

MINUTES

**CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
February 10, 1992
7:00 p.m.**

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Councilors Nancy Brendlinger, 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, Treatment Plants Operator Paul Strader

Media Present: Bill Schlichting, Curry Coastal Pilot; Martin King, KCRE; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

1. Appointments to Parks & Recreation Commission

Seven area residents have submitted letters requesting appointment to the Parks and Recreation Commission, as follows:

**William A. Scales
Carolyn Hubbard
Keith Hislop
Steve Mendenhall**

**Angela Dillingham
Daniel Ambrose
Avis MacLean**

Mayor Hummel requested approval from the council for the appointments of William A. Scales, Angela Dillingham, and Carolyn Hubbard to fill the vacancies on the Parks and Recreation Commission.

Councilor Davis moved to approve the appointments of William A. Scales, Angela Dillingham and Carolyn Hubbard to the Parks and Recreation Commission, 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; William A. Scales appointed to fill the vacancy created by the resignation of Parks and Recreation Commissioner Sandra Calta [term expires 02/01/96];

Angela Dillingham appointed to fill the vacancy created by the resignation of Parks and Recreation Commissioner Mary Lee Adkins [term expires 02/01/95]; and

Carolyn Hubbard appointed to fill the vacancy created by the expiration of the term of Parks and Recreation Commissioner Jim Harness [term expires 02/01/96].

2. Appointment of 1992-93 fiscal year budget officer

City Manager Dennis Cluff recommended that Beverly Shields, Finance Director/Recorder, be appointed as the budget officer for fiscal year 1992-93.

Councilor Davis moved to appoint Finance Director/Recorder Beverly Shields as budget officer for fiscal year 1992-93, 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; Finance Director/Recorder Beverly Shields appointed as budget officer for fiscal year 1992-93.

3. Appointments to Traffic Safety Committee

Three area residents have submitted letters expressing interest in serving on the Traffic Safety Committee, and Councilor Mary Jane Brimm and Planning Commissioner Ted Freeman, Jr., verbally volunteered to serve. Mayor Hummel requested approval of the appointments of Councilor Mary Jane Brimm, Carol Lute, Cliff Misener, Stan Engel and Ted Freeman, Jr. to the newly formed Traffic Safety Committee.

Councilor Curry moved to appoint Councilor Mary Jane Brimm, Carol Lute, Cliff Misener, Stan Engel and Ted Freeman, Jr. to the newly formed Traffic Safety Committee, 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; Councilor Mary Jane Brimm, Carol Lute, Cliff Misener, Stan Engel and Ted Freeman, Jr. appointed to the newly formed Traffic Safety Committee.

V. PUBLIC HEARINGS

1. Use of Community Development Block Grant monies

City Manager Dennis Cluff advised that the City of Brookings may submit a Community Development Block Grant (CDBG) application to the Oregon Community Development Program of the state's Economic Development Department. CDBG funds are intended to provide decent housing, a suitable living environment and expanding economic opportunities, principally for low and moderate income persons. Funds are available for public works, community facilities, new and rehabilitated housing, economic development and technical assistance. Approximately \$12 million will be available for Oregon's non-metropolitan communities in 1992.

The application being considered would request \$224,000 in CDBG funds for Chetco Senior Center expansion.

It is estimated that approximately 51+ % of the funds would benefit low and moderate income persons.

Mayor Hummel opened the public hearing at 7:09 p.m. and requested testimony from the public.

Lee Tinner, 1235 Moore St., Apt. 30, Brookings, submitted a letter requesting that sidewalks with handicapped access be constructed the length of Chetco Avenue.

Marilyn Riddle, 547 Spruce Street, submitted a letter requesting replacement of the infrastructure in the area between Chetco and Railroad, Oak and Wharf.

City Manager Dennis Cluff explained the criteria to qualify for CDBG grant monies.

There being no further testimony, Mayor Hummel closed the public hearing at 7:21 p.m.

Councilor Brimm moved to authorize the application for Community Development Block Grant monies for the purpose of expansion of the Chetco Senior Center facilities, 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; application for Community Development Block Grant monies for the purpose of expansion of the Chetco Senior Center facilities, authorized.

MUCH APPLAUSE

Mayor Hummel requested that the Golf Board be allowed to make their recommendation at this time.

X. COMMITTEE REPORTS

E. Golf Board

1. Recommendation for developer for Jack Creek Golf Course project

Golf Board Chairman Jim Cole advised that two development proposals were received from the latest golf course Request for Proposals (RFP). The Golf Board met on February 5, 1992 and voted to recommend to the council the firm of WJS-PGA Family Golf Centers, Ltd. in association with 1st Western Golf Associates, to be the golf course developers. They propose to invest an estimated \$3.3 to \$3.8 million in the project and return to the city a minimum of \$2.22 million over a lease term of 49 years.

The other RFP proposal was from The Erickson Group. Their proposal requested a three-month planning period after which the firm could terminate its interest in the project without penalty or proceed to development. The proposal would not include a club house any earlier than the third year of operation.

Chairman Cole requested that the council accept the proposal of WJS-PGA Family Golf Centers, Ltd. in association with 1st Western Golf Associates, to develop Jack Creek Golf Course, and requested that the city attorney begin the process of formulating the lease agreement.

Councilor Brendlinger expressed the opinion that she would like to see more information prior to signing any contracts.

Mayor Hummel stated that he felt that the council could accept the proposal on condition that background checks be made.

Councilor Davis stated that he felt that both sides should be heard.

Chairman Cole stated that only one proposal was received to build a golf course. The other proposal was to do a study and to then determine if they would build a golf course.

Councilor Curry requested verification of statements made in the resumes of the proposers.

Councilor Brendlinger requested more information on the corporation.

Robbi Stassi of the Erickson Group, the proposer who was not successful, read a letter from Jack Erickson, President of the Erickson Group, acknowledging the decision of the Brookings Golf Board in selecting the McCallaster/Baldock Co. for the construction of the Jack Creek Golf Course. The letter requested that the city contact the Erickson Group again if there are any difficulties in negotiations with WJS-PGA Family Golf Centers, Ltd. in association with 1st Western Golf Associates.

Councilor Davis moved to accept the proposal of WJS-PGA Family Golf Centers, Ltd. in association with 1st Western Golf Associates, to develop Jack Creek Golf Course contingent on contract negotiations, which motion was seconded by Councilor Curry.

Following further discussion, Councilor Brendlinger moved to amend the motion to state, contingent on satisfactory background checks on any parts of the proposal. There was no second.

Councilor Davis moved to amend the original motion to state, to accept the Golf Board's recommendation to proceed in negotiating a contract agreement, subject to independent confirmation by staff of personal and financial background of all individuals and entities involved in the proposal, with their choice being that of WJS-PGA Family Golf Centers, Ltd., in association with 1st Western Golf Associates, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; original motion amended to state, to accept the Golf Board's recommendation to proceed in negotiating a contract agreement, subject to independent confirmation by staff of personal and financial background of all individuals and entities involved in the proposal, with their choice being that of WJS-PGA Family Golf Centers, Ltd., in association with 1st Western Golf Associates.

The clerk called the roll on the original amended motion, with the following results:

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

Nays: None

Motion carried; Golf Board's recommendation to accept the Golf Board's recommendation to proceed in negotiating a contract agreement, subject to independent confirmation by staff of personal and financial background of all individuals and entities involved in the proposal, with their choice being that of WJS-PGA Family Golf Centers, Ltd., in association with 1st Western Golf Associates, accepted.

ABUNDANT APPLAUSE

VI. SCHEDULED PUBLIC APPEARANCES

1. Discussion of new sewer permit standards - Brown and Caldwell Engineer John Holroyd

John Holroyd from Brown and Caldwell Engineers advised that EQC has just recently approved a new sewer discharge permit for the city. He explained the essentials of the new permit, the permit conditions and effects if they are not met, the Stage 2A construction project and what it entails, and he answered questions from the audience.

Chief Plants Operator Paul Strader gave a brief overview of the wastewater treatment plant operations level since the completion of the plant upgrade.

No formal action taken.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

Carolyn Hubbard requested assurance that when the construction of the sewers is completed in the Dawson Tract, including the Cottage Court Subdivision, that all the residences will be hooked up.

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. January 13, 1992 Regular Council Meeting
2. January 20, 1992 Special Council Meeting
3. January 27, 1992 Regular Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. January 7, 1992 Regular Planning Commission Meeting

C. Requests for Payment

1. Pay Estimate No. 5 - Easy Street Improvements - Horton Brothers, Inc.

Horton Brothers, Inc., requested payment in the amount of \$79,047.49 for work completed on the Easy Street Improvement Project. Gary Dyer, P.E., project engineer, recommended that the payment be approved.

2. Pay Estimate No. 2 - Signalization at Chetco and Fifth Street - Marca Electric

Marca Electric requested payment in the amount of \$25,030.04 for work completed on the Fifth Street and Chetco Avenue Signalization Project. Jim A. Evans of David Evans and Associates, project engineers, recommended that the payment be approved.

D. Approval of Vouchers (\$281,891.57)

E. Miscellaneous

1. Call for bids - Generator for shop truck

The 1991-92 budget contains monies for the purchase of a generator for the Public Works shop truck. Sufficient dollars are available to make the purchase. Staff requested authority to call for bids for the generator at this time.

(end Consent Calendar)

Councilor Brendlinger requested corrections to the minutes of the January 20, 1992 Special council meeting on page 1.

Councilor Brendlinger moved to approve the Consent Calendar, 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; Consent Calendar consisting of:

A. Approval of Council Meeting Minutes

1. January 13, 1992 Regular Council Meeting

2. January 20, 1992 Special Council Meeting

3. January 27, 1992 Regular Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. January 7, 1992 Regular Planning Commission Meeting

C. Requests for Payment

- 1. Pay Estimate No. 5 - Easy Street Improvements - Horton Brothers, Inc.**
- 2. Pay Estimate No. 2 - Signalization at Chetco and Fifth Street - Marca Electric**

D. Approval of Vouchers (\$281,891.57)

E. Miscellaneous

- 1. Call for bids - Generator for shop truck**

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

- 1. Ordinance No. 92-O-474.A - An ordinance amending Ordinance No. 91-O-474 (Council Rules) [Second Reading]**

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-474.A into the record in its entirety for a second reading.

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

Ayes: Councilors Brendlinger, Curry, Davis

Nays: Councilor Brimm, Mayor Hummel

Motion carried; Ordinance No. 92-O-474.A - An ordinance amending Ordinance No. 91-O-474 (Council Rules), adopted by second reading. [Effective March 10, 1992]

2. **Ordinance No. 92-O-446.H - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), Section 52 (Central Commercial District) and Section 124 (Provisions Applying to Special Uses), of the City of Brookings.**

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-446.H into the record in its entirety for a first reading.

Councilor Davis moved to adopt Ordinance No. 92-O-446.H by first reading, 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; Ordinance No. 92-O-446.H adopted unanimously by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-446.H into the record by title only for a second reading.

Councilor Davis moved to adopt Ordinance No. 92-O-446.H 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-446.H - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), Section 52 (Central Commercial District) and Section 124 (Provisions Applying to Special Uses), of the City of Brookings - adopted by second reading. [Effective March 10, 1992]

B. Resolutions None

X. COMMITTEE REPORTS

C. Planning Commission None

D. Parks and Recreation Commission None

E. Golf Board

1. Recommendation for developer for Jack Creek Golf Course project

(This agenda item moved to a slot earlier in the agenda - See page 4)

F. Chamber of Commerce

Les Cohen introduced himself as the new manager of the Chamber of Commerce.

XI. STAFF REPORTS

A. Community Development Director

1. Report on Request for Proposals - Richard Street Park survey

As authorized by council, staff advertised for proposals to survey Richard Street Park.

Two proposals were received:

H.G.E., Inc./Engineers and Planners \$1,000.00

B & D Surveys \$1,800.00

Staff recommended that the proposal from H.G.E., Engineers and Planners be accepted.

Councilor Davis moved to accept the proposal from H.G.E., Engineers and Planners to survey Richard Street Park at a total cost of \$1,000, 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; proposal from H.G.E., Engineers and Planners to survey Richard Street Park at a total cost of \$1,000, accepted.

B. City Manager

1. Request for approval of 1992/93 Tentative Budget Calendar

City Manager Dennis Cluff requested that the council approve the Budget Calendar for the 1992-93 fiscal year, as presented by staff.

Councilor Davis moved to approve the Budget Calendar for the 1992-93 fiscal year, as presented by staff, 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; Budget Calendar for the 1992-93 fiscal year approved, as presented by staff.

2. Request for authorization to call for bids - Water Treatment Plant and Water Intake Upgrade

City Manager Dennis Cluff advised that this call for bids is for upgrading the water treatment plant, increasing pumping capacity to 2.5 mgd, and modifying the water intake facility to provide pre-treatment chlorination.

Councilor Brendlinger moved to authorize the call for bids for upgrading the water treatment plant, increasing pumping capacity to 2.5 mgd, and modifying the water intake facility to provide pre-treatment chlorination, 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; call for bids for upgrading the water treatment plant, increasing pumping capacity to 2.5 mgd, and modifying the water intake facility to provide pre-treatment chlorination, authorized.

3. County surplus property

City Manager Dennis Cluff advised that Curry County has identified certain parcels of land throughout the county as "surplus property." The county is prepared to deed title to another governmental entity if they want a certain piece of property and if they can show a purposeful use for the property.

Of the various properties available, two in our general area may be of some use to the city. One is .01 acres up off of Mountain Drive, adjacent to an existing city property used as a water reservoir/pump station.

The other piece of property is located off Cove Road. It is a 30-foot by 150-foot parcel. This parcel could be used in some manner as a future park property.

Councilor Davis moved to authorize the city manager to request properties from Curry County, 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 authorized to request surplus properties from Curry County.

C. City Attorney

City Attorney Mike Gillespie introduced Carol Cyphers, a new attorney working for the firm of Slack, Stone and Gillespie in Coquille.

1. Change Order No. 7 - Dawson Tract Sewer and Water Improvements, Schedule D - James Fowler Company

City Attorney Mike Gillespie presented the council with Change Order No. 7, in accord with the negotiated settlement with Fowler Company. The city is giving an additional \$56,800 and 20 extra days (except for pump station #1) to the contract. The contractor finishes the work, withdraws current legal activities against the city and indemnifies the city from any liability arising from their subcontractor, Day-Ford Electric, Inc.

Councilor Davis moved to approve Change Order No. 7 for Schedule "D" of the Dawson Tract Water and Sewer Improvement project, as requested by James Fowler Company, which motion was seconded by Councilor Brimm.

Councilor Curry requested that the mathematical addition on the change order be verified for accuracy.

Councilor Davis moved to amend the motion to include, subject to verification of mathematical addition on the change order, 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; original motion amended to add, subject to verification of addition on the change order.

The clerk called the roll on the original amended motion, with the following results:

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

Nays: None

Motion carried; Change Order No. 7 for Schedule "D" of the Dawson Tract Water and Sewer Improvement project, as requested by James Fowler Company, approved, subject to verification of mathematical addition on the change order.

Councilor Davis moved to authorize the mayor and city recorder to sign the Indemnity Agreement between James W. Fowler Company and the City of Brookings, 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 and city recorder authorized to sign the Indemnity Agreement between James W. Fowler Company and the City of Brookings.

Councilor Davis moved to authorize interim payment to the James W. Fowler Company in the amount of \$56,800, 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; interim payment to the James W. Fowler Company in the amount of \$56,800, approved.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

1. Report on OCZMA - Councilor Curry

Councilor Curry gave an oral report on a meeting of the Oregon Coast Zone Management Association, which he recently attended. No formal action taken.

2. Council meeting format

City Manager Dennis Cluff indicated that discussion at the February 3, 1992 work study session focused on the perceived need to be able to address and pass ordinances (deemed public policy actions) at all council business meetings, not just the first one of the month. At the institution of the 3-month trial period of two work study session and two business meetings per month, the council had moved to deal with policy issues only at the first business meeting of the month. If a change is desired, a simple motion would suffice making the format change.

Councilor Davis moved to change the format of the regular council meeting to allow policy matters to be considered at both the first and second regular business meetings of the month, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis

Nays: Mayor Hummel


Motion carried; format of the regular council meeting changed to allow policy matters to be considered at both the first and second regular business meetings of the month.

EXECUTIVE SESSION - ORS 192.660 (1)() None

XIII. ADJOURNMENT


Councilor Davis moved to adjourn, which motion was seconded by Councilor Curry; motion carried unanimously.

Mayor Hummel adjourned the meeting at 10:40 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder