

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

February 4, 2014

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 Mark Daily, Jennifer Groth, Stephanie Kramer, John Muenchrath, and Mike Vaughan. Councilor Gene Melton was absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Susanne Baker, Deputy Finance Director Amy Kinnaman, Library Director Sami Pierson, Community Development Director Eric Day, Public Works Director Jim Hossley, Acting Fire Chief Mark Anderson, and Police Chief Gary McCullough.

### **Flag Salute**

Mayor Shoji opened the meeting and asked City of North Bend Library Director Gary Sharp to lead the Council and assembly in the salute to the flag.

### **Public Comments**

No comments were given.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of January 21, 2014. Councilor Kramer moved to approve the consent calendar approving the minutes of January 21, 2014. Councilor Muenchrath seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Muenchrath, and Vaughan voting aye. Councilor Melton was absent.

### **Semi-Annual Report on the Visitor Information Center (VIC) by Bay Area Chamber of Commerce Executive Director Timm Slater**

Timm Slater, Executive Director of the BACC, provided information on activities of interest at the VIC such as tourist inquires monthly events, reader board activity, visitor counts, and revenue and expenditure details. Volunteer support staff training continued to be a focus and priority of the VIC and the BACC. Mr. Slater thanked City staff for their support.

### **Presentation on the Boys & Girls Club of Southwestern Oregon by Program Director Angie Rieber**

The Boys & Girls Club of Southwestern Oregon Program Director Angie Rieber provided a brief history of the Boys & Girls Club; highlighted the benefits of the Club and provided information on the various programs provided by the Club. Mike Yeager stated he recently joined the Boys & Girls Club to teach technology and science based skills; expanded digital arts programs included a web site production class; game production, digital photography, and a radio lab class. Mr. Yeager thanked the City of Coos Bay for their support.

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### **Consideration of Temporary Appointment to the City Council**

City Manager Rodger Craddock advised due to current health issues, Councilor Gene Melton had been unable to attend recent Council meetings and work sessions; it was unknown when Councilor Melton would return but believed he would be out for an extended period of time. The City Charter provided during the temporary disability of any officer, the office may be filled by temporary appointment in the same manner as provided for filling vacancies permanently. Mr. Craddock reviewed the relevant sections of the City Charter which addressed filling a vacant position and the Council's options for filling to fill the temporary appointment which included: using a process such as accepting letters of interest, interviewing, and appointing one of the applicants; appointing the candidate who received the highest votes in the previous election; or the Council could make a temporary appointment through a majority vote without holding an application process or using the results from the last election. Mr. Craddock noted Dennis Dater was the only candidate from the last election that was eligible and willing to be appointed. Councilor Kramer suggested no action unless the position was permanently vacated. Councilors Daily, Groth, and Vaughan were in favor of accepting letters of interest for the position. Councilor Muenchrath was in favor of appointing the available candidate that was selected through the election process. Councilor Groth moved to fill the current temporary position by conducting an application process. Councilor Kramer seconded the motion which carried with Councilors Daily, Groth, Kramer, and Vaughan voting aye and Mayor Shoji and Councilor Muenchrath voting nay. Councilor Melton was absent.

### **Approval of Adoption of the Sidewalk Maintenance Policy**

Public Works Director Jim Hossley stated over the past two year's staff worked to inventory all sidewalks in effort to develop a Sidewalk Maintenance Management Policy. The goal of the policy was to confirm and formalize Public Works inspection, inventory, and maintenance procedures with respect to curb and sidewalk infrastructure management while balancing fiscal responsibility with public safety. The Council reviewed the proposed plan at the October 1, 2013 Council meeting and requested revisions to the finishes section of the plan. Mr. Hossley noted revisions were made to the following sections: 2.0 Policy, 2.2 Replacement, and 2.3 New Construction. Council also asked staff to research cost comparison for exposed aggregate vs. brushed finish; cost for brushed finish was approximately \$5.00 /sq. ft. and \$6.00 for exposed aggregate. Staff noted several concerns about exposed aggregate maintenance which included overall longevity, difficulty blending patched surface with the existing surface, and a more arduous cleaning process. Councilor Daily suggested adding a detailed example to section 2.2; i.e. if the sidewalk had degraded to the point where it appeared to be an aggregate finish that it should be repaired with an aggregate finish. Councilor Vaughan highlighted the difficulties of matching exposed aggregate. Councilor Groth inquired how many sidewalks were budgeted for replacement each year whereby Mr. Hossley estimated two to six sidewalk improvement projects per year. City Manager Rodger Craddock advised of two upcoming sidewalk projects and noted increased costs if the use of exposed aggregate was required.

Councilor Daily moved to adopt staffs proposed Sidewalk Maintenance Policy with the exception of adding examples to section 2.2 with regards to the degradation of the finish where it appeared to be aggregate. Councilor Kramer seconded the motion. Councilor Daily revised his motion to amend section 2.2 to include taking into consideration the condition of adjacent sidewalks. Councilor Kramer seconded the motion as amended. Councilor Daily withdrew the

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motion. Councilor Kramer withdrew the motion as seconded. Councilor Daily moved to approve staff's recommendation, to direct staff to clarify section 2.2, and to bring back the final document for Council review. Councilor Kramer seconded the motion. Discussion continued. A call for the question was made which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Muenchrath, and Vaughan voting aye. Councilor Melton was absent. Councilor Muenchrath expressed concern about section 2.3; suggested keeping the finish consistent in downtown.

### **Transfer of the Extended Service Office (ESO) from Southwestern Oregon Community College (SOCC) to the Coos Bay Public Library**

Library Director Sami Pierson stated Coos County created the Coos County Library Service District (CCLSD) in 1992 whereby the libraries within the district operate independently but also share resources on a district-wide level to offer services that each library could not afford on their own. At the time of the district formation, the Extended Services Office (ESO) was placed on the SOCC campus. Ms. Pierson explained the ESO's operation process and services which benefited all communities and rural areas of Coos County; noted there were personnel and policy conflicts due to the differences between academic libraries and public libraries. Ms. Pierson stated the conflicts could be rectified by moving the office to Coos Bay and all the libraries in the County would continue to cooperate with service and serve all library patrons at the highest level; noted there were no budget implications as the ESO was funded from library service district tax dollars. City Manager Rodger Craddock stated if moved to Coos Bay, ESO staff would be City of Coos Bay employees.

Gary Sharp, City of North Bend Public Library Director: spoke in favor of the ESO moving to Coos Bay; suggest the move would provide better symmetry within the district. Councilor Daily and Mayor Shoji were in favor of charging the ESO for use of the Coos Bay Library. Ken Fulkner, Coos Bay: inquired if the ESO paid SOCC for use of their building. Ms. Pierson advised the ESO paid SOCC through in-kind services. Lora Nay, Coquille: stated she was the Chair of the CCLSD Board; asked for clarification as to whether the Council was looking for compensation from the ESO for their use of space at the Coos Bay Library whereby Mayor Shoji confirmed it was the Council's recommendation to charge the ESO. Ralph Moore, Coos Bay: stated he was a founding member of the CCLSD Board; suggested the merge was a \$300,000 cost savings to the City. Carol Ventgen, North Bend: stated she was the former Coos Bay Library Director; suggested City staff would benefit from the continuity of service provided by the ESO. Bruce Bennett, Coos Bay: stated he was the Chair of the Coos Bay Library Board; advised the Board approved the ESO's move to Coos Bay. It was the consensus of the Council to move forward with seeking the necessary agreement and/or consent to move the ESO from SOCC to Coos Bay and to direct staff to look into charging ESO for the use of space.

### **Consideration of Approval to Surplus City Owned Property**

Public Works Director Jim Hossley stated on January 10, 2014 the Council Finance Committee reviewed three properties recommended by staff for surplus. The Committee reviewed the topographic location map of each property along with assessed value and recommended disposal of all three properties at the price recommended by a licensed realtor. One property was located in the Englewood area at the west corner of 17<sup>th</sup> Street and California Avenue and the other two properties were located in Empire; one along the east side of Morrison Street

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adjacent to the northwest corner of Toppits Park north of Pirates Court and south of Lakewood Lane; the other located on the west side of N. Marple Street south of Division Avenue.

Staff contacted Randy Hoffine, Principal Broker for Pacific Properties to request his opinion on the value of the properties. Mr. Hoffine estimated the following: value of the Englewood property was \$65,000 based lot size of 1.24 acres and in consideration of the significant elevation changes; N. Marple in Empire at \$100,000 based on the lot size of 1.54 acres and location in close proximity to the bay; Morrison Street property was originally estimated to be valued at \$125,000 but later suggested it could be closer to \$200,000 depending on how the City of Coos Bay regulated the developer. City Manager Rodger Craddock recommended taking sealed bids for the Morrison Street property.

Councilor Kramer moved to approve surplus of parcels 25S1317-CD-05500, 25S1317-DC-00100, and 26S1303-BA-06300, and to direct staff to sell at the price provided by Mr. Randy Hoffine with the exception of the Morrison Street property to be sold through a sealed bid process. Councilor Groth seconded the motion. Councilor Kramer amended the motion to not sell the Morrison Street property for no less than \$200,000. Councilor Groth seconded the motion as amended which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Muenchrath, and Vaughan voting aye. Councilor Melton was absent.

### **Award of Contract for the Wastewater Treatment Plant No. 2 Design**

Public Works Director Jim Hossley stated due to the age of Wastewater Treatment Plant 2 (WWTP 2), a mutual agreement order (MAO) with the Oregon Department of Environmental Quality (DEQ), and upcoming National Pollutant Discharge Elimination System (NPDES) permit requirements the plant needed to be upgraded. Over the past year, staff worked with the design team of SHN/CH2M Hill on the pre-design for WWTP 2. The development of the pre-design created what was referred to as 15% design plans. The next step was to take the 15% design plans and create 100% of the final design. The next critical deadline in the MAO schedule called for completion of final design for WWTP 2. Mr. Hossley stated keeping the SHN/CH2MHill design team through the final design phase would provide the City with a team that was knowledgeable about our area and the project. The estimated cost of the final design phase was \$1,535,431 with a recommended 10% contingency for a total cost of \$1,688,974. Infrastructure Finance Authority (IFA) loans and grants were secured to pay for the costs of design with planned increases to wastewater user fees to pay the debt service payments on the loans.

Councilor Muenchrath moved to approve the award of the contract for preparation of final design for WWTP 2 to the design team of SHN and CH2M Hill for a fee not to exceed \$1,688,974. Mayor Shoji seconded the motion. Councilor Daily suggested the design, bid, build process was a more transparent and cost effective method and was against the CM/GC process. Discussion continued regarding the use of the CM/GC process. A call for the question was made which carried with Mayor Shoji and Councilors Groth, Kramer, Muenchrath, and Vaughan voting aye and Councilor Daily voting nay. Councilor Melton was absent.

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### City Attorney's Report

City Attorney Nate McClintock stated at the January 21, 2014 Council meeting, the Council requested him to draft a letter to the Congress of the United States to ask for reconsideration of its position regarding the regulation of marijuana to be consistent with State regulations. Mr. McClintock provided the Council with a draft letter. Mayor Shoji and Councilor Groth were not in favor of sending the draft letter. Councilor Kramer was in favor of sending the letter to Oregon representatives. Councilor Daily moved to send the draft letter to all Federal Oregon Representatives. Councilor Kramer seconded the motion. Discussion continued as to the intent of the proposed draft letter. Councilor Daily withdrew the motion. Councilor Kramer withdrew the motion as seconded. It was the consensus of the Council to postpone deliberation and use of the draft letter for consideration at a later date.

### City Manager's Report

City Manager Rodger Craddock advised negotiations continued with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indian Tribe on the development of the Hollering Place; requested the Council's assistance scheduling a work session to discuss Empire Design Standards; reminded Council Finance Committee members of upcoming budget review meetings; noted opening on the Library Board due to Councilor Melton's absence whereby Councilor Groth agreed to the temporary appointment. It was the consensus of the Council to appoint Councilor Groth the Library Board.

### Council Comments

Councilor Groth stated the second annual Spelling Bee to benefit the Coos Bay Public Library was scheduled for March 22, 2014 at 7:00 p.m.; noted Margaret Barber had scheduled a public meeting for Thursday February 6<sup>th</sup> 5:30 p.m. at the Coos Bay Public Library for discussion on the community service fee idea associated with the Jordon Cove Project. Councilor Kramer suggested there needed to be more focus on coordinating/improving the Welcome to Coos Bay signs. Councilor Vaughan inquired about brush cutting in creek at Wastewater Treatment Plant 2 whereby Mr. Hossley confirmed the brush was cut by unknown persons and not at the request of the City. Mayor Shoji announced the Charleston Crab feed was scheduled for February 15<sup>th</sup> from 11 a.m. to 3 p.m.; suggested Council members setup booths in public places to help educate citizens' on upcoming infrastructure projects.

### Adjourn

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for February 18, 2014 in the Council Chambers at City Hall.

Attest:

  
Susanne Baker, City Recorder

  
Crystal Shoji, Mayor