

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

October 2, 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 Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, and Phil Marler. Councilors Jennifer Groth and Stephanie Kramer were absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Acting Finance Director Amy Kinnaman, Planner Debbie Erler, Public Works and Community Development Director Jim Hossley, Fire Chief Mark Anderson, and Police Captain Chris Chapanar.

Flag Salute

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

Mayor Benetti noted the Council recently attended the League of Oregon Cities (LOC) conference and expressed his thanks to the LOC; noted the LOC was not compensated in any way and their focus was to help cities address ongoing issues like housing and homelessness to name a few.

City Attorney Nate McClintock entered the meeting at 7:01 pm.

Public Comments

Ken Folker, Coos Bay: Expressed his thanks to the Council, Veterans, Fire, and Police for their service to the community and recommended staff consider implementing a 4-way stop at Pacific and Morrison. Tom Leahy, Coos Bay: Announced the Tall Ship Lady Washington arrived earlier in the day for the second visit this year; noted every sailing tour was sold out; dock side tours scheduled October 3-5 from 4-5 pm and October 5-6 from 10 am-1 pm. Mr. Leahy noted the arrival of Lady Washington was beneficial to the local economy in addition to providing educational opportunities to kids.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

- 3a: Approval of the City Council Work Session Minutes of September 11, 2018
- 3b: Approval of the City Council Minutes of September 18, 2018
- 3c: Acceptance of the City August Combined Cash Reports

- 3d: Approval of Canceling Meetings Dates of December 25, 2018 and January 1, 2019 Due to Holiday Conflicts
- 3e: Approval of the Mingus Park and 8th Terrace Sewer Replacement Project Accounting Correction - PO#18017102

At the June 26, 2018 Council meeting, the Council unanimously approved the following motion: "Award the Mingus Park and North 8th Terrace project contract to Johnson Rock Products for an amount of \$628,971 which included a 15% contingency". In the body of the June 26th staff report, the contract amount was reported as \$543,931. The actual contract price was \$546,991. For the purposes of transparency, staff presented the \$60 difference to Council for approval.

- 3f: Approval of Accepting the Cow Creek Foundation Grant Awarded to Coos Bay Fire Department for \$1,600 for Purchase of Fire Equipment
- 3g: Appointment of Councilor Lucinda DiNovo to the Coos County Urban Renewal Agency Board to Fill Councilor Groth's Unexpired Term Ending December 31, 2018

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

Report by Marshfield High School Key Club Members

Marshfield High School (MHS) Key Club representatives Sofi Baho-Munoz and Emerald Russell summarized upcoming Key Club activities, shared various ongoing fundraising activities and achievements by various MHS clubs and athletic teams. Key Club planned to focus on the "Thirst" project as their global project for this school year; a non-profit organization whose mission was to bring safe drinking water to communities around the world where it was not immediately available. Local projects included the "Warren" project to help raise awareness for babies born with congenital heart disease (CHD); Operation Hope, Habitat for Humanity, Salvation Army, the homeless, and Pirate Park.

Presentation of Community Choice Aggregation

Alan Hickenbottom stated he was a representative for Lean Energy, a national advocacy organization about Community Choice Aggregation (CCA). Mr. Hickenbottom provided a PowerPoint presentation to the Council on CCA which included a brief history on the evolution of the power grid. CCA allowed for a public entity to provide community participation in energy choices: City, County, or Regional. CCA was different than a municipal utility, were not anti-utility but pro-community while allowing the utilities to continue what they did best. Transmission and distribution would remain with utility. Benefits included local control over energy choices, lower rates, economic development, equity including rate setting and other programs, and resilience.

Key tenants of an Oregon CCA solution: the Energy Trust of Oregon would remain a key

partner; conformance to the renewable portfolio standard (RPS), and the Oregon Public Utility Commissions (PUC) role. Mr. Hickenbottom noted CCA was not currently available in Oregon and organizations like LEAN Energy were working to build awareness and support towards statewide legislation to allow CCA in Oregon. Next step to make CCA a reality would be for local communities to adopt a resolution or letter of support to explore the concept. Local support would be critical and continued stakeholder input was key to enabling legislation to allow for CCA in Oregon. If/when bill was passed consideration would then go to the PUC. Once in place it would then go to local communities to consider implementation.

Councilor Marler inquired if Pacific Power and Light (PP&L) would deliver the energy a CCA provided to residents. Mr. Hickenbottom explained a CCA would strike contracts for energy purchase and in turn direct the utility provider (PP&L) on delivery. Councilor Kilmer inquired if there was a cost passed on to CCA to maintain the poles and lines required to distribute the power. Mr. Hickenbottom stated residents would still receive their bill from their incumbent utility, only thing that would change was where the power came from and who chose where it came from; allowing for more market choices. Communities or individual rate payers could opt out of CCA. Councilor Kilmer inquired what Mr. Hickenbottom meant when he stated talk of CCA's created waves. Mr. Hickenbottom suggested local utility providers viewed CCA as a threat. Councilor Marler inquired as to the administrative structure of a CCA whereby Mr. Hickenbottom explained CCA was a public entity likely comprised of a professional staff which ran the utility and overseen by an appointed board. Mr. Hickenbottom noted CCA only addressed residents utilizing investor owned utilities.

City Manager Rodger Craddock stated he sent an email inquiry to all city managers in Oregon and only one city manager was aware of CCA; also noted CCA was not identified as priority for the League of Oregon Cities. Mayor Benetti suggested CCA was an interesting concept and something Council may want to consider in the future.

Public Hearing to Consider Approval on a Proposed Comprehensive Plan and Zone Designation Map Amendment of Property Located on 377 LaClair Street

Planner Debbie Erler read the public hearing disclosure statement out loud. Ms. Erler stated the applicant proposed to amend the Comprehensive Plan Map designation of the subject property at 377 LaClair Street from "Commercial (C)" to "Residential-Low (R-L)"; and amend Land Use Zoning Map designations from "Commercial (C)" to "Low-Density Residential (LDR-6)" so the property could be sold as residential property. On September 25, 2018, the City received a written request from the property owner for a 90 day continuance of the request to further consider their options. The owner also waived the 120-day land use time frame. The 90 day continuance would be for date certain of January 15, 2019.

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

Councilor Farmer moved to approve a 90-day extension of the public hearing to date certain of January 15, 2019. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler. Absent: Groth, Kramer.

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

Planner Debbie Erlen read the public hearing disclosure statement out loud and stated staff prepared ordinance amendments for the Planning Commission and City Council review. The initial public hearing was held before the Planning Commission on August 14, 2018. The Planning Commission continued the public hearing to August 28, 2018 to allow time to review submitted information pertaining to the proposed Accessory Dwelling Units (ADU). At the conclusion of the hearing, the Planning Commission voted to recommend the City Council approve the proposed amendments except for sections related to ADU. The Planning Commission requested a work session be held with the City Council to discuss the impact the proposed use would have on the City's infrastructure. The City Council and Planning Commission held a work session on September 25, 2018 to discuss the proposed ADU amendment. After a lengthy discussion, it was determined further review by the Planning Commission was warranted, before a public hearing by the City Council would be held.

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

Councilor Kilmer moved to approve continuing public hearing to date certain of November 6, 2018 on the proposed accessory dwelling units amendment and to send the amendment back to the Planning Commission for their public hearing on October 9, 2018. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler. Absent: Groth, Kramer.

Public Hearing to Consider the Proposed Empire Urban Renewal Plan Amendment

Scott Vanden Bos, representative from Elaine Howard Consulting, stated a citywide notice was issued which stated the Empire Urban Renewal (UR) Plan Amendment may impact property taxes rates but then immediately stated it would not really impact property tax rates. Mr. Vanden Bos noted the UR statute required notice on any UR substantial amendment or new plan and notice was required to say it may impact property tax rates; property tax rates would only be impacted if there were outstanding bonds issued prior to 2001; Empire UR Plan did not have any outstanding bonds issued prior to 2001, thus the proposed amendment would not impact property tax rates.

Mr. Vanden Bos explained the role of City Council was to complete the first reading of the ordinance and send it to second reading and vote on the matter on October 16, 2018. Changes to the Empire Plan Amendment included increasing the maximum indebtedness by \$6,340,000 for a total of \$18,890,011, extend the expiration date of the plan for an estimated six years, updates to the zoning references, comprehensive plan citations to bring the plan up to current standards, and added project for street improvements. Mr. Vanden Bos stated due to state limitation, existing urban renewal plans could not increase by more 20% of original plan acreage. Maximum indebtedness could not increase by more than 20% of the original amount, while accounting for inflation; an increase above the 20% required special approval (concurrence) from the impacted taxing districts. Mr. Vanden Bos provided a brief overview of both Coos Bay UR Plans: Downtown and Empire.

Mr. Vanden Bos noted UR did not increase property taxes, rather it functioned on increasing taxes that were already occurring without UR; taxpayer rates would not increase due to UR; impact on UR was to local taxing districts and statewide property tax revenue; noted there was an indirect impact to local schools. Property taxes collected for UR could only be used for projects inside the designated UR area. Mr. Vanden Bos explained why UR was listed on

property tax bills, purpose of UR, how UR functioned, financing on property tax basis, and how a UR plan was adopted.

The City of Coos Bay was looking to increase Empire Plan to provide additional capacity to undertake UR projects which included the proposed Hollering Place and street improvement projects identified. City Manager Rodger Craddock stated all of the streets in the City of Coos Bay were evaluated and given a pavement condition ratings; streets identified for improvement were the streets with the lowest condition rating and would be improved with the Empire UR amendment.

Mayor Benetti opened the public hearing. Mike Vaughan, Coos Bay: stated he was working with some people that owned property in the Hollering Place area and inquired if proposed projects would solely fund street improvements and if streets selected for improvement had already been identified; inquired if funding included bicycle and pedestrian improvements. City Manager Craddock stated the amendment specifically identified funding for street improvements but did not take away from the already established projects identified for the Empire UR District; street improvements were selected based on need and cost was allocated based on analysis. Pedestrian improvements were likely because many of the streets would need to be brought up to American Disability Act (ADA) standards but bicycle lanes were not planned given the streets identified were those leading into neighborhoods. Carl Siminow, Coos Bay: stated he was a member of the Empire Coalition and was pleased with the proposed improvements. No further public comments were made and the hearing was closed.

Request of Approval for Modification of Construction Hours for the Newmark Avenue Storm Drain Project

Public Works and Community Development Director Jim Hossley stated at the August 21, 2018 Council meeting, the Newmark Avenue storm drain replacement project was approved. Mr. Hossley noted in order to do the work, the City had to obtain environmental permits. One of the conditions of the permit was a time-frame in which the project had to be constructed. Because of the time-frame and the fact that construction was being hindered by tidal influences (i.e. construction could only occur during low tides), staff requested the Council consider allowing the contractor to perform work the week of October 8, 2018 in the early morning hours; from October 8-12, 2018 there were low tides that would occur between 1:30 a.m. and 3:30 a.m. While this was not desirable for either the contractor or the surrounding residents, there was concern that if these work hours were not approved the project would not be completed within the regulatory window. Staff sent a letter to the surrounding residents informing them of the potential that the Contractor may work outside of normal hours as well as informing them that Council would consider this request at the October 2, 2018 Council meeting. Staff received a letter of support from surrounding area resident Tom Greaves whom expressed he had no problem with proposed work hours required to complete the work.

Councilor Farmer moved to approve the request to work modified construction hours for the Newmark Avenue storm drain replacement project the week of October 8, 2018. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler. Absent: Groth, Kramer.

City Manager's Report

City Manager Rodger Craddock announced a ribbon cutting ceremony to celebrate the near

completion of construction of the new Wastewater Treatment Plant #2 would be held at 4 pm on Wednesday, October 3, 2018 at the new site located at the intersection of S. Empire Boulevard and Fulton Avenue. While attending the League of Oregon Cities conference staff took the initial steps to begin a feasibility study to look into converting existing streetlamps to LED technology; currently City spent roughly \$300,000 annually to power streetlights; estimated City could save up to 70% of that cost; noted while costs savings attractive, there would be a cost to implementing the LED technology. This coming weekend the Coos Bay Lyons Club would be hosting the 31st Annual 8th Grade Volleyball Tournament at the Marshfield High School Gym.

Fire Chief Anderson stated next week was National Fire Prevention Week; Coos Bay Fire Station #1 in downtown Coos Bay would be holding an open house from 5-7 pm on Wednesday, October 10th.

Council Comments

Councilor Kilmer: stated she also attended the League of Oregon Cities (LOC) conference; noted a lot of great ideas were realized from the conference including emphasis on housing and homeless issues; was happy to report City of Coos Bay was ahead of the game on many of the issues; noted October was the final month for Wednesday Farmer's Market in downtown Coos Bay. Councilor Marler: noted it was his first time attending the LOC conference and thought it was very worthwhile. Councilor DiNovo: was also pleased with her time spent at the LOC conference and was excited about future opportunities; stated she was incredibly appreciative as to the talent of City staff; noted City Manager Rodger Craddock also made a presentation at the LOC conference about the urban renewal agency project. Councilor Farmer: suggested once LED streetlights were in place there was a possible disastrous preparedness option that could be implemented that could be triggered in the event of an emergency to light up paths to direct people to a place of safety; noted this month was National Disabilities Employment Month. Mayor Benetti: noted Councilor Drew Farmer was elected to the Board of LOC.

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 16, 2018 in the Council Chambers at City Hall.



Joe Benetti, Mayor



Attest:

Amy Kinnaman, Acting City Recorder