

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

July 16, 2019

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, and Rob Miles. Councilor Carmen Matthews was 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, Community Development Administrator Carolyn Johnson, Fire Chief Mark Anderson, and Police Chief Gary McCullough.

Flag Salute

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

Public Comments

Bittin Duggan, Coos Bay stated she was the chair for the Human Rights Advocates of Coos County founded in 1997 recognizing the inherent dignity of all persons and advocate for equal rights and justice through educational and community building activities with the most recent event Pinwheels for Peace scheduled for September 21, 2019. Ms. Duggan stated she was also involved in Growing Through It, a program for social justice advocacy for individuals with mental illness, homelessness, or traumatic brain injuries, which was taken on by the local non-profit Coos Commons, and recently received a \$20,000 grant to provide services to the community. She stated one of the individuals she advocates for had an issue with the Coos Bay Police Department and would be speaking with Police Department staff for resolution.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

- 3a: Approval of minutes of June 18, 2019
- 3b: Approval of minutes of June 25, 2019
- 3c: Approval of minutes of July 2, 2019
- 3d: Approval of minutes of July 9, 2019
- 3e: Acceptance of June 2019 Check Registers
- 3f: Acceptance of June 2019 Financial Reports

3g: Acceptance of Additional Funds for Distracted Driver Grant

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

Presentation of the Semi-Annual Bay Area Chamber Activities Report

The Bay Area Chamber of Commerce (BACC) Representative Tom Burdett gave the semi-annual BACC activities report. Mr. Burdett stated BACC spent the first half of 2019 focused on Step UP with its four strategic objectives: create a strong local economy, promote the community, provide networking opportunities, and represent business issues. Within those objectives five strategic goals were defined each with a board member reviewing the progress quarterly. BACC is utilizing short-term task forces to review structure and organization of efforts to be most effective in promoting the community and businesses. Highlights from the first six months of 2019 were: Chamber Awards Banquet, broadcast twenty chamber minutes on Bicoastal Media stations and the World newspaper, held twenty-one business connection meetings with an average attendance rate of forty-three individuals, 30th year of Leadership Coos celebration, five ribbon cuttings for expanded businesses, and showcased five businesses with the Business After Hours Program. The legislative action team was actively engaged in the 2019 legislative process, held twice monthly video conferences with State Legislators on Southwestern Oregon Community College (SWOCC) campus, provided a weekly mailing of legislative action of what was happening and how BACC works with Oregon State Chamber of Commerce, and have been refining their candidate endorsement policy for 2020 election cycle. BACC participated in the Traditional Cultural Property Historic District (TCP) effort, Highway 101 clean-up brigade, Mill Casino BBQ, Blues, and Brews event, membership recognition, and outreach programs to reach members. Future events were August 29, 2019 Taking Care of Business Bowling party, September 21, 2019 BACC golf tournament, December 13, 2019 Economic Forum, and currently working on development of the 2020 business directory.

Public Hearing to Consider a Proposed Ordinance for Temporary Lodging Facilities – Approval Would Require Enactment of the Draft Ordinance

At the June 11, 2019 Council work session, Council requested at least two public hearings on the draft temporary lodging facility ordinance and a map identifying potential temporary lodging locations. Also requested was the feasibility of adding a penalty for violations of a temporary lodging permit and bond for permit related damages, sections 8.45.040 Bonding and 8.45.070 Penalty. At the July 9, 2019 Council work session, City Manager Rodger Craddock asked the Council's desire on the request to have security cameras at lodging facilities be a requirement. Police Chief Gary McCullough stated it was not required anywhere else, but helps provide documented support when prosecuting for criminal activities, and did not know if it would be a deterrent. Council discussed and consensus was to not make security cameras a requirement, but give facilities an information packet when getting permit which would include recommendations speaking to security issues, and only require cameras if facilities were having issues, or the City would revoke a permit. Council requested staff to compile a list of recommendations to be provided to facilities. Council also reached consensus for the option of multiple agencies working together to establish and

operate a temporary lodging facility. Community Development Administrator Carolyn Johnson stated language was added to the definition of a Lodging Facility Operator (Section 8.45.030): "Any noncommercial entity or entities working together to meet the standards and criteria specified by this chapter who provide temporary lodging at no cost." Council requested a six-month follow-up after the ordinance was enacted.

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

Councilor Kilmer moved to enact the proposed ordinance on the temporary lodging facility regulations. Councilor Farmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 515 was enacted by the following vote:

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

Nay: None.

Absent: Matthews.

Award of Contract for Pre-Design Services for Wastewater Treatment Plant 1

Public Works and Community Development Director Jim Hossley stated a request for qualifications was advertised for the design of Wastewater Treatment Plant 1 (WWTP1) upgrades. The city received one response from Jacobs, City Engineer for Wastewater Treatment Plant 2 (WWTP2). City staff negotiated a contract for pre-design services for \$769,680 and presented a comparison of WWTP1 and WWTP2 costs. Staff requested Council to award the contract to Jacobs for the pre-design services for WWTP1 for an amount not to exceed \$769,680 plus a 15% contingency.

Councilor DiNovo moved to award the contract to Jacobs for the pre-design services for the Wastewater Treatment Plant 1 for an amount not to exceed \$885,132 which included a 15% contingency. Councilor Marler seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

Consideration of Approval of Amendment for Additional Engineering Services for Wastewater Treatment Plant 2 Upgrade Project

Public Works and Community Development Director Jim Hossley stated due to delays in the startup of the new Wastewater Treatment Plant 2 (WWTP2), a significant amount of the engineer Jacobs work time was expended beyond the initial scope, and they requested reimbursement for a total of \$193,174 of which \$177,812 was additional costs due to the delays caused by Mortenson (WWTP2 construction contractor). Also included in the amendment were deductions due to line items in the original scope of work not expended for a total of \$38,112. Staff requested Council to approve amendment four to the Services During Construction (WWTP2) contract, for reimbursement to Jacobs of \$155,062, for a total contract cost of \$1,045,702. Staff would seek reimbursement from the treatment plant construction contractor, Mortenson, for the costs associated with delays and equipment failures.

Councilor Farmer moved to approve the Jacobs' (CH2M) Amendment 4 to the Services During Construction (Wastewater Treatment Plant 2) for a total contract cost of \$1,045,702. Councilor Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

Adoption of Resolutions for the DEQ State Revolving Fund Loans

Public Works and Community Development Director Jim Hossley stated the City's loan application through the Department of Environmental Quality (DEQ) State Revolving Fund (SRF) program to fund construction for the Pump Station 17 Upgrade and Force Main Under the Bay project was approved. The loan for Pump Station 17 and Force Main project was referred to as a "point source loan", and this program was how Plant #2 was funded. Additionally, the SRF program allowed a public agency who was applying for a point source loan to take advantage of a Sponsorship Option (SO). This SO encouraged communities to pursue water restoration or protection projects in conjunction with traditional wastewater projects by offering financial incentives. This meant the City could complete SO projects without additional impacts to ratepayers. This had no impact to ratepayers because DEQ reduced the combined loan's interest rate so the debt service for the combined project equaled what the debt service would have been for the traditional wastewater project associated with the point source loan.

Per Council direction, staff applied for SO funding for South 4th Street Green Parking Lot. A draft copy of the loan agreement for construction funding for Pump Station 17 Upgrade and Force Main Under the Bay project for an amount of \$3,610,838 and the corresponding pre-design and environmental cross-cutters for the SO loan (South 4th Street Green Parking Lot) for an amount of \$100,000 was presented to Council. DEQ had created the SO loan in a two-phase approach: the original loan amount would complete the pre-design and environmental cross-cutters and once DEQ approves the pre-design and the city had obtained all the environmental cross-cutters, DEQ would amend the loan to include the final design and construction phase of this project. This amendment would increase the South 4th Street Green Parking Lot loan to \$446,340.

The City secured funding through the State Revolving Fund for the three loans. On June 4, 2019, Council approved the loans; however, finalized loan documents were not included and a resolution is needed for each loan.

Councilor Kilmer moved to adopt Resolution 19-15 authorizing and approving a state revolving fund loan agreement to finance the engineering and pre-design for South 4th Street Green Parking Lot. Councilor Marler seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

Councilor DiNovo moved to adopt Resolution 19-16 authorizing and approving a state revolving fund loan agreement to finance the Wastewater Treatment Plant 1 pre-design. Councilor Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

Councilor Miles moved to adopt Resolution 19-17 authorizing and approving a state revolving fund loan agreement to finance the engineering and pre-design for South 2nd Street green parking lot and the Englewood School Brownfield Project. Councilor Farmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

Award of Contract for Construction for the SW Boulevard Sewer Replacement Project

Public Works and Community Development Director Jim Hossley stated the city was proposing to replace 500 feet of 12 inch sewer pipe in the Englewood area. The city advertised for bids and received one bid from Billeter Marine, LLC for \$560,150. Staff was recommending acceptance of the bid and award the contract to Billeter Marine for \$560,150 plus a 15% contingency for a total of \$644,173.

Councilor Farmer moved to award the contract for construction for the Southwest Boulevard sewer replacement project to Billeter Marine for \$644,173 which includes a 15% contingency. Councilor Kilmer seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

Approval of an IGA for the Oregon State Fire Marshal (OSFM) Haz Mat Team

Fire Chief Mark Anderson stated the city had an intergovernmental agreement (IGA) with the Oregon State Fire Marshal (OSFM) for the provision of a Hazardous Materials Emergency Response Team since 1993. This two year agreement requires approval by both parties each biennium. Request for Council to authorize the City Manager to sign the 2019-2021 IGA with the State of Oregon for the Region 13 Hazardous Materials Emergency Response Team.

Councilor DiNovo moved to authorize the City Manager to sign the 2019-2021 intergovernmental agreement with the State of Oregon for the Region 13 Hazardous Material Response Team. Councilor Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Miles. Absent: Matthews.

City Manager's Report

City Manager Rodger Craddock stated starting the week of July 22, 2019 two street projects would begin; in front of Mingus Park on N 10th Street and Donnelly Avenue between S 5th Street and S 6th Street. City staff would begin grinding out potholes and would be two days ahead of Knife River Materials laying asphalt with updates posted on the City of Coos Bay website. The Property Watch Program was close to being rolled-out and shared the template for the business signage.

Council Comments

Councilor Miles updated the Council on the Boys and Girls Club summer program and upcoming activities and asked if the City was doing a traffic study. City Manager Rodger Craddock stated the City was not conducting a traffic study. Councilor DiNovo stated the Mill Casino was hosting the Food Truck Off on August 2 - 4, 2019 with a portion of the proceeds going to the Boys and Girls Club. Mayor Benetti asked if the State of Oregon passed the plastic bags ban. Mr. Craddock stated the ban was passed, not sure when it would take effect, it did not include Styrofoam, and would report back to the Council with the details of the ban. Council wanted to contact the City of North Bend to inquire on a joint Styrofoam ban. Mr Benetti also stated he received a letter from the Coos Bay Downtown Association asking for six to eight volunteers to help with the Bay Area Fun Festival parade on September 21, 2019 and asked for anyone who was interested to contact them.

Executive Session

Deputy Finance Director Melissa Olson read the executive session meeting disclosure statement. An executive session was held pursuant to Oregon Revised Statue (ORS) 192.660 (2) (d) for the purpose of discussing labor negotiations and 192.660 (2) (e) for the purpose of discussing real property negotiations. 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 August 6, 2019 in the Council Chambers at City Hall.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, Deputy City Recorder