

MINUTES OF THE PROCEEDING OF THE CITY COUNCIL

November 1, 1994

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, beginning with a work session at 7:00 P.M. in the Council Chambers of City Hall and proceeding to regular session in the Council Chambers at 7:30 P.M.

Those Present

Those present were Mayor Joanne Verger, Councilors Joe Benetti, Gary Combs, Gene McCabe, Cindi Miller and David Williams. City staff present included Interim City Manager Bruce Meithof, City Recorder/Finance Director Gail George, City Attorney Paula Bechtold, Police Chief Marc Adams and Public Works Director Ralph Dunham. Members of the media were also present.

Work Session

Mayor Verger reviewed the agenda for the meeting. Verger noted a proclamation for Pirates Month will be added to the consent calendar as item e), and an executive session will be added to discuss personnel matters.

Verger asked Meithof to review the update on Mingus Lake in the work session. He explained that contrary to reports, the project is not stalled. He related that the rock work is progressing and the lake cannot be refilled until the repair of the outfall is complete. He then reviewed the options for dredging and how they related to the different types of fisheries. He also explained that the term "total dredging" actually means dredging the center portion of the lake leaving a thirty foot buffer between the part dredged and the edge of the lake. Verger asked if the aerators helped keep the weeds down and Meithof replied that they keep the algae down. Councilor Williams said it appeared to him that the only reason to do more dredging is to be able to stock the lake with trout. Meithof said that additional dredging would also prolong the time before dredging like this is needed again. Councilor Combs stated he felt there are Fish and Wildlife funds available for future work at the lake and said he was very interested in the recreational aspects for the lake.

Meithof stated he would be changing the boardwalk glass item to include a discussion and update on the entire boardwalk project. He related that when the bid was awarded for the boardwalk, the glazing was delayed until this year and in the meantime, the original bidder went out of business. He told the council that a new bid received was higher than the original estimate and there are some ways the cost can be reduced. When asked by Combs, Meithof said that reducing the colors of the glass from three to two may save up to \$5,000, but will change the visual impact.

COUNCIL MEETING

Flag Salute

Mayor Verger called the meeting to order and led the assembly in the salute to the flag.

Consent Calendar

Mayor Verger read the consent calendar which included the following items:

- a) Approval of the minutes of the regular meeting of October 18, 1994.
- b) Accepting and appropriating a grant for a Fire Prevention Program by adopting Resolution 94-18.
- c) Approval of an authorization to relinquish the City's right to a utility easement.
- d) Approval of an OLCC license application for Teresa Meador for The Alibi
- e) Proclamation declaring November, 1994 as Pirate's Month

Councilor Miller moved for approval of the consent calendar. The motion was seconded by Councilor Benetti and carried with the Mayor and all Councilors present voting aye.

Public Comments

Mayor Verger asked if any candidates for City Council in the audience would like to introduce themselves. James Mann and Don Spangler introduced themselves.

Chamber of Commerce Tourism Report

Kay Heikkela gave the Council a written report and reviewed tourism trends in the bay area. She noted that visitor counts in most of the parks are up this year and counts for tourism and festivals are also up. She pointed out the trends in conventions and hotel/motel tax revenue and invited the Council to call her if they have any questions. Councilor Combs praised the Bay Area Chamber of Commerce for the good work they do.

Westview Heights Subdivision - Tentative Subdivision Plat

Meithof presented a review of the subdivision and the hearing before the Planning Commission. He noted that no testimony was offered in opposition to the subdivision, and in fact, testimony from neighboring property owners in favor of the subdivision was presented before the Planning Commission. He pointed out the recommendations made by the Planning Commission and reviewed the conditions they set for approval. Councilor Miller moved to adopt the Planning Commission's recommendation and conditionally approve the tentative partition. The motion was seconded by Councilor McCabe and carried with the Mayor and all Councilors present voting aye.

Update on Mingus Lake Project

Meithof opened his remarks making a statement to correct a misconception that the project is stalled and stopped. He related that a contract has been awarded for repair of the outfall which has to be done before the lake is filled and the rock wall is being worked on. He pointed out that when this project came before the Council, it was decided to drain the lake, do what was possible with existing funds, and come back to the Council to see how they wanted to proceed at that point.

Meithof mentioned that the City has received a letter from Reese Bender of Oregon Fish and Wildlife stating that they would like to see the lake dredged as much as possible, leaving a shallow area extending 30 feet from the edge for the geese and ducks, as well as for safety. After talking with Bender, Meithof said that no matter how much dredging was done, the lake would not support a total fishery and would have to be stocked with fish each year. He then outlined what options were available to the Council at this point, including: dredging as much of the lake as possible at a cost of up to \$150,000; dredging the northern half at a cost of approximately \$30,000; do no additional dredging which would eliminate a cold water fishery; completing the wall around the lake except in areas of heavy vegetation at a cost of \$20,920; replace only the existing concrete slab wall for \$12,000; and placing a block wall where there never was a wall at a cost of \$8,920. He related that the costs on the block wall are for materials only because the construction of the wall was being done by inmate labor.

Meithof said that the permits could be obtained, but the cost of one from the Corps of Engineers is unknown at this time. He let the Council know that it is cost prohibitive to bring in a dredge to do this work and that the dredge purchased for the sludge lagoon cannot be used anywhere else according to the terms of the grant. He called the Council's attention to his report showing that \$50,841 is available for Mingus Lake at this time. The funds are available because our timber sale receipts are higher than estimated and the cost of the equipment in the fire department came in under budget. Meithof explained that the cost of dredging just the northern portion of the lake and completing the block wall around the lake except in areas of heavy vegetation would cost \$50,920. Councilor Miller asked how long the project would take and Meithof replied it would take a minimum of one and one-half weeks for the dredging. Councilor Combs asked how it was determined that \$20,000 would originally do the project. Meithof related that former City Manager, Jim Watson, asked the Public Works department if they could do a project for \$20,000 when grants were not obtained to do the \$50,000 project, and they felt the dredging could be completed for \$20,000. He said they then were asked by the Council to also repair the island and work on the wall, which reduced the amount available for the dredging. There was some discussion on what the Council understood would be accomplished when they approved this project. Councilor McCabe noted that staff did not know what they would get into when they drained the lake and started to dredge until it was in progress.

Verger asked the Council what options they would prefer and said she preferred the option of dredging the northern portion of the lake which will allow some type of cold water fishery. She would hope that by selecting this option there would be sufficient funds to complete the block wall and add a third aerator. Councilor Williams said he was leaning more toward the option of doing no additional dredging, but to complete the block wall and add a third aerator. He felt there was no need to dredge just to provide an additional fishery. Councilor Combs said his main concern was for safety and risk management and would like to see the block wall completed. He would like to see the City apply for grant funds and possibly dredge the entire lake at a later date. Verger asked Combs if we would be better off not doing any dredging now if we were going to apply for grants for dredging later. Meithof reported that he talked to Fish and Wildlife about grants, and they were not very optimistic about us receiving funds for this project and no funds will be available for another year. Combs said he would like to see the northern half dredged at this time. Councilor McCabe said he would also lean toward dredging the northern half. Councilor Benetti asked what would happen if the dredging came to \$35,000 instead of \$30,000. Meithof answered that before

the dredging started a contract would be awarded with a firm price. Benetti stated he was also in favor of staff's recommendation to dredge the northern half of the lake and complete the block wall.

Councilor Miller moved that the project to dredge the northern portion of the lake be put out to bid and to finish the block wall for a total cost not to exceed \$50,920. The motion was seconded by Councilor Combs and carried with the Mayor and all Councilors present voting aye. Meithof noted that since the block wall project is being supervised by the Parks crew who will also be putting up Christmas lights and decorations during November, he would let them know when the work on the block wall could be scheduled.

Update on Boardwalk Glass Wall

Meithof said that the glazing project for the boardwalk was delayed from the original contract and when recently bid, came in \$14,640 over budget. He informed the Council that everything else on the boardwalk, except the glazing is scheduled for completion by December 23, 1994. The glazing is scheduled for completion in February, 1995. He asked the Council if they wanted to award the bid and then direct staff to negotiate with the successful bidder to lower the cost, knowing that there would be additional architect fees if the glazing was changed. Councilor Williams asked why there would be additional architect fees if the glass were changed to be clear instead of colored. Meithof explained that the architect would be the one to negotiate the changes with the successful bidder and would bill us for his time in doing this. Councilor McCabe asked for an idea of what the additional architect fees would be and Meithof replied he couldn't say for sure, but it would be easy to use \$2,000 in fees very fast. Councilor Benetti questioned whether or not there would be much of a savings by the time the architect is paid and whether or not the project should be changed for such a small savings. When asked, Meithof noted that cost overruns are currently at 2.91% of the project which is very good for a project of this size. Public Works Director Ralph Dunham explained how the partnering agreement for this project worked and related that the goal of the partnering group was to hold the cost overruns to 3%.

Meithof said he wanted to clear up another misconception regarding the delays in the project. He related that the project had been delayed six months because of inaction by Southern Pacific regarding a lease of some of their property and not because of the City, the architect, or the contractor.

Mike Crow said he would like permission to make one phone call to see what savings could be achieved by changing the color of the glass. Councilor McCabe asked if all the contractors on the job had been required to post performance bonds and Crow replied in the affirmative. Crow said that either changing the number of colors or the amount of glass could reduce the cost of the glazing. He felt he could get this information fairly easily, and if not, he would get in touch with the City Manager. Meithof pointed out that State law does not allow negotiating the bid down more than 10% of the bid without going out to bid again. City Attorney, Paula Bechtold, suggested that the best way to go at this point would be for the Council to exempt this bid from competitive bidding and authorize staff to negotiate a contract with Culver Glass.

Councilor Combs moved that the Council, acting as the Contract Review Board exempt this contract from competitive bidding under ORS 279.015 (2) and have staff negotiate a contract not to exceed \$95,000. Councilor Williams seconded the motion. Councilor Benetti said he did not like

Council Minutes - November 1, 1994

the ceiling because it may cause a further delay in the project. The motion and second were withdrawn. Many of the Councilors expressed their opinion that the original intent and impact of the project should not be changed. Councilor Combs then moved that the City Council acting as the Contract Review Board exempt this contract from competitive bidding under ORS 279.015 (2) and have staff negotiate a contract not to exceed \$99,640 with Culver Glass. Councilor Miller seconded the motion which carried with the Mayor, Councilors Benetti, Combs, Miller and Williams voting aye and Councilor McCabe voting no.

Meithof called the Council's attention to a written report he gave them outlining the boardwalk project costs and budget and asked if there were any questions. Consensus of the Council was that the report was self explanatory and no questions were asked.

City Attorney Report

No report

City Manager Report

Bruce Meithof reported that the City intends to keep premium calling on our telephones when the rates go up \$1.76 per line as Coquille is added to our local area service. He anticipated that this will save about \$40.00 per month. He notified the Council that he had received a petition from sixty-five downtown employees asking the City to allow the RV parking in the lot near the Chamber of Commerce to be used for regular parking during the winter months. He said he was planning to deny the request as he feels the RV parking should be kept for RV's, the employees can find parking a couple of blocks away, and the City would experience costs in changing the signs and repainting the lines.

Council Comments

Councilor McCabe reported that he had attended the McCullough Bridge lighting ceremony. He encouraged the Council, in selecting a new City Manager, to take into consideration the scores and comments from the assessment center.

Councilor Combs said he would like the parking committee to look at having a different parking system in the winter than in the summer. He expressed his pleasure at seeing the Mingus Lake dredging project moving forward. He reiterated his pleasure at the way the Chamber of Commerce and tourism committee are working together. Combs publicly thanked Bill Grile for being a candidate for City Council and noted his excellent record of public service.

Councilor Benetti also expressed his appreciation for Bill Grile's service to the City.

Mayor Verger thanked Gene McCabe for his willingness to fill a vacancy and serve on the Council. She announced there would be an executive session on November 10th at which time the background checks would be available from the League of Oregon Cities on the remaining candidates for City Manager. She then expressed her pleasure in crowning the homecoming queen

Council Minutes - November 1, 1994

at Marshfield High School. Verger thanked Bruce Meithof for the excellent job he is doing as Interim City Manager and asked the Council to increase his salary because of the number of projects going on at this time. Mayor Verger moved to increase his salary to \$5,075 per month. The motion was seconded by Councilor Miller and carried with the Mayor and all Councilors present voting aye.

Executive Session

Councilor Combs moved to go into Executive session pursuant to ORS 192.660 (1) (d) regarding labor negotiations. The motion was seconded by Councilor Benetti and carried with the Mayor and all Councilors present voting aye. Attending the executive session were the mayor, all councilors present, Interim City Manager Bruce Meithof, City Recorder Gail George, City Attorney Paula Bechtold, Finance Operations Manager Mary Beth Holst and members of the media.

Adjournment

There being no further business to come before the Council, Mayor Verger adjourned the meeting to 7:00 o'clock P.M. in the Council Chambers of City Hall on November 15, 1994.

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Gail George
Recorder of the City of Coos Bay
Coos County, Oregon