimates to cover maintenance costs, and listed in order to begin the maintenance. She noted staff will continue to review the streets each year to determine wear and tear. Councilor McKeown commented it is important to maintain the streets to save money in the long run. He noted 6th Avenue is a main thoroughfare for the community. Mayor Benetti commended staff on development of the maintenance plan and thanked Johnson Rock and Bracelin and Yeager for participating with staff in reviewing the streets.

Councilor Weeks inquired about the bid protest from Johnson Rock. City Attorney Randall Tosh explained the bid documents contain a certificate of non-resident status, which B & Y forgot to sign. The Council may waive requiring the document as it only has to do with having a known out of state bidder competing with local contractors. Mr. Tosh reported no formal written protest has been submitted by Johnson Rock to the City as required by contracting rules.

Councilor Week moved to waive the informality in the Bracelin and Yeager bid and make a finding that Bracelin and Yeager have complied with the City's bid requirements. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. Councilor Stufflebean moved to award the bid to Bracelin and Yeager in the amount of \$57,205. Councilor Weeks seconded the motion which passed with the Mayor and all Councilors present voting aye.

Adoption of Standards and Criteria for the Evaluation of the City Manager

Mayor Benetti explained the Council is required to adopt standards and criteria for the evaluation of the city manager, and to also take public comments on the standards and criteria. The proposed standards and criteria are as follows: relationship with the Council, administration, leadership, community/public relations, personnel and labor relations, and community groups and other agencies. Mayor Benetti opened the hearing for public comments. No comments were heard and Mayor Benetti closed the hearing. Councilor Stufflebean moved to adopt the criteria and standards as presented, and schedule an executive session for October 18, 2001 at 5:30 p.m. to evaluate the city manager. Councilor McKeown seconded the motion which passed with the Mayor and all Councilors present voting aye.

Public Comments

City Council Minutes – September 18, 2001

Julia Spangler, Coos Bay, thanked the Council for moving forward with the Newmark improvement project. She commented people have been concerned about the hazards along the area from the Y intersection to LaClair Street.

Rex Miller, Coos Bay, reported Eastside businesses have gotten together to make some improvements to the Eastside area and along the Coos River corridor. He suggested funds for more improvements could be taken from the 23-lane mile ODOT exchange funds. Problems in need of correction include visibility along the roadway, ditchlines, brush covering road signs, and brush growing into walkways. Mr. Miller commented it is very important to maintain the highway and suggested the City borrow either county or state equipment to spray for brush and weeds, and clean the ditches. He noted that the businesses are fixing up their buildings and the city needs to fix the sidewalks and highway. Mr. Miller commented 7,440 vehicles pass through Eastside per day and he suggested signage be added to help visitors, and residents, locate the boat ramp facility, Gold and Silver Falls Park and other attractions.

Councilor Larson commented it is important for the City to pay attention to Eastside and supported additional signage in the area. Councilor Spangler noted sidewalks are the responsibility of the property owner. Councilor McKeown thanked Mr. Miller for his report and suggested Community Services Director Shanda Shribbs review items brought up by Mr. Miller. City Manager Bill Grile commented part of the Coos River Highway is under ODOT's control until 2005 and he would be meeting with staff and Mr. Miller about the brush issue. Mayor Benetti thanked Mr. Miller for his presentation and commented the Council needs to be aware of all parts of the City and invited the public to call the Council.

Al Henrickson, Coos Bay, commented he drives Coos River Highway daily and he concurs with Mr. Miller's comments about visibility hazards along the highway. He urged the City to give full attention to the needs of the Eastside area. Brad Carlson, Street Superintendent, commented the slide area along the Coos River Highway was taken care of earlier and the brushing has also been completed. The City has contacted the County for brushing as well as scheduling the Shutters Creek crew for roadside work.

City Attorney's Report

City Attorney Randall Tosh reported the people of Indonesia are remarkable and are engaged in a remarkable experiment. The cities are attempting to come to grips with local government and he considered it an honor to help them with understanding democracy. He further commented Coos Bay should be proud to participate in the program and noted people from Bitung will be visiting Coos Bay in November.

City Manager's Report

City Manager Bill Grile reported City staff and Marshfield High School staff met with Mr. and Mrs. Haller regarding concerns expressed by Mr. Haller about high school students in his neighborhood. The situation is under control and the City will continue to monitor the neighborhood. Mr. Grile commented the relationship between the City and MHS is very good. Mr. Grile thanked Frances Somday and the Confederated Tribes for the artwork done for the boardwalk aquarium.

He commended Shanda Shribbs for her work with the Oregon Downtown Development Association (ODDA), and also for beginning the development of the Empire waterfront master plan. Mr. Grile commented staff will be asking the Urban Renewal Agency to appoint community representatives to help scope the design of the waterfront plan. Mr. Grile reported he will be attending a telecommunications conference at the end of

City Council Minutes – September 18, 2001

the week in Bend. The trip to Bitung, Indonesia as part of the International City Manager's Association exchange program, was incredible and he will report on the experience at a later time.

Ms. Shribbs reported a postcard from ODDA will be sent to downtown property and business owners regarding ODDA's visit to Coos Bay October 1st through 3rd. Public meetings have been scheduled for October 1st and 3rd in the council chambers and the public is encouraged to participate. The purpose of the visit is to compile a report on how to coordinate efforts to improve the area, how to recruit businesses for the downtown area, and determine where we want to go.

Council Comments

Councilor Weeks commented many prayers and thoughts are with the citizens in the eastern part of our country. She thanked OMI for the appreciation luncheon last week, and thanked Cindi Miller for her dedication and hard work in chairing the Bay Area Fun Festival. City Manager Bill Grile also thanked Ms. Miller for the candle light vigil she organized on the front steps of city hall.

Councilor Spangler commented in spite of the tragedy last week, it was good to move ahead with the Fun Festival. He thanked Cindi Miller and all the volunteers for their work on the festival, and also thanked the people of Coos Bay for turning out for the festival. Councilor Spangler commented it is important to go about our normal business. He noted the Empire Association float won the best float award.

Councilor Larson expressed her thoughts and prayers are with those who lost family and friends in the September 11th Trade Center attack. Councilor Larson stated we need to work together for world peace. She thanked the Water Board Manager Rob Schab for the tour of the dam project, and thanked Cindi Miller for her work on the Fun Festival event. She reported the water fight at the city dock sponsored by the Campfire Kids was a great success.

Councilor Stufflebean commended everyone who worked on the Fun Festival and thanked Cindi Miller for chairing the committee to organize the event. Councilor Stufflebean stated he has received a number of positive comments about the aquarium, as well as calls regarding the flying of the American flags at half staff in the city. He expressed his thoughts and prayers are with the families and friends who lost loved ones in the September 11th attack on the World Trade Center.

Councilor McKeown thanked the Confederated Tribes for the artwork on the boardwalk aquarium, and thanked Rex Miller for his presentation on the Eastside area. Councilor McKeown commented Ms. Shribbs' efforts with the Oregon Downtown Development Association has a huge potential for the city, and he is pleased she took the lead on the project. He thanked the many volunteers and Cindi Miller for organizing the Fun Festival event, and commented it was good to go ahead with the festival this year.

Mayor Benetti thanked OMI for the annual appreciation luncheon, and the Confederated Tribes and ODF&W for the work on the boardwalk aquarium. Mayor Benetti reported the Oregon Federal Credit Union's groundbreaking ceremony for their new building was held this afternoon, and the Council has been invited to Weyerhaeuser's 40th anniversary celebration. The Fun Festival was a great success and the mayor thanked Cindi Miller and Bob Huggins for their work on organizing the event. Mayor Benetti expressed the community's thoughts and prayers for the families and friends of those who lost their lives in the September 11th attack on the World Trade Center. He commented the Fire Department has raised over \$5,000 for families in New York City, Rotary has raised \$1,100, and there will be other fund raisers held in the community. Councilor Weeks commented a spaghetti feed will be sponsored by The Mill Casino.

Mayor Benetti reported the Coos Art Museum received a check from the Oregon Arts Commission and Representative Joanne Verger was present at the event. Representative Verger also suggested a letter be sent to Mayor Giuliani in New York City from the City of Coos Bay. Consensus of the Council to have a letter prepared for the Mayor's signature.

City Council Minutes – September 18, 2001

Mayor Benetti recessed the Council meeting to proceed into the Urban Renewal Agency meeting, due to the Council executive session. The City Council reconvened into the Council meeting after the Urban Renewal Agency meeting was held.

Executive Session

Councilor Weeks moved to go into an executive session pursuant to ORS 192.660 (1) (d) for the purpose of discussing labor negotiations with legal counsel. Councilor Spangler seconded the motion which passed with the Mayor and all Councilors present voting aye. The City Council reconvened into regular session.

Adjournment

There being no further business to come before the Council, Mayor Benetti adjourned the meeting to October 2, 2001 at 7 p.m. in the Council Chambers of City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder