

City of Brookings

MEETING Minutes

CITY COUNCIL

Monday, April 25, 2011, 7:00pm

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

Council met in **Executive Session at 6:30pm** in the City Manager's office, under the authority of 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 Anderson called the meeting to order at 7:00pm.

Roll Call

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Police Chief Chris Wallace, Police Lt. Donny Dotson, Planning Director Dianne Morris, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 5 public.

Ceremonies/Appointments/Announcements

Mayor Anderson recognized 2010 Volunteer of the Year co-recipients, Paul Guernsey and Cliff Weeks, for all their many years and hours of service to the Brookings Police Department as Police Reserve Officers and Evidence Technicians. Council President Hedenskog presented the awards.

Public Hearings/Ordinances/Resolutions/Final Orders

Public hearing on File LDC-1-11, amending the Brookings Municipal Code (BMC).

Mayor Anderson opened the hearing at 7:07pm. Hearing no ex parte, declarations of conflict or personal interest, nor objections as to jurisdiction, Mayor Anderson reviewed the guidelines and Planning Director Morris reviewed the staff report.

There were no public comments and the hearing was closed at 7:09pm.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve the new text, Section 17.172.090, Subdivision Replat, to the BMC.

Ordinance 11-O-682, adding Section 17.172.090, Subdivision Replat, to the BMC.

Director Morris provided the staff report.

Councilor Gordon moved, a second followed and Council voted unanimously to do a first reading of Ordinance 11-O-682 by title only.

Mayor Anderson read the title.

Councilor Gordon moved, a second followed and Council voted unanimously to do a second reading of Ordinance 11-O-682 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 11-O-682, [adding BMC Section 17.172.090, Subdivision Replat].

Ordinance 11-O-679 adding Chapter 2.01 to the BMC.

Councilor Hodges pointed out a scrivener's error in the ordinance.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 11-O-679 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 11-O-679 by title only.

Mayor Anderson read the title.

Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 11-O-679, [adding BMC Chapter 2.01, Committee and Commission Membership].

Ordinance 11-O-680 adding Sections 2.55.030(C), to the BMC.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 11-O-680 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 11-O-680 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 11-O-680, [adding Section 2.55.030(C), to Section 2.55.030, Qualifications of Members, of the BMC].

Ordinance 11-O-681 amending two sections in BMC Chapter 2.50.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 11-O-681 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 11-O-681 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 11-O-681 [amending Sections 2.050.010 and 2.050.020, of Chapter 2.50, Parks and Recreation Commission, BMC].

Staff Reports

Adopt the City's Americans with Disabilities Act Transition Plan.

City Manager Milliman presented the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt the American with Disabilities Transition Plan as recommended by the Building Official.

Authorize a task order to develop plans and specifications for the Vista Ridge Water Pressure Improvements Project, advertise for bid, and adjust the budget.

City Manager Milliman presented the staff report and Mayor Anderson opened the item up for discussion.

Councilor Hedenskog said he thought the City should move toward a solution but added that he did not think the issue was dead.

In response to a question from Mayor Anderson, Director Howard suggested that project funding could come from Water System or System Replacement Funds.

Councilor Pieper said that the City would "likely need to solve the problem," but added that he felt there was a need to justify the expenditure and that Council did not have enough information. In particular, Pieper said he'd like legal counsel to explain why a licensed engineer cannot be held accountable for the work he engineers. He also said that, since the problem was caused by administrative staff, it should be funded out of the "administrative coffers."

Mayor Anderson said that, while he appreciated Pieper's frustration, the determination of which funds would be used for the project would be made by all five Council members or the Budget Committee.

Councilor Gordon said that the City needed to fix the problem, regardless of who was at fault, and added that if Council wanted to further research the issue of responsibility, it could be done later. Councilor Hodges concurred.

Councilor Hedenskog said that the current standards and specifications call for a 6" minimum pipe, while the Code allows the Site Plan Committee to approve exceptions.

Mayor Anderson said that, with current staffing and procedural changes, it was far less likely, in his opinion, for a problem like this one to occur.

Councilor Pieper commented that, without accountability in place, or the ability to determine if a plan is adequately engineered, he was not comfortable funding another engineered plan.

Mayor Anderson said that it didn't make sense to him to pay more for litigation than it would to fix the problem and asked the City Manager what he thought the cost of litigating such an action might be.

Milliman said that he would need to confer with the City Attorney and report back to Council. Milliman pointed out that none of the City's current staff members had held decision making positions at the time this project was approved and that the City's engineering was now being provided by a different firm. Milliman said that he had attempted to contact the developer and review pertinent Planning Commission tapes, but the developer had not responded, and the tapes had not been retained. He also pointed out that the City no longer has a relationship with the past City Engineer, and added that the current Site Plan Committee carefully reviews all plans and project tracking methods had since been revised.

Mayor Anderson moved, a second followed and Council voted, 4 - 1, to authorize the City Manager to execute a task order with the City Engineer to develop plans and specifications and report back to Council prior to advertisement for the project and to have a review of the Budget Officer's recommendations for the adjustment in the budget in order to accommodate these improvements, with Mayor Anderson and Councilors Gordon, Hodges and Hedenskog, voting "Yes," and Councilor Pieper voting "No."

Authorize the execution of a task order for design of the Chetco Point Bridge Repair Project and advertise the project for bid.

City Manager Milliman reviewed the staff report, pointing out that the current proposal to modify and repair the existing bridge would be significantly less costly than replacing the bridge.

Councilor Hedenskog moved, a second followed and Council voted unanimously to execute a task order for design of the Chetco Point Bridge Repair Project and to advertise the project for bid.

Award the City Hall Storm Drain project to the lowest responsible bidder.

City Manager Milliman reviewed the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to award the contract for the City Hall Storm Drain Reroute Project to Central Pipeline of White City, Oregon, the lowest responsible bidder, in an amount not to exceed \$493,680, and authorize the City Manager to execute all related documents.

Consent Calendar

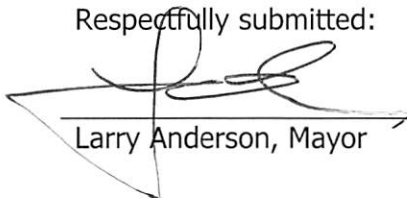
1. Approve Council minutes for April 11, 2011.
2. Accept Planning minutes for March 1, 2011.
3. Approve 2011 Yard of Month program.
4. Receive monthly financial report for March, 2011.

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

Adjournment

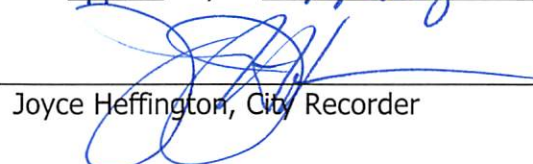
Councilor Gordon moved, a second followed and the Council voted unanimously to adjourn by voice vote at 7:48pm.

Respectfully submitted:



Larry Anderson, Mayor

ATTESTED:
this 11th day of May 2011:



Joyce Heffington, City Recorder