

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL

September 10, 2019

The minutes of the proceedings of a City Council and Urban Renewal work session of the City of Coos Bay, Coos County, Oregon, held at 5:30 pm in Fire Station No. 1 Conference Room, 450 Elrod Avenue, Coos Bay, Oregon.

Those Attending

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. City staff present were City Manager Rodger Craddock via phone conference, City Attorney Nate McClintock, Finance Director Nichole Rutherford, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Operations Administrator Randy Dixon, City Engineer Jennifer Wirsing, Contract Administrator Specialist Rishia Mitchell, Library Director Sami Pierson, Fire Chief Mark Anderson, and Police Captain Chris Chapanar.

Review of the Following Council/URA Agenda for September 17, 2019

Review and Discuss the City's Transient Business Regulations

Public Works and Community Development Director Jim Hossley stated in August 2019 Council discussed possible changes to where transient vendor carts can park. In particular, Councilors did not want vendors to set up in front of the murals on the Preway. Staff prepared some possible options for Council to consider in the Preway and boardwalk. Mayor Benetti suggested having specific areas for vendors to setup in one place instead of various places and possibly attract more vendors.

Ordinance Utilities Fees & Penalty and Fee Resolution 19-19

Public Works and Community Development Director Jim Hossley stated in 2018, the Federal Communication Commission (FCC) issued a ruling and order that limited local municipal government regulations and fees placed on telecommunication infrastructure and services. The ruling and order clarified and adopted new time frames to complete regulatory and permitting reviews of multiple types of cellular telecommunication facilities and establishes new regulations for small cell facilities. More specifically the FCC ruling and order:

- Codified approval time frames and previously defined telecommunication terms;
 - Added new small cell facility standards that define facilities based on size;
 - Required small cell facilities be allowed in the city right-of-way and on private property;
 - Limited the application of aesthetic and other commonly used criteria to small cell facilities;
- and
- Limited fees associated with siting small cell facilities located in the right-of-way.

Staff prepared for Council's consideration an ordinance to meet FCC rules regarding fees charged for telecommunication utilities who wish to install small cell wireless facilities within City's right-of-way. Staff also revised the city's fee schedule to include the fees charged

associated with the installation of small cell wireless facilities within the City's right-of-way.

Ordinances 74, and as amended by Ordinance 152, codified as Coos Bay Municipal Code 13.20 Utility Fee, addressed franchise fees the City imposed on utilities using the right-of-way. The ordinances need to be repealed and new ordinance enacted to improve clarity, particularly by defining a utility license and franchise fee. The recent FCC ruling and order limited fees cities can impose on utilities deploying small cell facilities. The fees the City would collect per the current Ordinance 74 and 152 is not consistent with the FCC ruling and order. The new ordinance needs to be consistent with the FCC ruling and order so the City can collect fees from a utility for its occupancy and/or operation in the city right-of-way. The City received interest from at least one utility that wants to deploy small cell facilities. Staff reviewed other city ordinances to identify those that may need to be amended to ensure compliance with the FCC ruling and order.

To accommodate the allowable FCC fees in the ordinance proposed above, the City's fee resolution needs to be revised. The proposed revised fee resolution included changes to provide for utility license fees for small cell wireless facilities to be installed within the city's right-of-way. This includes a one-time utility license for installation of up to five devices, with an additional \$100 per device installed over five, and an annual renewal license of \$270 per year, per device. These rates are in compliance with FCC guidelines for reasonable fees municipalities can charge utility companies so as to not to inhibit the deployment of additional facilities.

Review of Proposed Green Parking Lots

Contract Administrator Specialist Rishia Mitchell stated the City was in the planning stages of developing two lots into public parking lots and presented to Council options for green parking lots. The two parking lots are referred to as "green" parking lots because they will implement post-construction water quality measures that will treat the storm water runoff associated with the lots prior to being discharged to the storm drain system. The green parking lots are located along Front Street between Cedar and Date Avenue and on the southwest corner of Central Avenue and S. Third Street. The project is in the conceptual stage, but a layout for each has been designed. Each lot has options (basic, deluxe, and supreme), but not all of the options may be reimbursable by DEQ. City staff held public meetings for both lots, received feedback including trash facilities for the businesses in the area, and will be presenting to the Coos Bay Downtown Association (CBDA) on September 16, 2019. Council discussion ensued and requested discussion with CBDA regarding the design options.

The parking lots will be funded by Sponsorship Option (SO) dollars from the Department of Environmental Quality (DEQ). The SO is associated with the DEQ loan for Wastewater Treatment Plant 2 (WWTP2) and is for stormwater and water quality projects. In total, the City received \$2,200,000 in SO projects; and if all of the projects are completed, DEQ will lower the interest rate associated with the WWTP loan to 1% which will offset the SO loan.

Approval of Amendment to the Coos Bay - North Bend Visitors Convention Bureau Intergovernmental Agreement

City Manager Rodger Craddock stated the Coos Bay - North Bend Visitors Convention Bureau (VCB) is an intergovernmental agency, and it serves as the tourism promotional arm

of the cities of Coos Bay and North Bend along with the Coquille Indian Tribe. The scope and funding of the VCB is based on an Intergovernmental Agreement (IGA) which was initially agreed upon in 2010 by the three governmental partners. The partners are seeking to amend the IGA to reflect their collective desire to increase funding of the VCB which has been made possible by the increase to the Lodging Tax / Fee earlier this year. Per the current agreement, the cities and the tribe agree to fund the Bureau with 2/7th of the gross receipts from the transient occupancy room tax of each entity. The expenditure of those funds is at the discretion of the VCB Board.

In 2018, the 2010 IGA was amended to provide for greater stability of the organization by amending withdrawal notice requirements of a IGA partner and incorporate language which would allow the organization to continue to exist should only one of the three current partners decide to withdraw in the future. The proposed IGA also includes amended language allowing the VCB to contract with one or all of the partners to provide tourism fulfillment services such as operating a visitor information center.

Earlier this year, each of the governmental partners agreed to increase the Lodging Tax / Fee (TLT) from 7% to 9.5% after the VCB lobbied the partners to increase the TLT and to dedicated 70% of the increased revenue to tourism promotions through the VCB. The proposed VCB amendment reflects the partners commitment to dedicate 70% of the revenue generated by the additional 2.5% TLT. Councilor DiNovo stated the Coquille Indian Tribe had not had a chance to review the agreement and requested a decision be delayed until that time.

Adjourn

There being no further items for discussion, Mayor Benetti adjourned the work session. The next regular Council meeting was scheduled for September 17, 2019 in the Council Chambers at City Hall.



Joe Benetti, Mayor

Attest: Nichole Rutherford
Nichole Rutherford, City Recorder