

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

October 1, 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 Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. Councilor Lucinda DiNovo 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

Stacey Bear, Coos Bay stated she saw presentation called "A Changing Environment" by Dr. Allen Solomon regarding battery and solar technology changes and the amount paid on natural disasters; would like the presentation to be presented at a City Council work session. Mayor Benetti asked City Manager Rodger Craddock to send an email to the Council to decide. Katie Eymann, Bandon stated at the Coos Bay Chamber of Commerce meeting on October 9, 2019 at noon at the Mill Casino Bill Bradbury would be presenting on climate change and wind energy.

Report by Marshfield High School Key Club Members

Marshfield High School (MHS) Key Club representatives Emerald Russell and Zachariah Sahli summarized upcoming Key Club activities, shared various ongoing fundraising activities and achievements by various MHS clubs, committees, and athletic teams.

Consideration of Approval of Jordan Cove's Revised Land Use Application Schedule

Mayor Joe Benetti stated on August 27, 2019, City Council held a public hearing for Jordan Cove LNG Land Use application #187-18-00153. The public hearing was held as a step in the Comprehensive Plan amendment and land use estuarine permitting process. The Council closed the August 27, 2019 public hearing and established the following time period to accept additional public comments and reconvene for Council action:

- First Open Record Period: August 27 - September 27, 2019.
- Second Open Record Period: September 28 - October 31, 2019.
- Final Argument Period: November 1 - November 15, 2019.
- Council Action: January 21, 2020.

On September 19, 2019, Jordan Cove LNG submitted a letter requesting the following revision to the schedule noted above:

- First Open Record Period: August 27 - September 27, 2019.
- Second Open Record Period: September 28 - October 31, 2019.
- Final Argument Period: November 1 - November 7, 2019.
- Council Meeting for Deliberation: December 10, 2019.
- Council Action: December 17, 2019.

Jordan Cove LNG's September 19, 2019 letter noted the following reasoning for their revision request: "In order to coordinate local and state permitting requirements, JCEP is requesting the processing for the land use permitting be issued 30 days prior to January 31, 2020, i.e. by January 1, 2020. This request reflects the fact that the Oregon Department of State Lands (DSL) granted JCEP an extension on the removal-fill application until January 31, 2020 to complete their pending review, and the agency must receive updated Land Use Compatibility Statements (LUCS) indicating that all Post Acknowledgment Plan Amendments (PAPA) have been issued and approved by local jurisdictions. The pending NRI Application is such a PAPA, which means that JCEP must provide all necessary final local land use authorizations to DSL sufficiently in advance of the January 31 date to allow for agency review. The issuance of final land use authorizations pending before the city by no later than January 1, 2020 will allow JCEP time to meet these obligations to DSL."

Jordan Cove Representative Tasha Cadotte and Steven Pfeiffer stated they only wanted to shorten their final argument period and modify the date of Council's action, not change the public's open record periods; wanted to align the timelines for all permit processes as this was the only one outside the DSL and Federal Energy Regulatory Commission (FERC) time frame of January 31, 2019; stated the state would not grant conditional permits creating a difficult timeline; did not, but could provide documentation from DSL regarding their requirement of receiving all the permits thirty days in advance of making their final determination for final review; thanked the Council for considering the revised schedule, appreciated the position it placed the Council in, and Council's help was necessary to solve the schedule challenges. Council clarified DSL notified Jordan Cove after the August 27, 2019 special Council meeting of the requirement, all jurisdictions would be making decisions on permits which fell into the time frame suggested by DSL and FERC with this permit being the only decision scheduled outside the time frame, and stated the application was not standard to our area so as does not fall into standard time frames. Mayor Benetti stated City staff reached out to DSL for clarification on the time frames, DSL's response dated September 29, 2019 did not state there was a thirty day requirement. Ms. Cadotte stated the thirty day requirement was stated by DSL in a phone conversation, she would have DSL provide a letter clarifying the time line requirements, and believed the adjusted timeline would still allow additional time beyond what was normal.

Mayor Benetti opened the public hearing for public comments.

The following individuals spoke in favor of the schedule change: Dick Leshley (Coos Bay), Rick Skinner (Coos Bay), Tom Burdett (North Bend), Todd Goergen (Coos Bay), Gary Jackson (Myrtle Creek), Kathleen Hornstuen (Coos Bay), and Michelle Holifield (Coos Bay).

The following individuals spoke against the schedule change: Larry Mangan (North Bend), Katy Eymann (Bandon), Steve Miller (Coos Bay), Barb Shamet (Allegany), Elizabeth

Roberts (Bandon), Natalie Ranker (North Bend), Teresa Rigg (Coos Bay), Pam Frazier (Coos Bay), Danitza Galvan (Bandon), Janice Lloyd (North Bend), Angela Garner (Coos Bay), Anna Marie Slate (North Bend), Mark Kepler (Coos Bay), Ashley Audycki (Coos Bay), Elizabeth Gaskill (Charleston), Ken Folker (Coos Bay), Zacharia Sahli (Coos Bay), Jody McCaffree (North Bend), Leonard Kokel (Coos Bay), Erik Nelson (Bandon), Ardis Ann Szala (Bandon), and Patricia Ashley (North Bend).

Mayor Benetti closed the public hearing.

Council discussion ensued and decision was postponed until the October 15, 2019 Council meeting to allow time to receive documentation from the applicant regarding DSL time line requirements.

Consent Calendar

Mayor Benetti reviewed the consent calendar which consisted of:

3a: Approval of minutes of September 17, 2019

3b: Approval of minutes of September 24, 2019

City Manager Rodger Craddock stated a scrivener's errors on the meeting minutes for September 24, 2019 in the matter of consideration review of Council action timeline for land use application #187-18-000153. In the report were a couple errors on timelines: the first open record period stated it ended September 30, 2019, it was actually September 27, 2019 and the second open record period started October 1, 2019, it was September 28, 2019. Mr. Craddock asked to approve as amended and the records would be corrected.

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

Public Hearing to Consider Amending City Public Right-of-Way Vacation Regulations - Approval Would Require Enactment of the Proposed Ordinance

Community Development Administrator Carolyn Johnson stated the current Coos Bay Municipal Code (CBMC) Title 17 regulations related to Public Right-of-Way (ROW) vacation did not reflect the public notification requirements of the Oregon Revised Statutes (ORS); included a cumbersome requirement for property owners to secure notarized signatures indicating surrounding property owners receipt of notification; were not correctly located in the CBMC for City staff; and were inconsistent with the intent of Title 17, which is to regulate and administer private land use development. The proposed ordinance:

- Repeals CBMC section 17.370 in its entirety.
- Creates a new CBMC section 12.45.
- Would ensure the CBMC vacation public notice requirements are consistent with the ORS.
- Would streamline the ROW vacation process to accommodate efficient public service by eliminating the need for a Planning Commission public hearing.
- Would include administration directives for ROW vacation to City staff consistent with

other public property regulation administration requirements of the Operations Division.

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

Council discussed the process for neighbor notification with the property owner and the City sending notification to neighboring property owners. Council Matthews declared he would be going through the vacation application process himself. City Attorney Nate McClintock stated it was not a conflict of interest as he would go through the process the same as anyone else.

Councilor Marler moved to enact an ordinance repealing Title 17 Chapter 17.370 and adopting Coos Bay Municipal Code Title 12 Chapter 12.45 related to vacation of public property. Councilor Kilmer seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 517 was enacted by the following vote:

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

Nay: None.

Absent: DiNovo.

Public Hearing to Consider Amending the Development Code Sections 1, 2, and 3 – Approval Would Require Enactment of the Proposed Ordinance

Community Development Administrator Carolyn Johnson stated on July 9, 2019, the Planning Commission identified the potential for revisions to Coos Bay Municipal Code Title 17 to clarify text, expand efficiency in land use application processing and transparency, as well as, bring the Development Code into compliance with recent state legislative changes. On September 10, 2019, the Planning Commission, in the public hearing process, reviewed and concluded the subject amendments were appropriate and recommended Council action to approve the amendments. Section 17.370 Vacation Rentals (add standards and type two review process) was still being reviewed regarding parking. The regulation sections included:

- 17.110 General Provisions – amend to correct lack of clarity in some sections.
- 17.130 Procedures – amend to clarify and streamline.
- 17.150 Definitions – addition and revisions of multiple definitions for clarity and ease of code administration.
- 17.220 LDR-6 and LDR-8 Residential districts – amend for formatting changes and to address recent HB 2001 requirements.
- 17.370 Vacation Rentals - add standards and type two review process.

On September 24, 2019 Mr. Craddock stated it was expected to see more updates to the Development Code and to help streamline the process he suggested Council receive an email of any changes needed to be reviewed by the Planning Commission and go directly before the Planning Commission instead of to the Council first unless there was a request from Council to review the change first. Council consensus to proceed with Mr. Craddock's recommendation, as changes would come before them after the Planning Commission reviewed.

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

Councilor Farmer moved to approve the proposed ordinance amending the development code codified as Title 17 Section 1, Section 2 Chapter 17.220, and Section 3 Chapter 17.212. Councilor Marler seconded the motion. Deputy Finance Director Melissa Olson read the ordinance by title only and Ordinance 518 was enacted by the following vote:

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

Nay: None.

Absent: DiNovo.

Public Hearing to Consideration Approval of a Community Development Block Grant Program

Community Development Administrator Carolyn Johnson stated the Council reviewed and took action on the Community Development Block Grant (CDBG) application at a public hearing on August 20, 2019 in anticipation of submitting the CDBG application on August 28, 2019. However, certain specific language required by Oregon Business Development Department (OBDD) and federal regulations for the CDBG program application was required, but was not read into the public record during the August public hearing. To remedy this situation, OBDD advised the Council to hold a new public hearing to meet this specific criteria. When another opportunity to apply for the program emerges in the coming year, the City's application requirements will have been fulfilled with the completion of the public hearing and the subsequent submittal of the CDBG intake form following the public hearing and affirmative Council action. Neighborhood Works Umpqua Community Development Director Michelle Martin read the full public hearing notice.

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

Councilor Kilmer moved to approve the submittal of the CDBG residential rehabilitation grant program intake application to OBDD, authorize the subgrant agreement with Neighborhood Works Umpqua, and authorize the Intergovernmental Agreement between the City of Coos Bay, Coos County, and the City of Reedsport at such time as the City of Coos Bay has been invited to a full application and awarded funding for the CDBG Housing Rehabilitation Project. Councilor Miles seconded the motion which carried. Ayes: Benetti, Farmer, Kilmer, Marler, Matthews, Miles. Absent: DiNovo.

Acceptance of a Transportation Growth Management Grant

Community Development Administrator Carolyn Johnson stated the City was awarded a \$175,956 Transportation and Growth Management (TGM) grant to fund the "Front Street Blueprint" to develop technical information and public outreach for implementation for six of the seventeen Front Street Action Plan capital projects. A \$23,994 cash match is required, which would be expended from Downtown Urban Renewal Funds. With this grant award, a supplemental budget would be required to increase the appropriation in the Downtown Capital Projects Fund within the Materials & Services category. Finance Director Nichole Rutherford stated the grant was awarded to the City of Coos Bay on behalf of the Urban Renewal Agency.

Councilor Matthews moved to accept on behalf of the Urban Renewal Agency the \$175,956 Transportation and Growth Management grant award. Councilor Marler seconded the motion

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

City Manager's Report

City Manager Rodger Craddock stated everyone had a great time and learned a lot at the League of Oregon Cities (LOC) conference the previous week. Council had previously looked at possible savings with street lamp upgrades as it costs \$200,000 per year to keep the lights on at night. There was an organization that would analyze, assess savings, cost to update, implement, finance upgrades, and pay for the project out of the savings anticipated at over \$55,000 per year with debt service payments to be paid for eleven years. North Cammann Street would be paved this week, leaving only South Wasson Street to complete for Empire Street projects this year.

Council Comments

Councilor Miles stated he attended the League of Oregon Cities (LOC) conference and was thankful for the opportunity, also had sat in street lights presentation and was excited for the project. Councilor Kilmer stated she attended the LOC conference which was worth the cost for ideas and opportunities; commended the City as a whole, people in community, and City staff for the preparation work for the Bay Area Fun Festival. Councilor Marler stated he enjoyed the LOC conference, came away with much knowledge, talked to Councilors from other cities, and a presenter remembered work with Marshfield High School Key Club at Pirate Park. Also stated he was impressed and appreciated how people conducted themselves respectfully in meetings regarding the applications even though there is a difference of opinion. Councilor Matthews stated he was excited about the LOC conference as it was educational and thanked the City and citizens for allowing them to go. Also thanked Fire Chief Mark Anderson for conducting the birthday tour for a citizen and the emergency preparedness event. Fire Chief Mark Anderson stated they had 400-500 people attended the emergency preparedness event. Mr. Matthews stated the Salmon Run was scheduled for October 5, 2019. Councilor Farmer stated he was on the LOC board and thinks they are a great organization which works for the best interest of all cities, have increased their presence nationally, and the conference had great vendors. Mr. Farmer asked City staff to look into making public notices more accessible for the visually impaired and asked when the Homeless Workgroup would meet again. Mr. Craddock stated the Homeless Workgroup was scheduled to meet October 17, 2019. Mayor Benetti thanked everyone who attended the LOC conference, thanked Councilor Farmer for sitting on the LOC board, and the ideas that came out of the conference. Mr. Benetti stated the bushes along the sidewalk being torn up in front of Wells Fargo Bank were an impediment for visibility on Bayshore Drive from Market Avenue. Also stated the Bay Area Fun Festival had a great turnout.

Adjourn

There being no further business to come before the Council, Mayor Benetti adjourned the meeting. The next regular Council meeting was scheduled for October 15, 2019 in the Council Chambers at City Hall.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder