

## MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 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 7:08 pm in the Coos Bay Public Library Myrtlewood Room, 525 Anderson Street, Coos Bay, Oregon.

### Those Attending

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo, Stephanie Kilmer, Phil Marler, and Carmen Matthews. Those attending remotely by teleconference were Councilors Drew Farmer and Rob Miles. City staff present were City Attorney Nate McClintock, Finance Director Nichole Rutherford, Library Director Sami Pierson, Police Chief Gary McCullough, Deputy Police Chief Chris Chapanar, and Police Lieutenant Michael Shaffer. City staff attending remotely by teleconference were Deputy Finance Director Melissa Olson and Public Works and Community Development Director Jim Hossley.

### Flag Salute

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

### Public Comments

Tristan Avelis, spokesperson for "Safer as One" group, suggested council establish a community led committee for social, cultural, and community development and representation to serve as an advisory committee to the city council and city manager to provide direct representation of the sub-communities in Coos Bay with duties to establish and maintain a network of social, cultural, and community support, to promote education on inclusivity in relation to the sub-communities of at least the Coos Bay area, provide resources to assist community members on educating themselves and others on the various sub-communities, and give sub-communities a representative voice in decision making. Natalie Ranker, North Bend stated people shouldn't be allowed to abuse others for the color of their skin and the city needed people to work together to be better. Cameron Langley, Coos Bay stated racism by students not addressed, not enough media coverage of protests, and wanted to see solutions for the racism in Coos Bay. Eric Clough, Coos Bay stated he wanted to see more developed with the Alonzo Tucker project. Mayor stated plaque needed to be put up still and apologized for the delay. Ray Cox, Coos Bay asked for other issues to be addressed and money to be put towards such as homelessness and drug use. Matt Holman, Coos Bay stated he did not believe there was a systemic racism problem in Coos Bay. Dominique Toyer, Medford wanted Coos Bay to build an Alonzo Tucker statue and serve as a beacon for integration, inclusion, and zero tolerance for racism. Eddie Cordova, Coos Bay stated he had not seen or encountered racism in Coos Bay. Rob Taylor, Bandon stated what was happening in the community would escalate and effect the entire county unless something was done. Jay Brown, Coos Bay stated no one had reached out from the council, no response to her communications to council, and wanted action instead of statements regarding racism in the community.

City Council took a break at 7:53 p.m until 7:58 p.m.

Mayor Joe Benetti stated he apologized if he has missed any correspondence, had not received email or phone messages from Jay Brown, and was open to setting up a meeting. Councilor Carmen Matthews stated he had been in communication with Jay Brown, had tried to respond to all emails received, and didn't understand Ms. Brown's comments regarding the lack of communication from council.

### **Public Comment Form**

No public comment forms were received.

### **Consent Calendar**

Mayor Benetti reviewed the consent calendar which consisted of:

3a: Approval of June 16, 2020 Minutes

3b: Approval of Contract for Library Services

Each year, the eight public libraries in Coos County enter into a contract with the Coos County Library Services District for library services. The annual contract contains, in part, the tax distribution formula for the libraries and the contractual amount for the Extended Services Office. The annual contract was due for signatures. The contract was for July 1, 2020 to June 30, 2021.

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

### **Adoption of Resolution 20-19 Supporting Diversity, Equity and Inclusion Within the City of Coos Bay**

Mayor Joe Benetti made the following statement from the City of Coos Bay on Inclusion and Diversity: "While we truly believe racism has no place in Coos Bay, historically we acknowledge there have been many incidents of racial injustice in our community. Lately this community has seen bigoted actions incited by few and impacting many. I speak on behalf of our entire city council when I say that we are taking a zero tolerance policy on any activity flaming prejudice, and we are taking actions to ensure everyone in Coos Bay feels safe, respected and represented.

First, at the suggestion of Councilor DiNovo - and in collaboration with Councilors Miles and Matthews - we are preparing to adopt a resolution outlining our commitment to racial equality, which I will read following these remarks. It shares our concerted commitment to make our community more inclusive, where all people can be safe and thrive.

Second, we will be launching a series of community listening and learning forums where I and my fellow city councilors will engage in open dialogue regarding the racial tensions taking place in our community. From these listening forums, we plan to come away with actionable next steps to improve our community.

Third, the Coos History Museum is collaborating with stakeholders and community members

to prepare a recommendation on how our community can commemorate the life of Alonzo Tucker and others who have fallen victim to racial injustices that have occurred in our community.

Fourth, in response to the disturbing graffiti incidents we've seen throughout the last six weeks, the city is revisiting its ordinance on graffiti to ensure it addresses the current concerns of our community. Please call 541-267-6666 to report incidents. It is our goal to not only remove the graffiti within 24 hours, but also to identify those who are responsible.

For more information on how the City of Coos Bay will be addressing racism in our community, and how you can get involved, please subscribe to our Friday Updates or visit our Facebook page, Coos Bay – City Government.”

Mayor Benetti stated that during the last council meeting on June 16, 2020, members of the city council joined others in our community in speaking out against racism and social injustice. Councilor DiNovo asked the council to consider adopting a resolution in commitment to racial equality and to commit to the training of city staff and elected officials, in a concerted effort to make our community more inclusive, where all people can be safe and thrive. A committee comprising of Councilors DiNovo, Miles and Matthews worked together in drafting a resolution for the council's consideration. Mayor Benetti read Resolution 20-19.

Councilor Matthews thanked the council, mayor, and city manager who worked on the resolution, shared it was important to make a statement, not what everyone was looking for, but speaks to the council's vision for the future. Councilor Miles believed our mayor, council, and staff were people of great character and integrity, but could not become complacent, and the resolution was a proactive approach to promote diversity, equity, and inclusion in all aspects of the city. Councilor Farmer stated the resolution was addressing what was relevant to our community, staff training was to ensure there was not an issue, and he supported the resolution.

Councilor Matthews moved to adopt Resolution 20-19 supporting diversity, equity, and inclusion within the community of Coos Bay. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

### **Presentation on Oregon Bias Crime Laws**

Ross and Carolyn Acker shared personal story of racism against their family. Mr Acker stated as a mental health professional worked closely with law enforcement, started crisis intervention training where many criminal justice professionals learned deescalation techniques, and provided information regarding Oregon's Bias Crime Laws which added gender identity to list of protected classes and created an Oregon Department of Justice (DOJ) online portal for citizens to report bias incidents experienced in the community. Victims of a bias incident can call hotline setup through the DOJ 1-844-924-2427 (BIAS) Monday through Friday 8 am to 5 pm to be connected with support resources. The DOJ website records bias incidents occurring throughout the state and supports victims of bias crime, patterns in reporting are investigated with the local law enforcement, incidents could be considered criminal, and urged local law enforcement to investigate if probable cause for bias in crimes reported. Steps to be taken by council are awareness, resolution was good first step, continue to educate on the new laws, expectation law be applied by law enforcement officials and attorneys, and seek accountability from citizens by starting with social justice allowed in the law.

## **Recommendation of Denial - OLCC Application Renewal for Sky Bar**

City Attorney Nate McClintock stated Oregon Revised Statute (ORS) 471.166 established the process for local governments to make recommendations to the Oregon Liquor Control Commission (OLCC) regarding approval or denial of, initial OLCC license applications and subsequent annual renewals. As part of the process, the police department reviews all initial and renewal applications to ensure compliance with applicable regulations. The city manager is charged with the responsibility for recommending approval or denial of these applications to the OLCC based on information submitted by the police department. An OLCC license applicant can appeal the city manager's decision to the city council, prior to submission of the city's final decision to OLCC.

In May 2020 the owner of Sky Bar submitted a 2020-2021 liquor license renewal application. A review of the records available to the Coos Bay Police Department showed information which may prohibit, in the interest of public safety, the approval of this renewal license application. The information revealed that from February 2019 to March 2020 law enforcement had received and/or responded to Sky Bar for:

- (1) Sex Abuse.
- (2) Report from female(s) who reported being drugged while at the bar.
- (3) Visibly intoxicated individuals (one of which was transported to the hospital).
- (9) Altercations (fights, assaults, disorderly conduct, disputes, etc.)
- (2) Minors found in the bar who were being served adult beverages (one of which was unlawfully carrying a concealed weapon).
- (1) Theft
- (1) Criminal Mischief

As the bar had been closed since March 23, 2020 under Governor Brown's Executive Order related to COVID-10 restrictions, it could have been assumed there could have been more reported incidents. While the owner could have reopened business in May, it has remained closed, after building officials learned that the owner (or persons under the owner's control) were making structural alterations to the building without a permit and had unlawfully been removing and disposing of materials containing asbestos.

On May 27, 2020, the Coos Bay Building Official issued a "Stop Work" notice that was posted on the entrances of the building. Such an order restricts individuals from entering the building without the approval of the building official. On June 10, 2020, the building official stopped by the building to find workers in the building, despite the stop work order, and prior to having a licensed hazardous material contractor remove all of the loose asbestos containing material. To this date, the bar owner has yet to submit permit applications for structural and mechanical repairs; but did have a licensed hazardous materials contractor remove the remaining asbestos containing materials. Currently the bar owner faced enforcement action from both OLCC and the Oregon Department of Environmental Quality (DEQ).

Provided to council was the police chief's report to the city manager recommending denial, the city manager's letter to the business owner outlining decision to recommend denial on June 16, 2020, and the owner's, Skylar Arment, letter asking to appeal the recommended denial decision to the city council on June 22, 2020. The council had the following options:

Overtake the city manager's decision to recommend denial to OLCC; affirm the city manager's decision to recommend denial to OLCC; or ask staff to consider revoking or suspending the business license issued to Sky Bar which would cause suspension of Sky Bar's OLCC license.

Mr. McClintock stated City Manager Rodger Craddock recommended a temporary suspension of the business license until all pending building code remodel issues were resolved and an acceptable business operations plan had been presented to the Coos Bay Police Department and OLCC. Managing member of Sky Bar, Skylar Arment, stated the bar lost good staff then started to have issues, but had gotten back security, released poor staff, had taken a more proactive position in the business, and had found issues in the building not previously known. Mr. Arment wanted to be a part of the community and create jobs for the community, but had not planned to open until all work was done on the building. Police Chief Gary McCullough stated he would contact OLCC Regulatory Specialist/Inspector Summer Whitmer to receive information on the process regarding OLCC license which had been already issued. Ms. Whitmer stated this was not typical and was now a compliance issue to go through their legal department; she would have to contact the legal department for next steps regarding the OLCC license. Council discussed the options.

Councilor Carmen Matthews stated he may have a conflict of interest as he had a neighboring business. City Attorney Nate McClintock stated there was no conflict of interest even though they had similar businesses. Councilor Matthews stated he wished to abstain from the vote. Mr. McClintock stated he had to vote unless he had a conflict.

Councilor Kilmer moved to ask staff to consider revoking or suspending the business license issued to Sky Bar which would cause suspension of Sky Bar's OLCC license. Councilor DiNovo seconded the motion. Councilor Kilmer stated as there was a difference between revoking and suspending, which was not clarified in motion, she wished to rescind and restate the motion. Councilor DiNovo rescinded the second.

Councilor Kilmer moved to suspend the business license issued to Sky Bar. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Nays: Matthews.

### **Award of Construction Bid for 2020 Bundled Wastewater Projects in Empire**

Public Works and Community Development Director Jim Hossley stated the City of Coos Bay engineering staff tracks and monitors deficiencies in both the storm and sanitary sewer system. Each year, the deficient lines are prioritized based on extent of deficiency, service area, location (along a major collector and/or arterial), etc. Due to budgetary constraints, only a certain amount of deficiencies could be fixed each year. This year, staff had identified a total of ten high priority projects, two of which were deficiencies to repair in the Empire area and the remaining projects were anticipated to be presented at later council meetings. The two projects had been bundled together, and were identified as the "2020 Unplanned Empire Sewer Projects" and are located in the following areas: South Cammann Street between Fulton and Webster Avenue – remove and replace 155 feet of 12 inch sanitary sewer, lining two manholes, and remove and replace 125 feet of 10 inch storm sewer; and South Wall Street between Pacific and Webster Avenue – remove and replace 250 feet of 8 inch sanitary sewer and lining two manholes. The 2020 Unplanned Empire Sewer Projects were not identified on the 5-Year Capital Improvement Project (CIP) Plan.

If these identified projects were not repaired, they had the potential to have significant adverse impacts; and as a result, they were deemed an “emergency” project. Due to the fact that each of these projects had challenges such as depth, conflicts with other utilities, etc. it was decided that detailed engineering plans were necessary. The city contracted with Civil West under the miscellaneous engineering services contract to perform this work. Plans and specifications were prepared and the project was advertised in May. Bids for construction were opened on June 11, 2020. Three bids were received: Benny Hempstead Excavation for \$265,275, Laskey Clifton for \$284,577, and Johnson Rock Products for \$431,905. The engineer's estimate was \$374,350. The city engineer recommended the city accept the responsive bid from Benny Hempstead Excavating.

Councilor DiNovo moved to award the 2020 Unplanned Empire Sewer Projects contract to Benny Hempstead Excavating for \$265,275 plus a 15% contingency for a total of \$305,066. Councilor Marler seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

### **Discussion on Council Meeting Start Time**

Mayor Joe Benetti stated that at the June 2, 2020 meeting, council discussed options for the start time of council meetings and a proposal to change the meeting start time from 7:00 pm to 6:00 pm was made. Within Chapter IV, Section 4.1 of the City Charter, regular meetings shall be held "at least twice each month at a time and at a place in the City which it designates." Section 2.1.1 of the Rules of City Council, indicates that "regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 7:00 p.m. and shall adjourn no later than 10:00 pm." During the 2019-2021 Council Goal Setting session, informal discussion began regarding the best time for council meetings to enable easier community participation. With the COVID-19 pandemic, previously held work sessions had been put on hold, due to challenges around social distancing and equipment available to televise the work sessions. As the Governor's Executive Orders provide guidance for public gatherings, including closely following social distancing and the use of face masks, council began contemplating council meetings, work sessions and the best start time for these meetings. The June 5, 2020 Friday Update which prompted input from the community, resulted in two responses: one in favor of ensuring appropriate family time be part of the consideration and the other in favor of a 6:00 pm start time.

Councilor Kramer stated an impromptu, unofficial survey resulted in seven responses which were slightly more favorable to stay at 7:00 pm start time. Councilor DiNovo suggested getting more citizen input before making a decision. Council consensus to receive more input from the community and would discuss again at the next council meeting.

### **City Manager's Report**

No City Manager Report was presented.

Deputy Police Chief Chris Chapanar provided more information of the June 23, 2020 incident brought up during public comments. Incident was reported and responded to on June 23, 2020, video was posted on June 27, 2020, which was first knowledge by the police department there was a video. Previously put out press releases, but case was still under investigation and could not give a lot of information. Identified two additional males involved,

located one, recorded interview with individual, statements consistent, no physical contact made, not racially motivated but due to other underlying circumstances, and trying to contact third person involved. The private party fence tagging/graffiti was still under investigation, no tolerance, but did not have a suspect at this time. If on private property had to notify owner first to be removed, on public property could be removed immediately.

Councilor Kilmer stated the public can call non-emergency number 541-269-8911 or 911 to report graffiti. Mr. Chapanar stated it can be reported anonymously and graffiti cases were hard to work without help from the community to gather information.

### **Council Comments**

Councilor DiNovo thanked Police Chief McCullough, Deputy Police Chief Chapanar, and the team for being in attendance, thanked those who made public comments, and wanted to address critics on lack of response as staff and council had not received calls or notification. Due to the pandemic council has not been able to have in-person meetings, but Facebook was not be the only way to communicate. Cannot totally erase racism in the community, but can strive to set an example to let it be known will not tolerate racial bias, discrimination, and will be anti-racist with the resolution as the first step. Committed to Listening and Learning sessions to provide a safe place our black, brown, indigenous, people of color, and LGBTQ citizens to share the truth of their experiences. Committed to education for council and staff and reviewing policies, but need patience as it would take time. Committed to removing graffiti if on public property within twenty-four hours and proactive notifying landowners when on private property. There is racism in the community, can be hard for some to see, council and staff is empathetic to all citizens, and goal was to provide a safe place for all. Councilor Kilmer thanked community members who came out, staff and council's work on the resolution, always work to be done for major and micro aggressions, was hope for a better tomorrow to ensure safety for everyone in community, respect and civility on both sides was what was needed to move the needle, and the resolution began the commitment to rise up and take care of one another. Councilor Marler thanked council for their words, thanked those who spoke, stated even if an issue was not solved within twenty-four hours it did not mean council did not care, were listening and trying to do what was needed to make community a safer place for everyone, and thanked staff for all the work they were doing to move the city forward with projects. Councilor Matthews thanked everyone who made a statement, those actions make a difference, pandemic restrictions had made it more difficult for people to have access to share their thoughts and make statements, Listening and Learning sessions were being set up for council to hear from citizens, sad to see division and acknowledged racism did exist, as representatives of the community it took time to receive input from all the representatives of the community, and was available for discussions. Councilor Farmer stated Rick Stillwagon and Michael Couch on behalf of Oregon Coast Artisan & Trade Education Collective (OCATEC) asked if the city would be co-signer/fiscal agent on a grant request from the Department of Commerce to seed classes to teach trade skills. Finance Director Nichole Rutherford stated staff would review any information provided. Councilor Miles thanked the fire department and police department for their efforts on July 4, 2020 driving around the community, was a difficult decision to cancel the fireworks, believed racism was learned and resolution was a good beginning to lead the conversation in the community to develop actions leading to tangible results. Mayor Benetti stated it has been difficult for the public and council to interact during COVID-19, getting discussion sessions set up, saddened to hear what others go through, long road ahead, a lot of positive things happening in the community as well, asked if council wanted to continue with work

sessions and to let City Manger Rodger Craddock know, and was concerned with COVID-19 reappearing but would try to get back to some normalcy of operation and being available to the public.

**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 21, 2020 in the council chambers at city hall. These minutes were approved as presented by City Council on July 21, 2020.



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Joe Benetti, Mayor

Attest: Nichole Rutherford  
Nichole Rutherford, City Recorder