

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

May 16, 2017

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 Joe Benetti and Councilors Drew Farmer, Jennifer Groth, Stephanie Kilmer, Stephanie Kramer, and Phil Marler. Councilor Lucinda DiNovo was absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Susanne Baker, Deputy Finance Director Amy Kinnaman, Public Works and Community Development Director Jim Hossley, Community Development Administrator Tom Dixon, Fire Chief Mark Anderson, and Police Chief Gary McCullough.

Flag Salute

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

Public Comments

Calvin Strinz, Coos Bay: stated he and his wife moved to Coos Bay January 2017. Since that time new neighbors moved in next door (535 7th Avenue); two house trailers were moved on to the property and there were at least eight cars that often park and block Mr. Strinz's driveway; trash, washing machines, stoves were also accumulating on the property. Mr. Strinz stated it was his understanding that the people were known felons, car and motorcycle thieves, and known drug dealers; reported cars would drop by for 2-3 minutes all throughout the night. He spoke with Coos County Sherriff Slater and Coos Bay Code Enforcement and requested the City's assistance to help resolve the matter.

Tom Siegrist, Coos Bay: stated he lived across the street from the alleged nuisance home located at 535 7th Ave; stated Mr. Strinz's description of the property condition and activities were accurate; expressed concern about his property value declining and the suspected criminal activity.

Joy Christy, Coos Bay: stated she lived on 8th Avenue above the 535 7th Avenue property; she purchased neighborhood watch signs to provide to her neighbors; neighbors were afraid and thought neighborhood watch signs would make them a target; suggested the highest traffic activity was between 2 and 4 a.m.

Rex Miller, Coos Bay: stated he owned two pieces of commercial property in Eastside that had been vandalized; lights were broke electrical box was torn down; two weeks ago property was vandalized again and cost to repair was over \$3,000; stated he had video footage of the persons committing the crime but there had been no action. Mr. Miller suggested the neighborhood watch group meet in lobby after the meeting to come up with a plan to resolve the issue.

Stacy Bear, Coos Bay: stated she was the Chair of Eastside Neighborhood Watch; noted the watch group had been in action for over nine years and had solved a lot of problems in

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Eastside; suggested residents of 535 7th Avenue and 209 Merchant were not intimidated by the watch group's efforts. Ms. Bear requested the watch group be assigned a detective to collect information assist in removing and convicting. The watch group was putting in live feed cameras on houses and requested the Council to instruct the police department to work with the watch group so the police could receive cellphone access of criminal activity; requested Council create city ordinance to deal with vacant houses.

Cricket Soules, Coos Bay: encouraged everyone to take a moment to reflect on the purpose of Memorial Day; to honor and recognize those who died in service to the country. Ms. Soules welcomed everyone to view the changes to the Marshfield Pioneer Cemetery.

Ken Folker, Coos Bay: noted he recently saw a program on Oregon Art Beat promoting the Grants Pass Street Art event and suggested the event was something Coos Bay could incorporate.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of 3a: approval of the minutes of April 25 and May 2, 2017; 3b: acceptance of the April 2017 accounts payable and payroll check registers, and; 3c: acceptance of the April combined cash report. Councilor Groth moved to approve the consent calendar as presented. Councilor Kilmer seconded the motion which carried with Mayor Benetti and Councilors Groth, Kilmer, Kramer, and Marler voting aye. Councilors DiNovo and Farmer were absent.

Report by Marshfield High School Key Club

Marshfield High School (MHS) Key Club representatives Maireni Santana and Mixtli Rodriguez summarized upcoming Key Club activities, shared achievements by various MHS clubs and athletic teams.

Mayor Benetti announced acceptance of a Federal Emergency Management Agency grant for fire equipment would be added to the agenda as item 10a.

Presentation of an Emergency Services Proclamation

Daisy Spann with Bay Cities Ambulance stated the emergency service proclamation identified the City of Coos Bay as a community that recognized the important contribution the emergency medical services (EMS) provided to citizens. Ms. Spann and Mayor Benetti read the proclamation aloud, declaring May 21-27, 2017 as Emergency Medical Services Week. Ms. Spann presented the City of Coos Bay with a plaque of appreciation for the City's continued support. Councilor Kramer moved to approve the Emergency Services Week proclamation. Councilor Groth seconded the motion which carried with Mayor Benetti and Councilors Groth, Kilmer, Kramer, and Marler voting aye. Councilors DiNovo and Farmer were absent.

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Public Hearing to Consider Approval of an Amendment to the Development Code to Allow Marijuana Processing in the Industrial-Commercial District – Approval Would Require Enactment of the Proposed Ordinance

Community Development Administrator Tom Dixon stated Coos Bay voters approved a ballot measure to allow marijuana-related uses within the City limits. On December 8, 2016, when the ordinance became effective, dispensaries were considered a retail activity and an allowed use in all commercial districts in the City. However, the City Council placed a six-month moratorium on marijuana processing activities in order to allow staff time to research the issue and to examine how other communities had dealt with marijuana processing. Consideration of allowing marijuana processing involved two sections of the City of Coos Bay Land Development Code (CBMC Title 17). Under Section 17.140.010 Definitions, a new entry would need to be added describing marijuana processing as it pertained to land use activity. In addition, alterations to Table 17.220.030 would be required to add marijuana processing to the I-C use matrix. These two changes would be inserted into the adopted Land Development Code to identify marijuana processing as both a defined and permitted use. Mr. Dixon provided the Council with a map which depicted the I-C district; stated he contacted other municipalities that already allowed marijuana processing and no adverse impacts noted. The Planning Commission considered the issue and recommended approval on a vote of 5-1.

Councilor Farmer entered the meeting at 7:36 p.m.

Mayor Benetti opened the public hearing. Sandra North, Indiana: stated marijuana was not a good thing for the community or anyone; suggested it caused more drug use and she was not in support of allowing recreational marijuana. Scott Frasier, Coos Bay: stated he hated seeing the City embrace more drugs; commented the State of Oregon made it legal but that did not make it right; noted citizen concerns made during public comments and suggest allowing marijuana processing and sales was a gateway to more crime. Greg Allen, Coos Bay: stated he was new to the area but had been in the marijuana business since 2008; suggested marijuana was not a drug, it was medicine; depending on how it was handled and if it was regulated correctly, it could save lives; suggested there were applications for use if monitored correctly. Larry Schoolcraft, Coos Bay: stated he had friends and family members that suffered various illnesses but all had improved quality of life due to medical marijuana. No further comments were made and the hearing was closed.

Councilor Groth stated the matter was discussed by Council on several occasions over the past 12 to 18-months; noted Coos Bay residents voted and approved a ballot measure allowing marijuana dispensaries to operate within the city limits. Councilor Groth felt the Council and City should honor the citizen's vote; despite personal feelings on the issue. Mayor Benetti inquired about building and fire code requirements whereby Mr. Dixon advised oversight would be required and noted marijuana processing was heavily regulated by the State. Any noxious odor as result of marijuana processing would be addressed through the enforcement process. Councilor Kilmer inquired about public notification. Mr. Dixon stated he received five or six phone calls in opposition. Councilor Marler moved to allow marijuana processing uses in the industrial-commercial (I-C) district. Councilor Farmer seconded the motion. Deputy Finance Director Amy Kinnaman read the ordinance and announced Ordinance 486 was enacted by the following vote:

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Aye: Mayor Benetti and Councilors Farmer, Groth, Kilmer, Kramer, and Marler
Nay: None
Absent: Councilor DiNovo

Approval of an Amendment to Sewer Rate Fees – Approval Would Require Adoption of Resolution 17-07

The City of Coos Bay Budget Committee concluded the FY 2017-2018 budget hearings in April which included a 6.4% increase in sewer user rates. In order to implement the sewer user rate adjustment commencing with the June 2017 billing cycle, Resolution 17-07 would need to be approved. The sewer fee portion on the Coos Bay- North Bend Water Board billing would increase, based upon the rate study average use of 560 cubic feet per household, approximately \$3.63 per month. The revenue would provide funding for sewer line replacements, pump station rehabilitations, storm drain repairs, and the capital improvements at both wastewater treatment plants. Rates were not raised last year. The last rate increase was 6.5% in May 2015 and a comparison of other community's rates was provided. Councilor Groth moved to adopt Resolution 17-07. Councilor Kilmer seconded the motion which carried with Mayor Benetti and Councilors Farmer, Groth, Kilmer, Kramer, and Marler voting aye. Councilor DiNovo was absent.

Approval of After-the-Fact of Two Emergency Sanitary Sewer Repairs in North Empire

Public Works and Community Development Director Jim Hossley stated in April two sinkholes formed in North Empire located at the intersections of Lakeshore Drive/North Morrison Street and Seagate and Margareta. Mr. Hossley reviewed the conditions which resulted in the City declaring a need for emergency repair pursuant to Section 11 of the City's contracting rules. After the CH2M/OMI collections crew investigated, both sinkholes were determined to be the cause of failed storm sewers. Additionally, during the investigation, the sinkholes were actively growing larger. Due to the emergency nature of the sinkholes, staff direct appointed Johnson Rock Products to repair the damaged storm sewers. Johnson Rock mobilized and completed all of the repairs. Councilor Groth moved to approve the award of emergency storm sewer repairs (after-the-fact) at the intersection of Lakeshore Drive/North Morrison and Seagate Street/Margareta Street to Johnson Rock Products pursuant to the Emergency contract rules found in Section 11 of the City of Coos Bay Ordinance No. 365 for an amount not to exceed \$20,000. Councilor Kilmer seconded the motion which carried with Mayor Benetti and Councilors Farmer, Groth, Kilmer, Kramer, and Marler voting aye. Councilor DiNovo was absent.

Approval of Contract for Supervisory Control and Data Acquisition Integration Services for Wastewater Treatment Plant No. 2

Public Works and Community Development Director Jim Hossley stated due to the proposed upgrades of the treatment plants and pump stations, staff recommended there be continuity with the Supervisory Control and Data Acquisition (SCADA) programming associated with these improvements/upgrades. As a result, the City requested qualifications for SCADA services in late 2014. The City awarded a contract to CH2M to perform SCADA services and act as the City's Integrator of Record (IOR) on February 3, 2015. The contract period was through February 2020 with an option to renew to 2021. Mr. Hossley noted the City awarded a contract

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to Mortenson Construction on December 6, 2016 to construct the new Wastewater Treatment Plant No. 2 (WWTP#2) but SCADA services was not included in the Mortenson contract. An amount of approximately \$400,000 was budgeted for the work and presented to the Council March 15, 2016. Staff negotiated a contract amount of \$359,251 with CH2M and recommended including a 10% contingency for a total amount not to exceed \$395,176. Councilor Kramer moved to approve the award of contract for SCADA services for the WWTP#2. Councilor Groth seconded the motion which carried with Mayor Benetti and Councilors Farmer, Groth, Kilmer, Kramer, and Marler voting aye. Councilor DiNovo was absent.

Award of Contract for Janitorial Services

Public Works and Community Development Director Jim Hossley stated the City's two-year contract for janitorial services with Bay Area Enterprises (BAE) was set to expire on May 22, 2017. The contract could be extended or otherwise modified by written agreements by both parties. Mr. Hossley noted BAE was a nonprofit organization and was exempt from the competitive bidding process under ORS 279C 335 (1) (a). City staff was pleased with the level of service provided by BAE; they serviced City Hall five days a week, City Shops three days a week, and both the Visitor Information Center and Library six days week. Staff negotiated a new contract to continue service for an annual cost of \$72,996.15 which was \$3,428.43 less than the previous contract due to a decrease in material costs. Councilor Kilmer moved to approve a two-year contract with BAE to provide janitorial services for City buildings not to exceed \$75,000 per year. Councilor Farmer seconded the motion which carried with Mayor Benetti and Councilors Farmer, Groth, Kilmer, Kramer, and Marler voting aye. Councilor DiNovo was absent.

Acceptance of Federal Emergency Management Agency Grant for Fire Equipment

Fire Chief Mark Anderson stated the Fire Department submitted a grant application to the Federal Emergency Management Agency (FEMA) for replacement of 36 self-contained breathing apparatus (SCBA). The department received grant award notice on May 5, 2017. The award was for \$222,858 with a 5% (\$11,142) required match from the City. Fire Chief Anderson advised the 5% match was budgeted an approved in the 2016/17 budget. Councilor Kilmer moved to accept the FEMA grant to purchase fire equipment. Councilor Groth seconded the motion which carried with Mayor Benetti and Councilors Farmer, Groth, Kilmer, Kramer, and Marler voting aye. Councilor DiNovo was absent.

City Manager's Report

City Manager Rodger Craddock announced the City interim audit for fiscal year end 2017 was completed this past week; no findings were issued and the audit team from Pauly, Rodgers and Co. expressed their praise for City staff. City Manager Craddock provided an overview of upcoming discussions on various wastewater capital improvements projects; noted staff met earlier in the day with CH2M and the Department of Environmental Quality (DEQ) to go over the scoping for the facility plan for wastewater treatment plant #1 and at this point in time it appeared the City would only have to amend the current facility plan.

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Council Comments

Councilor Kramer looked forward to completion of Empire Boulevard project. Councilor Farmer stated the reason he was late to the Council meeting was because he was attending the follow-up meeting for the homeless summit; noted the group was making some good progress; next meeting was scheduled for September 26th. Councilor Kilmer encouraged everyone to check out the Farmer's Market on Wednesday. Mayor Benetti inquired about the status of the walking trail near the Boardwalk whereby City Manager Craddock stated he was working with the Port of Coos Bay to address the issue. Mayor Benetti announced the Hero Night Fundraiser event honoring Veterans was schedule to take place on May 27, 2017.


Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting. The next regular Council meeting was scheduled for June 6, 2017 in the Council Chambers at City Hall.



Joe Benetti, Mayor

Attest:



Susanne Baker, City Recorder