

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 21, 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 Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Rob Miles, and Sara Stephens. Councilor Carmen Matthews attended remotely by teleconference. City staff present were City Attorney Nate McClintock, Assistant City Manager/Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Fire Battalion Chief Jeff Adkins, Police Chief Chris Chapanar, and Library Director Sami Pierson. City staff attending remotely by teleconference was 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

Krystal Hopper, Coos Bay stated there was a safety issue in front of the high school and cross-walk signs were needed at all the schools. Mayor Benetti stated they were aware of the issue and Police Chief Chapanar stated additional discussions regarding pedestrian safety in the school area were scheduled for September 22, 2021. Jim Behrends, Coos Bay requested a study to review the Empire District Design. Geronimo Waldorf, Coos Bay stated there should be an area for the homeless to park so they did not have to continue to move per the camping ordinance. Mayor Benetti, Councilor Kilmer, and Councilor Farmer provided an update on Council and the Homeless Workgroup efforts along with the decision related to the location for the campground.

Public Comment Form

No public comment forms were received.

Due to technical difficulties, remote attendance became unavailable at 7:39 pm and Councilor Matthews remote connection was lost.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

3a: Approval of September 7, 2021 Minutes

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

Presentation of the Semi-Annual Bay Area Chamber Activities Report

The Bay Area Chamber of Commerce (Chamber) and the City of Coos Bay worked together to support local businesses and to improve the economy. Having open and regular communication between the two entities was important in maintaining the partnership. The Chamber was established in 1980, as a non-profit, professional organization made up of the Coos Bay, North Bend, and Charleston business communities. Chamber President Elect Rick Osborn presented the semi-annual Chamber Activities Report including events and products. The Chamber worked on five strategic objectives: creating a strong local economy, promoting the community, providing networking opportunities, representing business issues, and building a strong chamber. Focus areas in 2021 were: membership - building the value proposition; communication - in all forms and methods; chamber structure - for best effectiveness in achieving their purpose; and advocacy - at all levels of government to fulfil the needs of the membership and community. Additionally, utilizing short term task forces to review structure and organization in an effort to be most effective in efforts to promote the community and business climate; create inertia of motion. The Chamber had twelve committees or actions teams and highlighted the Legislative Action Team, Ambassadors, Workforce and Education, and Leadership Coos. Focus for membership is to ensure value for their investment of time and money, encourage them in something bigger, and challenge each to find that one thing they are passionate about and work it. With that teamwork, the Chamber was there to help businesses.

Consideration to Adopt Council Flag Policy

City Attorney Nate McClintock stated earlier in 2021, a citizen approached the City requesting to have the Pride flag placed on a city flag pole during the month of June which was recognized as Pride Month. The request was not granted, as the City lacked a policy to assist in determining if such requests should be granted and what criteria would be used in assessing what flags would be appropriate to allow and which would not. Councilor Farmer asked to have the matter scheduled for discussion at a Council work session. The City Attorney was asked to undertake some research and present his findings / advice at the June 28, 2021 work session. On July 27, 2021, the City Attorney presented his research findings. On August 24, 2021 the Council reviewed and discussed a draft flag policy prepared by the City Attorney. The draft flag policy had been amended based on direction provided by the Council. The proposed policy addressed a key concern by noting any commemorative or ceremonial flags displayed were being done so in order to express the City's sentiment concerning a particular issue or matter, and as such, the public at large did not have a constitutional right to have their particular flag displayed. If adopted the policy would allow the Council to grant permission to display commemorative or ceremonial flags on a city owned flag pole or poles on the Boardwalk, as a statement of Council sentiment. There could be costs associated with the installation and removal of flags due to staff time necessary to complete such tasks; however, potential budget implications were not calculated.

Councilor DiNovo moved to adopt the Council Flag Policy. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Miles, Stephens. Absent: Matthews.

Council Discussion of Coos Bay Municipal Code 17.316 Empire Waterfront Settlement Design Review

Public Works and Community Development Director Jim Hossley stated on September 7, 2021, the Urban Renewal Agency Board (Board) inquired as to the background and value of Coos Bay Municipal Code (CBMC) section 17.316 Empire Waterfront Settlement Design Review. The Board's questions stemmed from review of an urban renewal building improvement grant application that required a Type II Administrative Architectural review land use permit for a proposed mural. Council asked whether a re-visit to the guidelines was in order to determine their value.

The Empire Waterfront Settlement guidelines were discussed extensively by Council between around 2011/2012 and beyond that time frame. February 2012 minutes were provided which identified the 2012's Council's position of no action on the guidelines. There were subsequent Council discussion on the guidelines, culminating in a Council meeting of July 15, 2014 about a rewrite of the Development Code. A previous Community Development Director stated unless otherwise directed by the Planning Commission or City Council, staff had not proposed to modify the sections of the code which contained the Empire Design standards. The Development Code re-write went through the public hearing process before the Planning Commission and Council and was adopted in February of 2016 with no changes to the Empire Waterfront Settlement guidelines.

CBMC section 17.316 Empire Waterfront Settlement Design Review Purpose notes: The provisions of this chapter are intended to: provide a mechanism to promote the educational, cultural, economic, and general welfare of the community; provide an opportunity to reclaim the waterfront heritage setting and to guide development in a direction that strengthens a relationship with that setting; and guide the construction of private and public development to evoke the architectural styles which existed in Empire from the mid-to-late 1800s. Common architectural styles of the time period include Cascadian rustic, plank styles, false front, salt box, Queen Anne and Victorian.

Council was asked to consider the purpose and value of the design guidelines and in the context of the amount of development activity underway and expected in Empire, whether revisiting the guidelines was warranted in light of other Council goals and other pending projects with limited staffing and funds. If the revisit to the guidelines was a Council choice, two issues were suggested for consideration: seek review of the guidelines by the Design Assistance Team and Planning Commission with opportunity for public comment and determine what staff work underway on other projects should be set aside for work needed to re-visit the guidelines. Alternatively, consider funding and hiring of a contract planner to re-evaluate and go through the public process to determine any guideline changes.

Regardless of Council's choice, timing and sequencing for both URA building improvement grant applications and the type II architectural review land use application would be solidified with an order of application submittal requiring the land use permit process to be complete prior to acceptance of a URA building improvement application. In the case of 657 Newmark, the applicant received the building improvement grant application and land use application at the same time, submitted the grant application timely but held off on the land use application; thus delaying the architectural review permit land use action. Due to the requirement of the Design Assistance Team review and the land use notification requirements, the entire matter was a process timing issue, not an inefficiency or lack of value for the land use process. In the future, unless alternative direction is provided, URA building improvement grant applications would only be accepted following the land use review process in the Empire Design area. Until the referenced applications regarding the recent case earlier noted, there

have not been timing problems for previous grant applications.

Council was asked to discuss and consider the following: direct Design Assistance Team (DAT) and Planning Commission review the section requirements and make recommendations on moving forward; or direct DAT and Planning Commission public hearings on the section requirements with the intent of requirement modifications; or take no action; or some other direction.

Council discussion ensued, consensus to direct the DAT and Planning commission to review and make recommendations. Council also approved the cost to contract out if needed due to time for City staff.

Council Review of 3rd and Central Parking Lot Concept Plan

Public Works and Community Development Director Jim Hossley stated one of the Council's adopted goals was to develop a parking lot located at South 3rd Street and Central Avenue. The parking lot project design work has been underway for the past several months. A draft of the parking lot concept was provided for Council's review. The electrical, landscaping, structural and design features were 95% complete. Much of staff's time on this project had been devoted to significant effort related to state and federal funding requirements. The project design had evolved since Council's last review on May 25, 2021.

Design professionals, Dyer Partnership and Dougherty Landscape Architects, worked with staff on the project design. The Coos Bay Downtown Association (CBDA) and the Coos Watershed Council had engaged in the project design for electrical service and locations/ideas for horizontal art depicting watershed value, respectively. This project was a green parking lot, designed with elements such as permeable pavers and vegetation; as well as other elements such as previously designed Prefontaine 'running legs' bike racks, a community clock, interpretive signage, locations for public art including locations for horizontal art by the Coos Bay Watershed Council related to watershed preservation, trash enclosure to serve local businesses, enhanced electrical service for CBDA events and seating around and near trees, and DC Fast Charger for electric vehicles.

Council comments were requested on the updated concept plan, specific direction was requested on the design of the center piece of the entry to the site from 3rd Street, a clock feature, tree or art were options for consideration; the bench design whether to include bench arms; and any other key features where alternative options would be desired.

Council discussion ensued and consensus to continue with the infrastructure and decide on the clock at a later date, more art, standardized benches throughout the city, additional trash enclosures, and bike racks.

Adoption of Resolution 21-27 to Amend the DEQ State Revolving Fund Loan for the Englewood School Brownfield Project

Public Works and Community Development Director Jim Hossley stated the State Revolving Fund program allows a public agency who applied for a point source loan to take advantage of a Sponsorship Option (SO). This SO encourages communities to pursue water restoration or protection projects in conjunction with traditional wastewater projects by

offering financial incentives (reduce interest rate of the point source loans). This means the City could complete Sponsorship Option projects without additional impacts to ratepayers. The City was awarded a sponsorship option loan (associated with the WWTP1 Point Source Loan) for two projects for a total of \$1,476,276; South 2nd Green Parking Lot and the Englewood School Brownfield project. DEQ created a two-phase approach to the SO loans. The first phase loan amount was to complete the pre-design, State and Federal environmental cross cutters, final design, and bidding documents. This was approved in July 2019. At this time these efforts have been completed for the Englewood School Brownfield project but not the South 2nd Green Parking Lot project. Once construction was completed for Englewood, staff would better understand funds remaining and could then scope the limits of design for the South 2nd project. At this time, the loan must be amended to include funding for construction/remediation (second phase) of the Englewood School Brownfield project, which would bring the loan amount to \$991,000. In order to enter into this amendment a resolution must be adopted. It was anticipated the project would be advertised for bid at the end of the month.

Councilor DiNovo moved to adopt Resolution 21-27 authorizing and approving an amendment to the State Revolving Fund loan agreement to finance the construction and remediation of the Englewood School Brownfield Project. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Miles, Stephens. Absent: Matthews.

Council Letter of Support for a Department of Land Conservation and Development Technical Assistance Grant

Public Works and Community Development Director Jim Hossley stated the city had an opportunity to apply for Department of Land Conservation and Development (DLCD) funding to update the City's Comprehensive Plan Economic Development element related to parks as an economic component of our City economy and an update of the City's Parks Master Plan. The work on both these city documents would support two of Council's fiscal year 2021-2022 goals to support economic development and update the Parks Master Plan.

As referenced in the letter of support provided to Council, "The City's 2010 Comprehensive Plan Economic Development element requires an update to reflect the City's recreational gains and identification of future recreational policies to facilitate visitor financial contributions as a result of recreating in Coos Bay. The current Parks Master Plan requires work to address how the City can maximize visitor uses of City park facilities consistent with the Economic Development element. Our parks and related amenities are akin to State Planning Goal 8 guidelines which note that recreation facilities are to provide for human development and enrichment with open space, scenic landscapes, recreational lands; sports and cultural events; picnicking and recreational lodging; tourist facilities and accommodations; trails and waterway use facilities (among others)."

Councilor Miles moved to authorize the Mayor to sign the letter of support. Councilor Stephens seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Miles, Stephens. Absent: Matthews.

City Manager's Report

Assistant City Manager/Finance Director Nichole Rutherford stated library roof materials were ordered with staging at the Bennett Street parking lot; fall street projects bid opening

was scheduled for September 28, 2021 and contract award to Council on October 5, 2021; fall pothole projects were scheduled to be advertised on September 28, 2021 with bids opened on October 21, 2021; Englewood School site cleanup was re-advertised on September 24, 2021 with bid opening on October 12, 2021; the Fire Department completed their three week entry-level Firefighter Academy; Fire Prevention Week would be in October 2021; Fire Department had a 5% increase in alarm responses over last year and estimated at the end of 2021 would be 4,200 calls; the fiscal year end 2021 audit fieldwork was complete with no findings and expected a clean audit report issued in December 2021; Library Foundation was awarded a \$100,000 grant with purchases made to to be incorporated into the new facility; Police Department were in the new hiring process for upcoming officer retirement; Cheri Bennett received the Victor G Atiyeh award from DPSST; and short-term vacation rentals were scheduled to be discussed at the October 12, 2021 Planning Commission meeting.

Council Comments

Councilor Stephens congratulated the city on the clean audit and thanked citizens for their public comments. Councilor Kilmer stated the City immediately recognized and addressed a pedestrian issue near the new junior high, and the Coos Bay Downtown Association had to cancel festivals, but the Promotions Committee was planning to continue with trick-or-treating, holiday open-houses with businesses, and tree lighting. Councilor Miles requested an update on the fall streets projects, was happy to see the library repairs were starting, and the Community Coalition of Empire tree lighting ceremony would be virtual on December 3, 2021 with hopes the Fire Department would drive around the community again this year. Mr. Hossley stated he was assured the fall street projects would be completed prior to the bad weather coming in. Councilor Farmer stated there was a greater flow of kids with the new junior high school than was under previous building getting out of the school now than when previously used and the city may need additional no parking areas. Mayor Benetti thanked everyone for attending.

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 5, 2021. These minutes were approved as presented by City Council on October 5, 2021.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder