

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

December 28, 2021

The minutes of the proceedings of a City Council and Urban Renewal work session of the City of Coos Bay, Coos County, Oregon, held at 5:30 pm in Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

Those Attending

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo and Rob Miles. Councilors Stephanie Kilmer and Sara Stephens attended virtually by teleconference. Councilors Drew Farmer and Carmen Matthews were absent. City staff present were City Manager Rodger Craddock, Assistant City Manager/Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Deputy Public Works and Community Development Director/City Engineer Jennifer Wirsing, and Police Chief Chris Chapanar. City staff attending remotely by teleconference was 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 Comment

Jim Behrends, Coos Bay stated short-term vacation rentals were being treated differently in Coos Bay versus other coastal communities who appeared to have more controls in place.

Public Comment Form

No public comment forms were received.

Review of the Upcoming City Council and URA Board Action Items:

Review of Suggested Revisions to Coos Bay Municipal Code Title 17 - Development Code Chapter 17.345 - Annexations

Community Development Administrator Carolyn Johnson shared the zoning regulations specific to urban growth boundary, noted previous requests to serve county areas outside the urban growth boundary, and annexation applications could be refined to better identify the City's expectations and consistent application requirements of applicants. Consideration was requested to have the Planning Commission on January 11, 2022 discuss amendments to zoning code section 17.345 - Annexations. Suggested changes would be to add criteria for applications to address impacts to the city and the benefit of the annexation. Review of adding text related to Urban Growth Boundary expansion would also be undertaken. The Planning Commission's recommendations, following public hearings, would then be forwarded to the Council for consideration in February of 2022.

The suggested need to amend the City's zoning regulations was a result of the update of the City's Housing Needs Analysis (HNA) and discussion about urban growth boundary changes. Another HNA update would begin in January 2022 and conclude in July 2022. The HNA

results would lay the groundwork for determining future UGB expansion and annexation applications. Additionally, a 2021 unsuccessful urban growth boundary expansion application revealed during processing there was a lack of specific information (not referenced in the Development Code) for city assessment of applications value. This type of information should be memorialized in the Development Code. Staff would be contacting Coos County as well.

Council discussion ensued and consensus for the Planning Commission to discuss amendments to Zoning code sections 17.345 – Annexations and bring recommendations to Council.

Discussion Regarding Proposed Marijuana-related Business Prohibition in the Waterfront Heritage, Hollering Place, Urban Public and Medical Park Districts

Community Development Administrator Carolyn Johnson stated marijuana retail sales were currently permitted uses in Commercial, Mixed Use, and Commercial Industrial districts. Marijuana processing and indoor grows were permitted in the Commercial Industrial District. The Development Code was silent on marijuana businesses in the subject districts. For this reason, marijuana businesses were prohibited in each district but not specifically called out as prohibited. The addition of prohibition in each of the land use tables for the districts would assure clarity for the public. As directed by the Council on October 19, 2021, the Planning Commission recommendations of amended zoning ordinance language for each of the referenced districts and exhibit identifying the location of each district was provided to Council. The Planning Commission unanimously recommended prohibition in the Waterfront Heritage, Hollering Place, Urban Public, and Medical Park districts with an amendment to the Development Code.

Discussion Regarding Street Trees Policy

City Manager Rodger Craddock stated the Coos Bay City Charter and municipal code assign sidewalk maintenance responsibility to adjacent property owners. Many cities had adopted similar sidewalk maintenance responsibility. Coos Bay Municipal Code (CBMC), Chapter 12.10, Sidewalk Construction and Repair, assigns sidewalk repair responsibility to the abutting property owner. Applicable sections of the Coos Bay City Charter and CBMC were:

Charter of the City of Coos Bay Section 8.5, Sidewalks: The city may provide by ordinance that the owners of property adjoining any street shall have a duty to construct, repair or maintain free hazards and obstructions any sidewalk adjacent to their property, and shall be liable for any injuries or damages resulting from failure to comply with such duty; and where the city has established such duties and liabilities, it may limit or restrict the liability of the city, its officers and employees, for damages or injuries to persons or property.

CBMC 12.10.020: The owner of real property abutting a sidewalk shall maintain the sidewalk in good repair and safe condition.

CBMC 12.10.030: (1) The owner of real property abutting a sidewalk shall be liable to any person injured because of failure by the owner to maintain the sidewalk in good repair and safe condition. (2) If the city is required to pay damages for an injury to any person caused by the failure of an owner to maintain a sidewalk in good repair or safe condition, the owner shall reimburse the city for the amount of the damages thus paid and for the attorneys' fees and

costs of defending against the claim for damages. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

The city had historically taken responsibility for the repair of sidewalks damaged by street trees planted by the city. Street trees planted by the City of Coos Bay are primarily in the downtown core and the Empire business district along Newmark Avenue. City staff typically investigated sidewalk damage reports and determined the cause. Due to limited resources, staff recommended the city replace sidewalks damaged by city planted street trees on a prioritized basis within the scope of available resources. A map showing trees along Hall Street between 4th and 7th Streets was provided. This was a residential neighborhood and not the typical location the city traditionally had planted trees. Staff requested Council's direction on whether the city should take responsibility for sidewalk damage caused by these trees. A draft Sidewalk Damage Repair Policy was provided to Council for review.

Council discussion ensued and consensus the residential areas were the responsibility of the abutting property owner and the City would maintain the trees only in the urban renewal districts, if the tree was a hazard in right-of-way, or within City parks. Additionally, requested clear direction and options to be given to property owners.

Discussion Regarding Proposed Changes to the Skate Park Rules

Public Works and Community Development Director Jim Hossley stated the Parks Commission was approached several months ago about changing the current park rules and allowing mixed use of the skate park. The current rules, adopted in 2009, only allow for skateboard use. Other skates, scooters and bicycles would like to lawfully use the park. The Parks Commission discussed this issue at their December 16, 2021 meeting and unanimously recommended the City Council allow multiuse of the skate park as long as the city was not dropped by its insurance carrier. Upon review of the existing skate park rules, staff recommended the rules be updated. Draft revised rules were provided for Council's consideration. Allowing mixed use of the skate park would raise the city's annual insurance premium with CIS an additional \$2,000 (currently roughly \$218 per year for single use) and there would be costs to update signs. City Manager Rodger Craddock stated it was cheaper to pay the additional insurance premium than try to enforce single use schedules for the multi-usage.

Discussion Regarding Operation & Maintenance Costs for Charging Stations

Deputy Public Works and Community Development Director/City Engineer Jennifer Wirsing stated the City was currently designing and developing two new parking lots. One of the amenities being considered for each lot was to install electric vehicle (EV) charging stations. The positive attributes of installing EV charging stations included their sustainability, they may attract and keep people in our downtown areas for extended periods of time, and EVs have reduced carbon footprint and carbon emissions. The parking lot projects were being funded by the Department of Environmental Quality's (DEQ) State Revolving Fund (SRF) program; however, charging stations are not eligible for reimbursement with SRF funds. The city would have to use other sources of funding for the installation and staff researched the installation and maintenance cost for installation of EV stations.

The slower charging stations have a cost to purchase and provide onsite electrical upgrades in the \$30,000 range. The high-speed chargers and onsite electrical are +/- \$100,000. The high-speed chargers would require a special electrical box that is very large and would

ultimately reduce the total number of parking spaces. A good example of this was the Tesla charging station in the Ray's parking lot in Bandon. Additionally, it was learned if the high-speed charger was preferred, significant offsite costs would need to occur to provide the power source to run the charging stations. For the 3rd and Central parking lot it was estimated the offsite costs would be a minimum of \$150,000. Staff applied for a Pac Power grant to fund a high-speed charger but were unsuccessful in obtaining the grant.

Optimally, a pricing structure to utilize the charging stations would be established that covers the maintenance, electrical usage, and maybe even construction recovery costs. It could be very difficult to establish pricing since there is no guarantee of how much the station would be utilized. As such, it may be necessary to set aside funds to cover the maintenance and electrical costs annually to subsidize the charging station if it is not utilized as estimated when the pricing structure is established. The majority of the EV charging station providers would maintain these facilities but not without a continuing cost.

Some key challenges have been identified; however, we do not know if all of the challenges/issues associated with managing this asset have been identified. Staff was seeking direction as to how Council wished to proceed with respect to the electric car charging station at the 3rd and Central Avenue parking lot:

1. Install the high-speed charger: With an initial cost of the charger and the onsite electrical for an estimated +/- \$100,000. Additionally, a large above ground electrical box would need to be installed which would impact the design. The electrical consultant also stated pacific power does not have the infrastructure to power a high-speed charger and offside upgrades would need to occur and these costs would be the responsibility of the city. Staff did not have the consultant do detailed costs for this effort, but have estimated a minimum of \$150,000. Lastly, the electrical consultant would have to revise the electrical design to accommodate the high-speed charger. The consultant stated they would not have design completed until March 2022. Pacific Power would then need to review the design which could take 30-60 days. Plans would need to be updated to reflect any comments. This would put bidding the project into mid to late summer 2022 with a tentative construction start date in the fall which would place the project construction period very close, if not in, the rainy season which was not desirable.

2. Install an electric car charger that was not high speed: Funds would need to cover the initial cost of the charger and the onsite electrical which was estimated at roughly \$30,000. No offsite improvements would be required. Assuming Pacific Power adhered to their 30-60-day review time, this project could be bid in late winter/early spring for construction summer 2022.

3. Do not install an electric car charger. This option would also allow for a construction window of Summer 2022.

Because the car charger was not eligible for SRF dollars and there were only fourteen spaces proposed for the 3rd and Central Avenue parking lot, a car charger may not be appropriate at this location. The intent of this project was to construct a green parking lot that meets the objective of the funding source (treatment of storm water runoff) and provide an overflow area/public area for events and the farmer's market. Omitting the electric car charging station does not affect either of these goals/objectives.

Council had previously given direction to install slower charging stations (#2); however, at the time staff did not know the cost of maintenance, upgrades, and replacement and wanted Council to review again with knowledge the city may need to subsidize the long-term costs. With the potential operations and maintenance costs provided, Council may wish to advise staff on options for an EV station at the Front Street parking lot. There are EV charging stations proposed for the Coos Bay Village project which were less than one mile away. Funding and managing an electric vehicle charging station may not be appropriate for the city at this location.

Council discussion ensued and requested further research with Tesla, Coos Bay Downtown Association, and Travel Oregon for funding and to look at additional areas where charging stations would be located in Coos Bay.

Other Business

City Manager Report

City Manager Rodger Craddock provided the finalized Right-of-Way agreement between the City and Zipl Fiber Northwest, LLC which would come before Council at the next Council meeting.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for January 4, 2022. These minutes were approved as presented by City Council on January 4, 2022.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder