

# City of Brookings City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
Monday, January 11, 2016

The City Council met in Executive Session at 6:30pm, in the City Manager's office, under authority of ORS 192.660(2)(f), "to consider information or records that are exempt by law," ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," and ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed."

## **Call to Order**

Mayor Hedenskog called the meeting to order at 7:02 PM.

## **Roll Call**

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Brent Hodges and Bill Hamilton; a quorum present.

Staff present: City Manager Gary Milliman, Public Works & Development Director LauraLee Snook, Parks & Technical Services Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 25 others.

## **Ceremonies/Appointments/Announcements**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to reappoint Pat Brown to the Park & Recreation Commission.**

## **Public Hearings/Ordinances/Resolutions/Final Orders**

*Quasi-judicial public hearing in the matter of ANX-1-14, LUBA remand to the City's approval to annex approximately 13.33 acres into the City of Brookings.*

Mayor Hedenskog opened the quasi-judicial public hearing in the matter of file ANX-1-14 at 7:04 PM.

Under ex parte, Councilor Pieper and Mayor Hedenskog stated that they had driven by the property and Councilor Hodges said he had been on the property. Hearing no declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines, entered Exhibits B1-B6 into the record and Planning Manager Colby-Hanks reviewed the staff report.

Dan O'Connor, representing the applicant, said they were requesting 14 days to address the 1800 page document submitted that day. He also said that Exhibits B1 – B6 introduced new issues that were outside the scope of the LUBA remand. He then addressed the Goal 16 impact assessment and the applicant's findings.

### *Public Testimony:*

In opposition:

Mark Sherwood, 320 Railroad, generally stated that the Native Fish Society didn't think the estuary would be protected and felt that without some sort of enhancement, the application was insufficient.

Yvonne Maitland, 15276 Oceanview Drive, generally stated that the close proximity of development could have an adverse impact on the estuary due to road slippage and storm water run-off as it is in the flood and tsunami inundation zone.

Catherine Wiley, 96370 Duley Creek Road, generally stated that, despite issues with the Borax/Rio Tinto development, the City agrees with the applicant, and that water withdrawals, storm water run-off and effluent spills impact the estuary.

Carl Page, 12580 Hwy 101, Smith River, California, stated his concerns regarding the effects of development on the remaining floodplain, water quality, estuary and recovery efforts for coho salmon.

As an interested party:

Andrew Orahoske, 517 Chetco Avenue, generally stated that Council should deny the annexation as the property it is too close to the water; salmon fishing is important to the economy, coho salmon is near extinction in the Chetco River and the estuary is one of the last chances to protect this species.

*(Written versions of the testimony presented herein are contained in file ANX-1-14)*

In rebuttal, Tribble stated that very small areas of the property are in the flood plain and O'Connor pointed out that these are only in undeveloped areas.

A short break was called to allow the City Attorney an opportunity to research the process for providing written testimony.

Following the break, the process for submitting written testimony was outlined as follows:

- Additional testimony could be submitted until 4:30 PM, Monday, January 18;
- Rebuttal to the additional testimony could be submitted until 4:30 PM January 25;
- Rebuttal by the applicant could be submitted until 4:30 PM, February 1.

The public testimony portion of the hearing was closed at 8:25 PM.

**Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to continue the hearing on ANX-1-14 to February 22, 2016.**

**Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to continue Items G1 and G2 [solicitation regulations and downtown master planning process] to the next meeting and move Item G4 [Drone purchase agreement] to Item G1.**

*Legislative public hearing in the matter of LDC-2-15, adding conditional use provisions for amateur radio facilities to the Brookings Municipal Code.*

Mayor Hedenskog opened the legislative public hearing in the matter of file LDC-2-15 at 8:38 PM.

Hearing no ex parte, declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines and Planning Manager Colby-Hanks presented the staff report.

Public Testimony:

In support:

Bruce Warren, 96506 Susan Place, generally stated that he found it encouraging to see the current changes but thought some aspects were too restrictive.

In opposition:

David Bergmann, 96510 Susan Place, generally stated that he'd moved here to get away from this sort of thing and when the Cascadia fault goes, the coastline will be gone and an antenna won't help anyone.

Mayor Hedenskog said they'd considered all the input they'd received and had incorporated it into the ordinance and he thought that Bergmann would be pleased with the results. Colby-Hanks then entered Exhibit J into the record.

The public hearing was closed at 8:50 PM.

City Attorney Rice said the 1,000 foot clearance is a procedural provision, doesn't change the substantive requirements and didn't place any larger burden on the criteria.

**Councilor Pieper moved, a second followed and Council voted, 3-1, with Mayor Hedenskog and Councilors Pieper and Hodges voting "Yes," Councilor Hamilton voting "No," and Ex Officio Carrasco abstaining, to approve amendments to the Brookings Municipal Code as presented in File LDC-2-15, and proceed with the adopting ordinance.**

*Ordinance 16-O-752, adding provisions for Amateur Radio Facilities as conditional uses to the Brookings Municipal Code.*

Planning Manager Colby-Hanks gave the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to do a first reading of Ordinance 16-O-752 by title only,**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to do a second reading of Ordinance 16-O-752 by title only,**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted 3-1, with Mayor Hedenskog and Councilors Pieper and Hodges voting "Yes," Councilor Hamilton voting "No," and Ex Officio Carrasco abstaining, to adopt Ordinance 16-O-752 [adding amateur radio provisions as conditional uses to the Brookings Municipal Code].**

*Ordinance 16-O-751, adding provisions for water use to Brookings Municipal Code Section 13.05.060.*

Director Snook provided the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to do a first reading of Ordinance 16-O-751 by title only.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to do a second reading of Ordinance 16-O-751 by title only.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to adopt Ordinance 16-O-751 [adding provisions for water use to the Brookings Municipal Code].**

### **Staff Reports**

*Authorization to execute an agreement with Brookings Harbor High School CTE program to fund their purchase of a drone to be used to develop a series of tourism-related promotional videos.*

City Manager Gary Milliman presented the staff report and the high school presented a video to Council.

Councilor Pieper said this was not just about buying a drone for the school, but rather about contracting with another owner. This, he said, is a win-win and Councilor Hamilton said he thought it was a great idea.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to authorize the City Manager to execute an agreement with Brookings Harbor High School CTE Program to fund the purchase of a drone with camera at a cost not to exceed \$2,257.95 and to develop at least four 10-15 minute tourism related promotional videos over the next 24 months; and, further, to authorize an allocation of \$2,257.95 in Transient Occupancy Tax revenue for this purpose; and further, to authorize TPAC Member Candice Michel to work with the students and faculty with respect to determining the content of the videos.**

*Approval to prepare and issue a Request for Proposals for a promotional video on local dining as outlined by the Tourism Promotion Advisory Committee.*

City Manager Gary Milliman presented the staff report.

Council discussed the recommendation and it was determined that staff would bring the proposals back for Council consideration.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to direct the City Manager to prepare and issue a Request for Proposals for a promotional**

**video on local dining as outlined by the Tourism Promotion Advisory Committee and return [with] those proposals for City Council approval.**

*Authorization to execute an agreement with Xplore Film LLC to purchase a five minute segment in the 2015-2016 edition of the Oregon Lifestyles television show.*

City Manager Gary Milliman presented the staff report.

**Councilor Hodges moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to authorize the City Manager to execute an agreement with Xplore Film LLC to purchase a five minute segment in the 2015-2016 edition of the Oregon Lifestyles television show and allocate \$500 in Transient Occupancy Tax revenue for this purpose.**

*Authorization to execute a letter supporting affordable housing legislation.*

*City Manager Gary Milliman presented the staff report.*

City Manager Milliman provided the staff report and Connie Hunter, Brookings, said there would be a count of homeless veterans on January 29.

**Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to authorize the Mayor to execute a letter to Representative Krieger and Senator Kruse supporting legislation for affordable housing.**

*Authorization to execute a Legal Services Agreement with Black and Rice, LLP.*

City Manager Milliman gave the staff report.

Councilor Pieper asked the City Manager to describe the services performed by a City Attorney.

Milliman said the City's City Attorney works with staff, reviewing ordinances and contracts, provides legal advice to staff and Council, provides general counsel on claims against the City, and conducts legal research on other topics, such as the recreational marijuana tax. Pieper then said that Rice does a good job and keeps the City out of trouble.

**Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to authorize the Mayor to execute a Legal Services Agreement with Black and Rice, LLP.**

*Approval of Long Term Strategic Plan.*

City Manager Gary Milliman presented the staff report.

**Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to approve the Long Term Strategic Plan.**

### **Consent Calendar**

1. Approve Council minutes for December 14, 2015.
2. Accept Public Art Committee minutes for October 5, 2015.
3. Accept Event Evaluation Report for A Coastal Christmas in Brookings Harbor.
4. Accept Event Evaluation Report for Oktoberfest.

5. Accept Event Evaluation Report for the Southern Oregon Coast Home School Conference.
6. Accept December 2015 Vouchers in the amount of \$339,607.06.
7. Receive monthly financial report for November 2015.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.**

**Remarks from Mayor and Councilors**

At the request of Mayor Hedenskog, Connie Hunter remarked on the upcoming stakeholders meeting with the Veteran's administration.

**Adjournment**

**Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:49 PM.**

Respectfully submitted:

  
\_\_\_\_\_  
Ron Hedenskog, Mayor

ATTESTED:  
this 20<sup>th</sup> day of January 2016:

  
\_\_\_\_\_  
Joyce Heffington, City Recorder