

# MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

November 17, 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 Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

## **Those Attending**

Those present were Mayor Joe Benetti and Councilors Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. Councilors Lucinda DiNovo and Drew Farmer were absent. City staff present 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, Battalion Chief Jeff Adkins, Deputy Police Chief Chris Chapanar, and Library Director Sami Pierson. City staff attending remotely by teleconference were Fire Chief Mark Anderson 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 Comments**

Peter Cooley, Coos Bay asked for more enforcement on F Street at 10th Avenue and 14th Avenue as individuals drive through the Stop signs. Public Works and Community Development Director Jim Hossley stated Public Works would check the vegetation on F Street.

## **Public Comment Form**

No public comment forms were received.

## **Consent Calendar**

Mayor Benetti reviewed the consent calendar which consisted of:

- 3a: Approval of November 3, 2020 Minutes
- 3b: Acceptance of October 2020 Check Registers
- 3c: Acceptance of October 2020 Financial Reports
- 3d: Consideration of Acceptance of State Homeland Security Grant for Disaster Preparedness Supplies  
The Coos Bay Fire Department would like to utilize State Homeland Security Grant funding to purchase disaster shelter resources.

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

**Public Hearing to Consider Amendment of Ordinance No. 495 for the 15th Court Right-of-Way Vacation - Approval Would Require Enactment of Ordinance**

Public Works and Community Development Director Jim Hossley stated on December 7, 2017, Peter and Katharine Cooley filed a petition for the vacation of the portion of 15th Court, between F Street and G Street in the Plat of Eastside. Notice was provided and published as required by Coos Bay Municipal Code. On February 13, 2018 the initial public hearing was held in Council Chambers before the Planning Commission, who recommended the City Council approve the right-of-way vacation request. On March 6, 2018 a public hearing was held before the City Council, who upon review, approved the request and enacted Ordinance 495. Ordinance 495 was recorded with the Coos County Clerk on April 2, 2018, and the Coos County Assessor map was updated. Upon receipt of the update maps, staff noted the error in the legal description which indicated NW corner of lot 16 should have been SW corner of lot 16. In order to correct the error in the legal description an ordinance amending Ordinance 495 must be enacted.

Mayor Benetti opened the public hearing. Peter Cooley stated the original legal description placed a jog where there should not have been, the correction would put a straight line on the map eliminating a triangle which should have been vacated previously. The hearing was closed.

Councilor Marler moved to enact an ordinance amending Ordinance 495 to correct the legal description for the vacation of the portion of 15th Court between F Street and G Street, found in Section 36AD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon. Councilor Matthews seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 531 was enacted by the following vote:

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

Nay: None.

Absent: DiNovo, Farmer.

**Consideration of Coos Bay Municipal Code Title 17.335.080 Indoor Marijuana-related Business Regulations**

Community Development Administrator Carolyn Johnson stated current Oregon law provides indoor marijuana business regulations that differ and are less restrictive than City regulations outlined in Coos Bay Municipal Code (CBMC) Title 17 Chapter 17.335.080. At the October 27, 2020 Council work session, the matter of CBMC Chapter 17.335.080 was brought to Council's attention by staff as a part of a presentation of Planning Commission recommendations for multiple amendments to CBMC Title 17. The Planning Commission had not considered Chapter 17.335.080 amendment options since 2019 when the City first reviewed and adopted the current regulations. No Planning Commission recommendations

were put forth to the Council at the October 27, 2020 work session regarding CBMC 17.335.080. However, Council specified revisiting the topic to determine whether changes to CBMC Chapter 17.335.080 should be considered at a future date.

If Council review of CBMC Chapter 17.335.080 was desired, the following options or variation thereof could be considered: direction to the Planning Commission to review CBMC 17.335.080 in a public hearing on January 12, 2021, and advise Council of any recommended changes; hold a Council work session on January 26, 2021 to learn of the Planning Commission's recommendations and ask questions, with an opportunity for public comment; or hold a public hearing at the February 16, 2020 Council meeting to consider CBMC 17.335.080 amendments. In the interest of public engagement, notification for all meetings would be added to the City website, the Friday Update and, for a Council public hearing, a legal ad in The World Newspaper. Notification of the meetings to all property owners within 1000 feet of marijuana businesses would also be advisable.

City Manager Rodger Craddock stated if Council were inclined to make changes to the current regulations on the siting of marijuana related businesses to discuss at a work session and relay Council's thoughts to the Planning Commission for review and recommendations. Council consensus to discuss at a work session to give direction to the Planning Commission for recommendations back to Council. Council discussed concern for any new applications which may come in until the process was completed.

Councilor Marler moved to place a moratorium on all new marijuana business applications under Coos Bay Municipal Code 17.335.080 until March 31, 2021. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, Kilmer, Marler, Matthews, Miles. Absent: DiNovo, Farmer.

### **Public Hearing to Consider Amendments to Coos Bay Municipal Code Title 17 Development Code - Approval Would Require Enactment of Ordinance**

Community Development Administrator Carolyn Johnson stated the proposed CBMC Title 17 amendments were a continuation of Council's ongoing efforts to streamline the land use permitting process and to maximize Coos Bay development opportunities. The draft ordinance includes Planning Commission's recommended Title 17 amendment language. The Planning Commission's recommendations do not include a comprehensive update of CBMC Title 17; thus, the numbering sequence in the revisions was reflective of deletions, modifications, and new language for CBMC Title 17 only where changes were recommended. The amendments would add new language and/or modify existing CBMC Title 17 language to reflect state directives, continue city permit streamlining efforts, and expand development opportunities. Ms. Johnson provided a summary of the amended sections.

Staff was contacted by representatives of Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians (CTCLUSI) with interest expressed for discussion about the prohibition of murals in CBMC Chapter 17.250 Hollering Place, Section 17.250.070 Property Development Requirements (6). The draft ordinance does not include the deletion of mural prohibition.

Mayor Benetti opened the public hearing. No comments were made and the hearing was closed.

Councilor Kilmer moved to enact the ordinance amending a portion of Coos Bay Municipal Code Title 17. Councilor Marler seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 532 was enacted by the following vote:

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

Nay: None.

Absent: DiNovo, Farmer.

### **Consideration of Approval of Amendment 3 for the Englewood School Brownfield Remediation Project**

City Engineer Jennifer Wirsing stated a Sponsorship Option (SO) project is an option under the Department of Environmental Quality (DEQ) State Revolving Fund (SRF) program in which a non-point source loan can be awarded and reduces the interest rate for a point source loan. The City would be able to construct a non-point source project for the same amount as the original loan amount (based on the higher interest) of the point source project and DEQ would reduce the interest rate on the point source loan to account for the amount of the non-point source loan. In this case, the City received a point source loan for the Plant 1-Phase 1 Upgrade project. As a result, the City also received approval for a Sponsorship Option project (non-point source) for the remediation of the Englewood School Brownfield site. Originally the scope of work was with The Dyer Partnership (Dyer) and Stantec for \$35,000. Stantec was the environmental subconsultant that conducted a Phase 1 assessment and assisted with the environmental cross cutters; environmental cross cutters are a requirement of the Sponsorship Option loan and includes processing through the local, state, and federal regulatory agencies. At the end of the Phase 1 assessment, Stantec felt that the project would be better served by a local consultant. As such, Dyer hired PBS to complete the environmental cross cutters; Amendment 1 for \$17,000. During DEQ's review of the project, they required that a Phase II assessment be conducted which caused another amendment to the original Dyer contract; Amendment 2 for \$46,800. To date, a total of \$98,800 had been expended.

Recently, Dyer recommended the City perform testing for asbestos on the school's concrete foundation. This would help control potential change orders during the demolition. This testing was anticipated to cost \$7,900 which would put this project slightly over \$100,000, the limit for a single project under the Miscellaneous Engineering Services contract Dyer was working under. Staff has coordinated with the engineer who is confident they are on track to finish this design portion and environmental cross cutter with no further amendments. While we could defer this testing to the construction phase, if asbestos was discovered we would have to negotiate with the responsible bidder and would not be able to obtain competitive bids, thus a change order may occur. As such, staff recommended Amendment 3 for the asbestos testing for \$7,900 be approved for a total contract price of \$106,700.

Councilor Matthews moved to approve the Dyer Partnership's Amendment 3 for the Englewood School Brownfield Remediation Project for \$7,900 for a total contract cost of \$106,700. Councilor Marler seconded the motion which carried. Ayes: Benetti, Kilmer, Marler, Matthews, Miles. Absent: DiNovo, Farmer.

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

City Manager Rodger Craddock stated the request for development proposals for the Fire Station lot deadline was November 20, 2020, and though had received a lot of inquiries, had

not received any proposals yet which may be due to timing of the proposal request, and suggested to extend the deadline to February 19, 2021; Council consensus to extend the deadline. Council approved the buildable lands inventory and were continuing to work on helping with the supply of housing. Roughly 140 acres of buildable lands zoned residential in Eastside District owned by the Port of Coos Bay (Port) was previously identified as interest to discuss with the Port to determine if any interest to move forward with development and URA could assist with Master Plan. The Port Director was to take City's inquiry to the next Port Commission meeting. If Port was not interested in the City's development proposal, Council would need to revisit the buildable lands inventory. There were several committee openings and taking applications through December 4, 2020 for: Homeless Workgroup, Budget Committee, Design Assistance Team, Parks Commission, and representative on the Coos Bay-North Bend Water Board. There were increased pandemic restrictions aimed at the safety of everyone in Oregon, which had a huge impact on small businesses and restaurants. Staff had put out the reserved parking signs for restaurant take-out and would also compile a list of restaurants offering take-out in the next Friday Update to be issued November 20, 2020.

### **Council Comments**

Councilor Matthews stated during the two-week freeze to band together, follow guidelines to make as painless as possible, and reduce the amount of time having to be shut down. Councilor Marler stated he hoped the restrictions were only for two weeks and congratulated those reelected. Councilor Kilmer stated Bus Jam was eighteen days away from official donation collection date, and though had seen reduction in donations so far, had continued to ask individuals to shop local to support the community. Coos Bay Downtown Association had asked businesses to light up downtown and noted the many downtown holiday activities starting on November 28, 2020. Councilor Miles stated Community Coalition of Empire tree lighting was scheduled for December 4, 2020 with Coos Bay Fire Department taking Santa around the Empire neighborhood; encouraged support of businesses providing curbside take-out; and congratulated Mayor and Councilors for their unofficial reelection. Mayor Benetti thanked everyone for unofficially reelecting him, the past two years had been wonderful, looked forward to the next two years, and asked everyone to support the businesses. Mayor Benetti asked the community to continue to support local businesses and noted all the holiday lights and decorations currently out brought joy and reminds everyone to be thankful for what we do have during this difficult time.

### **Executive Session**

Deputy Finance Director Melissa Olson read the executive session meeting disclosure statement. An executive session was held pursuant to Oregon Revised Statute (ORS) 192.660 (2) (e) for the purpose of discussing real property transactions. No decisions were made.

**Adjourn**

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for December 1, 2020 in the council chambers at city hall. These minutes were approved as presented by City Council on December 1, 2020.



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Joe Benetti, Mayor

Attest: Nichole Rutherford  
Nichole Rutherford, City Recorder