

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

**July 2, 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, Finance Director Susanne Baker, Deputy Finance Director Amy Kinnaman, Library Director Sami Pierson, Community Development Director Eric Day, Public Works and Development Director Jim Hossley, Acting Fire Chief Mark Anderson, and Police Captain Chris Chapanar.

### **Flag Salute**

Mayor Shoji opened the meeting and asked Ken Fulkner to lead the Council and assembly in the salute to the flag.

### **Public Comments**

Robert Cribbens, Coos Bay: reminded the community of the Wednesday Farmers Market; asked pet owners to walk their dogs along the outside of the Farmers Market due to health code restrictions required of the Market's food vendors. Ken Fulkner, Coos Bay: inquired if the City had an ordinance or law regarding life jackets whereby City Manager Rodger Craddock stated the City had no such ordinance or law. Mr. Fulkner suggested all persons under the age of 18 should be required to wear life jackets.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of June 18 and June 20, 2013 3b: approval of an OLCC new outlet license application for Dave's Pizza and 3c: approval of annual OLCC license renewals for Best Western Holiday Motel, Black Market Gourmet, Captain's Cabin, Coach House, Cranberry Sweets Inc., EZ Thai Restaurant, Oregon Wine Cellars, Outdoor-In Inc., Puerto Vallarta Restaurant, Rodeo Steakhouse and Grill, Sharkbites Seafood Café, Smith's Bayway Market, Sombrero, and Walt's Pour House. Mayor Shoji requested the consideration for approval of an annual OLCC license for Outdoor-In, Inc. be brought down to the agenda as item 4a for further discussion. Councilor Melton moved to approve the consent calendar as amended approving the minutes of June 18 and June 20, 2013, approving an OLCC new outlet license application for Dave's Pizza, and approving annual OLCC license renewals for Best Western Holiday Motel, Black Market Gourmet, Captain's Cabin, Coach House, Cranberry Sweets Inc., EZ Thai Restaurant, Oregon Wine Cellars, Puerto Vallarta Restaurant, Rodeo Steakhouse and Grill, Sharkbites Seafood Café, Smith's Bayway Market, Sombrero, and Walt's Pour House. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, and Vaughan voting aye. Councilor Muenchrath was absent.

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### **Presentation of an Appreciation Plaque for Elena Keizer**

Library Director Sami Pierson thanked Elena Keizer for having served on the Library Board from June 2009 through May 2013; noted Ms. Keizer was recently hired as a Library employee. Mayor Shoji presented Ms. Keizer with an appreciation plaque.

### **Approval of an Annual OLCC License Application for Outdoor-In, Inc.**

As the owner of Outdoor-In, Inc., Councilor Daily was thereby declared to have a conflict of interest in the consideration of the approval of the annual OLCC license renewal for Outdoor-In, Inc. Councilor Kramer moved to approve the annual OLCC license application for Outdoor-In, Inc. Councilor Melton seconded the motion with carried with Mayor Shoji and Councilors Groth, Kramer, Melton, and Vaughan voting aye. Councilor Muenchrath was absent. Councilor Daily having abstained for the vote is deemed, pursuant to the provisions of 4.7.4 of the Rules of the City Council, to have voted with the majority, which approved the motion.

### **Introduction of New Community Development Director Eric Day**

City Manager Rodger Craddock introduced Community Development Director Eric Day to the Council.

### **Public Hearing to Consider Authorizing Staff to Proceed with the Contract Manager/General Contractor (CM/GC) Method of Procurement for Constructing the Wastewater Treatment Plant (WWTP) #2 – Approval Would Require Adoption of Resolution 13-11**

Public Works and Development Director stated at the June 4, 2013 Council meeting, staff presented the concept of an alternative delivery method for contracting construction projects called Construction Manager/General Contractor (CM/GC). Prior to finalizing the required findings supporting the exemption of a particular public contract or class of contracts, the Council would need to hold a public hearing to allow interested parties an opportunity to appear and present testimony. Mr. Hossley advised notice for the public hearing was advertised in The World newspaper and the Daily Journal of Commerce on June 18, 2013; provided the council with a comparison of past projects completed using the conventional contracting method and projects completed using the CM/GC method. Mayor Shoji opened the public hearing. Ken Fulker, Coos Bay: inquired where the proposed treatment plant was going to be located whereby Mr. Hossley stated the plant was going to be relocated across the street from the existing plant in Empire. No further public comments were given and the hearing was closed. Councilor Kramer moved to adopt Resolution 13-11 adopting an alternative delivery method for contracting construction projects. Councilor Groth seconded the motion. Councilor Daily was in favor of the conventional contracting method. Councilor Groth inquired how staff determined what a reasonable bid would be for the project. Mr. Hossley stated the bids would be evaluated by staff in conjunction with the project engineer of record. Councilor Vaughan suggested design aesthetics should be included in the criteria of the design costs. A call for the question was made which carried with Mayor Shoji and Councilors Groth, Kramer, Melton, and Vaughan voting aye and Councilor Daily voting nay. Councilor Muenchrath was absent.

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It was the consensus of the Council for staff to present the site plan architectural review (SPAR) design of WWTP #2 to Council for comment.

### **Consideration of the Disposal of Proposed Surplus Property**

Public Works and Development Director Jim Hossley stated the City owned several properties that did not provide a municipal purpose; presented a map and information on the properties for the Council's consideration of surplus or selling. Mr. Hossley provided a PowerPoint presentation on the proposed properties for surplus or sale. Councilor Kramer inquired if the City owned the Lockhart property. City Attorney Nate McClintock advised the property was in the process of being sold off through a Sheriff Sale. Councilor Daily suggested four locations in the downtown be converted into public parking. City Manager Rodger Craddock reminded the Council that some of the properties were owned by the Urban Renewal Agency (URA) and disposal would need to be considered by the Agency. It was the consensus of the Council to postpone the consideration of the disposal of proposed surplus property and to direct staff to break out the City owned and URA owned properties for future deliberation.

Councilor Muenchrath entered the meeting during the discussion on surplus property.

### **Authorization to Allow Staff to Utilize the Specific Special Procurement Process to Purchase a Tractor and Brush Mower**

Public Work and Development Director Jim Hossley stated on May 21, 2013 the Council approved the use of a special procurement process to purchase a brush mower tractor for an amount not to exceed \$70,000. Staff was unable to locate a new/used brush mower tractor with less than 2,000 hours for \$70,000; current market value for a new/used tractor was between \$85,000 and \$91,000. Councilor Muenchrath moved to authorized staff to utilize the special procurement process to purchase a tractor brush mower for a not to exceed amount of \$91,000. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Melton, Muenchrath and Vaughan voting aye.

### **Authorization to Negotiate With Ocean Grove Development for Proposed Easement Over City Owned Property**

City Manager Rodger Craddock advised city staff had several meetings over the past year with representatives from Ocean Grove Development, LLC (Ocean Grove) regarding a proposed housing development near the south end of Lindy Lane off of Ocean Boulevard. The proposed development would encompass four tax lots totaling over 74 acres and would involve the development of more than 200 homes which would require a secondary access. Mr. Craddock advised secondary access routes were limited given the location of the proposed development. Representatives from Ocean Grove recently requested consideration for an easement across City owned property which was located above (west) the property currently occupied by K-Mart and adjacent (south) to Ocean Grove's proposed development. Mr. Craddock advised the City currently utilized the proposed easement property as part of its timber management program and the majority of the property was part of the watershed. Mayor Shoji suggested consideration should include evaluating the City's transportation system plan. Mr. Craddock advised the exact details of the proposed easement were still being formulated. It was the consensus of the Council to allow staff to further investigate and negotiate with Ocean Grove

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regarding their request for the proposed easement wherein staff would report back to the Council at a later date for consideration of the request.

### **Public Comments**

David Crumley, North Bend: stated he was disabled; expressed concern about aisle space in Coos Bay “big box” stores being too narrow and requested Council consideration on the matter.

### **City Attorney’s Report**

City Attorney Nate McClintock suggested modifying the City’s contracting rules to include incorporating the modified contracting method for purchasing.

### **City Manager’s Report**

City Manager Rodger Craddock RFP for the Egyptian Theatre; upcoming events included 4<sup>th</sup> of July in Mingus Park and music by Bay Area Teen Idol prior to the fireworks display on the Boardwalk; announced openings on Streets Task Force, Urban Renewal Agency Advisory Committee, and Planning Commission. It was the consensus of the Council for Community Development Director Eric Day to update the Empire Design Standards with Council’s previously suggested changes and to report back to the Council at a later date.

### **Council Comments**

Councilor Kramer congratulated Empire Coalition for another successful Clamboree event. Councilor Groth suggested the Council should re-evaluate Council goals. Councilor Daily requested staff to provide a report on the gate at N. 8<sup>th</sup> Street.

### **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 16, 2013 in the Council Chambers at City Hall.

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Crystal Shoji, Mayor

Attest:

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Susanne Baker, City Recorder