

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 18, 2018

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7:00 pm 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, Stephanie Kilmer, and Phil Marler. Councilors Lucinda DiNovo, Jennifer Groth, and Stephanie Kramer were absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Interim Deputy Finance Director Nicki Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Planner Debbie Eler, 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

Kelly Hoy, Coos Bay: Requested an update on the Eastside sidewalks. City Manager Rodger Craddock stated the Council approved expenditure of \$90,000 for the sidewalk design plans and the City worked with School District 9 on a Safe Routes to School grant to be submitted after completion of the design plans. The City was in competition with 140 other jurisdictions.

Report by Marshfield High School Key Club Members

Marshfield High School (MHS) Key Club representatives Sarah Johnson and Emerald Russell summarized upcoming Key Club activities, shared various ongoing fundraising activities, projects, and achievements by various MHS clubs and athletic teams. Ms. Johnson stated representatives attended Parks Commission Board meeting on September 20, 2018 and requested approval to purchase and install outdoor fitness equipment in Pirate Park. Noted October was anti-bullying month.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

- 3a: Approval of the City Council Work Session Minutes of August 14, 2018
- 3b: Approval of the City Council Minutes of August 21, 2018
- 3c: Acceptance of the August Payroll and Accounts Payable Check Registers
- 3d: Approval to Accept the Coos Foundation Grant

3e: Acceptance of the Council Committee Appointments

Councilor Kilmer moved to approve consent calendar as presented. Councilor Farmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler. Absent: DiNovo, Groth, Kramer.

Public Hearing to Consider Approval on a Proposed Comprehensive Plan and Zone Designation Map Amendment of Property Located on 16th Avenue between "F" Street and "G" Street – Approval Would Require Enactment of the Proposed Ordinance

Planner Debbie Erler read aloud the public hearing disclosure statement. The review criteria for a Plan Amendment was found in Coos Bay Municipal Code Chapter 17.215 and was included in the staff report and notice. The testimony and evidence to appeal was to be directed toward the applicable criteria or other criteria in the plan or land use regulations which the person believed was applicable to the decision. Failure to raise an issue with sufficient detail to afford the decision makers and parties an opportunity to respond to the issue precluded appeal on that issue.

Ms. Erler presented proposed change to the Comprehensive Plan Map and Land Use Zoning Map designations for the property on 16th Avenue between "F" Street and "G" Street. The subject property was City owned property and purchased in September of 2017 by Peter and Katharine Cooley. Mayor Benetti opened the public hearing.

Chris Jones, Coos Bay: asked how large the property was and if there were any structures or public utilities on the property. Ms. Erler stated the property was 0.77 acres and there were no structures or public utilities.

No further public comments were made, Mayor Benetti closed the public hearing.

Councilor Marler moved to enact the proposed ordinance amending the Comprehensive Plan Map designations for certain real property from "Quasi-Public (QP)" to "Residential-Low (R-L)" and to amend the Land Use Map designations from "Urban-Public (UP)" to "Low-Density Residential (LDR-6)". Councilor Kilmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 500 was enacted by the following vote:

Aye: Kilmer, Marler, Farmer, Benetti.

Nay: None.

Absent: DiNovo, Groth, Kramer.

Public Hearing to Consider a Proposed Amendment to the Land Development Ordinance

Planner Debbie Erler presented proposed amendments to the Land Development Ordinance, Coos Bay Municipal Code (CBMC) Title 17. Proposed amendments included revision to procedures, definitions, property development standards, and use tables. Additional proposal to update FEMA maps and related reports to reflect the most current data approved by FEMA. The Planning Commission recommended approval of proposed changes on August 28, 2018, with exception of amendments related to Accessory Dwelling Units. The Planning Commission requested a joint work session with City Council to be held on September 25, 2018 to discuss impact of proposed use on City infrastructure. Proposed date for final decision was October 2, 2018.

Mayor Benetti opened the public hearing. No public comments were made, the public hearing was held open until next Council meeting on October 2, 2018.

Approval of an Ordinance Establishing Exclusion from City Facilities and Property - Approval Would Require Enactment of the Proposed Ordinance

City Manager Rodger Craddock stated police personnel had a long standing practice and ability to temporarily trespass individuals who had committed a crime or an ordinance violation from public property and or City facilities. The practice was not rooted in an established ordinance, and lacked due process where an individual could challenge and appeal the temporary trespass order. City Attorney Nate McClintock drafted an ordinance for the Council's consideration establishing criteria to allow a temporary trespass order up to ninety (90) days and appeal process to challenge such an order within five (5) business days of the issuance of the notice. Council Kilmer noted discussion of ordinance came up during homeless work group meeting, ordinance was reviewed, and Council approval was suggested.

Mayor Benetti opened the public hearing. No public comments were made and the hearing was closed.

Councilor Farmer moved to enact the proposed ordinance establishing exclusion from City facilities and property, including appeal rights and sanctions for violation of the ordinance. Councilor Kilmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 501 was enacted by the following vote:

Aye: Kilmer, Marler, Farmer, Benetti.

Nay: None.

Absent: DiNovo, Groth, Kramer.

Consider Approval of Payment to CH2M for Overage in the FYE 18 Repairs Budget of the Contract for Wastewater Operations, Maintenance and Management Services

The City contracted with Jacobs (formally known as OMI and CH2M) the operations, maintenance, and management for two treatment plants, 26 pump stations, and the storm and sanitary sewer collection system. The ten (10) year contract allowed for the repairs to exceed the budgeted amount with any amount in excess responsibility of the City. In fiscal year ended (FYE) 2018, a fee of \$1,819,731 was agreed upon for these services and a repair budget of \$212,038 was proposed. The entire budget was expended prior to the end of the fiscal year and an additional \$25,272.31 was spent for unanticipated repairs on Wastewater Treatment Plant 1. City Manager Craddock stated the budget was put together six to eight months prior to the new year and it was difficult to anticipate additional expenses.

Councilor Kilmer moved to authorize the change order to the wastewater operations and maintenance contract with CH2M in the amount of \$25,272.31 for additional repairs required in excess of Council previously authorized amount. Councilor Marler seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler. Absent: DiNovo, Groth, Kramer.

Approval of Visitor Information Center Management Agreement

At the Council's direction, staff worked with City partners in the Coos Bay-North Bend Visitors Convention Bureau (VCB) and the VCB Executive Director in an effort to allow the City to contract with the VCB to provide tourism fulfillment services (management and operations of the Coos Bay Visitor's Center) and provide additional funds to the VCB for tourism promotions as tourism continued to be an increasingly more important segment of the economy. The City's VIC management agreement with the Bay Area Chamber of Commerce (BACC) was set to expire on October 31, 2018. A ten (10) year Tourism Management Agreement was prepared for the VCB to begin operating and managing the VIC on November 1, 2018 and the VCB Board approved the

proposed agreement. Mayor Benetti clarified the agreement was not due to the BACC's performance. City Manager Craddock stated under the new agreement the same agency that did promotions would also provide fulfillment services enhancing the operations of the center.

Chris Jones, Coos Bay: asked for clarification on the lodging tax. City Manager Craddock stated the lodging tax was a 7% tax for lodging less than thirty (30) days, with 50% used for tourism promotions and remaining used for contacted tourism facilities within the City. The tax had been in effect since the late 1970's. Mayor Benetti stated additionally the state had a 1.8% state lodging tax the City did not receive. Scott Cooper, Coos Bay: asked if AirBnB was subject to the same tax. Mr. Craddock stated they were subject to the same tax.

Councilor Farmer moved to approve and authorize the City Manager to sign a ten (10) year Tourism Management Agreement with the VCB. Councilor Marler seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler. Absent: DiNovo, Groth, Kramer.

City Manager's Report

City Manager Rodger Craddock announced the City had their second annual visit from auditors and received a clean audit. The auditor was impressed with staff and succession planning. The City had a clean audit several years in a row. Mr. Craddock expressed admiration for the Coos Bay Downtown Association on work at the Bay Area Fun Festival and additionally thanked the Public Works Department and Police Department for their work towards success of the festival. Mr. Craddock presented a Facebook page post by a mother who called the Coos Bay Police Department to report son's stolen bicycle, the dispatcher provided the information to the officers to be on the look out, an officer and dispatcher went to the house to present a new bicycle and lock provided by the Coos Bay Police Officers Association.

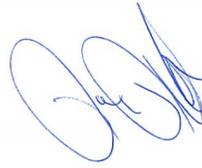
Mayor Benetti and City Manager Craddock briefed the Coos County Commissioners on September 18, 2018 on proposed substantial plan amendment to Empire Urban Renewal Area. Enabling the ability to take on a number of street component projects in the Empire district giving more capacity to use the limited funds out of state revenue sharing gas tax fund for other streets. There were two town hall meetings on the plan amendment, discussed at two Council meetings, presented to the Planning Commission, and sent out over 5,000 notifications to property owners. There would be a public hearing at Council meeting on October 2, 2018 and presented for Council consideration on October 16, 2018. Mr. Craddock asked Fire Chief Mark Anderson to share details on the Get Ready Coos Bay event. Fire Chief Mark Anderson announced the Coos Bay Fire Department and Northwest Natural partnered for the Get Ready Coos Bay event. The disaster preparedness fair was held on September 22, 2018 from 11 am to 2 pm at the Coos Bay Fire Department, 450 Elrod Avenue.

Council Comments

Councilor Farmer: stated South Coast Development Council (SCDC) moved to Newmark Center and was a great resource for businesses. Mr. Farmer requested update from South Coast Interagency Narcotics Team (SCINT). Councilor Kilmer: thanked the Downtown Association, City, and staff for work at Bay Area Fun Festival. Public Works Department and Police Department worked very hard to make event run smoothly. Councilor Marler: requested update on structure by American Building on Central Avenue. Staff would prepare report for next work session of stated requirements and timelines of the building owner and where they were in the process. Mayor Benetti: commended the Downtown Association and City staff for work at Bay Area Fun Festival, thanked the Finance Department for work on audit, and thanked Police Department for working with individual he brought in with a request.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting. The next regular Council meeting was scheduled for October 2, 2018 in the Council Chambers at City Hall.



Joe Benetti, Mayor



Attest:

Amy Kinnaman, Deputy City Recorder