

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

May 6, 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 were Mayor Jeff McKeown and Councilors Michele Burnette, Jon Eck, Stephanie Kramer, Gene Melton and John Muenchrath. Councilor Mark Daily was absent.

City staff present was City Manager Chuck Freeman, City Attorney Nate McClintock, City Clerk Vicki English, Police Chief Rodger Craddock, Fire Chief Stan Gibson, Finance Director Janell Howard, Public Works and Development Director Jim Hossley, Assistant City Manager Joyce Jansen and Library Director Carol Ventgen.

Flag Salute

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

Consent Calendar

Mayor McKeown reviewed the consent calendar which consisted of approval of the Minutes of April 15, 2008. Councilor Burnette moved to approve the consent calendar as presented. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye.

Presentation of a Proclamation on Poppy Days by Rebecca Fields

Rebecca Fields made the presentation of the Poppy Days Proclamation. Ms. Fields asked the Council to recognize May 16th and May 17th, 2008 as Poppy Days. It was the consensus of the Mayor and Council to proclaim the 16th and 17th days of May 2008 as Poppy Days.

Setting a Date for Performance Review of the Solid Waste Franchisees

Chuck Freeman, City Manager, stated that Ordinance No. 272, Section 13 entitled Performance Review, allows the City the opportunity to hold a public hearing on the performance of the solid waste providers. Mr. Freeman recommended that the City Council set a date for a Performance Review public hearing for May 20, 2008. It was the consensus of the Mayor and Council to set the date for May 20, 2008.

Presentation of the Quarterly Financial Report by Finance Director Janell Howard

Janell Howard, Finance Director, presented the quarterly report for the quarter ending March 31, 2008. She briefly reviewed revenues and expenditures for the operating funds. Property taxes are at 95.3% compared to 96.9% or similar in previous years; however, still on target. Franchise tax is significantly higher due to the electric franchise being \$200,000 over budget. Ms. Howard

stated that on the expenditure side you want to be at 75 percent or less and there are only few categories that are above the 75 percent. The Council expenses are above due to one time expenses, Community Promotion and Support is the non-profits are at 100% because these payments are made in February. The Gas Tax revenue is lower than budgeted as it has been throughout the year. Ms. Howard stated that the Wastewater Fund revenue is coming in lower than expected; the fee increase of 25% is bringing in closer to 21%, most likely due to conservation. The transient tax in the Hotel/Motel Fund is on target if you account for the fact that the budgeted transient tax increase was not implemented. Building Codes fund is lower than budget due to the slow down in construction, but the fund is still healthy.

Public Hearing to Consider an Ordinance Adopting International and Specialty Building Codes as Adopted by the State of Oregon – Approval will Require Enactment of the Proposed Ordinance

Jim Hossley, Public Works Director, reported that pursuant to public input and recommendation by the City Attorney at the April 15th, 2008 public hearing an addition was made to Section 34 (12) 12 allowing for the transportation of explosive materials within the city limits; the new wording was: *Transportation as allowed in compliance with Federal Department of Transportation rules and regulations.* Mayor McKeown opened the public hearing for public input and enactment of the new ordinance with the additional wording. There being no further public comments, the hearing was closed. Councilor Eck moved to repeal Ordinance 239 and enacted the new Ordinance adopting International and Specialty Building Codes as adopted by the State of Oregon. Councilor Burnette seconded the motion. City Clerk Vicki English read the ordinance by title only; Ordinance No. 405 an ordinance adopting International and Specialty Codes, as adopted by the State of Oregon, substandard building provisions, and dangerous building provisions; and demolitions specifying violations and providing fees and penalties therefore; and repealing Ordinance No. 239; as amended by Ordinance Nos. 200, 212, 223, 242, 251, 264, 291, and 326 was enacted with the following vote:

Aye:	Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath
No:	None
Absent:	Councilor Daily

Approval to Extend the Management Agreements with PEG Broadcast Services and Public Access Local Supporters

Chuck Freeman, City Manager reported that the current management agreements with PEG Broadcast Services and Public Access Local Supporters will expire June 30, 2008. Mr. Freeman stated that the Government Access Committee and the Finance Standing Council Committee have recommended extending the agreements to June 30, 2009. Mr. Freeman said that there are three options for the Council's consideration: (1) extend the agreements for one year, (2) extend the agreements for two years, or (3) direct staff to proceed with a request for proposals process. Mayor McKeown stated Channel 14 is a critical part of what we do in the public process and we should give them the most consistency possible and suggested the two year extension. Councilor Eck moved to extend the contract for a two year period. Councilor Kramer

seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye.

Adoption of Resolution 08-07 Declaring a Moratorium on Transportation System Development Charges

Jim Hossley, Public Works Director, gave an overview of the history of Ordinance No. 382, providing for the establishment of System Development Charges (SDC's) and procedures for collecting and expending SDC's. Mr. Hossley stated that a resolution was adopted establishing the authority to collect a transportation system development charge on all new development in the City. The basis for the amount of the SDC is the Transportation System Plan (TSP) prepared in 2004. The TSP identified \$30.9 million in transportation projects with the value of projects eligible for SDC fees just over \$4.7 million. Mr. Hossley stated that based on this \$4.7 million value, 18% is allocated for pedestrian projects, 29% for motor vehicle projects and the remaining 53% is for bicycle related projects. The issue, stated Mr. Hossley, is the bulk of the cost component of the transportation SDC is to fund bicycle-related projects. Mr. Hossley recommended that the City Council consider adoption of this resolution declaring a moratorium for a period not to exceed 180 days to allow the Public Works Committee to investigate the methodology of the Transportation System Development (TSD) charges. As an example, Mr. Hossley said that a brand new fast food establishment without any previous development and with 3,000 square feet of property would have transportation SDC fees of \$97,300 due to the high traffic volume that they would be creating. Another example was a box store such as Home Depot could have transportation SDC as high as \$765,000. Councilor Muenchrath asked what SDC funds pay for. Mr. Hossley replied that the funds are used for widening the road and intersection improvements and that the SDC fees only cover approximately 25-30%. Mayor McKeown added that SDC can only be used for new construction and can not be used for maintenance of streets and infrastructure. Councilor Muenchrath inquired if the SDC fees only cover 25-30% is the City responsible for the remaining balance of the improvements? Mr. Hossley said that was correct. Councilor Muenchrath also added, if there was a moratorium the taxpayers would have to pay the 25-30% that the SDC's fees would have covered. Mayor McKeown stated that these fees are prohibitive and not really filling the need that we have for the community. He commented that these fees need to be looked at and that staff can come back with a long-term decision. Councilor Eck stated that when big projects come in such as Wal-Mart and Home Depot, it is part of the planning process for those businesses to make those improvements. Mr. Freeman stated his concern was about the rationale of the existing structure of the Transportation SDC fees and made the decision to approach the Council with a 180 day moratorium to give staff time to reevaluate the charges. Councilor Muenchrath moved to grant the moratorium on Transportation System Development Charges. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye.

Adoption of Resolution 08-06 Accepting and Appropriating a Department of Land Conservation and Development Grant

Jim Hossley, Public Works Director, reported that as a result of a grant application made in late January 2008, the Oregon Department of Land Conservation and Development (DLCD) has offered the City of Coos Bay a technical assistance grant in the amount of \$30,000 to complete an economic opportunities and buildable lands analysis. He continued to report, the grant will be

used to update the economic development element of the Comprehensive Plan. In order to do so, a buildable lands inventory and economic opportunities analysis, per Statewide Planning Goal 9, must be completed. The project will encompass an understanding of what the economy is and how it works. Mr. Hossley stated that the grant product will update and integrate an inventory of areas suitable for economic opportunities based on national, state, regional, county and local trends, site characteristics and locational factors as defined by state law. The buildable lands inventory presents the current status of buildable lands while the economic analysis will determine the adequacy or need for revision for expansion for future growth. Mr. Hossley added, the grant is for \$30,000 with a \$5,000 in-kind for services matched by the City. Councilor Muenchrath moved to adopt Resolution 08-06 Accepting and Appropriating a Department of Land Conservation and Development Grant. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye.

Award of Contract for the Schoneman Street Outfall Repair Project

Jim Hossley, Public Works Director, reported, in the spring of 2006 a sinkhole developed over the failed storm line crossing at the Gussies parking lot from Schoneman Street. Due to budget constraints and the need for engineering, the site was covered with plates until the plans were completed. Mr. Hossley stated that the plans have now been completed by HBH Consulting Engineers and the bid for the projects construction contract went out. Mr. Hossley said that the bids received ranged from \$29,470 to \$36,695. Mr. Hossley said, with the low bid of \$29,470 and an additional \$12,400 for contract administration fees, the anticipated total cost of the project would be \$41,870, under the budget of \$52,000. Mr. Hossley stated that staff and the design engineer recommend that the contract for the Schoneman Street Outfall Repair be awarded to the low bidder, JBS Construction, Inc., in the amount of \$29,470 and an additional \$3,000 contingency for a total of \$32,470. Councilor Eck moved to award the contract to JBS Construction, Inc. in the amount of \$29,470 plus \$3,000 contingency for a total of \$32,470. Councilor Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye.

Award of Contracts for the Storm Water Projects on South 2nd Street and Merchant Avenue and Jackson Street

Jim Hossley, Public Works Director, reported, these two different projects were bid together in the interest of saving money. The bids for the storm water improvements were broken down into two schedules, Schedule 1 for the South 2nd Street Alley, and Schedule 2 for the Merchant/Jackson Street. Mr. Hossley briefly described the improvements needed at both locations. Mr. Hossley stated, it is the recommendation of staff and the project engineer that the construction contracts for both storm water improvement projects be awarded to the low bidder, Johnson Rock Products, for the South 2nd Street alley in the amount \$12,299 and for the Merchant Avenue/Jackson Street culvert project in the amount of \$8,349, and ten percent contingency amount is also requested for each award bringing the totals to \$13,529 and \$9,184 respectively. Councilor Burnette moved to award the bid contract for the South 2nd Street and the Merchant/Jackson projects to Johnson Rock in the amounts of \$13,529 and \$9,184. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Burnette, Eck, Kramer, Melton and Muenchrath voting aye.

Public Comments

Geno Landrum, a resident of Coos Bay had a question on the new Ordinance 405. Mr. Landrum asked who could report and to whom you can report the violations stated in the Ordinance. Mr. Landrum also inquired about a structural survey and a hearing officer. Jim Hossley, Public Works Director, stated, if a citizen sees someone in violation of the Ordinance they can contact the Public Works Department and the Building Inspector would go and evaluate the situation. Mr. Hossley said that a structural survey is required if the building official finds a structure that is substandard or unsafe and the owner of the building disputes his findings then a structural survey would be preformed by a qualified engineer or architect at the owner's expense. Mr. Hossley addressed the inquiry regarding the hearing officer by stating, we have a hearing officer through the Lane Council of Governments that hears nuisance and land development Ordinances issues.

City Attorney's Report

City Attorney Nate McClintock asked the Council if they received the Performance Evaluation Form that he emailed to them earlier today. He said that he would like to get feedback in terms of any changes to the form and return the forms to him via email. Mr. McClintock stated that the form has the same criteria, questions and subject matter that have been used in the past. Mayor McKeown added that with a new Council there may be some changes that they would like.

City Manager's Report

Chuck Freeman, City Manager reported that there is a Traffic Circulation Stakeholders meeting for downtown scheduled for May 22, 2008 at 7:00 p.m. in the City of Coos Bays Council Chambers. The Comprehensive Plan update for the Request for Qualifications (RFQ) is due Thursday May 8, 2008. On June 11, 2008 at 6:00 p.m. a joint meeting between Coos County Board of Commissioners, City of Coos Bay, City of Lakeside, and City of North Bend will take place to discuss the Law Enforcement Tax Levy being considered for the November elections.

Council Comments

Councilor Melton gave a brief overview of the April 28, 2008 Public Safety Standing Committee. Some of the items he discussed were the site for the Public Safety Answering Point (PSAP) center, Chief Craddock's report on Southwestern Oregon Community College, a report from Chief Gibson on the levy for the Fire Station, police and fire protection outside the city limits, and the LNG meeting on May 20, 2008. Councilor Melton also reported May 24, 2008 after the Memorial Parade there will be a medal ceremony in the Marshfield High Gymnasium for all veterans. Councilor Kramer thanked all members of the Budget Committee for their time and hard work. Councilor Burnette urged everyone to vote yes on the fire station and to attend the open house on May 10, 2008. Councilor Eck encouraged everyone to vote and to stop by the Fire Station open house if you have any questions. Mayor McKeown stated that he spoke with the Editorial Board at The World about the Fire Station. He stated that the current station is substandard and we need something to serve the needs of our public safety and a building to be proud of. Mayor McKeown also stated that he attended the Retired Senior Volunteer

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Program (RSVP) and said that there were an impressive 105,000 volunteer hours contributed to the community last year.

Adjourn

There being no further business to come before the Council, Mayor McKeown adjourned the meeting at 8:10 p.m. until May 20, 2008 in the Council Chambers at City Hall.

Jeff McKeown, Mayor

Attest:

Janell K. Howard, City Recorder