

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

**October 17, 1995**

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

### **Those Present**

Those present were Councilors Joe Benetti, Gary Combs, Cindi Miller, Don Spangler, Judy Weeks, and Dave Williams. Mayor Joanne Verger was absent due to illness. City staff present were City Manager Bill Grile, City Clerk Joyce Jansen, City Attorney, Randall Tosh, Finance Director Gail George, Police Chief Marc Adams, Fire Chief Cliff Vaniman, Library Director Carol Ventgen, City Engineer Ralph Dunham, and Community Services Director Bruce Meithof.

### **WORK SESSION**

President Benetti reported that an application for OLCC license needed to be added to the consent calendar for Tom Thompson. The item was added to the agenda by unanimous agreement by the Council. Councilor Spangler inquired whether removing the electrical building in block III would add two additional parking spaces and City Engineer Dunham said the removal of the building would bring the number of parking spaces from eight to ten. Councilor Weeks asked if this included removing the canopies along 3rd Street. City Manager Grile said it does not. Mr. Dunham said removal of the canopies would be a separate project and probably done in the next budget year. Mr. Grile suggested Council schedule this for public input before making a decision. Councilor Spangler asked if the overhead canopy across 4th Street is to be removed. Community Services Director Meithoff replied that the drawing is not accurate in regards to the canopy and that the 4th Street canopy would come down.

Councilor Weeks asked if the Third Street canopy removal could be done with this bid. Mr. Meithof replied that there is \$163,000 left to do work in block IV and removal of the canopies could be considered at that time or it could be put in next year's budget. Councilor Weeks asked for a ballpark figure for removing the 3rd Street canopies and Mr. Meithof replied approximately \$35,000. Mr. Grile recommended that Council talk with the downtown businesses on Third Street before proceeding with removing the canopies.

President Benetti asked when the project would be completed and Mr. Dunham replied that the project is scheduled to be completed in 120 days. He said the City will be going out to bid on block IV in January and Council would need to decide whether block IV will be opened up as a street or designed as a plaza.

Mr. Grile said a transfer would need to be made from wastewater contingency fund for the Empire district sanitary sewer replacement project. Councilor Spangler asked for clarification on the cost of the project. Mr. Dunham explained that weather conditions increase the cost of construction and the project had been bid three times which can impact the bid process.

## Council Minutes - October 17, 1995

Councilor Spangler asked for clarification on council rule no. 16 on whether once someone is removed from a meeting, if the person is barred from all council meetings. City Attorney Randall Tosh said the person is barred only from that meeting. Councilor Spangler said he feels that the way it is currently written, the person is barred from all meetings. Councilor Williams said the Council has the power to override the presiding officer if they disagree with removing someone from a meeting. He said in his seven years on the Council he had never seen anyone removed from a Council meeting. City Manager Grile said there were constitutional issues if the Council told someone never to come again to a meeting. Mr. Tosh said he would reword the paragraph to replace shall and with may.

Councilor Spangler referred to council rule no. 24 and asked that it be changed to a majority of the council may change the order of business rather than the presiding officer. Mr. Tosh said the rule is so worded because the presiding officer is responsible for the agenda. Consensus of the Council was to leave it as written.

Councilor Spangler referred to council rule no. 36 and asked if this gives citizens the right to speak on any agenda item. Mr. Tosh said citizens have the ability to speak before the Council. Mr. Tosh said it has not been a problem and he does not anticipate problems for the Council. Councilor Spangler commented that the rules should be understandable to the average citizen.

Mr. Grile explained SB 1156 and said the bill is an opportunity for the City to get ahead of the curve. He said the bill would give local government the ability to make decisions on Oregon Land Use Law. Mr. Grile said he recommends support of the bill to designate Coos County as a pilot county.

## COUNCIL MEETING

### **Flag Salute**

President Benetti called the meeting to order and led the assembly in the salute to the flag. He said the Mayor is excused from the meeting due to illness.

### **Consent Calendar**

President Benetti presented an item to be added to the consent calendar. Councilor Miller moved to add an application for OLCC license for Tom Thompson to the consent calendar. The motion was seconded by Councilor Weeks which passed with all Councilors present voting aye. President Benetti read the items on the consent calendar which included the following:

- a) approval of the minutes of the regular meeting of October 3, 1995
- b) acceptance of Coastal Management Grant and appropriating the funds -  
Resolution 95-25
- c) initiation of amendment to land division requirements in the Land  
Development Ordinance
- d) approval of OLCC license application for Tom Thompson

Council Minutes - October 17, 1995

Councilor Weeks moved to approve the consent calendar as amended. The motion was seconded by Councilor Miller which carried with all Councilors present voting aye.

### **Public Comments**

There were no comments from the public.

### **Award of Bid - Mall Block III**

Councilor Weeks asked for clarification of the difference between base and base alternative for mall block III plan. City Engineer Ralph Dunham said the difference is in the number of parking spaces. President Benetti said it also has to do with removing the electrical box.

Councilor Combs asked about the timing of the project. City Manager Grile said the work would begin in January and it is a 120 day project. Councilor Spangler asked if the electrical box could be removed at a later time. Mr. Dunham said the removal of the electrical box is approximately \$6,500 and that removing it later the cost would go up. Councilor Williams suggested the \$20,000 for the two additional parking spaces be used for removing the 3rd Street canopies. He said the City should consider reserving some money for awnings and consider the less costly alternative. Councilor Combs asked which alternative was the staff's recommendation. Community Services Director Bruce Miethof said staff did not have a preference of the options. He said going with the alternate the City may not have enough money to do block IV this year. Councilor Combs said he preferred the option which had the additional parking.

Councilor Weeks moved to award the base bid to Don Thompson for \$78,984. Councilor Williams seconded the motion. Councilor Combs stated for the record he does not approve of the paver bricks but would go with the majority vote. Councilor Spangler said parking is critical in the downtown area and the City should chose the option which would provide two additional parking spaces and remove the electrical building. Councilor Miller said with so many new businesses going in we consider the additional parking. President Benetti called for the vote on the motion to award the base bid for \$78,984. The motion failed with Councilors Williams and Weeks voting aye and Councilors Benetti, Combs, Miller, and Spangler voting nay. Councilor Miller moved to award the base and alternate bid 2b to Don Thompson for \$99,870. Councilor Spangler seconded the motion which carried with Councilors Benetti, Combs, Miller, Spangler, and Williams voting aye; Councilor Weeks voting nay.

### **Award of Bid - Empire District Sanitary Sewer Replacement Project**

City Manager Grile said a transfer from wastewater contingency is necessary to provide the funding to complete the project. City Engineer Dunham explained the advantages of doing a total replacement of the sewer lines was that all the service laterals would be replaced and grade problems would be taken care of. He said using the lining is significantly cheaper. Councilor Miller asked about the longevity of the repairs and Mr. Dunham said they were essentially the same. Councilor Spangler moved to award the bid to Johnson Rock for \$105,098.04. Councilor Miller seconded the

motion which carried with all Councilors present voting aye. President Benetti reminded Council that the transfer of funds would be approved at the next council meeting.

### **Adoption of Council Rules - Resolution 95-26**

President Benetti reviewed the suggested changes to the Council Rules beginning with rule no. 16 in which the word shall would be changed to may. In rule no. 24 it was suggested that presiding officer be changed to majority of the Council and consensus of the Council as presiding officer would remain in the rule. Rule no. 36 regarding public comment would be redrafted by the City Attorney to state that all citizens have the right to speak before the Council and that each citizen shall be responsible for the abuse of such right.

Councilor Spangler asked if rule no. 39 prohibits a citizen from addressing the Council if they have not signed the roster. Councilor Miller said the roster would be brought to the podium and they could sign at that time. Councilor Spangler asked that the word shall be changed to should. City Attorney Randall Tosh said the Council could waive the requirement to sign a roster. Councilor Williams said his interpretation of the rule was that if a group was coming to speak to the Council they would sign the roster prior to the meeting. He said rule no. 42 rules of order would take care of other situations. Councilor Weeks said the roster would be placed at the podium. Councilor Combs said a citizen can address the Council if they have not previously signed the roster. Councilor Williams moved to adopt Resolution 95-26 - Council Rules as amended. Councilor Miller seconded the motion which carried with all Councilors present voting aye.

### **Review of City Hall Space Re-organization**

City Manager Grile expressed concern about the reorganization of the Public Works and Community Development Departments and the ability to provide efficient service to the public. Mr. Grile reported that city hall needs to be more friendly and open to the public. He said this could be accomplished by opening up the finance department and by putting the permit center in the area previously used by the public works department. Mr. Grile reviewed proposal no. 1 and said the cost would be approximately \$7,400 plus an additional cost of \$4,000 to upgrade and network the computer system. Mr. Grile said he is not at this time recommending proposal no. 2 since it has not been through the budget process. Community Services Director Bruce Meithof reviewed the computer upgrade and said some of the labor cost is unknown. He said the police department is already on Novell 4.1 and the other departments would save money by tying into their system. Councilor Miller asked if the \$4,000 is in addition to the \$7,400 and Mr. Meithof said yes. Mr. Grile said the money would come from the repair and replacement reserve fund. Councilor Combs asked if it was possible to do proposal no. 2 in this year's budget. Mr. Meithof said a \$100,000 transfer will be made to the repair and replacement reserve fund and the remodel could be done. Councilor Benetti said proposal no. 2 would cost \$16,200. Mr. Grile said proposal no. 2 has not been seriously considered at this time by staff.

Mr. Grile said proposal no. 1 would get city hall to the point where we would be operating effectively, and proposal no. 2 contains additional items that would increase our efficiency and make

us more user friendly. He explained the changes in no.2 beginning with replacing the front doors with glass doors to make city hall more open and welcoming, and explained the advantage of a hallway connecting the front and back lobbies. Mr. Grile said he was recommending proposal no. 1 because of the cost.

Councilor Benetti suggested the improvements in option no. 2 be addressed in the next budget year. Councilor Miller asked why option no. 2 did not cost much more than no.1 and Mr. Grile said the maintenance person and the city's electrician would do much of the work. Councilor Benetti said the difference between the two plans would be \$4,800. Councilor Combs moved to authorize staff to proceed with proposal no. 2 as outlined by staff, including the funds for the computer networking, for a total of \$16,200. Mr. Grile said there will be an additional cost in labor to do the computer networking and if it is a significant amount he will bring it to the Council for approval. Councilor Williams asked if the proposal included new signage and Mr. Grile said yes. The motion was seconded by Councilor Miller which carried with all Councilors present voting aye.

### **Endorsement of SB 1156 Proposal**

City Manager Grile explained that SB1156 allows for the selection of four pilot counties to participate in collaborative regional problem solving process. He said if Coos County is selected as a pilot county it would provide a way for the City to work with the County in developing the area. Mr. Grile requested authorization from the Council to allow the City Manager and the Mayor to pursue support for SB1156. Councilor Spangler moved to accept staff's proposal. Councilor Weeks seconded the motion which carried with all Councilors present voting aye.

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

City Attorney Tosh said he will discuss his report during the executive session.

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

City Manager Grile reported on an incident at Wastewater Plant 2 in which chemicals from Charleston entered the system which resulted in over-chlorination of the system. He reported that he and the City Engineer attended the Highway 101 Beautification meeting in North Bend and that the final plan should be received later this week. He said the plan will be brought to the Council for their review.

Mr. Grile said he had expressed the City's support for the Intra-tourism survey. He asked Council about forming an ad hoc committee to study ways of improving doing business in Coos Bay. Mr. Grile reported on a meeting he and the Mayor attended with CEDCO in which a new business could possibly be moving to the Bay Area. He said staff is working on organizing and prioritizing the City projects, and reported that the flags are again flying at city hall.

### **Mayor and Council Comments**

Councilor Spangler thanked City Attorney Tosh for his exceptional work on the council rules.

Councilor Weeks congratulated Bill Grile on his appointment as City Manager. She asked for an update on skateboard park issue. City Manager Grile said he will be attending their next meeting and will give a report to Council. Councilor Weeks asked if a meeting with the Bay Area Rescue Mission has been scheduled and Mr. Grile said he will be discussing this matter with the Mayor.

Councilor Combs said he was happy to see that playground equipment will be installed at Empire Lakes Park and was due in part to a donation from the March for Parks fund raiser. He asked when the restrooms for Empire Lakes Park would be built and Mr. Meithoff said the parking lot and rostrums were scheduled for this Spring. Councilor Combs reported the Parking Committee meeting would be held at 8:30 a.m. on Thursday. He expressed concern about the condition and use of the skateboard park and mentioned the \$500 reward for information regarding the vandalism at the boardwalk. Councilor Spangler asked if the Parks Commission was still reviewing City parks and noted that Ed Lund Park needed attention.

Councilor Miller reported the Citizens Police Academy has been very informative. She said she was impressed with the police department's various crime prevention programs. Councilor Miller suggested adding two members from the Empire District to the Design Renew Board. Consensus of the Council was to add the two members to the Board; one to be a business owner and one to be a member at large. The City Attorney was instructed to prepare the amendment to the ordinance.

Councilor Benetti asked why the lights in the Mingus Lake have not been on at night and City Manager Grile said he would look into it. Councilor Benetti asked if areas other than the skateboard park were having problems. Chief Adams said the skateboard association does not control the park and the skateboarders, and that there were some problems. He said the 7-11 store would be closing and some of the problems would be alleviated. Chief Adams said the police department is working on the situation and that the signs stating the rules of the park have been posted. Councilor Benetti asked for the status on the Eastside boat ramp and Mr. Grile said it would come before the Planning Commission next Tuesday.

### **Executive Session**

On motion by Councilor Combs, seconded by Councilor Miller, with all Councilors present voting aye, the Council went into executive session pursuant to ORS 192.660 (1) (e) to discuss real property transaction and (1) (h) to consult with the City Attorney regarding potential litigation.

### **Adjournment**

There being no further business to come before the Council, President Benetti adjourned the meeting to 7:00 p.m. in the Council Chambers of City Hall on November 7, 1995.

Council Minutes - October 17, 1995

---

Joe Benetti  
Council President of the City of Coos Bay  
Coos County, Oregon

ATTEST:

---

Joyce Jansen  
City Clerk of the City of Coos Bay  
Coos County, Oregon