

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

February 16, 2016

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 Fred Brick, Mark Daily, Jennifer Groth, Stephanie Kramer, Thomas Leahy, 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 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**

Gary Furuyama, Coos Bay: stated he was AmeriCorp member at the Coos Bay Public Library; highlighted recent job fair held at the Library and noted it was an overall success. Anthony Kenyon inquired as to the Coos Bay Development Code update whereby Mayor Shoji advised staff would be providing a report during the meeting.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of February 2, 2016; 3b: acceptance of the January 2016 accounts payable and payroll check registers; 3c: acceptance of the January combined cash report; 3d: acceptance of the semi-annual visitor information center (VIC) report, and; 3e: approval of the hazardous materials team biennial intergovernmental agreement (IGA). Councilor Groth moved to approve the consent calendar approving the minutes of February 2, 2016, accepting the January 2016 accounts payable and payroll check registers, accepting the January combined cash report, accepting the semi-annual VIC report, and approving the hazardous materials team biennial IGA. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Brick, Daily, Groth, Kramer, Leahy, and Vaughan voting aye.

### **New Council Business**

No new council business was presented.

### **Public Hearing to Consider a Proposed Ordinance to Vacate a Portion of Pennsylvania Avenue – Approval Would Require Enactment of the Draft Ordinance**

Community Development Director Eric Day stated the proposed vacation was sent to the planning Commission to review by Council motion on December, 1 2015 at the request of the applicant. The Planning Commission held a public hearing on January 12, 2016 and voted unanimously to recommend approval of the proposed vacation which extended along

## City Council Minutes – February 16, 2016

Pennsylvania Ave between Southwest Boulevard and 13<sup>th</sup> Street. Mr. Day reviewed the “Notice of Planning Commission Recommendation” which addressed the decision criteria, and established the findings and conclusion for the proposed vacation; noted the Coos Bay/North Bend Water Board, Pacific Power and the, City’s Fire Department and Engineering Departments had no objections to the proposed vacation. There were no underground utilities located within the proposed vacation area. Pennsylvania Avenue was platted to be 60-feet in width. Currently the right of way was undeveloped, except for a small area near Southwest Boulevard that was used as part of a turn-a-round driveway. Access to property in the area inside the City limits, was from South 13<sup>th</sup> Street; access to property outside the City limits south of Pennsylvania Avenue was from Iowa Avenue. Mr. Day noted the property was wetland and located within the flood plain. Councilor Groth inquired why the vacation was being requested. Mr. Day advised the applicant wanted the additional space for storage/personal use. Mayor Shoji expressed concern about lack of information about ownership of the adjacent lots; inquired about cutting off access to Coalbank Slough. Councilor Daily inquired if a right-of-way use permit could be issued in lieu of a property vacation. City Manager Rodger Craddock advised a ROW use permit could not be built on.

Mayor Shoji opened the public hearing. Anthony Kenyon, Coos Bay: stated he was opposed to the vacation if the property could be developed. Elmer Edwards, Coos Bay: stated he owned property in the area of the proposed vacation; stated his neighbor was seeking the property vacation to build a house; was in favor of his neighbor developing the proposed property. No further public comments were given and the hearing closed. Mayor Shoji wanted to know what the uses of the management units for estuary and shorelands were; expressed concern about preserving future access to the estuary. Councilor Daily inquired if the City had any obligation to the adjacent County property. Mayor Shoji stated the City was not supposed to land-lock property. Mayor Shoji stated the land belonged to the City and she wanted to make sure any possible public use the City might want or need was accommodated. Mr. Day advised the proposal was a land use application; State mandated review timeline was 120 days; decision could not be extended no later than March 1, 2016 City Council meeting; continuation could be allowed but must be requested by applicant and applicant was currently out of state.

Councilor Kramer moved to postpone the decision and ask for a continuance until March 1, 2016 City Council meeting. Mayor Shoji seconded the motion. Councilor Vaughan suggested the information requested should have been provided at the Planning Commission level. Mayor Shoji suggested the Council owed a proper and thorough review to the public. A call for the question was made which carried with Mayor Shoji and Councilors Brick, Daily, Groth, and Kramer voting aye and Councilors Leahy and Vaughan voting nay.

### **Public Hearing to Consider the Proposed Ordinance on the Coos Bay Development Code – Approval Would Require Enactment of Draft Ordinance**

Community Development Director Eric Day reviewed the different types of planning code reviews and the purpose of the development; noted the purpose of the change was to make the code more business friendly by simplifying code organization and review process. Mr. Day stated since May 2014, the Planning Commission (PC) and City Council have held a series of meetings and work sessions on the proposed development code and map revisions. Additionally, the PC facilitated a public open house and staff met with various membership organizations to present the proposed code and changes. Staff also sent the code to the

## City Council Minutes – February 16, 2016

Department of Land Conservation and Development (DLCD) for their mandatory 35-day noticing period and sent a citywide mailer on the proposed changes and properly noticed this public hearing in The World Newspaper. Staff and the PC recommended the City Council enact the proposed ordinance thereby adopt the proposed development code and associated zoning map changes. Mr. Day advised upon approval there would be a 21-day appeal period after the final order was issued and the enacted ordinance would take affect 30-days after enactment.

Councilor Vaughan inquired as to the cost to appeal whereby Mr. Day stated there would be a cost and advised an appeal would be referred to the Land Use Board of Appeals. Mayor Shoji stated it was her understanding the purpose of the code change was to simplify the process but inquired about the addition of downtown design standards. Mr. Day stated the downtown design standards were developed at the request of Council; noted the downtown design standards would apply to new businesses and existing businesses that were expanding and/or changing use. Councilor Brick asked Mr. Day to comment on Stuntzner Engineering & Forestry's letter of concern regarding the proposed modifications to the City of Coos Bay's Land Development Ordinance (LDO). Mr. Day affirmed the LDO had design guidelines but most items referenced in the Stuntzner's letter were incorrect; noted the LDO had an appeal process.

Mayor Shoji opened the public hearing. Connie Stopher, Executive Director for the South Coast Development Council: spoke in support of the development code changes; suggested the updated changes would help to spur business growth in the downtown. Anthony Kenyon, Coos Bay: noted the importance of proper guidance with low cost alternatives. The public hearing closed. Councilor Vaughan suggested the code should include more intent as opposed to the literal sense of the code. Mayor Shoji noted State law required clear and object code. Mayor Shoji re-opened the public hearing. Barbara Gimlan, North Bend: stated she owned property in Empire and inquired how the proposed development code change would affect her property; noted concerns about impact of the Empire Boulevard project. Mayor Shoji stated the current discussion was to consider changes to the development code for changes land use laws; proposed development code changes were not related to the Empire Boulevard project. Joe Slack, Coos Bay: stated he was an architect in Coos Bay; suggested the 6:12 roof slope was steep. Mr. Day noted the City of Coos Bay Building Codes Administrator agreed the 6:12 roof slope was uncommon; suggested the roof slope could be changed to 4:12 prior to adoption. Councilor Vaughan suggested professions should have been involved in the details of development code changes. Mr. Day stated the LDO was meant to be a living document; noted there was a process to update and change the code. No further public comments were given and the hearing closed.

Councilor Groth moved to enact the proposed ordinance adopting the proposed development code and associated zoning map and to change the minimum roof pitch to 4:12 (section 17.230.030, 3a., ii). Councilor Kramer seconded the motion. Deputy Finance Director Amy Kinnaman read the ordinance by title only and Ordinance No. 473 was enacted by the following vote:

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

## City Council Minutes – February 16, 2016

### **Approval of an Intergovernmental Agreement for the Urban Renewal Agency Du Jour Financing 2016 – Approval Would Require Adoption of Resolution 16-01**

Finance Director Susanne Baker stated per ORS 457, the Oregon Constitution and as confirmed by the City's Urban Renewal Agency Consultant, Elaine Howard and the Association of Oregon Revitalization Agencies (AORA), tax increment Urban Renewal revenue could only be spent on debt service. To convert the tax increment revenue received by the URA into debt service, the URA would initiate a loan from the City and immediately repay the debt in a du jour financing. The loan proceeds received by the URA would then be available to be expended on capital projects as budgeted. To complete the process, Ms. Baker presented an IGA between the City and URA and a resolution for the Council's approval. The proposed IGA and resolution authorized up to \$447,754 in du jour financing; \$311,362 for the Empire District and \$136,392 for the Downtown District. Councilor Kramer moved to adopt Resolution 16-01. Councilor Brick seconded the motion which carried with Mayor Shoji and Councilors Brick, Daily, Groth, Kramer, Leahy, and Vaughan voting aye.

### **Approval of Negotiation of Contract for Operation, Maintenance, and Management of Sewer Treatment & Collection System**

Public Works Director Jim Hossley stated since 1996, the City had contracted with CH2M-OMI to perform sewer operations and maintenance (O&M) services for the two wastewater treatment plants, 24 pump stations, 93 miles of sanitary sewer, and 50 miles of storm sewer. At the end of this fiscal year, their contract will expire. On July 7, 2015, Council directed staff to prepare a request for proposal (RFP) for scope and advertise for bid. Due to the importance of the selection process and in order to aid the City Staff and represent the stakeholders, a selection committee of five people was formed. The selection committee consisted of Steve Major with The Dyer Partnership (representing Bunker Hill Sanitary District), John Chirrick (Charleston Sanitary District General Manager), Bob Dillard (North Bend Public Works Director and private consultant), Jennifer Wirsing (City of Coos Bay Wastewater Project Engineer), and Jim Hossley (City of Coos Bay Public Works Director). Mr. Hossley expressed his thanks to Steve, Bob, and John for volunteering their time to the City noting their input and collaboration was greatly appreciated and invaluable to the process.

Mr. Hossley stated the City received interest from two firms; Veolia and CH2M (the City's current provided of sewer O&M services). The selection committee met several times throughout the process and worked together to create the RFP, review the prequalification and proposal packages, and interview the two candidates. The Selection Committee graded and ranked the prequalification package, proposal, and interviews. Consensus of the selection committee was CH2M provided a more robust proposal and offered the City more value. Mr. Hossley provided the Council with a cost comparison and actual proposals for the two firms.

Shilen Patel: stated he was a representative from Veolia; commended City staff for completing a strong and scheduled procurement; stated Veolia found an error in the computation of their proposal price; implied the City inadvertently added the 16% markup for the management fee to the entire amount of both direct and indirect costs; stated the management fee was only applicable to the direct costs. Mr. Patel provided the Council a letter outlining the error and requested the Council to delay their decision to allow time for the selection committee to re-consider Veolia's proposal and re-evaluate their recommendation to the Council.

**City Council Minutes – February 16, 2016**

Consensus of the Council was to refer the matter back to the Selection Committee for review.

**City Attorney's Report**

City Attorney Nate McClintock was absent. No comments were given.

**City Manager's Report**

City Manager Rodger Craddock expressed his thanks and appreciation to Public Works and Public Safety staff for their coordination and response to the threat of an explosive device at City Hall earlier in the day.


**Council Comments**

Councilor Kramer stated she enjoyed walking her dog at John Topits Park; encouraged citizens to be respectful and clean up after their dogs. Councilor Brick highlighted the gymnastics event held at the Boys and Girls Club this past weekend. Councilor Leahy announced the Coos Bay Chamber of Commerce Business After Hours meeting was scheduled to be held at Coos Bay Boat Building Center on Thursday Feb 25<sup>th</sup> at 5:00 p.m.

**Adjourn**

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for March 1, 2016 in the Council Chambers at City Hall.

  
Crystal Shoji, Mayor

Attest:   
Susanne Baker, City Recorder