

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

January 7, 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. Councilors Stephanie Kramer and Gene Melton were absent. City staff present were City Manager Rodger Craddock, Finance Director Susanne Baker, 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 led the Council and assembly in the salute to the flag.

### **Public Comments**

William MacDonald, Coos Bay: Stated he had been verbally threatened and abused by tenants in the building where he resided; provided the Council with a packet of information detailing his complaint and requested copies of the packet be provided to Police Chief Gary McCullough and Police Captain Chris Chapanar. Katherine Hayes, Coos Bay: spoke on behalf of the Coos Bay Downtown Association and reported on Thursday, January 16<sup>th</sup> at Black Market Gourmet the Downtown Association would "Celebrate Downtown 2014".

City Councilor Mike Vaughan entered the meeting.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of December 14 and 17, 2013; and 3b: approval of appointment of a Coos Bay representative to the County Library Board to fulfill an unexpired term ending June 30, 2014. Councilor Groth moved to approve the consent calendar approving the minutes of December 14 and 17, 2013 and approving an appointment of a Coos Bay representative to the County Library Board to fulfill an unexpired term ending June 30, 2014. Councilor Daily seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Muenchrath, and Vaughan voting aye. Councilors Kramer and Melton were absent.

### **Presentation of the Bay Area Chamber of Commerce's (BACC) Activity Report by BACC President Brooke Walton**

BACC President Brook Walton stated she appreciated the opportunity to provide the Council with semi-annual reports on BACC activity. Ms. Walton summarized the 2013 objectives and accomplishments; stated the BACC partners worked together to create a strong business voice, promote businesses, and improve the economy of the Bay Area. Much of the Chamber's work was accomplished through the volunteered time and efforts of its members, primarily through

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committees, and provided community leadership in the areas of economic development, government affairs, leadership development, natural resources, tourism and transportation.

### **Public Hearing to Consider Approval of a Vacation of Cedar Avenue Between North Bayshore Drive and North Broadway – Approval Would Require the Enactment of the Proposed Ordinance**

Community Development Director Eric Day stated the proposed vacation was initiated by Council motion on October 1, 2013 at the request of the Urban Renewal Agency (URA). Mr. Day explained vacating the proposed portion of Cedar Avenue would increase the marketability of the abutting URA owned property for commercial development should the URA decide to surplus the property. On December 10, 2013 the Planning Commission voted unanimously to recommend approval to vacate Cedar Avenue located between North Bayshore Drive and North Broadway Street. Mr. Day provided the Council with the Planning Commission recommendation which addressed the decision criteria, findings, and the conclusion for the proposed vacation.

Mr. Day advised the Port of Coos Bay and the Coos Bay/North Bend Water Board provided written consent to the proposed vacation without conditions. Pacific Power and Light informed the City they had overhead lines in the south 15 feet of the proposed vacation area, requiring an easement to allow for future maintenance, repair, and replacement of the utility lines; which was included in the draft ordinance. Councilor Vaughan discussed the idea of utilizing the property as future parking for this area of the downtown. Mayor Shoji stated she was not necessarily in favor of vacating rights-of-way in downtown.

Mayor Shoji opened the public hearing. No public comments were given and the hearing was closed. Councilor Groth moved to enact the draft ordinance approving the proposed vacation for the portion of Cedar Avenue, between North Bayshore Drive and North Broadway, abutting Lot 1, Block 9 and Lot 5, Block 10, E.B. Clement's Plat of a portion of the Town of Marshfield, found in Section 26CA, Township 25, Range 13 West of the Willamette Meridian, Coos County Oregon. Councilor Muenchrath seconded the motion. Finance Director Susanne Baker read the ordinance by title only and Ordinance No. 454 was enacted by the following vote:

Aye:	Councilors Daily, Groth, Muenchrath, and Vaughan
Nay:	Mayor Shoji
Absent:	Kramer and Melton

### **Public Hearing to Consider a Supplemental Budget Appropriating County Wide CAD and Wastewater Funds Carryover and Making Appropriations in the Library Fund – Approval Would Require Adoption of Resolution 14-01**

Finance Director Susanne Baker stated Resolution 14-01 was for the following proposed supplemental budgets: the fiscal year end 2013 (FYE 2013) budgeted carryover for the County Wide CAD fund was \$18,645, wherein the actual carryover was \$32,154, resulting in an addition of \$13,509. Staff proposed to appropriate the additional carryover to ensure positive cash flow for the purchase and replacement of an aged computer server. The second appropriation was for \$5,400 in the Library fund for an Oregon State Library Technology grant which was awarded to the Library in FYE 2013 by Resolution 12-26. However, the Library was later notified the grant funds would not be released until FYE 2014 and the City had already completed the FYE

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14 budget process. The third request was to appropriate \$687,328 in carryover for the Wastewater fund to re-allocate staff resources due to budget concerns and to more accurately identify the amount of staff time spent on the wastewater capital improvement projects. Ms. Baker noted the Wastewater fund had sufficient carryover for the adjustments. Additionally, as a cost savings measure due to budget constraints, a budgeted transfer from the Major Capital fund to the Technology fund would not be made for FYE 2014. Ms. Baker noted the Technology fund had sufficient unanticipated carryover from FYE 2013 of \$99,079 due to projects not being completed within the prior fiscal year. As such staff proposed to appropriate the additional carryover to ensure positive cash flow to complete the scheduled technology purchases.

Mayor Shoji opened the public hearing. No public comments were given and the hearing was closed. Councilor Muenchrath moved to adopt Resolution 14-01. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Muenchrath, and Vaughan voting aye. Councilors Kramer and Melton were absent.

### **Approval of Appointments to the Design Review Committee**

Community Development Director Eric Day advised according to Coos Bay Municipal Code (CBMC), Chapter 2.40, the purpose of the Design Review Committee (DRC) was to establish a committee to act as advisory body to the City of Coos Bay Community Development Department, Planning Commission, City Council and if requested, the Urban Renewal Agency for the City of Coos Bay. On December 10 and 19, 2013, the Planning Commission interviewed five applicants for the four expired terms on the DRC and recommended that Andrew Locati, Ariann Lyons, Robert Sansanoff, and Sara Recken be re-appointed to three year terms ending December 31, 2016. Mr. Day stated since the onset of the reappointment process there have been developments through the Council Rules Committee which moving forward could change the structure of the DRC. Mr. Day stated due to the possible changes he would not recommend new appointments be made at this time. Mayor Shoji made a motion to extend the term of the existing DRC members until a decision was made on whether to change the structure of the DRC. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Muenchrath, and Vaughan voting aye. Councilors Kramer and Melton were absent.

### **Award of Contract to the Dyer Partnership for Area Sewer Evaluation Near the Proposed Ocean Grove Development**

Public Works Director Jim Hossley explained that City staff was in the process of reviewing and processing a land use application for Ocean Grove Development; an 80 acre high density residential development located at the southern end of Lindy Lane and west of the Kmart Building on Ocean Boulevard. As such, staff contracted with Dyer Partnership to perform an area analysis to measure any potential impact the development might cause to the downstream sanitary sewer system. Phase one of the analysis provided a memorandum which identified locations within the area that were deficient or under capacity. Mr. Hossley explained that results from the first phase of the work must be further analyzed to help access what portion, if any, of the improvements should be shared by a proposed development, assign costs, and provide backup justification for the offsite improvements. The cost to complete the first phase of work was \$24,940, estimated cost to complete the second phase was \$24,950 for a total scope of work not to exceed of \$49,890. Councilor Daily asked the process of the bid award for the

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first phase and suggested projects which have the potential of going over \$25,000 be sent to Council for initial approval. Mayor Shoji moved to award the contract for the Area Sewer Evaluation for Basin I, K, L, M, N, and T – Phase 2 for an amount not to exceed \$24,950. Councilor Daily seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Muenchrath, and Vaughan voting aye. Councilors Kramer and Melton were absent.

### **Consideration of Adoption of the 2014 City Goals**

City Manager Rodger Craddock stated Council members and staff met on December 14, 2013 for a scheduled work session dedicated to goal setting. After the meeting, staff took the major items of interest and framed them into a short list of goals. The items were categorized into five different overall goals carried over from last year which included: citizen education and involvement, infrastructure and services, economic development and city revitalization, finance, and city policies, procedures, and partnership. Councilor Groth moved to approve the 2014 Council Goals. Councilor Muenchrath seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Muenchrath, and Vaughan voting aye. Councilors Kramer and Melton were absent.

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

City Attorney Nate McClintock was absent.

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

City Manager Rodger Craddock stated in March, June, September, and December of each year the Council would be presented an update on the status of the Council Goals; Council memorandums have been reformatted to delete the advantages and disadvantages section and to include a new section to address which Council Goal would be addressed; stated Fire Chief Stan Gibson announced his retirement on January 17<sup>th</sup> and complimented Acting Fire Chief Mark Anderson for his work in the interim; Parks Commission has scheduled two public meetings, January 15<sup>th</sup> at 6 p.m. at the Downtown Fire Station and January 16<sup>th</sup> at 6 pm at SWOCC to take input on the master plan and to discuss goals; the South Coast Development Council (SCDC) annual stakeholder meeting would be January 16<sup>th</sup>; a Council Finance Committee meeting would be scheduled; a Council work session would be scheduled to discuss Empire design standards; a joint work session would be scheduled with Charleston Sanitary District to discuss cost sharing of the pending wastewater capital projects; and the geotechnical analysis of the Library foundation failure performed by SHN engineering has revealed all of the piles were inadequate to support the foundation of the Library. The SHN geotechnical report would be reviewed by ZCS engineering to determine the cost of the repair which would be presented to the Council. Councilor Muenchrath suggested City Attorney McClintock review the statute of limitations for architectural negligence in the 1998 Library addition wherein Mr. Craddock stated City Attorney McClintock was aware of the situation. After discussion, consensus of the Council was to retain the advantages and disadvantages in the Council memorandums.

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### Council Comments

Councilor Vaughan stated consideration should be made to move the Library out of the downtown area due to poor soil conditions. Councilor Muenchrath stated he agreed with Councilor Vaughan's comment to move structures to an area with better soil conditions. Councilor Daily suggested with proper engineering, building in poor soil conditions would be possible and proposed a guarantee from an engineer be secured regarding the viability of successful pilings; stated he had been contacted by a contractor who had not been considered for a construction project due to their not prequalifying through the State. Councilor Groth stated the Welcome to Coos Bay sign on Southwest Blvd near Libby was in disrepair. Mayor Shoji suggested adding to next year's Council Goals a process to develop flexible zoning to allow the downtown to relocate to an area with better soil conditions; and reported Senator Merkley would have a town hall in Bandon on January 18<sup>th</sup> and would like City Council representation.

### Adjourn

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for January 21, 2014 in the Council Chambers at City Hall.

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Crystal Shoji, Mayor

Attest: \_\_\_\_\_  
Susanne Baker, City Recorder