

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

April 5, 2022

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 Lucinda DiNovo, Stephanie Kilmer, Rob Miles, and Sara Stephens. Councilor Carmen Matthews attended remotely by teleconference. Councilor Drew Farmer was absent. City staff present were City Manager Rodger Craddock, City Attorney Nate McClintock, Assistant City Manager Nichole Rutherford, Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Water Quality Engineer Stephan Stys, Fire Chief Mark Anderson, Police Chief Chris Chapanar, and Library Director Sami Pierson. City staff attending remotely by teleconference was 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

Robert Cribbins, Coos Bay stated in downtown Coos Bay primarily during Farmer's Market busking (street performance) was protected by the 1th and 14th Amendments, was given a packet by the Market Manager of expectations, provided court cases to Council defending busking, and the market cannot impose their own policies. City Attorney Nate McClintock stated it was a 1st Amendment issue, but the City has a right to state time, place, and manner restrictions, the City has permitted the Downtown Association to put on the market, the market has it's particular procedures on how one can participate, and he was not prevented from his speech based upon the nature of the speech and had other options. Susan Anderson, Coos Bay stated library bond activities were moving forward, have yard signs available, made phone calls the previous weekend, every weekend in April would be going to door-to-door, website was live, and the negative comments via Letters to the Editor do not seem to have not been made by those in the taxing districts.

Public Comment Form

No public comment forms were received.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

3a: Approval of March 15, 2022 Minutes

3b: Approval of March 22, 2022 Minutes

Councilor DiNovo moved to moved to approve the consent calendar as presented. Councilor

Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Kilmer, Matthews, Miles, Stephens. Absent: Farmer.

Presentation from Charleston Merchants Association

Rich Osborn and Tim Hyatt, Charleston Merchants Association, presented their May ballot measure 6-194 intended to add a 9.5% transient lodging tax in the Charleston/Barview area affecting only short-term lodging for under thirty days which matches North Bend and Coos bay. The presentation was part of the educational campaign underway in Coos County by the Charleston Merchants Association. Passage of the transient lodging tax would increase funding to the Coos Bay/North Bend Visitor Convention Bureau providing for expanded tourism marketing campaign for the community, support a new Charleston Visitor Center, and promote public safety.

Presentation by Oregon International Port of Coos Bay Regarding Terminal One Property

The Oregon International Port of Coos Bay (Port) would be rescheduled to provided an update on the Port's purchase of the old Georgia Pacific mill site in Bunker Hill, referred to as Terminal One, and potential uses of the property.

Consideration to Approve Agreement with Enterprise Fleet Management

Assistant City Manager Nichole Rutherford stated city staff had been working with representatives from Enterprise Fleet Management over the last several months. These discussions have centered around a potential cost savings to the city by rotating current fleet in a more timely manner, through a managed program such as provided by Enterprise Fleet Management. This program meets public purchasing requirements, provides for bulk buy under government pricing models, establishes earlier replacement timelines that support cost savings around repairs, maintenance and fuel economy. Final budget implications are not currently known, as final costs will be determined once actual purchases are made upon opening of the purchasing windows later this spring/summer/fall. There was expected savings related to repair, maintenance and fuel costs, as well as, returns related to resale value of a rotating fleet.

Michael Bridenbeck, Senior Account Executive Enterprise Fleet Management, presented a fleet proposal to council. Summary of current fleet was 72% of the light and medium duty fleet was ten years or older, 20% were fifteen years or older, current average age of the fleet was thirteen years, and it would take thirty years to cycle the entire fleet at the current acquisition rates. The proposal would shorten the current vehicle life cycle from twenty years to an average of 2.5 years, provide a lower sustainable fleet cost which was predictable year over year, and had an expected annual savings of \$30,198 in maintenance costs. The total average fleet city budget was \$104,344 and the total average fleet budget for Enterprise was \$78,465 for an annual cost reduction of \$25,879.

Council discussion ensued.

Councilor DiNovo moved to approve the City Manager to enter into an agreement with Enterprise Fleet Management for an amount not to exceed \$200,000 annually. Councilor

Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Kilmer, Matthews, Miles, Stephens. Absent: Farmer.

A Public Hearing to Consider Enactment of a Proposed Ordinance Amending Coos Bay Municipal Code Regarding Marijuana-related Businesses

Community Development Administrator Carolyn Johnson stated Coos Bay Municipal Code section 17.150 (Definitions) did not include a definition for marijuana wholesale operations. To secure the maximum amount of Oregon Liquor Control Commission (OLCC) revenue from the state tax on marijuana grown, processed, and sold (retail and wholesale) in the state, the City's land use marijuana regulations must reference wholesale marijuana opportunity locations. The proposed ordinance included a definition of "wholesale marijuana".

All marijuana related businesses (retail, wholesale, grow, and processing) are permitted in the Industrial Commercial zone; grow references inside-grows only, as outdoor grows are prohibited by code. The proposed ordinance noted all marijuana businesses are prohibited in the Waterfront Heritage, Hollering Place and Medical Park districts, as well as, clarified the outright prohibition of marijuana grows, wholesale and processing uses in the Commercial/Mixed Use land use districts.

Mayor Benetti opened the public hearing. No public comments were given. The public hearing was continued until the April 19, 2022 Council meeting for further action.

Public Hearing to Consider Enactment of Proposed Ordinance Amending Coos Bay Municipal Code Related to Vehicle for Hire Businesses

Police Chief Chris Chapanar stated The City of Coos Bay currently had a taxi cab ordinance which regulated how taxi cab companies and drivers of taxi cabs operate within the City of Coos Bay. In an effort to keep up with modern times, the consideration of a new ordinance was proposed. The proposed ordinance took into consideration taxi cab businesses, as well as, some of the newer businesses such as Uber and defined them under the title "Vehicle for Hire." The proposed ordinance provided definitions to many of the names and titles used through the vehicle for hire industry. It placed requirements on both the owner of the company, as well as, requirements for the drivers of said vehicles. There were insurance requirements to protect the owner, drivers, as well as, the general public. It required a background check be done on all drivers to ensure the safety of the public at large, a business license to operate within the City of Coos Bay, and regulated the number of vehicles one can "store" in a residential neighborhood. The proposed ordinance was done in cooperation with North Bend.

If the proposed ordinance was agreed upon by the Coos Bay City Council, it would replace Coos Bay's existing Taxi Regulation Code Section 5.30 and would go into effect 30 days from the day it was enacted. City staff reached out to area taxi cab companies to update them on the proposed revision to the Coos Bay Municipal Code (CBMC) and invited them to give testimony. Those staff spoke to were in support of the revisions to the CBMC as it treated all transportation providers the same, and only received one written response which was included in the agenda packet who had concerns for enforcement of a Drug and Alcohol policy and annual safety inspections being completed.

Mayor Benetti opened the public hearing. Dick Leshley, Coos Bay stated was part of group

who wrote the original ordinance, thought the industry should have been contacted, was under the understanding it was up to the City to ask for the random drug testing and inspections, and was concerned for public safety. Jeremy Oliver, Yellow Cab, stated he had questions related to definitions of a limo and various details in sections of the proposed ordinance such as what was the timeframe of the license and clarification of records management. The public hearing was closed.

Council discussion ensued, requested to hold action until all concerns were addressed, to reach out to North Bend to update the ordinances, and to bring back an updated proposed ordinance at the next council meeting.

Consider Award of Contract for Design and Construction Services for Summer Street Projects

Public Works and Community Development Director Jim Hossley stated at the November 23, 2021 work session, staff discussed the 2022 streets repair projects with Council. Funding for the projects would come from the TUF and 2% franchise fee, as well as, Urban Renewal funds. Staff requested The Dyer Partnership provide an estimate for design, bidding and construction management for four of the projects under their miscellaneous engineering services contract. Two of the projects proposed to be paid using TUF/2% revenue and the other two with Empire Urban Renewal funds. Staff requested Council award the contract to The Dyer Partnership and authorize the expenditure of up to \$106,183 in TUF/2% funds for the cost associated with these services. Two street repair projects for which staff is seeking Council's expenditure authorization of TUF/2% funds for engineering services are as follows:

Laclair Street (Ocean Blvd to Milligan Ave) Transportation Utility/2% Franchise Fund \$ 58,721.00: Grind and inlay, 2" depth for approximately 1,200 feet, removal and replacement of the asphalt surface and subgrade repairs in areas where the subgrade has failed, one ADA curb ramp improvement located in the southeast quadrant of Laclair St & Thomas Ave, and center line striping.

North 14th Street (Myrtle Ave to Nutwood Ave) Transportation Utility/2% Franchise Fund \$47,462.00: Removal and replacement of the asphalt surface and subgrade repairs for approximately 430 feet, six ADA curb ramp improvements of which three would be located in the SE, SW, and NW quadrants of N 14th St & Myrtle Ave and three located in the NE, SW, and NW quadrants of N 14th St & Nutwood Av.

Staff was working with utility providers in an effort to facilitate less traffic interruptions in the area by coordinating work. In addition to the work on these streets, city staff continues city-wide pothole repairs and contracted with another engineering firm to provide design and construction management services for two other 2022 street repair projects. The cost for the engineer's services contract for all four projects was \$212,629. The TUF/2% franchise fee portion of this total cost was \$106,183. The remainder would come from Empire Urban Renewal funds. The engineer's estimates for the cost of repairs to the four streets was \$697,000 including contingency.

Councilor DiNovo moved to award a contract for design, bidding, and construction management of the 2022 Streets Project to the Dyer Partnership and authorize the expenditure of up to \$106,183 for the contract services. Councilor Stephens seconded the

motion which carried. Ayes: Benetti, DiNovo, Kilmer, Matthews, Miles, Stephens. Absent: Farmer.

Consideration to Award Contract for Front Street Green Parking Lot Environmental Remediation Design and Construction Observation Contract

Water Quality Engineer Stephan Stys stated in pursuit of completing a portion of Goal 3 of the 2021-2023 Council goals, more specifically this was to develop a parking lot on the property formerly used as a scrap yard located on Front Street between Cedar and Date Avenue. The subject site was originally identified as having contaminated soils during the 2001 Brownfield Development Pilot Project for the Front Street Renewal and Redevelopment Project. Since that report, there have been a variety of other reports about how to remediate the contaminated soils, and in April of 2020 a consent judgement was issued to the City of Coos Bay by the Coos County Circuit Court. The consent judgment was intended to protect the City from potential liability for pre-acquisition release of hazardous substances at or from the property, in return for the City undertaking remediation obligations. Said remedial obligations were outlined in a scope of work which was provided by Stantec and included in the consent judgement. The scope of work included performing a bench scale treatability testing program, treatment of highly contaminated soils, implement engineering controls to prevent exposure to post-treatment contaminated soils, draft an easement of equitable servitude, perform post-treatment performance monitoring, coordinate progress communication with DEQ, and draft a final closure report to be submitted to DEQ. The consent judgement also stated the referenced scope of work was to be performed under the direction and supervision of a qualified employee or contractor and that Stantec was the approved contractor to oversee the remediation process. City staff completed a 30% design of the parking lot and required assistance from Stantec to finish the environmental remediation portion of the design. Project would not start until summer of 2023. For this purpose, city staff was seeking approval to award the contract for environmental remediation design and construction observation services to Stantec. The estimated cost for environmental remediation design and construction observation service was \$132,350. For a budgetary cost, 15% was added as contingency for a total of \$152,203. The funds for this project would come from the sponsorship option funds associated with the wastewater treatment plant 2 design and construction, DEQ SRF #R24001 WWTP2 SO account 29-810-530-3021.

Councilor Miles moved to award the contract for environmental remediation design and construction observation services for the construction of the Front Street green parking lot to Stantec for \$152,203 which includes a 15% contingency. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Kilmer, Matthews, Miles, Stephens. Absent: Farmer.

City Manager's Report

City Manager Rodger Craddock stated council rules state how items get on the agenda, majority of the council has to approve hearing items from outside of the jurisdiction, city received request on the Red Rock fish reserve, and confirmed with council they were not interested on it going on the agenda. City received a request from a local business to be placed on the agenda regarding an appeal to place a business in a zone not currently allowed, no council member requested for it to be placed on the agenda, and would be denied. City contracted local artist Mike Vaughn to touch-up the maritime mural at Shark Bites and would be moving forward on the proposed highway 101 mural. Marshfield Pioneer

Cemetery requested a contest between Coos Bay and North Bend to collect pennies for a fundraising campaign for an assessment to be completed to determine the condition of the remaining headstones, photograph the grave markers, suggest necessary repairs, and link the information to the cemetery's database. Mayor Benetti read an email regarding the fundraising campaign between Coos Bay and North Bend.

Council Comments

Councilor Matthews hoped people would vote for the library bond and if anybody wanted to know more about the proposed library to contact him. Councilor DiNovo thanked the Charleston Merchants Association for presenting on the ballot measure and Mike Vaughn for his support of public art. Councilor Miles stated Community Coalition of Empire Business After Hours was scheduled for April 28, 2022, Library Steering Committee meeting was scheduled to meet on April 8, 2022, and library public meetings were scheduled for April 21, 2022. Councilor Kilmer stated the Wine Walk started April 1, 2022 which reported 12,000 engagements on social media and almost 750 participants with funds going to the Smart Reader Program and Dolphin Players, and thanked Mike Vaughn. Councilor Stephens asked the status of the Tesla charging stations and stated the South Coast Diversity Summit was scheduled for April 13, 2022. City Manager Rodger Craddock stated the location options were sent to them, were waiting on Tesla for response to locations and how many stations they would require for parking impacts. Mayor Benetti stated the Councilors already covered everything - Wine Walk, the Art, Marshfield Cemetery; would be kicking off the Kid's Hope with the pinwheels and thanked everyone for their support.

Adjourn

There being no further business to come before the council, Mayor Benetti adjourned the meeting. The next regular council meeting was scheduled for April 19, 2022. These minutes were approved as presented by City Council on April 19, 2022.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder