

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

June 16, 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 Virtual meeting Teams platform with live stream on Facebook.

Those Attending

Those attending remotely by teleconference were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. City staff attending remotely by teleconference were City Manager Rodger Craddock, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Community Development Administrator Carolyn Johnson, Police Chief Gary McCullough, and Fire Chief Mark Anderson.

Public Comments

Tristan Avelis, Coos Bay provided a video stating, "City Council Members, Mayor Benetti, today I represent only myself, but speak for the sake of others. I am speaking to urge you all to not turn a blind eye to the change that is occurring in this country, especially as it relates to social and racial justice. More than that, I, as a citizen and resident that falls under your representation as public servants, urge you to speak out and represent those in the community that need your representation and influence the most.

Speaking out against injustice, racism, and bigotry needs people willing to stand out, even when things seem 'fine'. A community needs people willing to make themselves vulnerable in the public eye to the criticism of those who prefer injustice, racism, and bigotry so that their lives can remain unperturbed. We need people willing to stand against those who live at the expense of someone who is merely different from them in as rationally insignificant a way as the pigment of their skin, having a differing belief, having a different way of loving people, or any other reason.

I urge you all, do not delay in being a part of the movement that you can already see the effects of in Coos Bay. There have already been protests. There have already been counter-protests. There have already been threats to the lives of those who plan to attend or are organizing protests. You are already falling behind in the movement sweeping across the nation. With or without you, the citizens of Coos Bay have already and will continue to stand up against injustice, racism, and bigotry.

Rather than present only problems and no solutions, here is my request as a citizen and resident of Coos Bay. Release a public statement on where you stand on the topics of injustice, racism, and bigotry. Whether as individual council members or as a unified city council, you must not be afraid to speak up and declare where you would like to place yourself in history. I urge you to be transparent. The people of Coos Bay need to know who

is representing them and for what.

I do not know exactly how being a member of the City Council works, but I can provide an example of something I wanted to do as a member of this community. I wanted to drive over to the bus stop that was vandalized with Nazi graffiti and clean it with my own hands. Since writing this, Council member Farmer has set a great precedent in publicly addressing that heinous act that stomped on the tens of millions of lives lost to claim victory over such outdated and historically condemned dogma.

I notice that some of your terms are expiring soon. Even more reason to not be complacent. Release a statement, actively talk to the people of Coos Bay, be present for the entirety of a protest. I request that you ask yourself, what do you believe and what are you willing to do when faced with the challenges of injustice, racism, and bigotry? I will stand in the open. I will stand in the face of threats and injustice. I hope you will too."

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

- 2a: Approval of June 2, 2020 Minutes
- 2b: Acceptance of May 2020 Check Registers
- 2c: Acceptance of May 2020 Financial Reports

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

Award 2020 Spring Asphalt Maintenance Contract

Public Works and Community Development Director Jim Hossley stated the city advertised and obtained bids for the 2020 Spring Asphalt Maintenance Projects. The projects included repair of streets throughout the city: Merchant Street from D Street to Jackson Street, I Street from 14th Avenue to 17th Avenue, 19th Street from California Avenue to Idaho Drive, South 11th Street from Central Avenue to end of street, Park Avenue from North 4th Court to Telegraph Drive, Underwood Avenue from 8th Street to end, North 10th Street from Underwood Avenue to end, North Marple Street from Grant Avenue to Taylor Avenue, Taylor Avenue from North Wall Street to North Marple Street, Kentucky Avenue from Prefontaine Drive to Denise Place, and Koosbay Boulevard from Teakwood Avenue to end of city limits.

The city received two bids, Knife River Materials submitted the low bid in the amount of \$632,390.00. Staff budgeted \$795,215 for the spring projects and budgeted an additional \$130,000 for spring pothole patching, total budget of \$925,215. As the Knife River Materials bid came in under staff's budget estimate, the remaining budgeted funds can be added to the pothole patching project.

Councilor Farmer moved to award Knife River Materials a contract for the 2020 Spring Asphalt Maintenance Projects in the amount of \$632,390 plus a 15% contingency for a total

project cost not to exceed \$727,248.50 and keep the additional \$130,000 for future needs as they arise. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Enact Ordinance Amending Coos Bay Municipal Code Chapter 5.25 and Adoption of Resolution #20-17 Updating Social Gaming Fees

Finance Director Nichole Rutherford stated the current COVID-19 pandemic has caused several of our local businesses to experience financial hardship, resulting in many of the businesses who currently hold card table licenses (social gaming) to request license fee relief. Staff reviewed Chapter 5.25 of the Coos Bay Municipal Code (CBMC) and found it much in need of updates. The previous update was done in 1989 with a change to the definition of social games. Since that point, many changes have occurred related to the gaming industry and our procedures needed updates to correspond. Ordinance #525 amends CBMC Chapter 5.25 by removing several background check elements that are no longer necessary, as well as, revise the fees associated with obtaining a card table license. The previous practice required a business apply for a card table license and pay a \$65 application fee. Once approved and payment of \$150 license fee per gaming table per quarter, a business could provide social games to their customers. Additionally, employees of the business who would be working in the room with the gaming table, or supervising the gaming table, were required to pay a \$25 annual application fee. Certain businesses could be approved for a one-time special event by completing an application fee and paying \$25 for each event.

Police Chief Gary McCullough stated less staff time was needed to perform the background checks. Staff recommended a change to these fees to more closely align with the costs to administer this license program: card table application/license fee \$75 per year, work permit application/license fee \$50 per year, and special event application/license fee \$25 per event. Staff also recommended removal of the fee amounts from the ordinance and provide reference to the city's fee schedule within the ordinance. The city's fee schedule, last updated in September 2019, was updated with a new fee section Card Table Licenses and updated moorage rate increase of 1.17% based on yearly municipal cost index (MCI).

Councilor Kilmer moved to enact the ordinance amending Coos Bay Municipal Code chapter 5.25 Social Games. Councilor Marler seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 525 was enacted by the following vote:

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

Nay: None.

Absent: None.

Councilor Kilmer moved to adopt Resolution 20-17 City Fee Schedule which included new section for card table licenses. Councilor Marler seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Public Hearing for Adoption of Supplemental Budget for the 2019-2020 Fiscal Year - Approval Would Require Adoption of Resolution #20-18

Finance Director Nichole Rutherford stated it was anticipated during the fiscal year that several supplemental budgets would be brought forward to council for consideration to adjust

the budget based upon operational needs. Reasons for a supplemental budget include appropriating grant funding not included in the budget, appropriating additional carryover balance from the prior fiscal year that was more than budgeted and is needed to meet operational needs, reallocating funds within categories, and appropriating new unexpected revenues. Ms. Rutherford gave an overview of some of the items within the supplemental budget.

Mayor Benetti opened the public hearing. No public comments were provided online and no public comment forms were received. The hearing was closed.

Councilor Marler moved to adopt Resolution 20-18 for a 2019-2020 supplemental budget. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

City Manager's Report

City Manager Rodger Craddock stated city hall opened to the public on June 15, 2020. The council meeting scheduled for July 21, 2020 in the large conference room at the Coos Bay Public Library would be a joint session with the Planning Commission to discuss the transportation safety plan and due to the number of people attending there may not be enough room for the public to attend in person as well and follow social distancing guidelines. The week of June 15, 2020 Knife River was mobilizing for the 4th Street capital project which was scheduled to begin the week of June 22, 2020. Progress was being made on the Safe Routes to School project, two retaining walls on 6th Avenue near D Street were completed, and a new section of sidewalk near the bridge near the city limits side. Pump Station 17 replacement project was completed late May 2020 and Pump Station 8 project was also completed this year. Mr. Craddock and City Attorney Nate McClintock reviewed the contract language with AMERESCO for the street lights update to LED, agreement expected to be returned by June 19, 2020, and could begin formal audit soon after. The city entered into a contract with Mortenson Construction three and a half years ago for construction of Wastewater Treatment Plant 2 (WWTP2), with the guaranteed maximum price of \$24,830,242; processing final payment request for final cost of \$22,630,708.

Council Comments

Councilor DiNovo thanked Tristan Avelis for his comments, thanked City Manager Rodger Craddock for providing information from the League of Oregon Cities (LOC) regarding their Race Equity And Leadership (REAL) initiative to strengthen local leaders knowledge and capacity to eliminate racial disparities and build more equitable communities, requested council to draft a resolution to announce their commitment to racial equality, commit to training staff and councilors to build a safe community where everyone could thrive, stated it was discussed in council goal setting previously for work on diversity, equity, and inclusion, shared a personal story, and thanked council for their work. Police Chief Gary McCullough stated the Coos Bay Police Department was having daily morning briefings covering necessity of all officers to speak up if they see something, had five hour online training on civil rights and bias, bias policy was reviewed with staff, and July 1, 2020 begins reporting for State's STOPS program to document data of all traffic and pedestrian stops which would be reviewed by Oregon State Police for profiling. Councilor Matthews stated council must take action, agreed with a resolution being drafted, council was listening to the community and would take action, and made a statement on personal commitment for equality and justice, noting was part of Black Lives Matter demonstration, lending voice to call for deconstruction

of systemic racism, equality was the goal, gave background information of Alonzo Tucker and memorial, the need to educate the community on how to be better and safe for everyone, and thanked the Coos Bay Police Department for their moral integrity. Councilor Miles made a statement regarding recent events: racism, hate and bigotry had no place in the community, city council was committed to creating an environment where staff, citizens, and visitors of all backgrounds could do their best work and enjoy a safe atmosphere, insisted on an inclusive culture where all forms of diversity were valued and respected, requested a resolution for the support of diverse, equitable, inviting community, and stated he was proud to serve on the council and for staff leading the city. Councilor Farmer stated support in a proclamation the vandalism, asked for a longer-term planning step creating plan to shift the community and for more inclusivity within council and board members, his own family and the U.S.S. Coos Bay fought in wars to end racism and was irritated Nazi symbols used to vandalize properties in the city, no place in the present, City of Gold Beach had agenda item on racist comments by a person in leadership, was personally part of process in bringing to light, need to call-out and stand-up when seen, and encouraged younger generation engagement to participate, ask questions, and take leadership roles. Councilor Marler was encouraged to hear staff was working on making changes and training, should be at the forefront, be a welcoming community, was honored to be apart of great council and staff, was previously in law enforcement in a different part of the country, was available to talk and discuss perspectives, agreed with other councilors statements, voiced how he felt, and would make sure the community felt safe. Councilor Kilmer stated council and staff was committed to change and leadership in the community, supported a resolution, as a life-long resident was proud of the community for standing up, proud of council, staff, and leadership, council was there for the citizens and heard them, and would help move forward for a safe community. Mayor Benetti stated he was proud of council and staff for everything they had stated, was pleased to observe both demonstrations in the community, proud of the statement, saw a Coos Bay Police Officer walk with demonstrators and happy everyone felt comfortable, hoped to have the difficult conversations, and stated council needed to establish a day and suggested June 19, 2020 as formal day of remembrance and recognition of black american history. City Manager Rodger Craddock stated a resolution was appropriate and suggested staff work with Councilors DiNovo, Matthews, and Miles to draft and bring back to council at July 7, 2020 for consideration.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for July 7, 2020 in the large conference room at the Coos Bay Public Library. These minutes were approved as presented by City Council on July 7, 2020.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder