

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 30, 2014

The minutes of the proceedings of a special meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 5:30 p.m. on September 30, 2014 at the Sunset Middle School Gymnasium, 245 South Cammann Street, Coos Bay, Oregon.

Those Attending

Those present were Mayor Crystal Shoji, Councilors Brian Bowers, Mark Daily, Jennifer Groth, Stephanie Kramer, Thomas Leahy, and Mike Vaughan. City staff present were City Manager Rodger Craddock, Finance Director Susanne Baker, Community Development Director Eric Day, Public Works Director Jim Hossley, Planner I Kim Trimpert, Wastewater Project Administrator Jennifer Wirsing, Engineering Technician Jessica Spann, and Police Sergeant Mike Shaffer.

Flag Salute

Mayor Shoji opened the meeting and led the Council and assembly in the salute to the flag.

Councilor Mike Vaughan recused himself declaring a conflict of interest stating he was a consultant for the landscaping.

Presentation on the Project Status of Wastewater Treatment Plant No. 2

Public Works Director Jim Hossley stated SHN and CH2MHill were contracted for pre-design services in 2012 for construction of Wastewater Treatment Plant No. 2 (WWTP No. 2). The pre-design 30% plans were completed in August 2013; value engineering performed, December 2013; final design commenced, January 2014; 60% plans completed, May 2014; 90% plans completed, September 2014. The project will construct a new wastewater treatment plant on property located at the northeast corner of Empire Boulevard and Fulton Avenue; directional drilled waste activated sludge line constructed to convey sludge to Wastewater Treatment Plant No. 1, and demolition of the existing wastewater treatment plant at the terminus of Fulton Avenue.

An application has been submitted to the Oregon Department of Environmental Quality (DEQ) State Revolving Fund (SRF) program for funding which required review by Department of State Lands, Army Corp of Engineers, Oregon Fish and Wildlife, and Environmental Protection Agency. Additionally, the National Marine Fishery Service (NMFS) met with staff and requested information related to potential impacts of WWTP No. 2 stormwater, a Biological Evaluation (BE), and how the City would account for stormwater treatment over the next 20 years. NMFS stated because DEQ requires WWTP No. 2 be designed for growth over the next 20 years there should be a plan to treat stormwater runoff.

To date, a BE has been prepared, a stormwater ordinance or plan would need to be developed, and NMFS would require citywide implementation to similar large city requirements as regulated by DEQ stormwater permits. A large city stormwater requirement would take significant effort and budget to implement. DEQ has not yet issued a stormwater permit for the City of Coos Bay and staff would seek legal advice regarding the stormwater issue prior to the submittal of the environmental documents and the BE. City staff contacted the law firm of Cable Huston to

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provide consultation as to whether NMFS has the legal authority to require the City to update their stormwater policy as a result of the new construction of WWTP No. 2. The City anticipated a recommendation from the Cable Huston in two weeks, submittal of the environmental documents have been delayed.

City staff reviewed the 90% design plan submittal and a workshop scheduled for October 1st with the consultants and the CMGC contractor to discuss the submittal and design challenges. An updated cost estimate would be available in early November; final plans, January 2015; guaranteed maximum price, winter 2015; construction commenced, spring 2015; and construction completed, fall 2017.

Councilor Daily entered the meeting at approximately 5:50 p.m.

Presentation of Architectural Options for the New Wastewater Treatment Plant No. 2

Pursuant to Council approval on August 5, 2014, an amendment to the WWTP No. 2 contract was entered into with the design team of SHN and CH2M HILL to perform an architectural alternatives analysis. Public Works Director Jim Hossley introduced Craig Massie, Principal Project Manager for CH2MHill, who presented façade and the architectural features for the new WWTP No. 2. Alternatives included landscape, color scheme, texture/structural relief, and potential locations for murals.

Mr. Massie provided renderings from four key vantage points which included the initial and mature landscaping after five years, an enhanced landscaping component, renderings of alternate colors and textures, and the cost additions and savings associated with the alternatives. The alternatives included a siding selection of concrete masonry units (CMU) or hardy plank (horizontal and vertical), texturing on the walls with a bird/grass motif, and landscaping.

Questions and comments from the public and Council included the transportation impact on South Empire Blvd and Fulton, construction schedule, structure height and location of the headworks, odor control, impact on the two nearby creeks, if the design of the structures could be changed, visibility at the intersection of Fulton and South Empire Blvd, fencing, view shed obstruction from Marple Street to the west, the industrial nature of the facility, and the selection of motifs (grass/birds) on the concrete wall versus tribal motifs. A suggestion was made to move the entrance sign further from the street and to reduce the size of the sign.

Break for Public to Review Options

Reconvene for Council Discussion and Public Comment of Architectural Options for the New Wastewater Treatment Plant No. 2

Color/Texture: The most popular alternative was Alt. 2C, red roof, with vertical hardy plank; Alt. 3C, green roof with vertical hardy plank; and Alt. 1A, dark bronze metal roof with horizontal hardy plank. Discussion ensued regarding the additional cost or cost savings regarding the selections. Councilor Bowers preferred Alt. 3C. Councilor Leahy preferred Alt. 1A with CMU block. Councilor Kramer preferred the CMU. Councilor Groth preferred the alternative with the most votes. Councilor Daily preferred a cost savings selection, additional landscaping for

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screening, and stated the metal railing was not conducive to a residential setting. Two of the adjacent neighbors stated they preferred the green roof. Mayor Shoji agreed with the CMU block. A show of hands from the audience preferred the green roof.

Councilor Kramer moved to approve the split faced CMU block with a green roof. Councilor Bowers seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Groth, Kramer, and Leahy voting aye. Councilor Vaughan abstained from the vote, was 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.

Landscaping. Councilor Bowers moved to approve the enhanced landscaping option. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Groth, Kramer, and Leahy voting aye. Councilor Vaughan abstained from the vote, was 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.

Process Facilities Texture Options. Councilor Kramer moved to approve Alt. 1, vertical stripes. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Bowers, Daily, Groth, Kramer, and Leahy voting aye. Councilor Vaughan abstained from the vote, was 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.

Councilor Daily made a motion to screen the headworks with landscaping. Councilor Kramer seconded the motion. It was the consensus of the Council to postpone deliberation and requested staff to place additional trees and revisit the size and placement of the entrance sign. Councilor Daily requested the handrail color on the process facilities blend with the facility.

Adjourn

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for October 7, 2014 in the Council Chambers at City Hall.

Crystal Shoji, Mayor

Attest: _____
Susanne Baker, City Recorder

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

October 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, Councilors Mark Daily, Jennifer Groth, Stephanie Kramer, Thomas Leahy, and Mike Vaughan. Councilor Brian Bowers was absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Deputy Finance Director Amy Kinnaman, Community Development Director Eric Day, Library Director Sami Pierson, Public Works Director Jim Hossley, Fire Chief Mark Anderson, and Police Captain Chris Chapanar.

Flag Salute

Mayor Shoji opened the meeting and asked Councilor Mike Vaughan to lead the Council and assembly in the salute to the flag.

Public Comments

Len Milbyer, Coos Bay: noted September 27, 2014 was National Prescription Medication Drug Take-Back Day and inquired why the City did not have a drop-off site; City Manager Rodger Craddock stated the Coos Bay Police Department had a permanent drop box located in their front lobby. Fred Brick, Coos Bay: introduced himself and stated he was considering running a write-in campaign for the open city councilor position.

Consent Calendar

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of September 16, 2014; 3b: approval of setting a public hearing date for a proposed vacation of a portion of South 13th Street between Idaho and Montana Avenues, and; 3c: approval of a hazardous materials emergency preparedness training grant award. Councilor Groth moved to approve the consent calendar accepting the September 16, 2014 minutes, setting a date for the proposed property vacation, and approved a hazardous materials emergency preparedness training grant. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Bowers was absent.

New Council Business

Mayor Shoji noted several suggestions received during the recent meeting for consideration of the design of Wastewater Treatment Plant No. 2; suggestions including renaming or referring to the plant as Water Reclamation Facility or the Coos Bay Water Reclamation Facility and including interpretive signing at the entrance of the Facility about the water reclamation process and signs with information about the wetland area. It was the consensus of the Council to accept the suggestions as presented. Other suggestions included allowing public tours. No decision was made regarding public tours.

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Presentation on the Retirement of Police K-9 Patrol Dog Buddy

Police Captain Chris Chapanar introduced Police K-9 Buddy and stated K-9 Buddy began his career as a patrol K-9 with the City of Coos Bay Police Department in February 2009. K-9 Buddy's career accomplishments included being deployed over 200 times and, locating a myriad of narcotics and narcotics related evidence. Captain Chapanar stated K-9 Buddy retired from police work in after a very successful career of service to our community. On behalf of the Coos Bay Police Association, Police Sergeant Mike Sheaffer and Police Officer Scott Rogers presented Senior Police Officer Mark Ereth with a service plaque in honor of K-9 Buddy's contributions to the Coos Bay Police Department and community. It was noted Buddy would spend his retirement relaxing at Officer Ereth's home as a member of the Ereth family.

Presentation of Appreciation for those Willing to Serve on the Building and Fire Code Board of Appeals

Community Development Director Eric Day stated on September 2, 2014 the Council disbanded the Building and Fire Code Board of Appeals opting to replace the board with a Hearings Officer. Mayor Shoji thanked the volunteers who served on the board by presenting Hillary Baker, Bruce Harlan, and Bob Vandervelden with appreciation of service plaques. Bruce Harlan was not in attendance. Ms. Baker thanked the Public Works Department for resolving disputes before they reach the Building and Fire Code Board of Appeals. Mr. Vandervelden noted the quality of the City's building department.

Approval of Repealing Resolution 69-139 a Set of Rules and Regulations Between the City of Coos Bay and Coos Bay - North Bend Water Board – Approval Would Require Adoption of Resolution 14-18

City Manager Rodger Craddock stated in 1969, the Coos Bay City Council adopted Resolution 69-139 which codified an agreed upon set of rules and regulations regarding public works projects involving the City of Coos Bay and the Coos Bay – North Bend Water Board (CBNBWB). In 1986, the Council adopted Ordinance 72 which codified the rules, regulations, standards, and conditions on utilities use of City streets. Mr. Craddock noted Resolution 69-139 and Ordinance 72 had conflicting language regarding the financial responsibility when a utility was required to move utility pipes due to a public works project. Technically, Resolution 69-139 was repealed as a result of the adoption of Ordinance 72. However, the fact that Resolution 69-139 was not formally repealed had been cause for confusion on several occasions. Councilor Daily moved to adopt Resolution 14-18. Councilor Groth seconded the motion. Discussion continued regarding the purpose of repealing the proposed resolution. A call for the question was made which carried with Mayor Shoji and Councilors Daily, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Bowers was absent.

Discussion of Medical/Recreational Marijuana Sales Tax

City Manager Rodger Craddock provided the Council with a PowerPoint presentation for consideration of implanting a medical/recreational marijuana sales tax; stated an initiative petition was submitted to the Secretary of State for a ballot measure that if passed, would legalize the sale of recreational marijuana in Oregon. Ballot Measure 92 was similar to a measure approved by Washington voters in 2012 and contained the following language:

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Section 42. State has exclusive right to tax marijuana. No county or city of this state shall impose any fee or tax, including occupation taxes, privilege taxes and inspection fees, in connection with the purchase, sale, production processing, transportation, and delivery of marijuana items.

Subsequently, many cities and counties were considering implementation of a tax on marijuana prior to the November election to offset the expenses related to the anticipated additional demand on services. Noted some cities were not taxing medical marijuana but were taxing recreational, other cities were taxing both uses. Predominantly most cities were taxing on medical marijuana at 5% and recreational marijuana at 10%. Noted due to the City's current ordinance, medical marijuana dispensaries would not be allowed. However should the provisions within the ordinance be met to allow for medical marijuana dispensaries the City would be allowed to tax should the Council enact the proposed ordinance to impose said tax. Staff sought Council direction on whether to impose taxes on either or both medical and recreational marijuana; noting the ordinance would need to be enacted at the October 21st Council meeting. If directed, staff would draft an ordinance authorizing such taxes, set the tax by resolution to begin only if Ballot Measure 92 passed, and be effective only if dispensaries were legally able to be set up in the City of Coos Bay.

Councilor Daily inquired if the State of Oregon were to implement a state tax on marijuana if the City would receive a portion of the tax. City Attorney Nate McClintock stated it was unknown whether the State planned to tax marijuana and regardless, the State was under no obligation to share in the revenues if they did implement a tax. Councilor Daily questioned if the City taxed other prescription medications. City Attorney McClintock advised the City did not tax other prescription medications. Councilor Daily suggested not taxing medical marijuana. Councilor Groth inquired if there was an advantage or disadvantage for taxing medical and recreational marijuana at different rates. Councilor Leahy inquired where the tax revenue would be received. City Manager Craddock suggested funds would be appropriated to the general fund to offset public safety expenses but Council could direct otherwise. Councilor Vaughan was in favor of supporting a 7.5% tax for both medical and recreational marijuana. Councilors Groth and Kramer were agreeable to Councilor Vaughan's proposal but overall were not in favor of allowing recreational marijuana. Councilor Daily inquired if the Council could raise the tax rate at a later time whereby City Manager Craddock suggested an increase could be included within the resolution. Councilor Leahy expressed concern about taxing a prescribed medication. Mayor Shoji was in favor of implementing a tax on recreational marijuana but was not adamant about taxing medical marijuana; suggested considering a percentage range. It was the consensus of the Council for staff to bring back an ordinance for consideration to tax marijuana up to 25% and a resolution to set both medical and recreational tax at 10%; noting Council could reduce rates at their choosing.

City Attorney's Report

No comments were given.

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City Manager's Report

City Manager Rodger stated the Coos Bay Police Department received an appreciation of service plaque from the Kids Hope Center for providing temporary assistance and a transitional location; also noted the City had received several business inquiries for location and assistance and was coordinating support through the South Coast Development Council (SCDC).

Council Comments

Councilor Leahy found value in attending the recent League of Oregon Cities Conference. Councilor Daily highlighted progress at the Nancy Devereux Center. Councilor Vaughan noted he attended the first steering committee meeting for consideration of re-siting the Coos Bay Library; also found value in sessions he attended at the League of Oregon Cities Conference. Councilor Groth noted the Library was in need of volunteers to help move books for book sales; stated she attended a session on PERS at the recent League of Oregon Cities conference and noted two different court cases which could result in increases to PERS. Mayor Shoji stated she attended a creative funding session at the League of Oregon Cities conference; noted most cities including the City of Coos Bay were not able to pay for public safety with tax revenues collected; noted the U.S. Coast Guard would be closing their air support operations in Newport and the Coast Guard's North Bend facility would be charged with providing coverage to Newport.

Executive Session

An executive session was scheduled pursuant to ORS 192.660 (2) (i) for the purpose of evaluating the job performance of the City Manager.

Discussion for Consideration of a Salary Increase for the City Manager

The Council came out of executive session to discuss a salary increase for the City Manager. Mayor Shoji noted City Manager Rodger Craddock last step increase was in 2010. City Manager Rodger Craddock reviewed the City's process for employee salary increases. It was the consensus of the Council to discuss the matter in a work session for a future date yet to be determined.

Adjourn

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

Crystal Shoji, Mayor

Attest: _____
Susanne Baker, City Recorder