

# City of Brookings

## CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
Monday, August 12, 2013

The City Council met in Executive Session at 6:00pm in the City Manager's office under authority of ORS 192.660 (2)(i) to review and evaluate the employment-related performance of the City Manager who had not requested an open hearing.

### **Call to Order**

Mayor Hedenskog called the meeting to order at 7:00 PM.

### **Roll Call**

Council Present: Mayor Ron Hedenskog, Councilors Bill Hamilton, Brent Hodges, and Jake Pieper; a quorum present. Councilor McClain arrived at 7:03 PM.

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, Parks/Technical Services Supervisor Tony Baron, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: No media; 2 others.

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

Mayor Hedenskog announced August Yard of the Month Awards as follows:

- Residential: David & Sharon Bergman, 96510 Susan Place
- Commercial: Evergreen Federal, 850 Chetco Avenue

### **Resolutions**

*Resolution 13-R-1020 authorizing a grant application to the Oregon Department of Transportation for a bike kiosk.*

Supervisor Baron provided the staff report.

Councilor Hodges asked if the kiosk would just be a place to pull up on a bike and get information and if there would be restroom.

Baron said the kiosk could be used to park your bike and leave it while you visited the downtown as well. He said that staff would look at possible locations where the kiosk could be adjacent to public restroom facilities.

**Councilor Hodges moved, a second followed and Council voted unanimously to authorize submission of a sponsor grant application to the Oregon Department of Transportation for a bike kiosk to be installed at a location to be determined.**

### **Staff Reports**

*Contract to replace ball field backstops at Bud Cross Park.*

Supervisor Baron gave the staff report.

Mayor Hedenskog asked if it would be built to last and Baron said it would be built using thicker pipes and heavier gauged fencing.

**Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a contract with Grizzly Fence in the amount of \$26,020, to replace the ball field backstops at Bud Cross Park.**

*Development of an unleashed pet area at Stout Park.*

Supervisor Baron provided the staff report.

Public Comment:

Tony Parrish spoke in opposition of an unfenced, unleashed pet area for safety reasons and because of possible damage to the adjacent garden/train area. Parrish said he liked the idea of the unleashed area but it should be fenced. He added that he didn't think this had been high on the Parks Master Plan list of Park projects.

Councilor Hodges said Parrish had made some valid points and Councilor Hamilton said he agreed it should be fenced and pointed out that the McVay dog park was fenced and had been constructed as an Eagle Scout project.

Baron asked Council if it would consider approving the project with the intent to fence it.

Mayor Hedenskog requested Baron to consider making some portion of the fencing removable to accommodate the next art festival.

Councilor McClain said he would prefer it being located in a less busy area of the park and Baron said other areas had a lot of child and youth activity. McClain said he was talking more about the street traffic and added that having it a fenced area made sense.

Mayor Hedenskog suggested sending the matter back to the Commission and City Manager Milliman recommended that the matter be referred back to staff to look at fencing options. Council concurred.

*Memorandum of Understanding (MOU) with the Brookings Harbor Garden Club (BHGC) for City property landscape maintenance.*

Supervisor Baron gave the staff report.

Mayor Hedenskog and Councilors McClain and Hodges commented on the quality and efficiency of the work being done by the BHGC.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to authorize the Mayor to execute a new Memorandum of Understanding with the Brookings Harbor Garden Club with respect to City property landscape maintenance.**

*Removal of two trees next to spectator area at Azalea Park Ball Field #2.*

Supervisor Baron presented the staff report.

Councilors McClain and Hamilton said the trees were hazards and needed to be removed.

**Councilor McClain moved, a second followed and Council voted unanimously to authorize the removal of two trees adjacent to the spectator area at Azalea Park Ball Field #2.**

*Geotechnical engineering/construction services contract for stabilization of Old County Road.*

Director Pryce provided the staff report.

Mayor Hedenskog asked if there was any indication as to what went wrong and Director Pryce said they hadn't wanted to risk aggravating the site to discover the cause. She said they had discontinued service to a water meter installed in that area in case it might have been a factor in expediting the slope failure and added that the steepness of the site might be a factor.

Councilor Hodges asked why the bids were so far apart and Pryce said the process was atypical as there hadn't been time to provide engineered plans before going out to bid.

**Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to execute a Standard Public Contract with GSI Stabilization International to construct road stabilization on Old County Road not to exceed \$70,700. The total cost of engineering and construction of the repair not to exceed \$85,315.**

*Tourism Promotion Advisory Committee (TPAC) review.*

City Manager Milliman provided the staff report.

Mayor Hedenskog said the consensus at the workshop had been to wait as long as six months before formalizing the committee and Councilor Hodges said he recalled that as well.

Councilor Hodges said he would like to see a chair appointed before the committee was formalized and Councilors Hamilton and McClain agreed.

Councilor Pieper said he was confused by comments that the committee needed to work towards formalization, and it seemed to him Council was going about this backwards. He said he didn't see why this committee was unique and while he'd initially thought it was a good idea to wait to formalize the committee, in hindsight he thought it should have been formalized at the outset. He said he would support "righting a past wrong" and formalizing the committee.

Councilor Hodges said the committee needed more time to evolve before it was formalized.

Councilor McClain said committee members at the workshop had recommended that Council let the members determine what the committee should be before formalizing it.

Councilor Hamilton said it should be formalized if that was how it had been done in the past.

Mayor Hedenskog said that the informal organization of the group had been intentional due to circumstances, but he thought it was time to begin thinking about codifying the committee.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to authorize the Tourism Promotion Advisory Committee to proceed with the development of a plan for utilization of funds budgeted for tourism promotion in the 2013-14 budget, direct the Tourism Promotion Advisory Committee to appoint a Committee Chair to work with City Staff in the development of agendas and to chair Committee meetings and to direct staff to begin drafting codification of the committee.**

*Public/education/government (PEG) equipment and programming.*

City Manager Milliman gave the staff report.

Councilor Hodges asked if PEG funds had been accumulating and Milliman said staff had only recently become aware of federal regulations requiring the funds to be used solely for PEG.

Mayor Hedenskog asked where negotiations with Charter stood and Milliman said they were at about 70% in agreement. Milliman said he'd provide Council with a more thorough review of the issues remaining to be resolved.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to proceed with the purchase of equipment [as provided in the agenda report] and do a first work of a video [as proposed by Candice Michel].**

*Intergovernmental Agreement (IGA) with Brookings Harbor Port District for Police Services.*

City Manager Milliman presented the staff report.

Councilor Hodges asked if event services were included in the budget and Milliman said they would be handled on an as-needed basis.

Councilor Hodges asked why Carpenterville and Langlois were not included in the port district and Jim Relaford, Port Commissioner, said there were plans to incorporate that area but it had not yet been done, in part because it was an area of minimal population. Relaford said a number of people had asked the Commission why the Port wasn't looking to provide services to the larger Port District area and because of that interest the Commission was looking into how it could be done. For now, Relaford added, they were only looking at the Port harbor area.

Councilor Hamilton asked Relaford what kind of security they had in place at the Port and Relaford said, depending on the event, dangerous and volatile situations sometimes occurred and the Commission didn't want security staff involved in providing that level of policing. Relaford added that the Port was ready to write a check to provide police services at the Port.

Councilor Hamilton asked how services were to be funded and Relaford said the Port would charge security surcharge to boat slip and RV park users.

Councilor McClain asked why there were no self-locking gates on the docks, and Relaford said they had gates, but the Commission had "taken a lot of heat" for installing them. The public, he said, liked to walk out on the docks and the Commission didn't want to discourage that activity as it is an attraction. Gates, he said, would be locked from dawn to dusk, and they were trying to fence off exposed areas to help with theft and homeless issues.

Councilor McClain asked about the Sheriff substation being located there and Relaford said they were donating space to the Sheriff's Department, and while there would be some activity at the substation during the day, the Port needed coverage at night.

Mayor Hedenskog remarked that, in Oregon, Port districts are allowed to create their own police departments and Relaford said that this was the legal advice the Commission had received.

Councilor Hodges said he knew the City could provide faster response times, but wondered why the Port didn't use the funds to pay for a deputy and Relaford said that even if a tax levy passed, it would be a year after that before there would be coverage in the area. The Port, he said, was tired of not having coverage.

Councilor Hodges said it was about response time and Mayor Hedenskog said it was also about the proactive nature of the City's police services.

**Councilor Pieper moved, a second followed and Council voted unanimously to authorize the Mayor to execute a Police Services Intergovernmental Agreement with the Brookings Harbor Port District for an annual fee of \$66,000, payable in quarterly installments, with an effective service date of September 1, 2013 and to**

**authorize the City Manager to work with the Port District to develop a plan of service and budget for providing police services to the unincorporated territory within the Brookings Harbor Port District.**

*Golf Course Lease Agreement Late Payment Penalty.*

City Manager Milliman provided the staff report.

Councilor Hodges said he thought the City should pursue payment of the penalty. While he had been a proponent of assisting the golf course, Hodges said, there never seemed to be any urgency for golf course management to get things done and this amazed him.

Councilor McClain said the check had been cut by Ed Murdock, not Steve Muir, and Murdock was trying to make the course work. McClain said that Murdock was improving food service and making other changes. Progress, he said, was being made and going after the late fee seemed petty and punitive.

Councilor Pieper said golf course management has been taught by Council that everything is negotiable, so they don't take it seriously, and it was time to bring that practice to an end and collect the fine.

Mayor Hedenskog said they should hold golf course management to the current agreement and then amend it to make the payment due in mid-to-late summer. He also said they should not use attorneys but should keep the contract open.

Councilor Hodges said the lease payment wasn't met until the penalty was paid.

City Attorney Rice said she would have to review the contract, but generally, once payment is accepted the only remedy is to sue for payment of the penalty.

City Manager Milliman said staff had mailed the Claveran Group a contract with the new lease amount in April. The contract, he said, was signed and returned on August 2<sup>nd</sup>.

Councilor McClain said that Murdock, who is not part of the Claveran Group, had made the payment and this was the first time Murdock had been late.

Councilor Hamilton said the frustration was with Muir and Councilor Pieper said the contract was with the Claveran Group and he didn't care who made the payment.

Councilor McClain said Murdock should not have made the payment and should have waited until he was ready to buy-out the Claveran Group.

**Councilor Pieper moved, a second followed and Council voted, 4 to 1, to direct staff to pursue payment of late payment penalty for the 2013 Golf Course payment by the Claveran Group, with Mayor Hedenskog and Councilors Pieper, Hamilton and Hodges voting "Yes" and Councilor McClain voting "No."**

**Consent Calendar**

1. Approve Council minutes for July 22, 2013.
2. Approve Liquor License Application for Superfly Distillery.
3. Approve staff to send and City Manager to sign a letter requesting a Coastal Management Grant from Department of Land Conservation and Development.
4. Accept Parks and Recreation minutes for May 23, 2013.
5. Accept July 2013 Vouchers in the amount of \$368,519.25.



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

**Remarks from Mayor and Councilors**

Mayor Hedenskog remarked on the positive comments he'd received at the Festival of Art in Stout Park regarding how nice the park looked and about the "great cooperation" festival organizers received from staff.

Councilor Hamilton remarked that he enjoyed doing the Yard of the Month awards and thought it was a very good program. He also said he felt the Parks Department had a good relationship with the young men and women in this area.

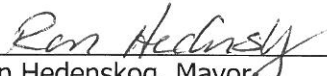
Councilor McClain remarked on the article in the paper regarding the County's tax proposal that made it sound like the County was doing everything the City had asked for and read the letter (included in the July 22<sup>nd</sup> minutes) that was sent to the Commissioners.

**Adjournment**

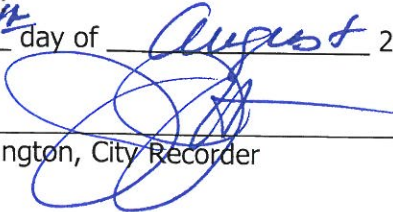
Councilor Hodges moved, a second followed and Council voted unanimously to adjourn by voice vote at 9:07 PM.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this 27<sup>th</sup> day of August 2013:

  
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Joyce Heffington, City Recorder