

City of Brookings

MEETING Minutes

CITY COUNCIL

Monday, June 28, 2010

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

Council met in Executive Session in the City Manager's office at 6:30pm, under 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 7:06pm.

Roll Call

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

Staff Present: City Manager Gary Milliman, Administrative Services (AS) Director Janell Howard, Planning Director Dianne Morris, Utilities Superintendent Ray Page, Building Official LauraLee Gray, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 8 members of the public.

Ceremonies/Appointments/Announcements

Mayor Anderson proclaimed July 9th and 10th as Relay for Life Weekend.

Public Hearings/Ordinances/Resolutions/Final Orders

Building Official Gray reviewed the staff report for Ordinance 10-O-669, proposing to amend Goal 7, Areas Subject to Natural Disasters and Hazards, of the City's Comprehensive Plan.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-669 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 10-O-669 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-669 [amending Goal 7, Areas Subject to Natural Disasters and Hazards, of the City's Comprehensive Plan].

Building Official Gray reviewed the staff report for Ordinance 10-O-670 proposing amendments to Brookings Municipal Code Chapter 15.15, Flood Damage Prevention.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-670 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 10-O-670 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-670 [amending Brookings Municipal Code Chapter 15.15, Flood Damage Prevention].

AS Director Howard reviewed the staff report regarding Resolution 10-R-935, adopting a supplemental budget for fiscal year 2009-10. The hearing was opened and there were no public comments.

Councilor Pieper asked about the changes to the Urban Renewal fund.

Howard explained that the first part, for \$50,000, was simply a change in the account name, while the second part, for \$38,591, was a change in the amount based upon the administration allocations. She further stated that the adjustments were made based upon a methodology using allocated percentages as directed by Council during workshops where this matter was discussed.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Resolution 10-R-935, adopting a supplemental budget for fiscal year 2009-10.

AS Director Howard reviewed the staff report regarding Resolution 10-R-936, approving appropriation transfers for FY 09-10. There were no public comments.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 10-R-936, approving appropriation transfers for the 2009-10 fiscal year.

Director Howard reviewed the staff report regarding Resolution 10-R-937, declaring the City's election to receive state revenue sharing for fiscal year 2010-11. The hearing was opened and there were no public comments.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 10-R-937, declaring the City's election to receive state revenue sharing for 2010-11 fiscal year.

Director Howard reviewed the staff report regarding Resolution 10-R-938, adopting the City's Budget, declaring tax levied, & making appropriations for FY 10-11, and categorizing the levy. The hearing was opened and there were no public comments.

Councilor Pieper generally stated that his goal for the budget process had been to make cuts that did not directly impact residents and that he had been looking for cuts under Personal Services to be spread out over the employees, rather than to eliminate an entire position; he would have preferred to see City employees impacted by the Budget Committee approved cuts to materials and services as well, rather than have cuts to items that would impact the public and that, in his opinion, the only good thing that had been accomplished was to reduce the COLA to non-bargaining employees from 3 to 2.3%.

Councilor Hedenskog asked about the elimination of the Buena Vista generator from the budget and if this would jeopardize the system.

City Manager Milliman stated that staff had been directed to make whatever cuts were necessary to eliminate the sewer increase; that some reductions were made based on the reduced COLA, but staff had been unable to identify any materials, supplies, employee hours or positions that could be cut to reduce costs. He further stated that while the system has had problems, the Buena Vista generator was now working and the goal is to keep it working over the next fiscal year.

Hedenskog asked Howard if she had any further information regarding inflation factors over the last 2 or 3 years.

Howard replied that she did not have it over 3 years, but that over the past 24 months, the net increase would have been 2.6%.

Hedenskog shared some research he had done using an inflation calculator on the Bureau of Labor statistics website where he had found that over the last 3 years the inflation factor had been 1.34% versus the City's 8.3% COLA over the past 3 years, including the 2.3% proposed for non-represented employees this year, and asked if this was correct.

Howard stated that this was probably accurate for non-represented employees; for union employees it will be 9%.

Mayor Anderson stated that there had been an extensive, open and transparent budget process and while he did not necessarily support the type of COLA's mentioned, in the collective bargaining process there's an agreement as to which CPI index is used, of which there "is a multitude;" with the union contracts coming up for renegotiation next year, Council will need to decide what they would like to see happen as they work through the collective bargaining process. Anderson further stated that while he was not saying he liked the process, "It is what it is." Anderson also commended the Budget Committee "for instituting significant cuts" which, he stated, he had not seen since happen since he had been on the Council.

Hedenskog proposed that Council make two motions, one to adopt the budget and another to make a change to the COLA for non-represented employees.

Howard stated that changes to the budget were limited at this point by time constraints; Council could direct the City Manager to implement a different increase to non-represented employees.

Pieper expressed concern about moving on eliminating the COLA for non-union employees as it was a non-agenda item.

Milliman stated that the COLA is a part of the budget and asked City Attorney Rice if, as part of its budget management authority, Council could direct staff to suspend the COLA to non-represented employees.

City Attorney Rice stated that she agreed with Milliman, and since it is mentioned in the budget process that Council can give direction this evening, after adoption of the budget.

Councilor Hedenskog moved, a second followed and Council voted, with Mayor Anderson and Councilors Hedenskog and Hodges voting "Yes" and Councilor Pieper voting "No," to adopt Resolution 10-R-938, adopting the City of Brookings' budget, declaring tax levied, making appropriations for the 2010-11 fiscal year, and to categorize the levy.

Mayor Anderson stated that he would feel more comfortable if the budgeted COLA, which had received the support of the majority of the budget committee, were placed for consideration on a future Council agenda.

City Manager Milliman stated that payroll adjustments would need to be made on July 1st, and if Council wished to consider this further and, his suggestion would be for Council to suspend the COLA to non-represented employees until further Council review.

Councilor Hedenskog moved, a second followed and Council voted unanimously to direct staff to suspend the non-represented [employee] COLA, pending further review by staff and Council.

Director Howard reviewed the staff report regarding Resolution 10-R-939, adopting System Replacement Fees for fiscal year 2010-11.

In response to a question from Mayor Anderson, Howard stated that the rate is currently \$2.59 and the rate would increase to \$2.65, per charge; last year it decreased from \$2.60 to \$2.59.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Resolution 10-R-939, adopting System Replacement Fees for fiscal year 2010-11.

Staff Reports

Planning Director Morris reviewed the staff report regarding City/County Urban Growth Area Joint Management Agreement; the language was approved at the Joint Hearing held on June 10th.

Councilor Pieper moved, a second followed and Council voted unanimously to sign the JMA [City/County Urban Growth Area Joint Management Agreement] with revisions as approved at the Joint Hearing on June 10, 2010.

City Manager Milliman reviewed the staff report regarding storm drain system improvements and fees paid by the property owner of 180 Del Norte Lane for possible reimbursement.

Councilor Hedenskog generally stated that the property owner may have paid for engineering to handle storm drain water coming from the City's right of way and not originating on the property.

Tom VanWoerden, the owner of the property, said that he agreed with Hedenskog's assessment and that he had to set the house 3 feet back from the planned set-back to accommodate the storm water run-off.

Councilor Pieper asked if the Site Plan Committee was in existence at that time and Building Official Gray commented that it was; the Committee first met on the building permit in March of 2007.

Mayor Anderson stated that significant funds appeared to have been expended by the owner for engineering that was performed in an effort to comply with City requirements, and that he felt that some of the suggestions made to the owner were for the City's benefit.

Councilor Hodges stated that it appeared the City owed the owner some money.

Hedenskog suggested that staff meet with the VanWoerdens and come up with the initial costs associated with the grading/drainage plan, geology, and City Engineer review fee; all other fees should be dropped.

Councilor Hedenskog moved, a second followed and Council voted unanimously to direct staff to remedy this problem with the VanWoerdens [and] that the VanWoerdens should put forth dollars and amounts associated with the costs they would have initially incurred for the development of their property and no more.

City Manager Milliman reviewed the staff report regarding the North Bank Road Sewer Service Feasibility Study.

Councilor Pieper moved to authorize the City Engineer to proceed with the preliminary feasibility study for providing sewer serve to North Bank Chetco River Road area properties within the Urban Growth Boundary at a cost not to exceed \$12,000. The motion was seconded by Mayor Anderson and discussion ensued.

Councilor Hodges asked if the feasibility study is normally performed by the developer.

Director Morris, referring to the staff report, pointed out that the quoted text indicates that it is the City's responsibility.

Councilor Hedenskog stated that it was not about existing but rather new infrastructure and therefore the developer's responsibility; that the City has information on existing infrastructure, and that the City's responsibility is to pay for Items 1-4, as provided in the City Engineer's list, while the developer's responsibility is to pay for the remainder.

Milliman asked who would perform the flow calculation and connection point and other analysis, and stated that the City doesn't have studies of this area, and that before the City's engineer would be able to determine what the best connection point might be, the flows for the all of the potential properties to be served by the connection would need to be calculated.

Hedenskog stated that it's the responsibility of the developer's engineer to come up with the necessary flow calculations; this is the way it's been done in the past.

Mayor Anderson suggested that the City's Land Use Attorney be consulted for a legal interpretation regarding the meaning of the language under Code Section 17.144.020.

The motion and second for the first motion were withdrawn.

Councilor Hedenskog moved, a second followed and Council voted unanimously to have the City's Land Use Attorney review Code Section 17.144.020 to determine its intent.

Director Howard reviewed the staff report regarding the award of the IT Support Services Contract.

Councilor Hedenskog commented that the "principle in charge of Northwest Tech" is his neighbor, and stated that he has had no contact with him regarding this contract and that he believed his decision would not be biased.

Councilor Pieper moved, a second followed and Council voted unanimously to award the three year IT Support contract to Northwest Technical, commencing July 1, 2010, and authorize the City Manager to sign such contract.

Consent Calendar

- Approval of Special Meeting minutes for June 10, 2010.
- Receive monthly financial report for May, 2010.
- Approve Liquor License Application Agreement for Gallery Restaurant, 515 Chetco Avenue.

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

Adjournment

Councilor Hedenskog moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:40pm.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:



Larry Anderson, Chair

ATTESTED:
this 13th day of July, 2010:



Joyce Heffington, City Recorder