

CITY OF BROOKINGS
SPECIAL COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
November 30, 2004 7:00 pm.

I. Call to Order

Mayor Bob Hagbom called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

Led by Councilor Anderson.

III. Roll Call

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Frances Johns Kern, Craig Mickelson, and Larry Anderson. A quorum was present.

Council Absent:

Ex Officio Councilor Wes Enos.

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, and Community Development Secretary Cathie Mahon

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 10 other citizens

IV. Oral Requests and Communications from the Audience

A. None.

V. Executive Session

A. *ORS 192.660(2)(e) Real Estate Transaction*

B. *ORS 192.660(2)(h) Litigation Item*

The Council went into executive session at 7:04 p.m. and returned to open session at 7:24 p.m. Members of the audience were asked to leave and only designated staff and representatives of the media were permitted.

VI. Staff Reports

A. *City Manager*

1. *Writ of Mandamus*

City Attorney John Trew discussed the result of the Curry County Civil Court hearing earlier in the day. City Manager Blodgett and City Attorney Trew, and Attorney Babin, attorney

for Bruce Brothers LLC, appeared before Judge Hugh Downer to resolve the Writ of Mandamus. Negotiations resulted in a judicial settlement to include the original 39 conditions (previously approved by the Planning Commission, File No. PUD-2-04) plus 7 additional conditions.

Judge Downer reviewed the judicial settlement. He stated both parties; Bruce Brothers LLC and the City, must sign the document within seven (7) days. Judge Downer is expected to finalize the court judgment within 28 days. Attorney Trew will brief the Council on the final status of the court's decision.

2. *Ballot Measure 37*

City Manager Blodgett stated the City decided some action was necessary in dealing with Measure 37. After the measure was passed by voters in the November election, the City's intention was to adopt an ordinance by December 2nd, thirty days after the measure was passed. He stated there are lots of questions and few answers for the procedure of Measure 37. In reviewing what other cities and counties are doing, it was noted some are doing nothing, others have adopted ordinances. He noted Eugene is one of the first to go to court and the City will be looking at the outcome.

VII. Ordinances/Resolutions/Final Orders

A. Ordinance

1. *Ordinance 04-O-566—In the matter of an Ordinance Concerning Real Property Compensation; Adopting Procedures for Processing Claims; Declaring an Emergency; and Providing an Immediate Effective Date.*

City Manager Blodgett read the 4-page document into the record.

City Attorney Trew reminded Council that approval of a second reading by title only of Ordinance No. 04-O-566 was appropriate.

Councilor Michelson moved, it was seconded, and the Council voted unanimously to approve the second reading of Ordinance No. 04-O-566 by title only.

Blodgett read Ordinance No. 04-O-566 by title only.

Councilor Johns Kern moved to adopt Ordinance No. 04-O-566, an ordinance concerning Real Property Compensation;

Adopting Procedures for Processing Claims; Declaring an Emergency; and Providing an Immediate Effective Date; it was seconded and the Council voted unanimously to adopt the ordinance.

VIII. Remarks from Mayor and Councilors

A. City Manager

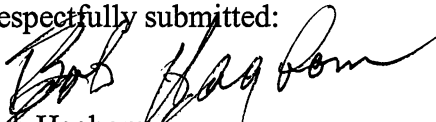
- City Manager Blodgett wanted to remind the Council about the Christmas Tree Lighting Ceremony, Saturday, December 4th beginning at 6:00 p.m.
- On Thursday, December 2nd, the Parks and Recreation Commission will have a public meeting on the future of Bankus Park, particularly the fountain.
- Leo Lightle, Director of Community Development, has decided to retire, after 20+ years of service. His last day will be January 3, 2005.
- Linda Barker will be returning to work on December 1, 2004.

B. Mayor
None.

IX. Adjournment

Councilor Johns Kern moved, it was seconded and by unanimous approval the Council adjourned at 7:45 p.m.

Respectfully submitted:


Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of _____, 2003.

Paul Hughes
Finance Director/City Recorder