

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

**September 16, 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, Mark Daily, Jon Eck, Stephanie Kramer, Gene Melton, and John Muenchrath.

City staff present were City Manager Chuck Freeman, City Attorney Nate McClintock, City Clerk Susanne Baker, Economic and Community Development Manager Joyce Jansen, Public Works and Development Director Jim Hossley, Deputy Finance Director Rae Lea Cousens, Fire Chief Stan Gibson, Library Director Carol Ventgen, and Police Chief Rodger Craddock.

### **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 September 2, 2008 with amendments; approval of the OLCC application for Coho Distributing, LLC located at 840 South Front Street; and approval of OLCC application for greater privileges for Walt's Pour House.

Councilor Muenchrath stated that there are two corrections to the minutes. The first is on Page 88 and corrects Mr. Leberti's first name from Leo to Lou. The second is on Page 89, second line, and adds the word not, "Councilor Muenchrath stated it was not out of line..."

Councilor Eck moved to approve the consent calendar as presented and corrected. Councilor Burnette seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton, and Muenchrath voting aye.

### **Discussion on the Standing Council Committees**

Councilor Daily began the discussion with the suggestion to lessen the frequency of the standing committee meetings. Councilor Eck stated that he has found the committees educational and a good tool. Councilor Eck and Mayor McKeown stated the importance and the understanding gained by attending the committee meetings. Councilor Melton offered to be assigned to the Public Works Standing Committee in place of Councilor Daily thereby leaving the Finance Standing Committee as Councilor Daily's only assigned committee this rotation. Councilor Daily accepted this offer.

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### **Public Hearing to Consider Approval of the Facilities Plan for Wastewater Treatment Plant No. 2 – Approval Will Require Adoption of Resolution 08-26**

Chuck Freeman reported that the new facilities plan has been in the review process for several years. The last upgrades were completed in the 1980's and many of the components are at the end of their life cycle. The draft facilities plan was submitted to DEQ in 2005 with final review and approval June 2008. The plan meets current DEQ regulatory requirements and future volumes to upgrade the treatment of the liquid stream and in managing solids.

In 2004 dollars the improvements for Plant 2 were estimated at \$11, 403,000. Mayor McKeown stated that it will be several years before construction begins. Mr. Freeman stated that the next step is to start predesign engineering with construction at least 24 months out.

Staff will continue to focus on implementing the Collection master plan to reduce I/I (inflow/infiltration) into the sanitary system to reduce the flow to the wastewater treatment plants. Any reduction will make the entire wastewater system more efficient.

There being no further public comments Mayor McKeown closed the hearing. Councilor Muenchrath moved to adopt Resolution 08-26. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton, and Muenchrath voting aye.

### **Public Hearing on a Proposed Increase in Solid Waste Collection Fees**

Chuck Freeman stated that a request for a CPI adjustment has been received from Coos Bay Sanitary and Les' Sanitary. Section 10 (c) of the franchise agreement, "Rate Regulation", requires the Council to hold a public hearing. Mr. Freeman read the section from the franchise ordinance pertaining to determining rates. During the City Council's regularly scheduled meeting on May 20, 2008 a public hearing was held regarding the performance of the solid waste providers with no input received from the public. Mr. Freeman presented a table comparing various city's (North Bend, Bandon, Lakeside, Powers, Newport, Reedsport, Florence, and Lincoln City) garbage rates to Coos Bay's, a section from the garbage franchise, and the August 11, 2008 letter from both providers requesting a CPI increase.

Councilor Melton stated that he is in negotiations with Bill Richardson to sell a vehicle but did not believe this would cause a conflict with this hearing. City Attorney Nate McClintock agreed that this would not have any bearing.

Mayor McKeown opened the public hearing. There being no public comments Mayor McKeown closed the hearing.

Mayor McKeown asked Bill Richardson if he knew when the County will open the new hazardous waste disposal. Bill Richardson stated that Coos and Curry County are constructing a joint facility to be located at Beaver Hill. The County will be presenting the project within the next six months to each of the cities in the County to support a .27 cent tipping fee to fund the hazardous waste disposal center. The tipping fees would be collected at the transfer site and through the billings of those who have garbage service. Mayor McKeown asked that until the hazardous disposal site is completed, perhaps a local collection site could be established. Mr.

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Richardson stated that the best approach is through DEQ's Household Hazardous Waste Collections events and he would contact the local DEQ office.

There being no further public comments Mayor McKeown closed the hearing. Councilor Burnette made a motion to increase garbage rates. Councilor Melton seconded the motion. Councilor Daily stated that it would be remiss of the City Council to approve a rate increase when the franchise agreement has not been open to bid since it was initiated. Mayor McKeown stated that there was a series of lengthy discussions and Council requested staff to bring back a rate study for comparison. Councilor Eck made the motion to amend Councilor Burnette's motion to approve a 2% increase which carried with Councilors Burnette, Eck, Kramer, Melton, and Muenchrath voting aye and Councilor Daily voting no.

### **Award of Bid for the Southwest Boulevard Pavement Rehabilitation Project**

Chuck Freeman stated that staff continually monitors the condition of city streets throughout the year and SW Blvd has become a high priority for street patching. The street is heavily travelled and has several large areas that have broken up and deteriorated over the years.

Adequate funds are not available to complete the SW Blvd project plus the additional work requested on 10<sup>th</sup> Street at the September 2, 2008 Council meeting. Based on staff's review of the two streets, SW Blvd is recommended to be given priority over the remaining portions of 10<sup>th</sup> Street (Central to Date). The Public Works Standing Committee considered this issue on September 9, 2008 and recommended proceeding with SW Blvd and the additional overlay on 10<sup>th</sup> Street next fiscal year.

Councilor Eck asked if the berm placed on SW Blvd needs to be built up at this time. Mr. Freeman stated that he will direct staff to investigate however the base cannot be extended without encroaching onto private property.

Councilor Eck made a motion to award the bid as presented to LTM for \$84,960 with a 10% contingency of \$8,496 for a total of \$93,456. Councilor Burnette seconded the motion. Councilor Melton asked if a project had ever been completed where the contingency has not been used. Mr. Freeman stated that he would research the question and assured that contingency is used through the preapproved change order process for legitimate reasons. Mayor McKeown called for the question which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton, and Muenchrath voting aye.

### **Approval to Publish a Request to Bid for the Fire Department's Fire Engine**

Fire Chief Stan Gibson stated that on May 20, 2008 the voters approved a bond measure for construction of a new downtown fire station and the purchase of apparatus. Specifications for a new fire engine have been prepared and will replace the oldest engine, a 1992 fire engine, the highest repair cost vehicle.

The bids will come back to Council for acceptance on November 4, 2008. The estimate on the bond measure for the fire apparatus was \$400,000. EPA has implemented new air quality standards that are estimated to increase pricing by 30% after January 1, 2009.

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Councilor Burnette made a motion to approve commencing the public bidding process for a new fire engine. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton, and Muenchrath voting aye.

### **Approval to Publish a Request for Qualifications for an Architect for the New Fire Station Design**

Fire Chief Stan Gibson stated that on May 20, 2008 the voters approved a \$6.9 million bond measure for construction of a new downtown fire station and the purchase of apparatus. The construction costs for the new fire station is approximately \$5.5 million. The RFQ process will be used to hire a firm to prepare final plans and specifications. Staff requests approval to publish an RFQ for design, schedule, and administer the construction of a new downtown fire station. Chief Gibson anticipates returning to Council on October 21<sup>st</sup> for award.

Mayor McKeown stated that he would like staff to select the top three firms and have them make a presentation to the Council as to what they might propose. Councilor Muenchrath stated that the new fire station is a high profile project and he would like to see examples of the work the consultants have completed.

Councilor Muenchrath made a motion to approve the RFQ process to hire a firm to prepare the final plans and specifications for the new fire station with a presentation by the top three firms. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton, and Muenchrath voting aye.

### **Application for an Entertainment Club License**

Chief Rodger Craddock presented an application for entertainment club as outlined in Ordinance 143. The staff report included in the agenda packet has been updated and a revised report submitted to Council at this meeting. The Green Spot, known as Sobers, located at 181 Anderson is owned by John and Sandra Ambrosini. The Ambrosinis are expanding to operate concerts which require an entertainment club business license. The initial staff report contained public safety concerns and questioned the applicants ability to provide public safety. Issues were holding a concert prior to approval, attempting to restrict persons from taking actions on public safety issues, not hiring needed security personnel, and the application included misrepresentations of fact.

Chief Craddock discussed these issues with Mr. & Mrs. Ambrosini and discovered that they were under the impression that their current license would allow for the concerts. They subsequently submitted a new business license application the next day. The Ambrosinis mistake in controlling the security personnel to restrict taking action on public safety issues was not in a manner to prevent, but to provide not push away at risk youth. The misrepresentation of facts was an error and not meant to misdirect. Chief Craddock has provided conditions of approval which include removing the dark covering on the windows and to provide more light. Additionally they have agreed to contract with a licensed security firm to provide adequate security officers subject to those in attendance thus providing security inside and outside of the building. The Ambrosinis have agreed that it was a mistake to restrict the security officers and they have agreed not do that again and will provide advance notice of events. Based upon

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those assurances and subject to the Fire Chief's approval of the floor and exit plans, Chief Craddock recommends conditional approval.

Councilor Burnette stated that she respects Chief Craddock's opinion, but there are a lot of red flags waving. Chief Craddock stated that the ordinance requires the Police Department to monitor the event, have unlimited access, and be in contact with security personnel. Councilor Muenchrath stated that when licenses are granted the process allows people to be educated to stay in compliance and provides the opportunity to give everyone a fair chance. City Attorney McClintock stated that the Council has the right to revoke the license if problems develop. Councilor Daily stated it is prudent business to error on the side of conservative actions and agreed that the license be revoked if the conditions are not met and wished the Ambrosinis success. Councilor Kramer stated that the Police Department's ability to full access alleviates her concerns.

Councilor Muenchrath made a motion to approve the business license with the conditions as stated by Chief Craddock. Councilor Melton seconded the motion which carried with Mayor McKeown and Councilors Burnette, Daily, Eck, Kramer, Melton, and Muenchrath voting aye.

### **Public Comments**

John VanDyke resident of North Bend, is working with Glenda Hales, Coos County Emergency Management Program Manager to update the County's disaster recovery plan. Those with mobility challenges or who are willing to volunteer during times of emergency to assist those who have mobility challenges were asked to contact 888-3460.

Katherine Hoppe, Coos Bay/North Bend Visitor Convention Bureau, started a brochure project a year ago that tells Steve Prefontaine's story. Distribution will be through the Coos Art Museum, Visitor's Center, area hotels, and any businesses that request packets.

Cindi Miller reminded all that the 34<sup>th</sup> BAFF is this weekend with the parade 1:00 p.m.

Steve Pickering, 2170 28<sup>th</sup> Street, Coos Bay stated that there is an Urban Renewal meeting scheduled for the Hollering Point September 22, 2008, the same night as the Jordan Cove town hall meeting at the Mill Casino. Mr. Pickering suggested that the Hollering Point meeting be rescheduled so that those interested in both projects can attend. Chuck Freeman stated that staff would look into the scheduling.

Mr. Pickering requested that the RFQ for the fire station included preference for award based on residence first to a Coos Bay architect, then Coos County, then Oregon. City Attorney Nate McClintock stated that preference is not allowed in the contract rules. Mr. Freeman will redistribute a memorandum on purchasing previously completed by the City Attorney.

### **City Attorney's Report**

Nate McClintock, City Attorney, reported that the City may have a tentative agreement with the firefighters' union and are awaiting the document to be returned to bring to Council for approval.

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

Chuck Freeman, City Manager, reported that staff met with SOCC attorney Roger Gould and SOCC Vice-President Meyer today to discuss public safety on the campus. SOCC's reply included the attached handout titled "Procedures for dealing with violations to the Code of Conduct". SOCC representatives conveyed the position of the Board was that they are not in a position to grant anything the city has asked and they also refused to enter into arbitration. SOCC believes that the handout will address public safety and refused to discuss the impacts.

Chief Craddock read sections from SOCC's Student Code of Conduct/Violation which state that the security personnel response is a "Possible call to CBPD". Chief Craddock stated that SOCC's security personnel do not have law enforcement authority and the violations listed as such under ORS are crimes. Violations listed as "Possible call to CBPD" are: Participation in hazing; possession, use, or threatened use of firearms, ammunition, knives, explosives, dangerous chemicals, or any other objects as weapons on College property, except as expressly authorized by law or institutional regulations; possession of alcoholic beverages or controlled substances on the College campus or any other facility that is rented, leased, owned, or occupied by the college at any time when classes or student activities are scheduled; and harassment.

Mr. Freeman asked for direction from Council to address SOCC's response. Consensus was to use the same staffing of Council committee members for a formalized response. The committee will be contacted. Mr. Freeman stated that staff will work on legal positions.

Chief Craddock stated that the dorm population increased 33% this year with a full capacity of 400 students. The City does not have resources to cover the city and 400 students.

Mr. Freeman stated that the hearing for abatement of Lockhart Building will be September 19<sup>th</sup> at 10:00 a.m.

### **Council Comments**

Councilor Daily stated that the Fun Festival this weekend include activities downtown, parade, Pre-run, gem show, cruise the coos, and a quilt show at SWOYA.

Councilor Kramer stated that the Leadership Coos program is a wonderful program and she is enjoying attending.

Councilor Melton stated that the skateboard park is proceeding nicely. This Friday is the groundbreaking in North Bend for the VA clinic which is moving from Bandon. It should be completed in February and open in April for the veterans.

Councilor Eck reminded everyone of the Fire Department's fund raiser for those who have lost their home due to fire. There will be a chili feed on Saturday with a pancake feed Sunday morning. Councilor Eck and City Manager Chuck Freeman spoke with the Homebuilders Association on Tuesday and they are pleased that positive changes have been made at City Hall to make Building Codes more builder friendly.

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Mayor McKeown stated that he attended the Mill Luck salmon celebration and found it to be full of tradition and history. Mayor McKeown reiterated that the VA outpatient clinic will be a great addition to our community.

### **Adjourn**

There being no further business to come before the Council, Mayor McKeown adjourned the meeting to October 7, 2008 in the Council Chambers at City Hall.

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Jeff McKeown, Mayor

Attest:

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Rae Lea Cousens, Acting Recorder