

**MINUTES OF THE PROCEEDINGS OF THE
CITY OF COOS BAY CITY COUNCIL**

September 1, 2009

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 Mark Daily, Jon Eck, Joanie Johnson, Stephanie Kramer, Gene Melton, and John Pundt. City staff present were City Manager Chuck Freeman, City Attorney Nate McClintock, Finance Director Rae Lea Cousens, Deputy Finance Director Susanne Baker, Public Works and Development Director Jim Hossley, City Engineer Carl Nolte, Fire Chief Stan Gibson, Economic and Community Development Manager Joyce Jansen, 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.

Mayor McKeown added Agenda Item 3A, Request for Proposal for the Visitor Center Operation.

Consent Calendar

Mayor McKeown reviewed the consent calendar which consisted of approval of the minutes of August 18, 2009, approval of the 2009 Coquille Community Fund grant application, approval of the Head Start administrative contract amendment No. 2 with CCD Business Development Corporation, and award of Professional Services Agreement for architectural services for the new Head Start facility. Councilor Kramer moved to approve the consent calendar. Councilor Melton seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

**Introduction of OMI CH2MHill's New Project Manager
Patrick Kavan and Update on Activities**

Public Works and Development Director Jim Hossley introduced OMI CH2MHill's new Project Manager Patrick Kavan who provided an update on current and future wastewater activities.

Request For Proposal for the Visitor Center Operations

Councilor Kramer suggested moving this item to a work session. Mayor McKeown stated due to the amount of the contract to operate the Visitor Center, over \$50,000, a Request For Proposal (RFP) is required pursuant to the City's purchasing rules. City Manager Chuck Freeman read the RFP stating the required minimum objectives and scope of work. Mayor McKeown suggested rewording Objective 1(c) to "proposer will provide information to any inquiry of all businesses and agencies on the south coast." Councilor Kramer suggested all options be considered, including the City managing the Visitor Center operations. Councilor Daily suggested including an economic development component and suggested a work session to review options. Councilor Johnson expressed concern that the Council be united in their

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decision. Councilor Pundt stated there is a timeline before the Chamber ends their management and suggested an expedited work session. Councilor Eck agreed there is a pending timeline and would like to see the contract awarded to the private sector. Councilor Melton reminded that an extension is already necessary with Bay Area Chamber of Commerce. Councilor Daily asked if there is a conflict of interest with Councilor Johnson being on the Bay Area Chamber of Commerce Board. City Attorney Nate McClintock stated one must benefit personally for there to be a conflict of interest. Therefore, Councilor Johnson does not have a conflict of interest. However it is appropriate to announce membership on the Board. By consensus a tentative work session was scheduled for next Tuesday, with staff to follow-up. Councilor Pundt moved to approve the RFP for the Visitor Center operations. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Eck, Johnson, Kramer, Melton, and Pundt voting aye. Councilor Daily voted no.

Presentation on the Public Works and Development Department Staffing Levels by Public Works and Development Director Jim Hossley

Public Works and Development Director Jim Hossley provided an overview of staffing levels of the department. Mr. Hossley stated there has been a decline in staffing since 1996 from 27.25 FTE (full time equivalent) employees to 16.125 FTE employees. Staffing levels depend upon the level of service desired by the City Council and based upon the present service expectation, ideal staffing would equate to 28.5 FTE employees.

Presentation on Possible Dog Park Locations by Public Works and Development Director Jim Hossley

Public Works and Development Director Jim Hossley stated Old Wireless Lane and the property east of the Eastside Boat Ramp, owned by the Port of Coos Bay, have been under consideration for a dog park. There are costs involved in development of both locations with Old Wireless Lane estimated at \$33,500 and the Port of Coos Bay property in Eastside at \$23,770. Mayor McKeown suggested pursuing with the Port of Coos Bay an animal shelter at the Eastside location. Councilor Johnson expressed concern regarding the flooding at the Old Wireless Lane location. Councilor Daily moved to direct staff to pursue the Old Wireless Lane and Eastside property for two dog parks and obtaining additional land from the Port of Coos Bay for an animal shelter. Councilor Kramer seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Consideration of Real Property Purchase Of the Old Wireless Lane

Public Works and Development Director Jim Hossley stated the residential property located off of Old Wireless Lane was acquired with FEMA funds after the 2005 flood. The purchase of property did not include the roadway, approximately .12 acres, which is now proposed to be purchased to ensure access to City property. The owner of the .12 acres is willing to sell the property based upon the Coos County Assessor's Office assessment of the real market value of \$1,000. Councilor Kramer moved to purchase the .12 acres of Old Wireless Lane property at the Coos County Assessor's Office assessment of real market value. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

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Award of Construction Bid for the Donnelly Avenue Improvements

Fire Chief Stan Gibson stated offsite improvements for Donnelly Avenue between 4th Street and 5th Street are necessary for the development of the new fire station. Three bids were received on August 18th with the apparent low bidder being Johnson Rock Products at \$204,996. Chief Gibson stated the contingency for these improvements is included in the overall project budget. Councilor Melton moved to award the Donnelly Avenue offsite improvements for the new fire station to Johnson Rock Products for \$204,996. Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Consideration of Real Property Purchase Of Verizon Property

Public Works and Development Director Jim Hossley stated as the recipient of a Community Development Block Grant (CDBG) on behalf of ORCCA, approval of project components is necessary by the City Council. ORCCA found a parcel of land, located at 276 LaClair, acceptable for the Head Start project and desires to submit a written offer to purchase at the appraised value. The purchase will be funded from the CDBG grant. Councilor Pundt moved to direct staff to prepare the written offer to purchase the parcel at 276 LaClair with CDBG grant funds for the Head Start project. Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Request to Award a Construction Contract to Replace Colorado Tide Gate

Public Works and Development Director Jim Hossley stated the tide gate under Southwest Boulevard, known as the Colorado tide gate, needs replaced. Permit approvals have been obtained with the construction season limited to July 1st through September 15th with a time extension until October 1st. Due to the short permitted construction season, the project meets the definition of an emergency repair. Additionally, the tide gate design is mandated by the State, wherein there is only one source for the equipment, Nehalem Marine. Councilor Kramer moved to direct staff to move forward with bidding, award, and construction of this project as an emergency subject to Section 11 of the City of Coos Bay Purchasing Contract Rules. Councilor Johnson seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Request to Issue a Work Order for Wastewater Treatment Plant No. 2 Pre-Design Report to Engineer of Record

Public Works and Development Director Jim Hossley stated the Dept. of Environmental Quality (DEQ) Mutual Agreement and Order (MAO) for the wastewater treatment plants include a two phase compliance schedule. To date, Tasks 1 and 2 under Phase 1 and 2 have been completed. Phase 2 Tasks 3 through 7 remain and include design and construction of improvements to Wastewater Treatment Plant No. 2 (WWTP2) based upon the DEQ approved Facilities Plan. Due to recent events at WWTP2 with equipment failures, effluent discharges, and exceeding limits established in the MAO an aggressive approach is needed to construct the improvements recommended in the Facilities Plan. The first step requires addressing environmental compliance and revised MAO Phase 2 compliance schedule. The environmental

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compliance has been negotiated with DEQ to be included in the pre-design for WWTP2 and the compliance schedule has been negotiated to minimize project overlap to allow spreading out the City's cash flow needs over an economical time period. Staff has requested the Engineer of Record, Civil West Engineering, to provide a detail scope of work and fee proposal to prepare the pre-design report for WWTP2. Civil West Engineering presented a proposal of \$562,275 which is partially funded in FY 09/10 with the remainder being funded through debt. Issuance of the work order for this phase will meet DEQ's timeline for submittal of the pre-design report by May 1, 2010. Councilor Daily moved to approve the issuance of a work order to Civil West Engineering for the pre-design report for WWTP2 in the amount of \$399,075 with an allowance for reimbursable expenses of \$25,000; and a contingency of \$17,500 for fees, or reimbursement of expenses for out of scope services for a total of \$442,275. Councilor Eck seconded the motion which carried with Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt voting aye.

Clerical error correction to agenda item and motion: The total \$442,275 should be \$441,575.

Public Hearing on the Proposed Ordinance for Revisions on the Municipal Code Flood Damage Prevention – Approval will Require Enactment of the Proposed Ordinance

Planning Administrator Laura Barron stated the Federal Emergency Management Agency (FEMA) issued a preliminary "Flood Insurance Study for Coos County, Oregon and Incorporated Areas" in September 2008. Ms. Barron stated the City must adopt the 2008 Flood Insurance Study and maps by September 25, 2009 in order to remain eligible for the National Flood Insurance Program (NFIP). Ms. Barron stated the emergency clause to immediately enact the ordinance has been added in order to meet the September 25, 2009 deadline and not have to wait the normal 30 days. However, the normal 21 days appeal period remains in effect. On June 9, 2009 the Planning Commission unanimously recommended approval of the proposed amendments to the Coos Bay Municipal Code Chapter 17.195. Since the Planning Commission approval, FEMA presented documentation requiring Section 17.195.130 be revised to eliminate the FEMA recommendation regarding size of a development before a demonstration of the cumulative effect on the base flood elevation is required. Mayor McKeown opened the public hearing. No public comments were made. Councilor Melton moved to adopt the changes to Chapter 17.195 of the Coos Bay Municipal Code by enacting the Ordinance based on the findings and conclusion set forth in the Planning Commission's Final Recommendation. Councilor Kramer seconded the motion. Deputy Finance Director Susanne Baker read the ordinance by title only and Ordinance 418 was enacted by the following vote:

Aye: Mayor McKeown and Councilors Daily, Eck, Johnson, Kramer, Melton, and Pundt
No: None
Absent: None

Public Comments

None

City Attorney's Report

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City Attorney Nate McClintock stated Ms. Nancy Layne has initiated an illegal lien process against City employee Code Enforcement Officer Lisa Crawford in retaliation of abatement proceedings on the property next to Central Dock. Mr. McClintock has responded that the City will take all legal action necessary to remedy this action. The City's insurance agent, City County Insurance has been consulted and any inquiries are to be directed to the City Attorney's office.

City Manager's Report

City Manager Chuck Freeman stated the Fire Station and Visitor's Center projects are moving along well; the Visitor's Center ground breaking is September 9th; appreciated the attendance of the Bay Area Chamber bowling function; staff, Chair Melton, and the Amvet commander met with the Chandler owner to discuss saving the building; and the Boat Building Center site is being cleaned up with the help of the South Coast Business Employment Center employees.

Council Comments

Councilor Daily stated the Blackberry Arts Festival and Lab Band fundraiser were successful, there is an Egyptian Theater board meeting Wednesday at 6:30 p.m., and is pleased the City Manager is remaining in Coos Bay. Councilor Johnson stated the Coos Art Museum fundraiser will be September 12th, and is pleased the City Manager is staying. Councilor Melton stated the Bay Area Chamber bowling function was a great event and stated the National Veteran program is encouraging every household to fly a US flag on September 11th. Councilor Kramer is thankful the City Manager is remaining in Coos Bay and asked Mayor McKeown about the facilitator. Councilor Eck reminded all the school year is beginning and to watch out for children and is pleased with the many projects underway. Mayor McKeown stated he will provide information on the facilitator very soon, confirmed the Fire Department will have a program on September 11th, and suggested minimizing the fencing at the Visitor's Center to allow for more parking.

Adjourn

There being no further business Mayor McKeown adjourned the meeting.



Jeff McKeown, Mayor

Attest:



Rae Lea Cousens, City Recorder