

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 5, 2013

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, Gene Melton, John Muenchrath, and Mike Vaughan. 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 Kevin Owens to lead the Council and assembly in the salute to the flag.

Public Comments

No comments were given.

Consent Calendar

Mayor Shoji requested consent calendar items 3a: approval of the minutes of October 15, 2013 be moved down on the agenda as item 4a and to move 3b: approval of a payment to Citycounty Insurance Services (CIS) to agenda item 16 for further consideration and move agenda item 16: Adjourn to item 17.

Approval of a Proclamation Involving Restoration Efforts at the Marshfield Pioneer

City Manager Rodger Craddock stated the City was the registered owner of the Marshfield Pioneer Cemetery; explained the Marshfield Cemetery group was applying for a grant to repair the sailor-soldier monument and noted approval of the proclamation would show the City recognized their heritage and the significance of the monument to the community. Mr. Craddock asked Cricket Soules, a volunteer with the Marshfield Cemetery group to provide the Council with an update on the cemetery. Ms. Soules noted various improvements to the cemetery; stated the group received a \$4,000 grant from the Oregon Commission for Historic Cemeteries and noted they were half way to their goal of purchasing 256 ft. of fencing for the cemetery. Marshfield High School students Nichole and Larissa Norton and Mayor Shoji read the proclamation aloud, declaring May 30, 2015 as Sailor-Soldier Monument Re-dedication Day.

Councilor Groth moved to approve the Sailor-Soldier Monument Re-dedication Day proclamation. Councilor Melton seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye. Mayor Shoji recognized Councilor Melton for his efforts involving the Marshfield Pioneer Cemetery. Krisann Owens and Rebecca Rice, Commanders of the American Legion Bay Area Post No. 34

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presented Cricket Soules and the Marshfield Cemetery volunteer group a monetary donation for the restoration of the Marshfield Pioneer Cemetery's sailor-soldier monument.

Approval of the October 15, 2013 Minutes

Mayor Shoji requested the minutes of October 15, 2013 be revised to state that Mayor Shoji requested that the Parks and Recreation District be listed as an option for funding within the discussion on the revisions to the Parks Master Plan. Mayor Shoji moved to approve the minutes of October 15, 2013 as revised. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

Consideration of Award of Contract for Value Engineering Service Pre-Design for Wastewater Treatment Plant #2 (WWTP#2)

Public Works Director Jim Hossley stated the design team of SHN Consulting Engineers and CH2M HILL finalized the pre-design plans for the proposed WWTP#2 project. Prior to commencing with the final design plans, the City advertised a request for qualifications (RFQ) for qualified consultants to submit a Statement of Qualifications (SOQ) to perform Value Engineering (VE); two SOQ's were received. The VE would consist of a team of experts from the following fields: site/civil, process specialists, environmental/biosolids, structural, architect, and cost estimator. The team would be supported by City staff, representative(s) from the Charleston Sanitation District, and representatives from Department of Environmental Quality (DEQ).

Mr. Hossley briefly explained the VE process; noted the process would ensure valuable VE recommendations would not be lost or not considered due to a lack of understanding or insufficient information and could help initial construction costs and longer operation and maintenance costs. Councilor Kramer moved to approve the award of Value Engineering Services for WWTP#2 to RSRI for the cost of \$106,559 plus a 10% contingency of \$10,656. Councilor Groth seconded the motion. Councilor Daily recalled the original estimate five years ago was \$40 million and stated the cost of the project was out of control. Mr. Hossley advised the project also included improvements to the collections systems which was not previously required or included in the original estimate. A call for the question was made which carried with Mayor Shoji and Councilors Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye and Councilor Daily voting nay.

Approval of the Empire Design Standards – Approval Would Require Enactment of the Proposed Draft Ordinance

Community Development Director Eric Day stated there was a possible procedural error wherein it was believed that the Planning Commission had not held a public hearing in consideration of the revised Empire Design Standards. Mr. Day recommended the Council postpone enacting the new design standards until it could be clarified whether the Planning Commission needed to hold a public hearing on the matter. It was the consensus of the Council to schedule a work session to further review the Empire Design Standards prior to the Planning Commission holding a public hearing.

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Approval of a Task Order for Phase 1 of the 2014 City Timber Sale Services

Public Works Director Jim Hossley stated on August 20, 2013 the Council awarded a timber management services contract to Stuntzner Forestry and Engineering, LLC. The contract was two City timber sales with the option to extend the contract for one additional sale and also covered any additional services required relating to timber management. In preparation for an upcoming sale of approximately 80 acres of timber, staff recommended Stuntzner complete an investigation process/Phase 1, in effort to analyze the watershed and recommend units for harvest; Phase 2 would include Stuntzner providing a detailed scope of work and would require the City's approval of the harvest units for the pending sale. Estimated combined cost for Phase 1 and Phase 2 was \$100,000. Mayor Shoji moved to approve Stuntzner Forestry's Task Order for Phase 1 and Phase 2 for the 2014 City Timber Sale for an amount not to exceed \$100,000. Councilor Groth seconded the motion. Mayor Shoji revised the motion to include staff providing an update to the Council as to the final cost of the project. Councilor Groth seconded the motion as revised which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

Acceptance of an Infrastructure Finance Authority (IFA) Grant and Approval of a Loan for Coos Bay Wastewater System Repairs, Design, and Construction of Phase 2

Public Works Director Jim Hossley stated staff submitted an IFA loan application for Phase 2 of the wastewater upgrades which consisted of 12 Department of Environmental Quality (DEQ) mandated projects totaling \$7,784,025. Mr. Hossley noted the City was previously awarded and IFA loan and grant for 16 other DEQ mandated projects (Phase 1). In October 2013 the IFA awarded the City's a Phase 2 loan for \$7,034,025 with an interest rate of 1% in addition to awarded the City a second grant \$750,000. Mr. Hossley estimated the duration for completion of the Phase 2 wastewater projects was four years. Councilor Muenchrath moved to approve the acceptance of the \$7,034,025 loan at 1% and the \$750,000 grant from the IFA. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye and Councilor Daily voting nay.

Approval of an Emergency Purchase for Equipment and Parts for the Primary Clarifier for Wastewater Treatment Plant #1 (WWTP#1)

Public Works Director Jim Hossley advised on October 9, 2013, the primary clarifier at WWTP#1 was taken offline because operators observed it was not working properly. Upon further inspection it was discovered that the mechanism in the bottom of the tank was no longer operable. City staff attempted to obtain three quotes, however due to the age of the plant the damaged part is no longer manufactured and must be fabricated. McGuire Bering Company was the only vendor available with ability to supply the required part within a four week time frame. Due to the urgency of the situation and in accordance with Section 11 the City's contracting rules; staff authorized McGuire Bering Company to supply the necessary part for \$20,619.76 as quoted. Councilor Groth moved to approve the award of an emergency purchase (after the fact) for equipment and parts for the primary clarify at WWTP#1 pursuant to the emergency contract rules. Councilor Daily seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

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Consideration of Setting a Public Hearing Date for the Proposed Vacation of Cedar Avenue Between Broadway Street and Bayshore Avenue

City Manager Rodger Craddock stated on October 1, 2013 the Urban Renewal Agency (URA) held a public hearing to surplus an URA owned property located just North of 777 Bayshore Drive, the Agency approved the surplus and to apply to vacate Cedar Avenue between N. Bayshore Drive and Broadway Avenue. Staff completed the application requesting the vacation; in order to proceed with the request, Council needed set a date for the Planning Commission to hold a public hearing and render a recommendation to Council. Councilor Kramer moved to set a public hearing date for the proposed alley vacation before the Planning Commission during their regular meeting on December 10, 2013. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

Ocean Grove Development Application Review Process

Community Development Director Eric Day stated Ocean Grove, LLC applied for a consolidated land use application consisting of a planned unit development, conditional use permit, site plan and architectural review, architectural design review and tentative subdivision plat applications for their site located southwest of Kmart off of Ocean Boulevard. Ocean Grove was seeking land use approval to site approximately 1,700 residential units and the associated infrastructure. Per Coos Bay Municipal Code (CMBC), the tentative plat application would be reviewed by the Planning Commission (PC) and forwarded to the City Councilor for final decision on the application. Mr. Day advised staff received confirmation that at least three PC members were retained by Ocean Grove, LLC to perform work for the proposed development and would therefore need to recuse themselves from the PC's review. By code, only four PC members would be required to perform the review but all members would have to attend each of the hearing(s). Staff expressed concern about leaving a review of this magnitude to a four member Commission.

The CBMC and state law allows for two other options for the review of the application: hire a hearings officer to take the place of the PC or have the City Council direct staff to bypass the PC and have the application come directly to the Council for their review and decision. Any appeal of the Council's decision would go to the Oregon Land Use Board of Appeals. Mayor Shoji preferred a hearings officer review the matter and make a recommendation to the Council. City Manager Rodger Craddock advised the role of the hearings officer did not include making a recommendation to the Council. Mayor Shoji moved to have a hearings officer review the application and to provide the Council with recommendations as allowed. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

The Council postponed the remainder of the Council to reconvene after the Urban Renewal Agency (URA) meeting. Upon conclusion of the URA meeting, the Council reconvened and immediately entered into executive session.

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Executive Session

An executive session was scheduled pursuant to ORS 192.660 (2) (h) for the purpose of discussing current litigation or litigation likely to be filed. No decisions were made.

Councilor Muenchrath moved to reconvene into open session. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

Approval of a Payment to Citycounty Insurance Services (CIS)

Councilor Kramer moved to approve a pending litigation payment to CIS. Councilor Muenchrath seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath, and Vaughan voting aye.

City Attorney's Report

No comments were given.

City Manager's Report

City Manager Rodger Craddock stated the Council needed to set a goal setting work session and recommended coordinating a date in December.

Council Comments

Councilor Groth stated she recently attended the Urban Renewal Agency (URA) Advisory training session; suggested cleaning up the URA plans; recommended adding additional council member to the URA Advisory Committee. It was the consensus of the Council that Councilors Groth and Kramer would represent the Council on the URA Advisory Committee. Councilor Daily expressed his support for Fire Chief Stan Gibson. Councilor Vaughan stated he also attended the URA training session and felt the URA had lost focus of the Front Street Master Plan. Mayor Shoji expressed concern about the lack of participation and partnership with the Visitors Convention Bureau (VCB) during the recent Portland Trail Blazers Rip City Relay event.

Adjourn

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for November 19, 2013 in the Council Chambers at City Hall.

Attest:



Susanne Baker, City Recorder



Crystal Shoji, Mayor