

# City of Brookings

## CITY COUNCIL MEETING MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

**Monday, April 8, 2013**

The City Council met in Executive Session at 6:30pm in the City Manager's office under ORS 192.660 (2)(e) "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

### **Call to Order**

Mayor Hedenskog called the meeting to order at 7:04 pm

### **Roll Call**

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

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, Parks & Tech Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Pilot Reporter Jane Stebbins and approximately 28 others.

### **Ceremonies/Appointments/Announcements**

Mayor Hedenskog proclaimed April as "Catch the Wave Month" in Brookings.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to reappoint Bernard Banta to the Traffic Safety Committee.**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Don Vilelle to the Traffic Safety Committee.**

### **Staff Reports**

*Approval of Second Amendment to the City's First Amended Lease Agreement with the Claveran Group, LLC, to include reduced lease payment and revised payment date.*

City Manager Milliman provided the staff report.

### **Public Comments:**

Rich Hansen, Brookings, encouraged the Council to continue its support of the golf course. While not a member, Hansen said he was an occasional resident player and felt the course was a tremendous community asset. He said he used to think it was rich man's sport but it didn't have to be expensive and the course's rates were reasonable. He encouraged Council to think of the course as a tourism asset and include it in its promotion budget. Hansen suggested charging a lease amount of a dollar a year to resolve the conflict.

Ed Murdock, Salmon Run Manager, said he was working on a business plan and on putting together a group to purchase the course from Claveran and requested that Council table the matter to give his group time to put together its proposal.

Councilor Hodges said he was in favor of tabling the matter until at least the next meeting.

Mayor Hedenskog, directing his remarks to Hansen, said Council was fully aware of the course's importance and had been working hard to keep it up and running. He said it was not Council's intention to profit from the course.

Councilor McClain said the intent was for lease payments to go toward obtaining a permanent water source and he agreed that the matter should be tabled for a couple of weeks.

Councilor Pieper said Council had a request from the Claveran Group and he didn't see waiting on that decision just to see what another group was doing. The lessee was in material breach of their contract, he said, and he would like to act on the agreement, either to postpone the payment date or terminate the contract.

Councilor Hamilton said he would like to see the matter tabled.

Councilor Hodges said keeping the course operational was crucial to keep it from becoming overgrown. He said tabling the matter would allow the course to remain open to other possibilities; losing this community investment would benefit no one.

Councilor Pieper said tabling it didn't send the right message to the citizens. He said extending the date to a specific time would be a better option, and the best option would be to terminate the current agreement and enter into a temporary agreement to keep the course operational.

Councilor Hodges said his thought was to keep the City's options open. If the agreement were terminated without a group being ready to run it, the course would shut down.

Councilor Hodges moved and then retracted a motion to table the matter for six weeks.

Councilor McClain asked how much time Murdock would need to prepare his proposal and Murdock said, ideally, six weeks, but he could work with four weeks.

Councilor Hodges suggested setting a date and then moving forward from there and McClain said that was fair but he wanted to see a plan from Murdock explaining why he could make the course succeed when it had not succeeded in the past.

**Councilor Hodges moved, Councilor McClain seconded, and Council voted 4 to 1, to table the amended [Golf Course] agreement until the City Council Meeting, May 13<sup>th</sup>, at which time we can make a decision on the amended lease agreement, with Mayor Hedenskog and Councilors Hodges, McClain and Hamilton voting "Yes" and Councilor Pieper voting "No."**

*Approval of Brookings Municipal Code revisions and adoption of the Cross Connection Program.*

Planning Manager Colby-Hanks gave the staff report, stating that Council had reviewed the changes at its April workshop and the program would bring the City into compliance with state regulations.

**Councilor Hodges moved, a second followed and Council voted unanimously to approve the revisions to Brookings Municipal Code Chapter 13.05 and adopt the backflow program as submitted.**

#### **Ordinances/Resolutions/Final Orders**

*Resolution 13-R-1002, authorizing submission of a Local Government Grant Program Application for Parks Improvement Projects.*

Supervisor Baron provided the staff report.

Councilor Hamilton said that he was "very impressed" with ADA improvements at Bud Cross Park and it would be nice to have a day use area there. He also said an ADA restroom was sorely needed at Chetco Point Park.

Councilor Hodges asked about the match and Baron said it would come from Park SDC development funds.

Mayor Hedenskog said both projects were worthwhile.

**Councilor Hodges moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1002, authorizing submission of a Local Government Grant Program application to the Oregon Parks and Recreation Department for Park Improvement Projects and authorize the mayor to sign a letter of support on behalf of the City Council.**

### **Staff Reports**

*Rejection of bids Park Maintenance and Janitorial Services bids and authorization to employ one full time, and one seasonal part time maintenance employee.*

Supervisor Baron provided the staff report.

Mayor Hedenskog said the bids looked "pretty high."

Councilor Hamilton said the parks looked in good shape now and there didn't seem a need to increase the expense.

Councilor Hodges said he also thought the bids had come in high and he was "on the fence" about the \$85,000, but had to go with staff's figures.

Mayor Hedenskog said he didn't feel the \$85,000 included all the work a contractor would have to do, such as supervision, equipment, dumping fees and office costs.

Councilor Pieper said he didn't expect to award the contract with the bids being so high, but if contracting out parks maintenance remained a Council goal there was always going to be a first time. The bugs, he said, could be weeded out after the first year. Pieper added that he didn't think it would get any better if this were tried again.

Councilor McClain said he was disappointed in the number of bids but paying more than \$85,000 would be a waste of the taxpayer's money. He also said he trusted Baron's figures.

Mayor Hedenskog said one of Council's goals was to hold the number of employees to 47 and keep local contractors in business. This, he said, was a failure.

Councilor Hodges said he didn't think this was staff's failure. He said seeing so few bids come in indicated to him that it was probably too big of a job for local contractors. Hodges then asked about the cost of trash disposal.

Baron said it was \$5200 annually for the dumpster.

Director Howard pointed out that the City would incur certain expenses regardless of whether it was contracted out or not and these had not been included in the \$85,000. She also said the two positions were closer to 1.3 FTE because of the part time seasonal position.

Councilor Hodges asked if dumpster fees were included in the \$85,000 and Howard said they were.

Councilor Pieper said this was the correct way to cost out the work, but it was too bad it hadn't been bid this way the first time. He said it seemed to him that, when this was discussed at a workshop, staff's opinion had been to keep the work in house and he wasn't

surprised to see it work out this way. He said having staff "truly behind" this kind of thing would make a big difference in how it worked out.

Councilor Hamilton moved and Mayor Hedenskog seconded a motion to reject all bids and stay the current course. City Manager pointed out that the motion would retain a temporary employee which would require terminating and then hiring another employee every six months and the motion and second were withdrawn.

**Councilor McClain moved, Councilor Hodges seconded and Council voted, 3 to 2, to reject all bids submitted for park maintenance and park janitorial services and authorize the City to employ one full time and one seasonal part time parks maintenance employee with Councilor McClain, Hodges and Hamilton voting "Yes," and Mayor Hedenskog and Councilor Pieper voting "No."**

*Authorization to execute a Cooperative Improvement Agreement Amendment for the Harris Beach Multi-Use Bike Path Project.*

Director Pryce gave the staff report.

Responding to a question from Councilor McClain, Pryce said ODOT was paying the full cost of the project.

**Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to execute a Cooperative Improvement Agreement Amendment with the State of Oregon for the Harris Beach Multi-Use Bike Path Project.**

*Authorization to notice the City's intent to sell a portion of the park area on Richard Street and requesting proposals.*

City Manager Milliman provided the staff report.

Councilor Pieper said if the property didn't sell, the City should enter into agreement with the property owner who was currently using it to store his equipment.

Mayor Hedenskog said it was excess property and best absorbed into an adjacent property.

**Councilor Hodges moved, a second followed and Council voted unanimously to notice the City's intent to sell a portion of the park area on Richard Street and requesting proposals.**

*Authorization for Mayor to sign support letter for Senate Bill 173.*

City Manager Milliman gave the staff report.

Councilor Hamilton said he thought SB 173 was a better approach than was HB 3435.

**Councilor Hodges moved, a second followed and Council voted unanimously to authorize the Mayor to sign a letter of support for Senate Bill 173.**

*Discussion of draft County Home Rule Charter.*

City Manager Milliman provided the staff report and City Attorney Rice summarized the main points of the draft charter and emphasized the importance of getting more than the required 617 signatures on the petition to ensure that enough valid signatures were obtained.

Considerable discussion ensued. In particular, City Manager Milliman said districts would have to be drawn based on population and City Attorney Rice said that, based on a brief look at the numbers, Brookings-Harbor would likely have three members.

Councilor McClain said positions were currently elected at-large and Brookings was not overly represented, so that should not be a concern. He also said he was thinking the positions should be filled by volunteers who would be amply compensated for travel expenses.

City Attorney Rice said the Charter Committee would ultimately determine how Commissioners would be compensated and the draft did not make any changes to other elected County positions.

Councilor McClain said he would like the draft charter to be as "fine-tuned" as possible before presenting it to the public, and Councilor Pieper said the intent was to provide a draft and he didn't want staff or the City Attorney spending too much time on it.

Councilor Hodges said he didn't like the idea of having volunteer commissioners as it would make the positions less desirable and he questioned whether \$10,000 was too little pay. He then asked if the Sheriff or the other two County cities had weighed in on the draft charter.

City Manager Milliman said there seemed to be general support by the other two cities for Council's six motions

Councilor Hamilton said he envisioned three volunteer commissioners. He said he didn't feel the Chair's salary should be that much higher than that of the other members and thought the salaries could be considerably reduced.

### **Consent Calendar**

- Approve Council minutes for March 25, 2013.
- Approve Liquor License Application for Black Trumpet Bistro.
- Approve reinstatement of the Yard of the Month Program for 2013.
- Reschedule May 27<sup>th</sup> Council meeting to May 28<sup>th</sup> due to Memorial Day.
- Accept March 2013 Vouchers in the amount of \$361,834.85.

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

### **Remarks from Mayor and Councilors**

Mayor Hedenskog said Evergreen Bank would be providing five existing bears, to be replaced, one each year, by a unique Brookings bear. Evergreen would retain ownership and provide maintenance.

Councilor McClain said the state was not going to take over should the tax levy fail despite what was being said in some letters to the editor of the Curry Coastal Pilot.

### **Adjournment**

Mayor Hedenskog moved, a second followed and Council voted unanimously to adjourn by voice vote at 9:16pm.

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this 23rd day of April 2013:

  
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Joyce Heffington, City Recorder