

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

May 7, 2002

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 were Mayor Joe Benetti and Councilors Anna Marie Larson, Jeff McKeown, Cindi Miller, and Kevin Stufflebean. Councilors Don Spangler and Judy Weeks were absent. City staff present were City Manager Bill Grile, Deputy Recorder Joyce Jansen, City Attorney Randall Tosh, Community Services Director Shanda Shribbs, Battalion Chief Mark Anderson, Finance Director Janell Howard, Library Director Carol Ventgen, 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 observing May 15th as Peace Officers Memorial Day, approval of a letter of support requested by Coos County Sheriff's Reserve for an application to Ford Family Foundation grant to update their mobile command center, and adoption of Resolution 02-12 accepting a Transportation Growth Management grant. Execution of an agreement and covenant with MKG Trust was removed from the consent calendar. Councilor Stufflebean moved to approve the consent calendar as amended. Councilor McKeown seconded the motion which passed with the Mayor and all Councilors present voting aye.

Report from Marshfield High School Council by Jon Hanson

Jon Hanson reported a breakfast was held last week for students and employers who participated in the student career development program, Seniors with graduate on June 8th, and Spirit Week was a successful event. The Junior Prom was held last week and the Senior Ball will be held in two weeks. Mr. Jenkins and Mr. Engle will be retiring and will be missed.

Peace Officers Memorial Day Proclamation

Chief Chuck Knight explained Congress designated the week of May 13th as National Police Week and May 15th as Peace Officers Memorial Day. Chief Knight read the proclamation, which is attached and made a part of the record, to the assembly and extended an invitation to attend a ceremony honoring peace officers to be on Monday at 6 p.m. in Reedsport.

Request to Approve Execution of an Agreement and Covenant for the Use of a Portion of 26th

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Street with MKG Trust, Rich Gallagher Trustee

City Manager Bill Grile reported Mr. Gallagher wants the ability to bring equipment to his property and the agreement would allow him to use the end of 26th Street as access. He noted the agreement has a clause that if the use is violated, Mr. Gallagher would lose the use of the street. Mr. Grile apologized that more notice had not been given to the neighbors and he had talked personally with some of the residents. Mrs. Joyce Tobiska expressed concern about the increased traffic and the purpose of Mr. Gallagher's access. Mr. John Plott expressed concern that Mr. Gallagher would be using the street for access to his housing development rather than just for his driveway. Mr. Grile reported the covenant and agreement is limited to a single family dwelling, and further noted that Mr. Gallagher's property is in North Bend. Mr. Plott commented all the residents are opposed to the agreement for Mr. Gallagher. Mr. Skroggs also spoke in opposition to the agreement. Mayor Benetti recommended the item be continued to the next meeting and notice be given to all the residents and the City Council agreed with the mayor's recommendation.

Authorization to Expend Repair/Replacement Funds To Purchase a Used Brush Cutter and Surplus the Current Brush Cutter

Councilor Stufflebean moved to authorize staff to purchase a used Case Brush Cutter from State Surplus for \$20,000 and surplus the City's current brush cutter, and authorize the use of repair and replacement funds for delivery expenses. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Award of the Design Contract for Wastewater Pump Station No. 3

Councilor Miller moved to award the design contract for wastewater pump station No. 3 to HGE, Inc. for \$32,000. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Accepting the Parks Commission's Recommendation for the Use of Sidewalk Stencils to Remind Citizens of City Leash and Skateboard Area Regulations

Councilor Miller moved to proceed with the use of sidewalk stencils to remind citizens of the city leash and skateboard area regulations. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

Discussion of a Proposed Telecommunications Business License

City Manager Bill Grile reported the concept of a telecommunication business license had been discussed some time ago with the Council and the city attorney has drafted an ordinance for Council's review. He further commented the City of Eugene has the same ordinance and it has gone to the Court of Appeals. Mr. Grile noted the purpose of the ordinance is to level the playing field for telecommunication businesses; some are franchised and others such as cell phones and Internet service providers are not. The proposed

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ordinance would create a registration and licensing fee and allows current franchises to continue until they expire. Council discussed the amount of the fee, whether the cable television provider would pay a fee for computer modems, and the fact that Eugene's ordinance is under appeal at this time. Mayor Benetti commented if the ordinance was enacted now, the city would be in a position to collect fees once the issue has been resolved. Councilor Stufflebean suggested a public hearing be held before the ordinance is enacted. Consensus of the Council to direct staff to schedule the public hearing for the next Council meeting.

City Attorney's Report

City Attorney Randall Tosh reported Northwest Natural Gas has tentative franchises with Coos Bay, North Bend and Coquille, and he will bring the matter to the Council in the near future. He commented at this time the status of the pipeline is unclear.

City Manager's Report

City Manger Bill Grile reported the assessment center for Battalion Chiefs will be held May 23rd and 24th, and the Police Department is in the process of selecting a sergeant to replace Sgt. Darrell King. He has spoken with the three union presidents, the management team and employees and it has been determined there is a need for team building and communication. Mr. Grile commented an employee survey/city evaluation could be performed by Marcia Hart for \$3,000. There was further discussion on Ms. Hart's experience and on the process to be used. Councilor Stufflebean moved to approve the survey and expenditure of \$3,000 from the city manager's budget. Councilor Miller seconded the motion which passed with the Mayor and all Councilors present voting aye.

Mr. Grile reported Tribal One requested approval to begin construction in city right of ways before the franchise has been approved. Council agreed that the franchise agreement must be in place before construction begins. City Attorney Randall Tosh reported there are some changes being proposed in the language and he is awaiting the Tribes' response.

Council Comments

Councilor Larson commented the Eastside School Back to School program was great and she was glad to see some work being done at the Sportsman Plaza. Councilor Stufflebean commented this year has been one of the most cooperative budget processes he has been involved in, and noted the Firefighter's Association ad in the newspaper incorrectly listed his email address. Councilor McKeown reported the budget committee's process was excellent although it was a difficult year. He suggested asking Sen. Ken Messerle and Rep. Joanne Verger meet with the Council and discuss their vision for the State of Oregon. Councilor Miller also noted her email was incorrect in the newspaper ad and noted the information in the ad was not factual. She expressed regret at the animosity and tone in the Fire Department.

Mayor Benetti reported in an effort to show appreciation to citizens, he and his wife, Tricia, will donate a Myrtlewood plaque to the City. He thanked the members of the Budget Committee for their service, and the staff and Council for participating in the Back to School programs. Mayor Benetti commented he will be out town May 24th through 29th and Councilor Stufflebean has agreed to represent the city in the Memorial Day Parade on May 25th. It has been suggested that a councilor participate in the Battalion Chief assessment center and Councilor McKeown has volunteered.

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Councilor Miller moved to recess the City Council meeting in order for the Urban Renewal Agency Board to meet. Councilors McKeown seconded the motion which passed with the Mayor and all Councilors present voting aye.

After the Urban Renewal Agency meeting, the City Council reconvened to hold an executive session.

Executive Session

Councilor Miller moved to convene in an executive session pursuant to ORS 192.660 (1) (h) for the purpose of consulting with legal counsel regarding pending litigation. Councilor Stufflebean seconded the motion which passed with the Mayor and all Councilors present voting aye.

The Council reconvened in regular session.

Adjourn

There being no further business to come before the City Council, Mayor Benetti adjourned the meeting to May 21, 2002 in the Council Chambers at City Hall.

Joe Benetti, Mayor

ATTEST:

Joyce Jansen, Deputy Recorder