

# City of Brookings

## CITY COUNCIL MEETING Minutes

**Monday, June 25, 2012**

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

The City Council met in Executive Session at 6:00pm in the City Manager's office, under the authority of ORS 192.660(2)(h) and (2)(e), "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," and "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 7:00pm.

### **Roll Call**

Council Present: Mayor Ron Hedenskog, Councilors Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present. Councilor Kelly McClain was also present following his appointment to Position #4.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Public Works Director Loree Pryce, City Attorney Martha Rice, Judge Richard Harper and City Recorder Joyce Heffington.

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

Mayor Hedenskog proclaimed July 13<sup>th</sup> and 14<sup>th</sup> as Relay for Life Weekend.

*Interview and appointment of vacant City Council Position #4.*

City Council members conducted interviews of the three candidates, David Kitchen, Kelly McClain and Curtis Williams, and briefly deliberated.

**Councilor Gordon moved, a second followed and Council voted unanimously to appoint Kelly McClain to fill Council Position #4.**

Following his appointment, Councilor McClain was sworn in by Judge Richard Harper and then took his seat on the dais.

**Councilor Pieper moved, a second followed and Council voted unanimously to move Item G-5 [golf course] up to the G-1 spot [under staff reports] and the rest to fall behind respectively.**

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

- a. Best Residential – Joshua Whiting, 880 Joshua Court
- b. Best Commercial – Ryan Webster, Superfly Martini Bar & Grill.

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

*Resolutions making appropriation transfers in the fiscal year, 2010-11, budget.*

Director Howard provided the staff report.

**Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-987, approving appropriation for the purchase of real property with Councilor McClain abstaining.**

**Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-988, accepting donations and appropriating those funds, with Councilor McClain abstaining.**

**Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-989, transferring appropriations from contingency to legislative/administration with Councilor McClain abstaining.**

**Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-990, approving appropriation transfers in the Wastewater Fund and Capital Reserve Fund with Councilor McClain abstaining.**

### **Staff Reports**

*Direction to staff on Salmon Run Golf Course topics as described in staff report.*

City Manager Milliman provided the staff report.

Councilor Hodges said the City would benefit from obtaining a water source for the course and should allocate resources towards improvements. The golf course, he said, is a "huge asset for the community." He pointed out that some of the City's other public facilities cost the City more in one month than the annual lease payment being asked of the golf course owners. He also said if the course were ever to operate in the black then perhaps a percentage might come back to the City, but the purpose of the land donation had not been to make a profit.

Councilor Pieper said the lease agreement should include as much detail as possible so it will last beyond the current Council and that he would "definitely support going after acquiring more property to have a driving range," but not if it is going to cost the tax payers more money. He said he supported the concept of an abatement of lease payments in exchange for improvements, but not at the current lease amount. He also said he was "thinking favorably toward the golf course as a whole," but he would prefer working toward an amendment to the lease agreement before taking any other action.

Councilor Hedenskog said he was for using City equipment and a volunteer workforce to do much of the work and for working with the course owners to revise the lease agreement and was willing to consider abating lease payments in lieu of improvements as part of a comprehensive revision to the lease.

Councilor Gordon said the owners should be billed for any City staff time and equipment used to make course improvements as these would only benefit the golf course.

Councilor McClain said that for a community of this size, it would be odd not to have a golf course and that the City should do what is needed to help it survive. He said he agreed with the idea of sharing in the profits when the course becomes profitable. He also said that, while he needed to know more about the water situation, he was for adding a driving range, and making the course more playable.

Councilor Pieper said the course had cost the City greatly in staff time and legal fees.

Councilor McClain said that future costs might be avoided if there is a plan that both the golf course and the City could live with.

*Direction to staff regarding contribution request from the Veterans of Foreign Wars for the 2012 Fourth of July Fireworks Program.*

City Manager Milliman gave the staff report.

Council briefly discussed the donation made by the Chamber to the VFW, past donations made by the City for this purpose and how much the City might consider donating.

**Councilor Gordon moved, a second followed and Council voted unanimously to donate \$750 out of the tourism promotion or other fund, as in the past, to the Veterans of Foreign Wars for the 2012 Fourth of July Fireworks Program.**

*Authorization to reject all bids for Parks and Recreation Landscape Maintenance and Janitorial Contract Services.*

Director Pryce provided the staff report, recommending that seasonal employees be hired to do the work this year as all of the bids came in over budget.

Mayor Hedenskog recommended that staff check state law as he believed that anyone who worked on private property was required to have a contractor's license, including landscaping.

Pryce said that she had looked into that requirement and had purposefully designed the scope of work so that a contractor's license was not required. Hedenskog also suggested that volunteer groups pick up some of the work and asked staff to come back with a schedule of what it costs now to do this work.

Councilor McClain said that if we had someone mowing who was not licensed to repair the sprinkler heads that might be an issue.

Mayor Hedenskog said staff needed more time to make changes to the RFP and to look at using volunteer groups for some of the labor. He asked that a schedule of costs be brought to Council, including equipment and fuel, before putting it back out for bid so there is some idea of what the City pays for the work.

Pieper said until it went out to contract, there would always be some unknown element. He said the \$60,000 budget allocation may have been a little low. He said he had talked with some of the bidders and they had done the work. He also said that Council had given staff strong direction to go out for contract and that the City should "hit the go button."

Councilor Hodges said it might not be the best time to put this out to bid and suggested that the City wait a season to allow staff time to work it out before bringing it back to Council. He said he didn't want to give up on putting this out to contract and wanted to see it come back.

**Councilor Hodges moved, a second followed and Council voted, with Mayor Hedenskog and Councilors Hodges, Gordon and McClain voting "Yes" and Councilor Pieper voting "No," to reject the bids and look at contracting out Parks and Recreation services again in 6-8 months.**

*Authorization to reject all bids for the Emergency Operating Center Project.*

City Manager Milliman gave the staff report stating that all of the bids were considerably higher than the estimate and that substantive design changes are necessary to get the cost down. He also proposed that City staff serve as owner/builder.

Councilor Pieper questioned the legality of the City being the owner/builder and Milliman said that they had done the research and had found precedence.

Councilor Hodges said he was a sub-contract bidder and asked if he should abstain. City Attorney Rice said he should probably recuse himself from both the vote and the discussion.

Councilor Pieper said he was concerned that it cost money every time we go out for bid and wondered about what was happening that we can't formulate an anticipated estimate.

City Manager Milliman said that this was the first building the City has undertaken to construct in decades. It's a new venture and staff had vetted the estimate with a local contractor.

Councilor Pieper suggested that the City take the lowest bid, and Milliman pointed out it was \$86,000 over budget. Director Pryce said that all of the bids exceeded the project budget which is being grant funded, so this wasn't possible.

Councilor Gordon pointed out that during his eight year tenure on the Council they had done a number of rejections for overbids and this does not seem unusual.

Mayor Hedenskog invited Tim Patterson to speak on the subject, and Patterson said it was not inexpensive to prepare a bid and asked why the City didn't just disclose the not-to-exceed amount.

City Attorney Rice said that she would not recommend providing that information, but she would have to research the subject to more fully respond.

Mayor Hedenskog said staff should be aware that the bidding process is costly.

Councilor Gordon said that if the bid is not clear, then that is something that should be looked at, but the bid process is a cost of doing business.

Councilor McClain said he concurred with Gordon.

Councilor Pieper said this isn't about what's fair or right; this kind of thing discourages local bidders.

**Councilor Gordon moved, a second followed and Council voted unanimously, with Councilor Hodges not participating in the vote or discussion, to reject all bids for the Emergency Operating Center Project as all bids exceed the amount of available funds for this project; the City Council rejecting all bids is in the best interest of the City.**

*Authorization to pursue an agreement with Brookings-Harbor Port District for tourism promotion to include appointment of tourism promotion committee.*

City Manager Milliman gave the staff report.

Candace Michel, 1253 Rowland, commented that she thought a tourism committee would be a good idea and that its goal should be figuring out how to move Brookings up the list of places to visit.

Tim Patterson, 621 Chetco, commented that he agreed with Michel's statement and with Milliman's proposal and encouraged Council to charge the committee with the responsibility of evaluating its results.

Councilor Pieper said he had envisioned the committee as a "money doer," and not a think tank and that maybe the groundwork should be set before a committee is formed. He also suggested that the committee should have one or two Council members on the committee.

Mayor Hedenskog suggested that a brochure should be a top priority that could handed out here at City Hall and that Council should discuss what the committee's parameters might be.

Councilor Gordon said he was concerned about who was going to fund it and about how much the Port would be putting toward this joint promotional effort. He said he wanted the agreement to delineate responsibility since they will be benefitting from City bed taxes "on the other side of the bridge."

Councilor McClain concurred with Gordon and added that he liked the idea and thought it was something Council should pursue.

**Councilor Gordon moved, a second followed and Council voted unanimously to authorize the City Manager to pursue an agreement for tourism promotion services with the Brookings Harbor Port District which would include the appointment of a tourism promotion committee.**

*Direction regarding mowing of overgrown vegetation along the shoulder on Highway 101 between Parkview Drive and North Bank Chetco River Road.*

City Manager Milliman provided the staff report, pointing out that the area in question is under the state's jurisdiction.

Council discussed the pros and cons of taking on this task if allowed by ODOT. It was generally agreed that ODOT needed to be made aware of the complaints.

### **Consent Calendar**

1. Approve Council minutes for June 11, 2012.
2. Accept Planning Commission minutes for March 6 and April 3, 2012.
3. Approve Liquor License Application for "625" at 625 Chetco Avenue.
4. Receive May 2012 financial report.

**Councilor Gordon moved, a second followed and Council voted to approve the Consent Calendar as written, with Councilor McClain abstaining.**

### **Adjournment**

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

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this  day of  2012:

  
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Joyce Heffington, City Recorder