

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 5, 2011

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 Crystal Shoji and Councilors Jennifer Groth, Joanie Johnson, Stephanie Kramer, Gene Melton, and Mike Vaughan. Councilor John Muenchrath was absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Acting Deputy Finance Director Amy Kinnaman, Public Works and Development Director Jim Hossley, Economic Revitalization Administrator Joyce Jansen, Library Director Carol Ventgen, Fire Chief Stan Gibson, and Police Chief Gary McCullough.

Flag Salute

Mayor Crystal Shoji opened the meeting and asked Sage Leahy and Derek Seevers to lead the Council and assembly in the salute to the flag

Public Comments

Gina Young, Coos Bay: stated she was a member of the Downtown Association; provided a brief update on the continued efforts of the Downtown Association which included events such as the Farmers Market, Blackberry Arts Festival, and monthly Wine Walks.

Consent Calendar

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of June 21, 2011; 3b: acceptance of a Ford Family Foundation Grant for a child forensic audio/visual recording system; and 3c: approval of annual OLCC license renewals for Abby's Legendary Pizza, Black Market Gourmet, Cranberry Sweets, Inc., El Sombrero, Ocampo Blue Moon Restaurant and Lounge, Red Lion Inn, Sharkbites Seafood Café, and Walt's Pourhouse, LLC. Councilor Kramer moved to approve consent calendar approving the minutes of June 21, 2011, accepting the Ford Family Foundation Grant for a child forensic audio/visual recording system, and approving annual OLCC license renewals for Abby's Legendary Pizza, Black Market Gourmet, Cranberry Sweets, Inc., El Sombrero, Ocampo Blue Moon Restaurant and Lounge, Red Lion Inn, Sharkbites Seafood Café, and Walt's Pourhouse, LLC. Councilor Melton seconded the motion which carried with Mayor Shoji and Councilors Groth, Johnson, Kramer, Melton, and Vaughan voting aye. Councilor Muenchrath was absent.

Presentation of Appreciation Plaques for Rondi Potter, Tracy Hering, and George Oliva

Library Director Carol Ventgen stated Rondi Potter served on the Library Board for two full four-year terms from July 2003 through June 2011 and Tracy Hering also served on the Library Board from September 2010 to June 2011. Mayor Shoji presented Ms. Potter and Ms. Hering appreciation plaques. Ms. Potter thanked the City for the opportunity to serve on the Library Board; and stated it was a wonderful experience. Ms. Hering also thanked the City for her

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opportunity serve on the Library Board. Mayor Shoji stated George Oliva served on the Tree Board for three four-year terms from January 2002 to June 2011. Mr. Oliva was unable to attend the meeting.

Approval of a Request to Purchase a Utility Pickup for the Fire Department

Fire Chief Stan Gibson stated in June 2011 the Fire Department requested permission to purchase 2012 Ford F-250 through the state bid process as part of the Department's on-going vehicle replacement program. At that time the Council requested staff to check into the possibility of purchasing the vehicle locally. The price previously quoted through the state bid process was \$27,200. Tower Ford of Coos Bay quoted a price of \$26,081.30. Mr. Gibson noted additional work would be required to equip the vehicle for emergency calls; the total cost for the additional work was estimated at \$13,200. Councilor Kramer moved to approve the purchase of a utility vehicle for the Fire Department, a 2012 Ford F-250 pick-up from Tower Ford for \$26,081.30, and alterations for emergency of \$13,200 for a total purchase price of \$39,281.30. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Groth, Johnson, Kramer, Melton, and Vaughan voting aye. Councilor Muenchrath was absent.

Mr. Gibson also highlighted the 4th of July Family Fun Day activities at Mingus Park; and noted over 200 hours of volunteer time was donated in effort to coordinate the activities at Mingus Park and the City's annual fireworks display.

Approval of a Request for Proposal for a Towing Services Contract

Police Chief Gary McCullough presented a request for proposal for a Tow Company of Record. Mr. McCullough stated the Police Department had been using a tow rotation list for the towing of non-city vehicles in cases where a tow company was not specifically requested. Over the past several years the Police Department had received citizen complaints of inconsistent pricing for towing services by tow companies on the rotation list. Mr. McCullough noted tow costs were not currently regulated and as such there were no price protections in place for unsuspecting citizens requiring emergency towing services. Additionally, a contract would help to enforce a timely response, service availability, and alleviate refusals to tow abandoned vehicles. Mayor Shoji inquired how often towing services were required. Mr. McCullough stated requests for non preference tows were a daily event. Councilor Groth inquired as to the length of the contract. Mr. McCullough stated the proposed contract was for three years. Councilor Vaughan inquired what methods would be used to select the proposed Tow Company of Record. Mr. McCullough stated proposals would be reviewed and scored upon price, availability, and response time as defined in section seven of the Request for Proposal. Councilor Melton inquired if there was recourse if the Towing Service of Record was unavailable for service whereby Mr. McCullough stated there would be a clause in the contract providing the City with the discretion to seek tow services with an outside company in such event.

Tyna Capps, owner of South Coast Towing; Advised her company had never turned down a tow or charged the City to tow abandoned vehicles; suggested towing companies were often left with an expense to dispose of abandoned vehicles; recommended the City and local towing services meet to collaborate fixed local pricing; and expressed concern over one tow company being shown favoritism for non preferential tows. Council Johnson inquired if South Coast

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Towing performed background checks on their employees whereby Ms. Capps confirmed South Coast Towing did background check their employees. Charles Mast, owner of Mast Brothers: Suggested Mast Brothers was one of the few towing company's on the rotation list that would actually respond to a call for an abandoned vehicle. James Bywater, owner of LTM Towing: Stated LTM Towing had never turned down the City's request to tow an abandoned vehicle; expressed concern over favoritism; suggested local towing services should collaborate to provide similar pricing; and favored the city using a towing rotation list. Councilor Vaughan inquired if there was concern that the towing service contract would put local companies out of business. Mr. Bywaters confirmed he was concerned the contract would put companies out of business. Tina Amatisto, owner of North Bend Towing: Stated her company did turn down abandoned RV's and motor homes because she did not have a place to store the large vehicles; expressed concern that the contract would put her company out of business; and was in favor of continuing the current rotation list.

Councilor Groth inquired as to the percentage of non preferential tows. Mr. McCullough advised the majority of tows were non preferential tows. Councilor Johnson inquired if tow companies could be fined if they did not provide the requested services. Mr. Craddock advised the City would have to enter into individual contracts with each tow company wanting to be part of the tow rotation list. Mayor Shoji inquired as to what percentage of each towing companies business was based on call for service from the City of Coos Bay. Tina Amatisto of North Bend Towing stated she did not know the exact percentage of business that her company receives from the City. Charles Mast of Mast Brothers estimated the City of Coos Bay's rotation list was five percent of his total business. Councilor Vaughan requested staff to research the local rates and qualifications for all local towing companies. Councilor Kramer preferred implementing individual contracts and continuing the use of the towing rotation list. Dale Capps, of South Coast Towing: stated there was a cost to doing business and the City did not have the right to interfere with independent businesses; and suggested the proposed Tow Company of Record was an unfair business practice. Dave Taylor, owner of Morin's Towing: Stated many of the problems the police department encountered with the towing rotation list could be mitigated if towing rotation rules were enforced. Councilor Johnson advised the City had an obligation to its citizens to be good stewards of public funds and it was within the City's right to go out for bid for towing services. Councilor Groth expressed concern over the discrepancy between the response times the police department was reporting verses the response time the towing companies believed they provided. Mr. Craddock stated the information was logged by dispatch and would indicate the date and time the service was requested and when the tow company arrived on scene. It was the consensus of the Council to direct staff to look into other options for towing services for future consideration.

Discussion on the Expansion of the No Skateboarding Zone

Police Chief Gary McCullough stated on May 4, 2011 the Police Department conducted a survey of several businesses regarding expanding the No Skateboarding zone (C-1 Zone) to include C-2 Zone businesses located both north and south of the C-1 Zone. Mr. McCullough estimated approximately 75% of the business in the area were contacted and the majority of those businesses were in favor of expanding the no skateboarding zone to include the C-2 Zone. Several businesses cited dangerous conditions for pedestrians, damage to property, liability should a skateboarder become injured on their property, and the danger of vehicle traffic for skateboarding in the zone. Additionally, several downtown businesses were also circulating

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a petition in favor of expanding the current no skateboarding zone. Mr. McCullough advised although skateboarding in a prohibited zone was a violation of city municipal code the offense was considered to be a low priority call. Given the probability of a delayed response the reality of an officer actually making contact with the violators in the given area where the complaint was made would be very unlikely. From a law enforcement standpoint it was preferred that businesses place no skateboarding signs on their property and could enforce the violation as a criminal trespass crime. Mr. McCullough stated it was illegal to skateboard on any street other than a street designated as recreational. Since Coos Bay did not have any recreational streets the only place skateboarding was legal were areas which were not posted (no skateboarding). Those areas could possibly include sidewalks, parking lots, public spaces, and privately owned property. The following options were presented to the Council for consideration: Option 1: Expand the no skateboard zone to include the northern section of C-2; Option 2: Expand the no skateboard zone to include the entire C-2 zone; and Options 3: Do not expand the no skateboard zone.

Joanne Moss, owner of Bay Area Mailings: Suggested the Council should take the City's mission statement into consideration when making their decision to enforce the new skateboarding zone; stated her main concern was for the safety of the skateboarders; and provided the Council with a signed petition in favor of expanding the No Skateboarding Zone. Susan Baggley, owner of Unique Creations Gifts: Expressed concern over the skateboarding activity taking place in front of her store which was located within the existing No Skateboarding zone (C-1 Zone). Derek Sievers, Coos Bay: Stated he was opposed to the expansion of the no skateboarding zone; and suggested skateboarding was a healthy activity which helped to fight against childhood obesity. Sage Lahey, Coos Bay: Stated he was a longboarder who skated to school every day and was against expanding the no skateboarding zone. Reese Nolton, North Bend: Stated he skateboarded to work in Coos Bay every day and was against expanding the no skateboarding zone; inquired why bicycles were allowed to use the roadway; and suggested expansion of the no skateboarding zone would only result more problems for the police department. Robin Rapp, Coos Bay: Stated her son was a longboarder and it was his only mode of transportation; asked the Council to consider not imposing an expansion of the no skateboarding zone. Carmen Matthews, Coos Bay: Suggested skateboarding was a healthy and positive activity and noted he was against expanding the no skateboarding zone. Eric Crooks, Coos Bay: Stated he was a longboarder and suggested it was not reasonable to stop and pick up a longboard at every intersection; suggested adding a park for longboarders; and asked the Council to consider not expanding the no skateboarding zone. Brian Menten, Coos Bay: Stated he was against expanding the no skateboarding zone and suggested businesses should make repeated calls to the police department for problem skateboarders. Councilor Melton expressed concern over skateboarders using the sidewalks and putting pedestrians at risk. Councilor Kramer suggested local skateboarders should police each other. Mayor Shoji and Councilor Groth stated they were not in favor of expanding the skateboarding zone due to the ineffectiveness of the existing No Skateboarding zone. No decision was made.

Consideration of Approval to Purchase Property for a Wastewater Treatment Plant No. 2 Expansion

Public Works and Development Director Jim Hossley stated East of Wastewater Treatment Plant No. 2 (WWTP #2) on the east side of Empire Boulevard, three land parcels were for sale and were of adequate size to accommodate needed upgrades at WWTP #2. Based on Council

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direction staff worked with Rick Middleton, a Realtor with Prudential Seaboard Properties to represent the city in the negotiation to purchase the three properties. Mr. Hossley noted two of the properties were under one ownership and were commercially zoned (C-2). The other property was zoned residential (R-2) and had a 1996 manufactured rental home. The purchase offer for the properties was conditioned on the results of the following due diligence investigations: phase 1 and phase 2 environmental testing, preliminary geotechnical evaluations, and the successful closure of the other property. Estimated close of escrow was projected for on or before October 20, 2011. Total negotiated price for the two properties under single ownership was \$495,000, and \$108,000 for the other property; for a total purchase price of \$603,000 for all three parcels. Mr. Hossley noted phase one of the environmental evaluation was underway and should any significant issues be discovered on the properties, the City could opt of the purchase(s) or renegotiate the price(s). Councilor Groth inquired if the due diligence testing would eliminate any doubt about the proposed properties use for the wastewater treatment plant whereby Mr. Hossley stated phase 2 testing should help to identify any red flags as to the properties use. Councilor Melton moved to approve the purchase of the properties for an amount not to exceed \$603,000, plus any reasonable closing costs that may be incurred conditioned upon the findings of the due diligence investigations. Councilor Johnson seconded the motion which carried with Mayor Shoji and Councilors Groth, Johnson, Kramer, Melton, and Vaughan voting aye. Councilor Muenchrath was absent.

City Attorney's Report

No comments were given.

City Manager's Report

City Manager Rodger Craddock highlight various projects taking place throughout the community which included the building of the Waterfall Clinic, expansion of the Coos Bay – North Bend Water Board, the future building of the Coos Historical Maritime Museum, the Bay Area Hospital expansion, and the groundbreaking for the Coos County and Oregon Coast Community Action's new food warehouse.

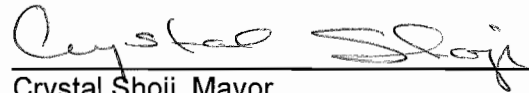
Council Comments

Councilor Vaughan suggested the City's logo should be redesigned; and recommended adding a recreational street for use by long boarders. Councilor Kramer stated the Clamboree was a great success; thanked city staff for their effort in helping to coordinate the Clamboree; and requested consideration for the virtual incubator program be placed on a future agenda. Councilor Melton thanked the Fire Department for the wonderful fireworks display. Councilor Johnson stated she also enjoyed the fireworks display; reminded citizens the current exhibit at the Coos Art Museum was the Thunder exhibition to be shown through July 23, 2011; and expressed her support for the existing City logo. Councilor Groth announced the unveiling of a new walking trail called the Sawmill and Tribal trail would take place on Ferry Road on July 17, 2011 at 8:30 a.m.

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Adjourn

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for July 19, 2011 in the Council Chambers at City Hall.


Crystal Shoji, Mayor

Attest:


Susanne Baker, Acting City Recorder