

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

April 6, 2021

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, 500 Central Avenue, Coos Bay, Oregon.

Those Attending

Those present were Mayor Joe Benetti and Councilors Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. Councilor Lucinda DiNovo was absent. City staff present were City Manager Rodger Craddock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Fire Battalion Chief Jeff Adkins, and Deputy Police Chief Chris Chapanar. City staff attending remotely by teleconference were Library Director Sami Pierson and Community Development Administrator Carolyn Johnson.

Flag Salute

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

Public Comments

No public comments were made.

Public Comment Form

No public comment forms were received.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

3a: Approval of March 16, 2021 Minutes

3b: Approval of March 23, 2021 Special Meeting Minutes

3c: Approval of March 23, 2021 Minutes

3d: Approval of Arbor Day Proclamation

Arbor Day is a day in which individuals and groups are encouraged to plant trees; many countries observe such a day. Though usually observed in the spring, the date varies, depending on climate and suitable planting season per location.

3e: Adoption of a Limited English Proficiency Plan

In April of 2020, Council adopted Resolution 20-09 approving a Limited English Proficiency Plan (LEP). The LEP was required by Business Oregon for Neighbor Works Umpqua (NWU) to proceed with administration of the Community Development Block Grant (CDBG) for the Regional Housing Rehabilitation

Program (Program). The program offers housing rehabilitation services for qualifying low-income homeowners in the cities of Coos Bay and Reedsport, and Coos County. Business Oregon advised the LEP adopted in April 2020 was insufficient. Business Oregon reviewed the new LEP and indicated it met all requirements. Because the City's Spanish speaking population exceeds 5% (5.7%) identification of city services in Spanish was required, and this requirement was reflected in the updated LEP. There have been \$500,000 in CDBG funds released for the CDBG program and many rehab applications have been received by NWU. However, adoption of the revised LEP by the Council was required for NWU to be able to make the first draw to pay for rehabilitation improvements. LEP adoption would also address our participation in other federal grant programs.

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

Approval of National Telecommunicators Week Proclamation

Deputy Police Chief Chris Chapanar stated the professionalism and dedication each Telecommunicator gives to their job ensures every 9-1-1 call will be answered promptly and efficiently, and they contribute to keeping Coos Bay and its citizens safe. The personnel who staff the City's Telecommunications Center work diligently to assure over 98% of all 9-1-1 calls are answered within ten seconds or less. This year, the week of April 11–17, 2021 is designated as National Public Safety Telecommunicators Week. During this week, Americans could show gratitude to 9-1-1 call takers, dispatchers, technicians who maintain radio and emergency phone systems, communications staff trainers, and other public safety telecommunications staff across the country who work tirelessly, often behind the scenes, to help during emergencies. Communication Supervisors Jennifer Pickett and Tessa Cupp read the National Telecommunicators Week Proclamation and presented 2020 call stats.

Councilor Miles moved to approve the National Telecommunicators Week Proclamation. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

Approval of Child Abuse Prevention and Awareness Month Proclamation

Deputy Police Chief Chris Chapanar stated during the month of April victims, service providers, criminal justice members, allied professionals, and community volunteers join together in observance of child abuse prevention month. Prevention could only be accomplished if, as a society and as individuals, responsibility was taken to offer parents and families the support and tools they needed to provide healthy, nurturing homes for their children. The annual Pin Wheel Day at Kids Hope Center was planned for April 1, 2021 which involved Center staff and volunteers placing pin wheels around the Center. Representatives from Kids Hope Center read the Child Abuse Prevention and Awareness Proclamation and gave an update on the programs provided.

Councilor Marler moved to approve the Proclamation designating April 2021 as Child Abuse Prevention and Awareness month. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

Consideration of Approval to Hold Public Hearing on Coos Bay Development Code Economic Development Related Proposed Amendments on May 4, 2021

Community Development Administrator Carolyn Johnson stated the May 4, 2021 City Council and Planning Commission joint public hearing was scheduled to address Comprehensive Plan and Coos Bay Development Code (CBDC) changes to respond to HB 2001/2003. If desired by Council, this public hearing could also be an opportunity for Planning Commission review and public comment on other matters related to Council economic development goals and a possible location of the library. Zoning code amendments were time consuming but important to realize the City's vision; with transparency and community engagement paramount. In the spirit of efficiency, the Planning Commission, in conjunction with public input and comments, could advise Council at the scheduled May 4, 2021 joint City Council/Planning Commission public hearing on the following potential CBDC amendments: with a land use permit, enable libraries in the Urban Public district where other public facilities like parks, community recreation, and government offices were currently permitted; with a land use permit, allow public and private K-12 schools in the Industrial Commercial district, where nursery and preschools, day care facilities and colleges, universities, and vocational schools were already permitted; removal of prohibition of reader boards along north Front Street from Fir Street to Ivy Street; and revise CBDC project review criteria in commercial districts to enable staff project review, based on clear development criteria and public notification, with a Type II review process for a variety of commercial uses currently requiring Planning Commission review in a Type III process.

Request for Council to direct staff to identify possible CBDC amendments to streamline commercial development land use permit efforts and future library development options at the May 4, 2021 joint City Council and Planning Commission public hearing. Council consensus to move forward to enable a more streamlined process.

Consideration of Approval of Cost Sharing Agreement for Lindy Lane Storm Culvert Improvements

Public Works and Community Development Director Jim Hossley stated Red Moon Development and Construction Inc. (Red Moon) proposed to develop the two tax lots at the south end of Lindy Lane (approximately seventy acres) into a 400-unit modular home park. As part of the improvements, Lindy Lane would be upgraded to a road which would include two twelve-foot travel lanes and a multi-use path from Ocean Boulevard to the project site. At the beginning of the project, it was noted by staff the existing Lindy Lane culvert had been identified as being deficient and with the volume of traffic the project would generate, it should be replaced. The developer agreed to the road improvements but had asked the City to pay for design and a portion of construction. There are two cost sharing agreements. The design agreement states the City was responsible for design and regulatory processing of the proposed culvert replacement for an amount not to exceed \$75,000. If fees exceed this cost, Red Moon would be responsible. Additionally, if the culvert was not constructed in two years, Red Moon would be responsible to reimburse the City for the design costs. The construction agreement states the City was responsible for up to \$200,000 (half of the estimated costs) of construction and Red Moon was responsible for up to \$200,000 of construction. Red Moon would be responsible for any additional costs exceeding \$400,000. City staff, property owner, and developer are also wrapping up an Operation and Maintenance Agreement identifying the owner and developer as responsible for maintaining the emergency access road, the private sewer, and private storm water improvement. The

funds to cover both of the cost sharing agreements would come from the Wastewater Improvement Fund 29, WW Emergency/Unplanned Projects account 29-810-530-3010.

Adam Gould, representative for Red Moon, stated there was uncertainty regarding how much it was going to cost and requested the city to cost share up to a certain cap amount.

Councilor Kilmer moved to approve the Lindy Lane Culvert Cost Sharing agreements with Red Moon Development and Construction Inc. for reimbursement of design and regulatory processing fees up to \$75,000 and reimbursement of construction up to \$200,000. Councilor Matthews seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

Consideration of Approval of Design Contract for Pump Stations 6 and 9

Public Works and Community Development Director Jim Hossley stated Pump Stations (PS) 6 and 9 serve the Englewood area. PS 6 was located at the northwest corner of the Kruse Avenue and S. 5th Street intersection and PS 9 was located at the east end of Montana Avenue. The last major upgrade to PS 6 was in the 1990's and PS 9 was in the 1970's. Both pump stations needed major upgrades to the pump station house, pumps, electrical, controls, generators, etc. The City contracted with The Dyer Partnership (Dyer) to prepare 30% plans for the upgrades of PS 6 and PS 9 under the Miscellaneous Engineering Services Contract. The 30% level of effort established the design concepts and scope of work. The next step was to complete final design and prepare technical specifications. The final design would include civil, mechanical, structural, and electrical work. Dyer has presented a scope of work for this effort with a fee of \$144,100. Staff recommended a 15% contingency be approved, for a total amount not to exceed of \$165,715. This level of effort exceeds the \$100,000 limit in the Miscellaneous Engineering Services Contract but in accordance with Section 20 titled "Direct Appointment Procedures for Personal Services Contracts" in Resolution 17-14, Council may direct appoint when the project has been significantly studied by the appointee (Dyer prepared the 30% design plans) and the selection procedure used for the original work (30% design) was the formal selection procedure (the Miscellaneous Services Contract was prepared under the formal Section 19 rules of Resolution 17-14). The cost estimate for PS 6 and PS 9 was \$1,584,940 and \$736,665, respectively. It was anticipated only one of these projects would be able to be constructed in the next year due to budgetary constraints. However, staff recommended design be completed on both projects. As the planning for projects for Fiscal Year Ending 2022 is finalized it could be determined which PS upgrade was feasible for the upcoming fiscal year. Funds for the final design of PS 6 and PS 9 would come from the Wastewater Improvement Fund 29, WW Emergency/Unplanned Projects account 29-810-530-3010.

Councilor Farmer moved to award the final design contract for pump stations 6 and 9 to The Dyer Partnership for a total amount not to exceed of \$165,715, which included a 15% contingency. Councilor Marler seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

Public Hearing to Consider Enacting Parking Ordinance for the 1200 Block of South 2nd Street

City Manager Rodger Craddock stated the City approved a portion of the 1200 block of South 2nd Street to be used by the Devereux Center for a temporary urban campground. This section of South 2nd Street had a gravel surface. There was little or no public use of the

road as it ended at the city shops back gate. Staff proposed to limit parking within that block to only city vehicles and vehicles providing operational services and support to the new campground facility. The Homeless Workgroup has reviewed the proposed ordinance and recommended its enactment. Mr. Craddock read the ordinance in full.

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

Councilor Marler moved to enact the ordinance limiting parking in the 1200 block of South 2nd Street. Councilor Kilmer second the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 538 was enacted by the following vote:

Aye: Benetti, Farmer, Kilmer, Marler, Matthews, Miles.

Nay: None.

Absent: DiNovo.

Consideration of Approval of Amendment to the Downtown Urban Renewal Plan - Approval Would Required Adoption of Resolution 21-08

City Manager Rodger Craddock stated in an effort to overcome the current housing crisis, which included our homeless citizens, the Urban Renewal Agency (URA) identified city-owned property within the downtown area which could be used for the first stage of transitional housing. The Devereux Center, a local nonprofit, developed a plan modeled after a plan currently in place in Medford, Oregon which was operating successfully. The plan included several stages to assist homeless individuals within the community in getting back into long-term housing. The first stage of this plan was a temporary shelter campground. The identified property would be a test site, with space enough to accommodate up to 25 shelter units, and would be fully managed and operated by the Devereux Center, including on-site 24-hour security and connection to support services within the community. This action required a Council approved amendment to update goals and addition of the project to the Downtown Urban Renewal Plan. Staff would work with our URA Consultant, Elaine Howard, to incorporate this amendment into the plan document. Costs associated with this plan amendment would be charged to the Urban Renewal Department, within the General Fund, which have been adequately appropriated. The Downtown area had capacity within the remaining maximum indebtedness to undertake this project.

Councilor Farmer moved to adopt Resolution 21-08 amending the Downtown Urban Renewal Plan. Councilor Marler seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

City Manager's Report

City Manager Rodger Craddock stated the city was at the halfway point of the six month transition of the operations and management of the wastewater system; staff meets weekly, positions were being filled, and the process was moving along well. South 4th Street was three to four weeks from completion of the sidewalks, would then transition to the road improvements, and the project was scheduled to be completed by the end of August 2021. Spring street projects would begin soon, a schedule would be completed, and would keep citizens informed on how the Transportation Utility Fees were being spent. Ameresco would begin soon on the street light upgrades, would be clustering the work areas, and would

provide a schedule for work areas to inform the public. The Englewood School environmental review was scheduled to be completed April 26, 2021, a 30-day public comment period would follow, and then would go through a contractor selection process to get site cleaned up so the county could transfer the property over to ORCCA for multi-unit low-income housing development. Front Street parking lot project was still under review. Coos Bay Village rail improvements would be completed by April 16, 2021 at latest, intersection improvements were scheduled to be completed mid-May 2021. Budget Committee was scheduled to meet on April 15, 2021. The Coos Bay Police Department was fully staffed with officers with the swearing in of Officers Amanda Collins and Deven Deck on April 5, 2021.

Council Comments

Councilor Miles wished Library Director Sami Pierson and Library staff a happy National Library Week and the Library Foundation was having their ninth annual spelling bee on April 10, 2021. Councilor Kilmer stated great respect for the dispatchers and Kid's Hope Center for everything they do. Councilor Marler stated the Governor announced Coos County would move from extreme risk to high risk, asked everyone to follow guidelines to avoid the move back to extreme, and was distressed there seemed to be a lot of residential properties in disrepair with little help provided. Councilor Matthews thanked Kids Hope Center and dispatch/first responders for everything they do and asked everyone to continue to stay cautious and respectful of restrictions as the county moves down to high risk. Councilor Farmer asked for a future update on the property watch program, stated the League of Oregon Cities website had a section for individuals to provide testimony to legislature, and was continuing to work on letter to the state regarding mental health. Mayor Benetti stated the city was fortunate to have great dispatch staff, thanked Kids Hope Center for their work, and asked everyone to get their vaccines as soon as possible.

Executive Session

Deputy Finance Director Melissa Olson read the executive session meeting disclosure statement. An executive session was held pursuant to Oregon Revised Statute (ORS) 192.660 (2) (e) for the purpose of discussing real property transactions. No decisions were made.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for April 20, 2021. These minutes were approved as presented by City Council on April 20, 2021.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder