

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

**November 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, Councilors Brian Bowers, Jennifer Groth, Stephanie Kramer, Thomas Leahy, and Mike Vaughan. Councilor Mark Daily was absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Susanne Baker, 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 Chief Gary McCullough.

### **Flag Salute**

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

### **Public Comments**

No comments were given.

Councilor Vaughan entered the meeting at approximately 8:02 a.m.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of October 21, 2014 and; 3b: approval of a new outlet OLCC license application for All Star Pizza Company. Mayor Shoji moved consideration of the minutes of October 21, 2014 down to the agenda as item 4a for further consideration. Councilor Groth moved to approve the consent calendar as amended approving a new outlet OLCC license application for All Star Pizza Company. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Bowers, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Daily was absent.

### **New Council Business**

No new business was discussed.

### **Review of the October 21, 2014 Minutes**

Councilor Groth requested her comments within the presentation on the Coos Bay/North Bend Visitor & Convention Bureau discussion on the October 21, 2014 minutes be amended to reflect "visitor" input rather than public input. Councilor Kramer moved to approve the revised minutes of October 21, 2014. Councilor Bowers seconded the motion which carried with Mayor Shoji and Councilors Bowers, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Daily was absent.

## **City Council Minutes – November 4, 2014**

### **Presentation on Status of Downtown Wi-Fi System**

On July 1, 2014 the Council requested staff review the use and connectivity of the downtown Wi-Fi system. Finance Director Susanne Baker provided a PowerPoint presentation and brief history on the downtown Wi-Fi system noting the system was implemented in 2006 and at the time public Wi-Fi was generally not available in the area. Wi-Fi services were provided at no cost to the public and in an effort to bring people to the downtown area. Over the last several years technology had improved and public Wi-Fi was more commonplace. Ms. Baker stated with the increase of Wi-Fi systems the downtown area was cluttered with networks and the existing City system no longer provided a high level of connectivity.

Ms. Baker stated staff contacted several providers and requested informal recommendations for the downtown Wi-Fi to provide more connectivity. Due to the results of the analysis performed, the downtown Wi-Fi billing with ORCA was ended in September 2014 in an effort to not expend general fund resources on inadequate/non-operational services. Should the City choose to retain a downtown Wi-Fi the providers recommended replacing the system with a more sophisticated system to include at minimum different hardware and additional access points to locate the equipment. The additional access points could be a combination of city owned locations and most likely leased sites from privately owned buildings. Ms. Baker noted each access point would require electrical connections which could increase the City's electric bill in addition to the expense of maintaining leases/easements to locate equipment.

The informal request for recommendations from ComSpan, ORCA, and Frontier resulted in a mixed response of possible scenarios: ORCA estimated \$14,089.68 initial investment to provide "adequate" connectivity, not throughout the downtown area (gap areas would exist); in addition to ongoing monthly costs for maintenance there would be additional costs for leases to locate equipment, and increased electric billings with the City having ownership of the equipment. ComSpan, no estimate provided; recommended the City disband the downtown Wi-Fi due to improvements in technology, Wi-Fi availability on smartphones, iPad, and laptops such that end users no longer seek out Wi-Fi locations. Frontier proposed for the City to lease a system at a cost of \$1,900 per month for five years (\$114,000); lease would provide for a minimum cost per month in addition costs for leases to locate equipment, increased electric billings.

Katherine Hoppe, Coos Bay: stated the Visitor Information Center (VIC) received complaints from visitors about the lack of free Wi-Fi and recommended the City look to allow public use of the VIC's Wi-Fi. Councilor Kramer moved to disband the downtown Wi-Fi system. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Bowers, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Daily was absent.

### **Public Hearing to Consider Approval of a Proposed Ordinance for Changing the Zoning Designation for Certain Real Property From Qualified Residential Professional to General Commercial -- Approval Would Require Enactment of the Proposed Ordinance**

Mayor Shoji briefly reviewed the procedures for reviewing a land use hearing and asked if there were any objections to the City of Coos Bay City Council's hearing on jurisdictional grounds; no objections noted. Mayor Shoji inquired if any Council member had a conflict of interest, bias, or ex parte contact to report. Councilor Groth recused herself declaring a conflict of interest stating she signed a petition in favor of the proposed zoning change. Councilor Leahy stated earlier in

## City Council Minutes – November 4, 2014

the day he attended a meeting wherein he had contact with the relator selling the property and stated that he advised the relator he could not discuss the matter. Mayor Shoji disclosed she visited the proposed site and that many years ago she provided planning services to Pacific Cove Humane Society. Mayor Shoji and Councilor Leahy affirmed their prior interactions would not affect their ability to make an impartial decision on the matter.

Community Development Director Eric Day read the public hearing disclosure and stated the existing structure located at 3485 Vine Avenue was originally constructed and used as a church and a home residence. In 2004 the property owner requested a zone change from General Commercial (C-2) to Qualified Residential Professional (QR-4P). On July 6, 2004 the City Council rezoned the parcel to QR-4P. Mr. Day stated the current applicant was requesting to remodel the structure for use as an animal shelter which would require a zone change back to C-2 as a conditional use. The applicant applied for the following land use applications: zone change, conditional use permit (CUP), variance, and a site plan and architectural review (SPAR).

On October 14, 2014 the Planning Commission (PC) approved the CUP, SPAR, and variance applications with conditions. The PC also recommended approval of the zone change with conditions. Mr. Day briefly reviewed the conditions which included approval of the SPAR report and variance were contingent upon City Council approval of zone changes from QR-4P to C-2. Staff found there was sufficient evidence in the record upon which an approval could be based and therefore recommended approval of application 187-ZON14-053 with the recommended conditions.

Mayor Shoji opened the public hearing. Kate Sharples, North Bend: Stated she was the President of Pacific Cove Humane Society; reviewed building design and fundraising efforts. Ms. Sharples addressed previously noted concerns including excess smell from dog waste and plans for proper cleanup and disposal; noted all kennels would be indoors and well insulated to resist the passage of sound. Highlighted various surrounding buildings already zoned C-2. Ms. Sharples stated the animal shelter would be an asset to the community. Planned kennel space included 24 regular kennels and two isolated kennels for dogs. Lon Samuels, Coos Bay: Provided a PowerPoint presentation addressing parking concerns; displayed an overview of the building layout and section cut highlighting proposed kennel locations; suggested there would not be a noise or smell issue. Mr. Samuels noted a high value sound barrier would be incorporated into the building construction. Danielle Volin, Coos Bay: Stated she recently started working with Pacific Cove on the Open Paw Program noting the goal of the program was to provide a happy, calm, and quite shelter environment. Shelly Nasby, North Bend: Stated she was a board member for the Pacific Cove Humane Society and was an avid supporter of the shelter and the proposed facility. Joe Aguirre, Coos Bay: Stated he was the realtor for Pacific Cove Humane Society; suggested the property met business and community need and urged the Council to support the Planning Commission decision to change the zone back to C-2. Amanda Beck, Coos Bay: Stated she was a volunteer at the Coos County Animal Shelter, noted problems with overcapacity; suggested the new shelter would help to alleviate in-take numbers. Jennifer Clinton, Myrtle Point: Suggested there was a county-wide need for an additional animal shelter; urged the Council to support the rezone. Denise Morris, Coos Bay: Stated she currently served on the board for Friends of Coos County Animals (FOCCAS); noted FOCCAS fully supported the addition of another animal shelter in the community. No further comments were

## City Council Minutes – November 4, 2014

given and Mayor Shoji closed the public hearing. No further comments were given and Mayor Shoji closed the public hearing.

Councilor Kramer inquired if the shelter would be a “no kill” shelter wherein Ms. Sharples advised it would be a low-kill shelter (aggressive, dangerous, or very ill animals). Councilor Bowers inquired if the shelter would be staffed 24/7. Ms. Sharples stated the shelter would not be staffed 24/7. Mayor Shoji expressed concern about the proposed shelter location and close proximity to residential homes; suggested researching if other animal shelters were located in residential areas. Ms. Clinton advised the Wenatchee Valley Humane Society in Wenatchee Washington was located in a residential neighborhood and noted they also operated a for profit kenneling service on the property.

Councilor Vaughan moved to enact the proposed ordinance changing the zoning designation for application 187-ZON14-053 and to adopt the finding and conclusions of the Planning Commission. Councilor Kramer seconded the motion. Discussion continued; Mr. Day advised consideration of property devaluation could not be criteria for consideration for the proposed zoning change. A call for the question was made whereby Deputy Finance Director Amy Kinnaman read the ordinance by title only and Ordinance No. 465 was enacted by the following vote:

|         |                                       |
|---------|---------------------------------------|
| Aye:    | Councilors Kramer, Leahy, and Vaughan |
| Nay:    | Mayor Shoji and Councilor Bowers      |
| Absent: | Councilor Daily                       |

Councilor Groth having 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. Mr. Day stated any person with standing had the right to request review of the land use decision by filing a Notice of Intent to Appeal to the Oregon Land Use Board of Appeals. Notice of Intent to Appeal must be filed no later than 21 days from the date of mailing of the decision. Therefore, appeals must be filed no later than November 27, 2014. Notice of Intent to Appeal must be filed and served in accordance with the Oregon Land Use Board of Appeals Rules of Procedure.

### **Public Hearing to Consider Approval of a Proposed Ordinance to Amend Ordinance No. 221 Issuance of Certificate of Lien Search – Approval Would Require Enactment of the Proposed Ordinance**

Finance Director Susanne Baker stated the City of Coos Bay established a practice of listing all of the City's fees in one location, a City Fee Resolution. Occasionally staff discovered a fee listed in an ordinance which conflicted with the current city fee resolution. Ms. Baker reported Coos Bay Municipal Code 3.25.030 Certificate of Lien Search currently listed an incorrect fee and proposed to correct the matter by referring to the fee in the City Fee Resolution and approving the fees retroactively. Ms. Baker reviewed the purpose of the lien fee and noted the fee listed in the ordinance was \$20 and the fee listed in the city fee resolution was \$45. Mayor Shoji opened the public hearing. No comments were given and Mayor Shoji closed the public hearing.

## City Council Minutes – November 4, 2014

Councilor Groth moved to enact the proposed ordinance amending Ordinance No. 221 enacted December 5, 1995 providing for the issuance of certificate of lien search as amended by Ordinance No. 144 enacted September 16, 1989 amending Ordinance No. 61 enacted January 27, 1986. Councilor Kramer seconded the motion. Deputy Finance Director Amy Kinnaman read the ordinance by title only and Ordinance No. 466 was enacted by the following vote:

|         |  |
|---------|--|
| Aye:    | Mayor Shoji and Councilors Bowers, Groth, Kramer, Leahy, and Vaughan |
| Nay:    | None   |
| Absent: | Councilor Daily  |

### **Consideration of Alternative Architectural Features for Wastewater Treatment Plant No. 2 (WWTP#2) Headworks Structure**

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

Public Works Director Jim Hossley stated at the Special Council meeting held September 30, 2014, the Council expressed concerns about the height and industrial look of the largest structure on the property (the headworks building). After receiving public input and Council discussion, staff directed the City's design team to develop drawings of architectural features incorporating local maritime history. Staff also asked the design team to include an estimate on the additional construction costs for the revised architectural features over the cost of the design approved on September 30, 2014. The design team presented three options: option one was an exposed timber truss look; option two: a historic commercial building look with a clerestory roof, and; option three: a lighthouse design. The estimated additional construction costs for option one was \$158,957, option two \$113,523, and option three \$788,548. Mr. Hossley noted the addition of wooden features could also add to the ongoing maintenance cost in comparison to the already approved design option.

Linda Pump, Coos Bay: stated her property was located directly in front of the proposed WWTP#2; expressed concern about her property value and dislike for the original design; spoke in favor of the lighthouse design. Yashveer Singh, Coos Bay: suggested the proposed designs would hinder his view; spoke in favor of the lighthouse design suggesting it was a long term investment into the community and surrounding property owners. Carol Sanders, Coos Bay: inquired if the tower would be located on the west side of the street whereby it was clarified the tower was located on the south east side. Darryl Sanders, Coos Bay: stated he owned property in the vicinity of the proposed treatment plant; inquired if there was any way the elevation of the headworks building could be lowered whereby Mr. Hossley advised the elevation could not be lowered. Yashveer Singh, Coos Bay: suggested eliminating the headpiece on the original approved design and moving the tower directly in front of the stairs. City Manager Rodger Craddock advised if the City were to start over with the design of WWTP#2 the City would likely be in violation of Department of Environmental Quality (DEQ) requirements. Councilor Kramer was in favor of the lighthouse design but was concerned about the cost of the design. Vicky Dubisar, Coos Bay: stated she owned property in the vicinity of the proposed WWTP#2; expressed dislike for the design that look like a guard tower; noted no specific preference but spoke in favor of implementing an aesthetically pleasing design. Councilor Kramer inquired about the roof on the original design. Mr. Hossley advised the roof on the original design was open (not fully enclosed). Councilor Bowers expressed concern about the cost burden to the

## **City Council Minutes – November 4, 2014**

citizens of Coos Bay as to the increased cost for design. Councilors Groth and Leahy recommended not expending any additional funds. Mayor Shoji was in favor of option two, the historic commercial building look with a clerestory roof. No motions were made; approval of the design for WWTP#2 remained with the Council's September 30, 2014 decision.

### **Award of Contract for Paving Related to Pump Station No. 4 Project**

Public Works Director Jim Hossley stated associated with the construction of Pump Station No. 4, approximately 200 feet of sewer line was installed in the private parking lot of 295 S. 10<sup>th</sup> Street. During the construction of the sewer line contaminated soils were discovered which were properly treated and disposed; remaining soils were subject to liquefaction. Upon compaction of the soils the trench experienced failures and damage occurred to the existing pavement associated with the parking lot. Ms. Hossley stated the City worked closely with the property owner who had no prior knowledge of the condition of the underlying soils. After the sewer line was installed the owner requested the City not pave the parking lot until he (the property owner) had an opportunity to coordinate with Department of Environmental Quality (DEQ). The owner obtained DEQ clearances in August of this year and authorized the City to move forward to pave the parking lot. Mr. Hossley stated the project was completed and the original contractor had demobilized. Staff prepared a Request for Bid which was sent to three contractors on October 13, 2014. Two bids were received: \$46,865 from Johnson Rock Products, Inc. and \$32,900 from Knife River Materials. Staff recommended awarding the bid to the low cost bidder and to include a 15% contingency of \$4,935. Councilor Bowers moved to award the bid to Knife River for the S. 10<sup>th</sup> Street Parking Lot Improvement Project for an amount not to exceed \$37,835. Councilor Groth seconded the motion which carried with Mayor Shoji and Councilors Bowers, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Daily was absent.

### **Approval of Purchase and Installation of Police Vehicle Safety Equipment**

Police Chief Gary McCullough stated at the July 1, 2014 City Council meeting, the Council approved the purchase of three – 2015, two wheel drive Chevrolet police service vehicles for an amount of \$89,449.77. Chief McCullough advised additional police and safety equipment was necessary in order to ready the vehicle for police service. Necessary items included overhead light bars, barriers, prisoner transport seats, mobile radios, digital video recording equipment, and other electrical wiring modifications. The following proposals were received for the installation of the safety equipment: \$12,293.82 from Wireworks; \$10,795.14 from Auto Additions; \$10,669.48 from ERS, and; \$10,166.56 from SVS. The bids from ERS and SVS did not meet the requested specs and therefore were deemed unqualified. An additional cost of \$650 per vehicle was necessary for installation of wireless modem equipment required to operate and transfer data from the mobile data terminals (MDT) and video cameras. Quotes were also requested for three in car video cameras from Watch-Guard (sole source provider); total quote received was \$4,820 for each camera package.

Councilor moved Groth to approve the purchase of the needed equipment and the outfitting contract to Auto Additions for the expenditure not to exceed \$49,000. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Bowers, Groth, Kramer, Leahy, and Vaughan voting aye. Councilor Daily was absent.

## **City Council Minutes – November 4, 2014**

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

No comments were given.

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

City Manager Rodger Craddock stated a pier at the Empire boat ramp was damaged during the last storm; noted it was possible the cost of repair would be covered by the City's insurance or State funds if available for disaster assistance.

### **Council Comments**

Councilor Bowers urged the citizens to get involved in the community.

### **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 18, 2014 in the Council Chambers at City Hall.

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Crystal Shoji, Mayor

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