

CITY OF BROOKINGS
SPECIAL BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
NOVEMBER 7, 1990 - 1:30 P.M.
MINUTES

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 1:30 p.m.

II. ROLL CALL

Council Present: Mayor Fred Hummel, Council President Fred Schutt, Councilors Nancy Brendlinger, Floyd James, Bill Henry

Councilors-Elect Present: Mary Jane Brimm, Larry Curry, Tom Davis

Staff Present: City Manager Dennis Cluff, City Attorney Mike Gillespie, Administrative Assistant Donna Van Nest, Community Development Director Leo Lightle, Finance Director/Recorder Beverly Shields

Media Present: Bill Schlichting, Curry Coastal Pilot

III. COUNCIL BUSINESS

1. Consideration of Protest of Dawson Tract Bids

Mr. Peter Richard, Attorney at Law, 122 S. Fifth, Klamath Falls, Oregon, representing Horton Brothers, Inc., protested the apparent low bid on Schedule A of the Wastewater and Water System Improvement Project for Dawson Tract, West Harris Heights, and Oregon Driftwood Shores. Mr. Richard advised that although J.W. Fowler was regarded as the low bidder, his bid failed to include two EPA certifications which were required by the Instructions to Bidders. Those two certifications were: 1) A certification of women and minority enterprises to be utilized and 2) a certification that money (other than profits) received from federally funded projects would not be used for lobbying. Mr. Richard pointed out that page 3 of the Notice to Contractors states, "no bid will be considered unless fully completed in the manner provided in the Instructions to Bidders..."

City Attorney Michael Gillespie stated that the signed subject documents were received by the City within 48 hours of the bid opening. Mr. Gillespie advised the Council that he could find no basis upon which to suggest that there is any prejudice to the fair bidding process by considering the documents received late. Mr. Gillespie recommended to the Council that there is no good cause in the public interest for rejection of the bid under Chapter 279, ORS.

It was noted that one letter of protest was also received from Tidewater Contractors, dated November 6, 1990.

Councilor Schutt stated that if the bid package required the complete package, then the protest should be accepted.

Councilor Henry moved to reject the protest of Horton Brothers, Inc., to the bid process, which motion was seconded by Councilor Brendlinger. (Councilor Brendlinger stated that she could see Horton Brothers point in protesting the bid, but she also had to consider that the protested bid was the lowest, and the people on the Dawson Tract do not want to pay any more than necessary to improve their properties.) The clerk called the roll with the following results:

Ayes: Councilors Henry, James, Brendlinger,
Mayor Hummel

Nays: Councilor Schutt

Motion carried; the protest of Horton Brothers, Inc., to the low bid for Schedule A of the Wastewater and Water System Improvement Project for Dawson Tract, West Harris Heights, and Oregon Driftwood Shores rejected.

Councilor Brendlinger moved to direct staff to notify all bidders in writing of the decision of the Council and to attach a copy of the City Attorney's opinion to each letter, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Henry, James, Brendlinger,
Mayor Hummel

Abstain: Councilor Schutt

Motion carried; staff directed to notify all bidders in writing of the decision of the Council pertaining to the protest to the low bid for Schedule A of the Wastewater and Water System Improvement Project for Dawson Tract, West Harris Heights, and Oregon Driftwood Shores, and to attach a copy of the City Attorney's opinion to each letter.

2. Reconsideration of Van Pelt Hills Water System

City Manager Dennis Cluff recommended to the Council that the conditions of acceptance of the Van Pelt Hills be modified to delete Condition No. 1 and add a clause allowing 6 months for completion of conditions 2 through 9.

Councilor Brendlinger moved to modify the previous acceptance of the Van Pelt Hills Water System to delete Condition No. 1 and to add a clause allowing 6 months for completion of conditions 2 through 9; and to grant water service to Mr. Pratt at the time of completion of the health standards, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Henry, James, Brendlinger,
Schutt, Mayor

Nays: None

Motion carried; previous acceptance of the Van Pelt Hills Water System modified to delete Condition No. 1 and to add a clause allowing 6 months for completion of conditions 2 through 9, as follows:

1. Deleted.

2. A \$10,000 bond or cash deposit be provided to the City for safekeeping, to insure the proper installation of an acceptable 6" water main from the third level tank to the first shut off valve (some 300+ feet), and other system improvements identified in Conditions 3 through 9;

3. The plans for the water line and the tank will be certified by a registered professional engineer, and the developer will pressure test and chlorinate the tank at their cost, in cooperation with City staff. The developer will also change the drain line, install the flap valve, paint the tank and dedicate the tank site to the City, and provide a 1-year warranty on all portions of the fourth level system;

4. The developer will have copies of the certified plans reviewed and approved by the Oregon State Health Department for domestic water use on an as-built basis;

5. The developer will obtain a land use compatibility statement, and submit an affidavit that the submittal meets the standards outlined in the applicable OAR's;

6. Since the system cannot accommodate a fire flow of 500 gallons per minute for 4 hours, the developer will provide assurances (signed covenants or acknowledgements) that all property owners served by this 4-inch line are aware that the City of Brookings assumes no liability for fire flow, but is providing domestic water only;

7. The third level pump station will be upgraded to handle the increase in flows;

8. The developer will get Oregon State Board of Health approval of all the Phase Four construction (not just the items listed in the documents);

9. All plans and construction shall be approved by the city engineer prior to any additional work being done, or acceptance of work already performed.

And to grant water service to Mr. Pratt at the time of completion of the health standards.

3. Sewer Main Emergency - Frontage Road

City Manager Dennis Cluff advised that he had authorized emergency sewer main repairs on Frontage Road during the Fifth Street/Elk Drive construction, and requested approval of the Council of the action.

Councilor Schutt moved to proceed with the emergency repairs to the sewer system on Frontage Road and direct staff to bring back a formal change order for approval at the November 19, 1990 Council Meeting, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Henry, James, Brendlinger, Schutt, Mayor

Nays: None

Motion carried; emergency repairs to the sewer system on Frontage Road approved and staff directed to bring back a formal change order for approval at the November 19, 1990 Council Meeting.

4. Cable Television Review

Mayor Hummel advised that he was asked by the Chair of the Curry Tri-Cities Council to request authority from the Council to authorize the Chair to write a letter to the FCC requesting a review of Falcon Cable Television. The Council consensus was to ask the Crescent City Coalition for Better Cable Service and representatives of Falcon Cable Television to come to the Curry Tri-Cities meeting next week.

5. Frenchy Arrell, co-owner of the Chetco Rexall Drugs property, again protested the configuration of the turn lanes proposed at the traffic signal at 101 and Fifth Street. Mr. Arrell was advised that if he would bring in a plan showing the configuration of the traffic pattern he wanted, staff would review it and again contact the state to discuss a different approach to Frontage Road at Hwy. 101 for northbound traffic.

IV. ADJOURNMENT


Councilor Henry moved for adjournment, which motion was seconded by Councilor Brendlinger; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 2:59 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder