

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

January 7, 2020

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 City Hall Council Chambers 500 Central Avenue, Coos Bay, Oregon.

Those Attending

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Library Director Sami Pierson, Community Development Administrator Carolyn Johnson, Fire Chief Mark Anderson, Battalion Chief John Guenther, Police Chief Gary McCullough, Deputy Police Chief Chris Chapanar and Lieutenant Mike Shaffer. Lane Council of Governments (LCOG) staff present were Assistant Planner Henry Hearley and Project Adviser Anne Davies.

Flag Salute

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

Public Comments

Anna Marie Slate, North Bend stated a Martin Luther King Jr. birthday celebration was scheduled for January 20, 2020 from 1:00 p.m. - 3:00 p.m. at the Pony Village Mall. Dana Gobb, North Bend read a few lines of poem "Neither Out Far Nor in Deep" by Robert Frost.

Report by Marshfield High School Key Club Members

Marshfield High School (MHS) Key Club representatives Emerald Russell and Zachariah Sahli summarized upcoming Key Club activities, shared various ongoing fundraising activities and achievements by various MHS clubs, committees, and athletic teams.

Consideration of Approval of the Jordan Cove Energy Project

Mayor Joe Benetti stated the city engaged, at the applicant's expense, professional planning staff from the Lane Council of Governments (LCOG) to process this land use application. Mayor Benetti thanked everyone for their verbal and written testimony, attending the meetings, participation, and for being courteous and respectful. He also thanked the planning commission for their hard work on this application, city staff, LCOG, and the council. Mayor Benetti disclosed he had ex parte communication with Bill Grile who was one of the authors who wrote the Coos Bay Estuary Plan and asked if anyone on the Council wanted to disclose anything. Councilor Miles stated they all received emails over the past two weeks, but did not read or review them as they were not part of the record. As the record was closed all questions were directed to LCOG or City Attorney Nate McClintock. LCOG summarized and provided background on the project application and provided an expansive analysis of

the application relative to Oregon planning law and the city's comprehensive plan and development regulations. LCOG Assistant Planner Henry Hearley stated Jordan Cove Energy Project (JCEP) seeks to dredge at four locations in the Coos Bay deep draft navigation channel. One of the four locations (area 4) is in Coos Bay's land use jurisdiction area. JCEP application 187-18-000153 proposes the following amendments to the city's comprehensive plan and land use permits to enable the dredging of area 4:

- (1) A map amendment to the Coos Bay Estuary Management Plan and zoning map to change the designation of approximately 3.3 acres from 52-NA to DDNC-DA;
- (2) A text amendment to the City of Coos Bay Comprehensive Plan to take a reasons exception to Statewide Planning Goal 16 Estuarine Resources to authorize the map amendment;
- (3) An estuarine and coastal shoreline uses and activities permit for "New and Maintenance Dredging" in the DDNC-DA Estuarine Zone; and
- (4) An estuarine and coastal shoreline uses and activities permit to allow an accessory temporary dredge transport pipeline in the 52-NA, 53-CA, 54-DA, and 55-CA Estuarine Zones.

LCOG briefly reviewed the process timeline and stated the planning commission had reviewed the key criteria and passed a motion to recommend an approval finding for each of the specific criteria. LCOG provided a matrix highlighting the key criteria stating all criteria must be met to approve the application and some of the criteria were subjective. LCOG staff recommended denial of the application; though the majority of the criteria could be objectively met, there were several criteria which LCOG staff believed were not met. Council could approve the application and adopt an ordinance, deny the application and approve a resolution, or delay action to a date certain. Council discussed and deliberated. Councilor DiNovo stated the decision of the councilors was based on whether the application met all the requirements and had nothing to do if they were in support of or against the project. Ms. DiNovo noted the city had asked for technical assistance from a neutral third party to make an informed decision, resulting with recommendation from LCOG to not approve the application, and she would hold to the LCOG recommendation. Councilor Matthews stated since all the merits of the application had not been met, it did not prove it is in the public interest, and he felt approval would be against better judgement. Mr. Matthews asked council if they would be okay approving something that had not fulfilled full list of requirements, and stated from his readings, the Coast Guard gave approval that LNG tankers could come into the bay as is. Additionally, Mr. Matthews shared that as the project was not here yet, to change the Estuary Management Plan prior to LNG arrival mad it tough to approve the plan amendment, and did not believe this application was a requirement for the project, and as it was not necessary, the potential harm and hazards do not outweigh a potential benefit. Councilor Kilmer stated there were findings of fact both in favor of approval and denial. Councilor Farmer stated the application was not a necessity for the project to go forward, as the end project was not a relevant factor of this dredging project, and without any factors contributing to why this would contribute to increased economic development, then the proposal lacked the ability to provide merit as to what it would contribute especially since the Army Corp of Engineers planned to dredge later this year. Mayor Benetti stated council didn't have the luxury of timing and had to make a decision based on the facts and criteria presented. Mr. Benetti also noted he was wrestling with LCOG's statement of subjective opinions, as he felt they were lacking support of criteria which made it difficult to find in favor

of their recommendation, and the planning commission recommended approval of the permit, though not unanimously, and he would follow their recommendation. Councilor Miles thanked everyone for being there and stated his decision was based solely on this application alone and how he interpreted the evidence.

Councilor Marler moved to enact Ordinance 521 authorizing with findings and conditions Jordan Cove land use project application 187-18-000153. Councilor Kilmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 521 was enacted by the following vote:

Aye: Benetti, Kilmer, Marler, Miles.

Nay: DiNovo, Farmer, Matthews.

Absent: None.

City Manager's Report

City Manager Rodger Craddock stated Police Officer Chris Rule was sworn in January 6, 2020, and with being a local area resident and his ten years of law enforcement experience the training timeline was expected to shorter. The Wastewater Treatment Plant 2 30-day performance testing would be complete next week and was going very well. City staff will meet with Jacobs on final details, and attend the meeting with Xylem on January 8, 2020. The Empire Urban Renewal capital street improvements project finished, with exception to all but five of the ADA compliant ramps, which would be completed by end of January 2020. The 4th Street improvement project from Commercial Avenue to Donnelly Avenue was coming up, and if the city received a grant from Oregon Department of Transportation (ODOT), we would extend the project from Donnelly Avenue to Golden Avenue. The design plans were completed, financing was in progress, would go out to bid in February 2020, with construction to begin in late spring or early summer. Pump Station 8, which was last upgraded in 1974, project was in progress, with completion expected by the end of January 2020. The Eastside Force Main & Pump Station 17 project was also in progress. The Central Avenue and South 3rd Street parking lot was going through environmental reviews. The Front Street lot project (re-purpose contaminated lot) was waiting on the Department of Environmental Quality (DEQ) report that is forwarded to the Department of Justice for the decree to establish a prospective purchasing agreement, then will be able to close the sale. It was anticipated the city would own the lot by the end of January 2020 and move forward with contamination remediation. Mayor Benetti asked the status of the Front Street evaluation. Community Development Administrator Carolyn Johnson stated the city was working on a scope of work with ODOT, with LCOG was a consultant on the project, and the goal was to have it finished by the end of year 2020. Mr. Craddock stated the Safe Routes for Schools project would go out for bid in February 2020 with a start date in the summer. The city was awarded a \$2,000,000 grant and the portion outside the city limits would be undertaken and paid for by ODOT.

Council Comments

Councilor Farmer asked everyone to keep in mind those serving in the military during the missile strikes in Iraq. Councilor Marler stated Eastside school bond oversight committee had met several times, received positive construction updates, with the Eastside school's second floor almost complete and third floor construction started. They were in process of doing the hazardous assessment for the Harding building, should receive the hazard report in February 2020; and thanked the public for being respectful. Councilor DiNovo thanked

LCOG for their work and due diligence and stated the Bay Area Chamber of Commerce annual banquet was scheduled for January 25, 2020. Councilor Kilmer stated the Coos Bay Downtown Association annual meeting was scheduled for January 16, 2020, with Mayor Benetti presenting, 5:30 p.m. - 7:00 p.m. at Black Market Gourmet. Councilor Miles thanked LCOG for their work, welcomed Officer Rule to the city, and congratulated Chris Chapanar for his recent promotion to Deputy Police Chief. Mayor Benetti stated three syringe disposal boxes were installed in our community, with more to be installed later, was proud of the Council's ability to deliberate and be respectful as a whole, and looked forward to coming year.

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 21, 2020 in the council chambers at city hall.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder