



MINUTES

**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
July 13, 1992
7:00 p.m.**

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Councilors Nancy Brendlinger, Mary Jane Brimm, Larry Curry, Tom Davis (arrived at 7:10 p.m.)

Staff Present: City Manager Dennis Cluff, City Attorney Mike Gillespie, Administrative Assistant Donna Van Nest

Media Present: Bill Schlichting, Curry Coastal Pilot; Larry Goodman, KCRE

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

1. Appointment of Parks and Recreation Commission Member

In response to a request for applicants to the Parks and Recreation Commission published in the Curry Coastal Pilot, the city received one letter from Gary O. Smith. In a memo to the council, Mayor Hummel stated that Mr. Smith's professional experience could well be of value to the commission and he requested approval of the appointment of Gary O. Smith to fill the vacancy on the commission created by the resignation of Angela Dillingham [term to expire 02/01/95].

Councilor Brimm moved to approve the appointment of Gary O. Smith to fill the vacancy on the commission created by the resignation of Angela Dillingham, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Mayor Hummel

Nays: None

Motion carried; the appointment of Gary O. Smith to fill the vacancy on the commission created by the resignation of Angela Dillingham, approved. [term to expire 02/01/95]

2. Presentation of Fire Department Certificates

Mayor Hummel presented Basic Firefighter certificates to Cynthia Williams, Gary Tooker, Chris Glover, Russell Benson, Scott Barber, Jim Watson, Mark Doughty and George Humphrey. Three of the firefighters were absent and were presented with their certificates later. Mayor Hummel presented certificates to Don Oliver and Carolyn Bigelow certifying them in First Responder Operations, (hazardous materials).

Councilor Davis arrived (7:10 p.m.)

V. PUBLIC HEARINGS

1. Ordinance No. 92-O-446.K - An ordinance amending Section 4.070 of Ordinance No. 89-O-446 - Exemption from development permit requirements. (Land Development Code)

In a staff Planning Department staff report, Planning Director John Bischoff indicated that in April of 1990 the City Council completed action to make changes to Section 4.070.E Exemption from development permit requirements, to allow the remodel, alteration or repair of commercial or industrial building without need for a development permit if such alterations, repair, or remodel did not exceed 50% of the assessed value or market value, which ever is greater, of the building. These ordinance changes became effective on March 28, 1990. This change did not exempt additions to commercial or industrial buildings.

Since that time staff has continually received requests to make improvements on commercial or industrial buildings. When told that he/she would be required to have a development permit and thus would be required to make full street improvements in front of his/her business, the applicant would withdraw the application. In many cases the addition requested by the applicant would have represented an improvement of the building or an improvement to the appearance of the area. Staff has become aware that by not allowing some degree of building addition without the requirement of street improvements, the upgrading of the downtown commercial district is being prevented in the same manner that the requirement for street improvements hampers the conversion of nonconforming uses to conforming commercial uses. Again it is apparent that some of the provisions of the ordinances and the policies followed by the city are standing in the way of the proper development of the older downtown commercial and industrial districts.

The planning commission has reviewed this issue and recommends allowing additions up to 25% of the floor area, per year, up to a total of 50% of the original floor area of the existing building.

Mr. Bischoff requested that council adopt Ordinance No. 92-O-446.K as recommended by the Planning Commission.

Mayor Hummel opened the public hearing at 7:10 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-446.K into the record in its entirety.

Mayor Hummel requested testimony from the public. There being none, the public hearing was closed at 7:13 p.m.

Councilor Davis moved to adopt Ordinance No. 92-O-446.K by first reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-446.K adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-446.K into the record by title only.

Councilor Brimm moved to adopt Ordinance No. 92-O-446.K by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-446.K - An ordinance amending Section 4.070 of Ordinance No. 89-O-446 - Exemption from development permit requirements. (Land Development Code) adopted by second reading. [Effective August 11, 1992]

VI. SCHEDULED PUBLIC APPEARANCES

None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

None

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. June 22, 1992 Regular Council Meeting
2. June 30, 1992 Special Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. June 2, 1992 Planning Commission Meeting

C. Requests for Payment

1. Request for final payment - James Fowler Co. - Dawson Tract Sewer and Water Improvements - Schedule "A"

2. **Request for payment - EMK Contractors, Inc. - Water Treatment Plant and Intake Improvements - Certificate No. 3**

(end Consent Calendar)

Councilor Davis moved to approve the Consent Calendar, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Consent Calendar consisting of:

A. Approval of Council Meeting Minutes

1. **June 22, 1992 Regular Council Meeting**
2. **June 30, 1992 Special Council Meeting**

B. Acceptance of Planning Commission Meeting Minutes

1. **June 2, 1992 Planning Commission Meeting**

C. Requests for Payment

1. **Request for final payment - James Fowler Co. - Dawson Tract Sewer and Water Improvements - Schedule "A"**
2. **Request for payment - EMK Contractors, Inc. - Water Treatment Plant and Intake Improvements - Certificate No. 3**

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. **Ordinance No. 92-O-474.B - An ordinance amending Ordinance No. 91-O-474 (Council Rules)**

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-474.B into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 92-O-474.B by first reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-474.B adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-474.B into the record by title only.

Councilor Brendlinger moved to adopt Ordinance No. 92-O-474.B by second reading, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-474.B - An ordinance amending Ordinance No. 91-O-474, Sections 1 and 2, (Council Rules), adopted. [Effective August 11, 1992]

2. Ordinance No. 92-O-493 - Annexation - Hewitt and Burgess properties

Planning Director John Bischoff explained in a memo that the two lots subject to this annexation request are located in the Harris Heights area and are not within the current city limits. These lots were caused to be completely surrounded by the city limits by the Hewitt and A. C. Land Company annexations which occurred in 1986 and 1987 respectively. For reasons unknown to staff at this time, these lots were not included in either of these annexations or it was not recognized that an island of unincorporated property would result from the annexations. The subject lots are approximately 0.97 and 1.87 acres in size for a total of 2.84 acres and each lot contains one house and at least one other out building. The larger of the two lots (Burgess) is located adjacent to the northerly boundary of the Harris Beach P.U.D. and westerly of the current terminus of Seacrest Lane. The smaller lot (Hewitt) is located on the north side of the Burgess lot. The property is located on a gentle hillside that slopes from a high point on the north east to a low point in the south west. The houses are located on level pads graded into both lots. Currently neither lot has city water service or sewer service.

Both lots are zoned R-2 (Residential-Two) on the county's zoning map. Surrounding zoning is R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) on the city's zoning maps except for the lot located adjacent to the northwest corner which is zoned C-4 (Tourist Commercial). The surrounding R-1-6 property is vacant except on the south which is partially developed as the Harris Beach P.U.D. The area to the east of the subject property is being graded for the construction of the Glenwood P.U.D. which was approved earlier this year. The C-4 property to the northwest contains one shed building and a mobil home and is currently being prepared for the development of the Hewitt R V park.

Both properties are currently accessed from East Harris Heights Road which has been vacated by the county (Curry County Board of Commissioners Order No. 41-96, 1987). This vacation occurred because the existing travelway was not aligned with the right-of-way dedication and the 1986 Hewitt annexation also included a three lot Minor Partition and the concept of a future extension of Arch Lane to the north to be terminated with a cul-de-sac. The extension of Arch Lane would provide access to two of the Minor Partition lots. The third lot which is the site of the R V park is accessed from a road extending from Glenwood Dr. near the intersection with Highway 101. The smaller lot (the Hewitt property) of the proposed annexation was isolated from the former East Harris Heights Road and takes access via an easement through property to the west which was subject to the 1986 Hewitt annexation and is now in the city limits. Neither Arch Lane or the R V park access provides access to the Hewitt lot (See Exhibit 1). The county tax maps indicate that the south easterly corner of the larger lot fronts on Seacrest Lane for a distance of approximately 75 feet. Since East Harris Heights Rd. has been vacated, the Seacrest Lane frontage will eventually be the primary access to the larger lot. The smaller lot would still rely on easement access through the adjacent lot to the west. However, since East Harris Heights Road has been vacated, the access easement from the smaller Hewitt lot apparently ends without touching a public street, leaving it completely landlocked. Staff has an indication that a second easement has been created from the Hewitt lot to the future extension of Arch Lane, however, if this extension never occurs, this easement is also meaningless.

PROPOSED ANNEXATION

Since this is an island annexation, the Oregon Revised Statutes (ORS) Section 222.750, would allow the city to annex these two lots by ordinance, without consent of the owners or election. However, in this particular case the request for annexation was made by the property owners and until this request was submitted, the city has had no plans to annex these properties.

When considering the merits of an annexation request and to insure compliance with the provisions of the Comprehensive Plan, the Planning Commission and City Council must consider the following criteria as described in Section 148.030 and 148.040 of the Land Development Code.

A. The proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the city boundaries and is found to be a necessary control for development form and standards of an area adjacent to the city.

The proposed annexation is within the city limits and is not, in effect, an expansion of the limits. This action would eliminate an island of unincorporated land within the city limits and represents a logical, efficient and economical annexation which would simplify the provision of city services to the area.

B. The proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city (direct responsibility for extension costs shall be addressed).

Water and sewer mains will be stubbed out to the boundaries of both lots through the construction of the R V park to the west of the subject properties. The provision of water lines and sewer laterals onto the subject lots will be the responsibility of the property owners. (See the discussion of services under analysis below.)

C. The annexation represents a needed solution for existing problems resulting from inadequate or insufficient provisions for sanitation, water service or other related problems resulting from development with less than full urban services and facilities provided.

It is the city's policy to allow sewer service only in areas which are within the city limits. This annexation would allow these lot to apply for sewer service and relieve the need for septic systems.

D. The proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses projected on the comprehensive plan or will add property which has existing development in need of urban services.

(See "C" above)

E. The lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

The process of annexation and the resulting combining of the Hewitt property into the larger commercially zoned lot, has resolved an access problem for the lot. The elimination of an unincorporated island is a logical action that will simplify the provision of some city services which would not be available otherwise. (See Analysis section below.)

ANALYSIS

Pursuant to the provision of Section 148.040 of the Land Development Code the following is an analysis of the following issues relating to the proposed annexation.

A. A statement of the municipal service needs, if any, of the territory proposed to be annexed, including police and fire protection; public sewer and water supply facilities; street improvement or construction, or both; and such other municipal services that may reasonably be required.

B. A statement of the projected methods and costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

C. A statement of the additional revenues, if any, available to the city as a result of the annexation.

D. A statement of the foreseeable impact of the proposed annexation upon property within existing city limits, and upon property outside the city limits and contiguous to the property included within the proposed annexation.

E. A statement analyzing the impact of the annexation on the growth, development, and future of Brookings and its urban growth area, recognizing that even small-area annexations involve implicit policy decisions concerning long-range development and ultimate impacts.

Although the request to the annexation of an unincorporated island is logical and appears to be relatively simple, there are concerns for access to both lots that complicate the issue. The vacation of East Harris Heights Road and the failure to annex the two subject lots, have combined to create a problem which could have been solved at the time of the 1986 annexation.

Staff's analysis for each of these criterion is described below.

A. Municipal Services.

Streets (Access). Discussion with the applicants concerning the question of access to the Hewitt property has resulted in a solution which will benefit both of the subject lots. Mr. Hewitt will combine and cancel his lot into the larger lot which is currently in the city limits and zoned C-4. Mr. Hewitt will also dedicate the right-of-way required to complete the Arch Lane cul-de-sac and at the same time extend the dedication to the westerly boundary of the Burgess lot. This action will resolve the access issue to the unincorporated Hewitt lot, which will no longer exist as a separate lot, and will provide a second frontage for the Burgess lot which will allow the future partition of the lot in the manner that Mr. Burgess desires. At the time this report was written, the paper work was being prepared to accomplish these actions and have not been filed. If they are not filed by the time of the hearing the case should be tabled until such time as they are filed.

Water Service. As mentioned above the city is not supplying water to either of the subject lots. Development of the R V park within the existing city limits will provide a water main which will be stubbed out to the Boundary of the Burgess lot and will provide the ability to divided the lot in the future. The availability of water to future development on this lot

will depend on the city's ability to provide the service at the time required. Since the Hewitt lot will be combined and canceled into the larger C-4 Zoned lot which will have water service once the R V park is constructed, the issue of water service to that lot becomes mute. The ability to serve water to any further development on either lot will depend on the city's capacity to provide the service at the time requested.

Sewer service to the Burgess lot will be provide by the extension of sewer mains through the R V park to the boundaries of adjoining lots. There is also a main in Seacrest Lane which abuts the Burgess lot for approximately 75 feet. However, due to the topography of the area, if the sewer main in Seacrest is used, pumps would be required to move the sewage from the property to the main. The extension of the mains through the R V park will provide a gravity flow system. As with water service, the act of combining the Hewitt lot with the C-4 Zoned lot will in effect provide sewer service to this lot. The availability of sewer service to the Burgess lot or for further development in the R V park will depend on the city's ability to provide such service when requested.

Fire Protection. The subject properties are currently within the Dawson Fire Protection District which is served by the Brookings Fire Department. Fire protection service would not be effected.

Police protection. Emergency calls on the 911 system concerning either of the subject lots would currently be routed to the County Sheriffs Department. After annexation these calls would be routed to the Brookings Police Department. The Brookings' Police Chief has indicated that the incorporation of these island lots will actually simplify the ability to provide police service to the area by eliminating the need to determine whose area the call is in. It is not likely that two lots would generate enough calls to adversely impact the Police Department.

- B. Cost of Extending Services.** The cost of extending services to the two lots which are the subject of this request would be born by the applicants or future owners of the property. As stated above, the construction of the R V park will provide a water and sewer main to the Burgess lot and the other lot will be combined into the existing C-4 Zoned lot and will be serviced through the construction of the R V park. Both lot owners would be required to extend the water and sewer laterals to the existing main to obtain service.
- C. Additional Revenues.** Additional revenues available to the city by this annexation would be minimal and consist of annual property tax revenues and system development charges when sewers are connected.
- D. Impacts On Adjoining Property.** The proposed annexation would act to close an island of unincorporated land within the existing city limits and will create no impacts on adjoining properties.
- E. Impacts On Growth, Development and Future.** Since the area proposed for annexation is an island and only 2.84 acres in size, it should have very little impact upon the growth, development and future of the city. Combining the Hewitt lot with the larger parcel which is the site of the R V park, could possibly allow expansion of the park through the approval of a conditional use permit.

It is staff's opinion that the annexation of the two subject lots is logical and feasible if the problems of access to the Hewitt lot are solved in the manner proposed these remedies, however, must be in place before official action, i.e. a hearing, is taken. This action would correct an undesirable condition with minimum impacts.

Zoning. The subject property is currently zoned R-2 on the county's zoning maps and is being used for residential purposes. Staff is recommending that if the property is annexed the city should place the Burgess property in the R-1-6 Zone as that is the existing zoning of the residential land adjacent to the property. This lot should be designated as Residential on the Comprehensive Plan Maps.

It is logical that the Hewitt property be placed in the C-4 Zone and designated as Commercial in the Comprehensive Plan since the lot will be combined into the larger commercially zoned parcel. However, there is a house on this property which is not allowed by the zone and thus would become a nonconforming use. The house could be used as an owner/manager/caretaker's residence for the RV park, although the park was not approved with an owner's or manager's residence. The C-4 Zone would be the most desirable application because to place any other zone on the property would create one lot with two separate and different zones.

FINDINGS OF FACT

1. The applicants are requesting the annexation of two lots totaling 2.84 acres with a house on each lot.
2. The lots proposed for annexation are zoned R-2 (Residential-Two) by the county and are designated Residential in the County Comprehensive Plan.
3. The lots proposed for annexation are an island of unincorporated land within the city limits.
4. The land within the city surrounding the subject lots is zoned R-1-6 and C-4.
5. The larger of the two lots, the Burgess lot, has approximately 75 feet of frontage on Seacrest Lane.

6. The smaller lot, the Hewitt lot, was apparently landlocked by the vacation of East Harris Heights Road in 1984.
7. The smaller lot has been combined with the adjoining large parcel on the northwest which is in the same ownership and zoned C-4 is within the city limits.
8. Neither lot is receiving city water service at this time.
9. Neither lot is being provided with sewer service at this time.
10. The R V park being constructed on the C-4 Zoned property within the city limits will stub out water and sewer mains to the boundary of the larger lot.
11. Fire protection to the subject property is currently being provided by the Brookings Fire Department.
12. Police protection to the subject property is currently being provided by the County Sheriff's Department but will become the responsibility of the Brookings City Police if annexed.

CONCLUSIONS

1. The subject lots are completely surrounded by property within the city limits and zoned for residential or tourist Commercial use.
2. With the completion of the combine and cancel action to bring the smaller Hewitt lot into the larger lot in the same ownership and currently within the city limits, all question of access has been resolved.
3. Access for the Burgess lot will be provided from existing frontage on Seacrest Lane on the southerly boundary. Mr. Hewitt has also stated that he will dedicate the cul-de-sac to complete Arch Lane, which is in the city limits, and through this action the Burgess lot will gain a second frontage, although it is not required.

4. **Since the Hewitt lot has been combined with the larger lot within the city limits, water service to it will be supplied through the lines constructed for the R V park which was approved through a Condition Use Permit. This construction will also provide a water main for the larger Burgess lot. Both owners will be responsible for the extension of water lines and sewer laterals onto their property.**
5. **Sewer mains will be stubbed out to the boundary of the Burgess lot as a requirement of the construction for the R V park. The Hewitt lot will gain sewer service through the R V park in the same manner as water service.**
6. **Water and sewer service to each of these lots is subject to the city's capacity to supply such services at the time they are requested.**
7. **Fire protection is currently provide by the Brookings' Fire Department and the annexation of these lots will not cause additional impacts on the service.**
8. **Since the area to be annexed is only 2.84 acres in size, changing police protection from the County Sheriff's Department to the Brookings' Police Department should not produce a significant impact on the Police Department. The Brookings' Police Chief has indicated that the action would actually simplify the provision of service to the area by eliminating the need to make the decision as to whether it falls in the city or county jurisdiction.**
9. **Since water and sewer mains will be provided adjacent to the subject properties through the construction of the R V park, the cost of extending these lines onto the properties will be borne by owner. The cost of providing fire and police service will be minimal if any.**
10. **The only additional revenue the city will receive from this annexation would come from property taxes and possibly from system development charges when sewer service is connected.**

11. **Staff can not identify impacts that the annexation could have on adjoining properties within the city limits. The subject lots do not adjoin property that is in the county.**
12. **The proposed annexation will not have significant impact on the growth, development, and future of the City of Brookings or its Urban Growth Area.**
13. **The proposed annexation conforms with the provisions of the City's Comprehensive Plan and of the Land Development Code.**

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-493 into the record in its entirety.

Councilor Brendlinger moved to adopt Ordinance No. 92-O-493 by first reading, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-493 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-493 into the record by title only.

Councilor Davis moved to adopt Ordinance No. 92-O-493 by second reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-493 - An ordinance declaring the annexation of certain real property to the City of Brookings, and concurrently rezoning said property from Residential - Two (R-2) county zoning to Single Family Residential 6,000 square foot minimum lot size (R-1-6) and Tourist Commercial (C-4) city zoning. - adopted [Effective August 11, 1992]

B. Resolutions

1. **Resolution No. 92-R-538 - Membership in workers' compensation pool with CIS.**

According to a memo from Finance Director/Recorder Beverly Shields, the CIS Trustees have elected to make membership in the CIS Worker's Compensation Group subject to a three-year commitment. This will make the workers' compensation pool operate the same as the liability and property pools. In exchange, CIS will base members' contributions on rates no higher than 5% above NCCI pure rates (the current rating basis) for 1994 and 1995 renewals. We will also continue existing deductible and cash flow plans for those renewals.

Members can withdraw prior to the end of the three-year commitment with six months notice. However, this would entail giving up any return of net income to which an entity would otherwise be entitled.

The three-year membership gives Oregon cities and counties a guarantee of future price stability. And it gives CIS the ability to negotiate longer term arrangements with reinsurers and service providers.

Councilor Davis moved to adopt Resolution No. 92-R-538, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-538 - Membership in workers' compensation pool with CIS. - adopted.

2. **Resolution No. 92-R-539 - A resolution adopting a procurement policy for the City of Brookings.**

[This agenda item postponed to the July 27, 1992 meeting.]

3. **Resolution No. 92-O-540 - A resolution adopting a personal service contracting policy for the City of Brookings.**

[This agenda item postponed to the July 27, 1992 meeting.]

4. **Resolution No. 92-R-541 - A resolution of the City of Brookings establishing an Equal Opportunity/Affirmative Action Policy.**

[See Item No. 7 for passage]

5. **Resolution No. 92-R-542 - A resolution of the city of Brookings establishing a policy of nondiscrimination on the basis of handicapped status.**

[See Item No. 7 for passage]

6. **Resolution No. 92-R-543 - A resolution supporting the Fair Housing Amendments Act of 1988 and implementing a Fair Housing Program.**

[See Item No. 7 for passage]

7. **Resolution No. 92-R-544 - A resolution supporting assisted housing programs.**

City Manager Dennis Cluff advised that Resolution No. 92-R-541, Resolution No. 92-R-542, Resolution No. 92-R-543 and Resolution No. 92-R-544 are required by the federal government prior to implementation of the Community Development Block Grant awarded to the Chetco Senior Center for expansion of the senior center facility.

Councilor Davis moved to adopt Resolutions No. 92-R-541, 92-R-542, 92-R-543 and 92-R-544, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-541 - A resolution of the City of Brookings establishing an Equal Opportunity/Affirmative Action Policy, Resolution No. 92-R-542 - A resolution of the city of Brookings establishing a policy of nondiscrimination on the basis of handicapped status, Resolution No. 92-R-543 - A resolution supporting the Fair Housing Amendments Act of 1988 and implementing a Fair Housing Program, and Resolution No. 92-R-544 - A resolution supporting assisted housing programs. - adopted.

X. COMMITTEE REPORTS

A. Planning Commission

None

B. Parks and Recreation Commission

None

C. Golf Board

Mayor Hummel announced that the Golf Board will hold a meeting on July 15, 1992.

City Manager Dennis Cluff advised that City Attorney Mike Gillespie has drawn up a Letter of Agreement which is a modification of the lease agreements dated June 11 and June 30, 1992 for the Jack Creek Golf Course property. The purpose of the modification is to enable South Coast Lumber Company to remove trees from the leased premises which have been marked by the representative of WJS Golf, Inc./Bob McCallister Joint Venture.

Councilor Davis moved to authorize the mayor to sign the Letter of Agreement Modification of Lease Agreements dated June 11 and June 30, 1992 between the City of Brookings, South Coast Lumber Company and WJS Golf Inc., and Bob McCallister (Joint Venture), which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; mayor authorized to sign the Letter of Agreement Modification of Lease Agreements dated June 11 and June 30, 1992 between the City of Brookings, South Coast Lumber Company and WJS Golf Inc., and Bob McCallister (Joint Venture). The Letter of Agreement pertains to the removal of trees from the leased Jack Creek Golf Course property.

D. Chamber of Commerce

None

XI. STAFF REPORTS

A. Community Development Director

None

B. Police Department

None

C. City Manager

1. **Contract - Community Development Block Grant**

City Manager Dennis Cluff advised that following adoption of the resolutions required by federal regulations, the last step in the process to receive the grant funding for the Chetco Senior Center is to authorize the highest elected official of the city to sign the contract.

Councilor Brimm moved to authorize the mayor to sign the Community Development Block Grant contract, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; mayor authorized to sign the Community Development Block Grant contract, which contract is for the purpose of a grant awarded for expansion of the Chetco Senior Center.

Councilor Brimm moved to name City Manager Dennis Cluff, Finance Director/Recorder Beverly Shields, Councilor Larry Curry and Councilor Tom Davis as official signatories on the OCD grant account, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; City Manager Dennis Cluff, Finance Director/Recorder Beverly Shields, Councilor Larry Curry and Councilor Tom Davis named as official signatories on the OCD grant account.

Councilor Curry moved to authorize staff to seek RFP's for architectural services to oversee construction of the Chetco Senior Center in accordance with the Community Development Block Grant requirements, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; staff authorized to seek RFP's for architectural services to oversee construction of the Chetco Senior Center in accordance with the Community Development Block Grant requirements.

Ellen Estes, President of the Chetco Senior Center, presented the council with a check from the Chetco Senior Center in the amount of \$56,000. In a letter to the council, President Estes stated that these monies have been generously donated by members of the Chetco Senior Center and other patrons and are to be combined with funds granted by the State of Oregon to the City of Brookings for the funding of the project to complete the Chetco Senior Center.

2. Memorial tree and plaque

Administrative Assistant Donna Van Nest explained that she had been contacted by Mrs. Evelyn O'Brien, mother of former City Attorney John Coutrakon who was killed in an auto accident five years ago. Mrs. O'Brien requested permission to replace the crabapple tree which she had placed on the city hall grounds with a larger tree and she requested permission to place a plaque alongside the tree indicating that it was in memory of City Attorney John Coutrakon.

Councilor Davis moved to honor the request of Mrs. O'Brien to replace the crabapple tree which had been planted in memory of former City Attorney John Coutrakon and to place a plaque next to the tree, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

**Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel**

Nays: None

Motion carried; request by Mrs. Evelyn O'Brien, mother of former City Attorney John Coutrakon who was killed in an auto accident five years ago, to replace the crabapple tree which she had placed on the city hall grounds with a larger tree, and her request to place a plaque alongside the tree indicating that it was in memory of former City Attorney John Coutrakon, honored.

D. City Attorney

None

E. Fire Department

1. Donation of Cascade Equipment from Harbor Volunteer Fire Department

Fire Chief Marshall Ferg advised that the Harbor Rural Fire Protection District has donated to the City of Brookings and the Brookings Fire Department a cascade system that produces breathing air for self-contained breathing apparatus. This system will allow the department to fill their own air cylinders. The system has been installed in the equipment bay of the fire station and is operational. Mr. Ferg requested that the city council accept the donation of a cascade system from the Harbor Rural Fire Protection District and that a letter be sent thanking them for this valued donation.

Councilor Brimm moved to accept the donation of a cascade system from the Harbor Rural Fire Protection District and to direct staff to write a letter thanking them for this valued donation, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

**Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel**

Nays: None

Motion carried; the donation of a cascade system from the Harbor Rural Fire Protection District accepted, and staff directed to write a letter thanking them for this valued donation.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

1. Sewer bond approach for November election

There was no discussion on this matter. This item will be added to the agenda for the July 20, 1992 work session for discussion.

2. Urban Reserve Rule

Councilor Davis moved to table the issue of the Urban Reserve until the council meeting on July 27, 1992, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

**Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel**

Nays: None

Motion carried; the issue of the Urban Reserve tabled until the council meeting on July 27, 1992.

XIII. ADJOURNMENT

Councilor Davis moved to adjourn the meeting to convene an Executive Session, which motion was seconded by Councilor Brimm; **motion carried unanimously.**

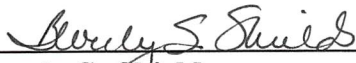
Mayor Hummel adjourned the meeting at 8:34 p.m.

EXECUTIVE SESSION - ORS 192.660 (1)(h) [Consultation with legal counsel concerning pending or current litigation]



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder