

**AGENDA SEASIDE CITY COUNCIL MEETING
AUGUST 13, 2018 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS – PUBLIC – (please keep speaking time to four minutes)
6. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
7. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$936,468.10
 - b) APPROVAL OF MINUTES - July 23, 2018
8. UNFINISHED BUSINESS:
 - a) ORDINANCE #2018-11 - AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 118 MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - b) VACANCY - CITY TREE BOARD
AIRPORT COMMITTEE
COMMUNITY CENTER COMMISSION
9. NEW BUSINESS:
 - a) SEASIDE CIVIC AND CONVENTION CENTER DONATION - TABLES TO THE AMERICAN LEGION, Russ Vandenberg
 - b) ADDENDUM TO FOOD AND BEVERAGE CONTRACT - SEASIDE CIVIC AND CONVENTION CENTER AND OREGON FINE FOODS, Russ Vandenberg

c) **BID RESULTS - BOB CHISHOLM COMMUNITY CENTER MAIN HALL
REFRESH**

d) **FINAL - AVENUE 'H' ASPHALT PAVING PROJECT, Dale McDowell**

10. **COMMENTS FROM THE CITY STAFF**

11. **COMMENTS FROM THE COUNCIL**

12. **ADJOURNMENT**

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall. The Agendas and Minutes can be viewed on our website at www.cityofseaside.us.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.

CALL TO ORDER The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Barber.

ROLL CALL Present: Mayor Jay Barber; Councilors Dana Phillips, Seth Morrissey, Steve Wright, Randy Frank, and Tom Horning.

Absent: Council President Montero

Also Present: Mark Winstanley, City Manager; Jon Rahi, Assistant City Manager; Dan Van Thiel, City Attorney; Kevin Cupples, Planning Director; Dave Ham, Seaside Police Chief; and Brenna Visser, Daily Astorian/Seaside Signal.

AGENDA Mayor Barber stated he would entertain a motion to approve the agenda as circulated.

Councilor Horning so moved to approve the agenda with a second from Councilor Frank; carried unanimously. (Horning/Frank)

COMMENTS – PUBLIC Mayor Barber stated he would open the floor to public comments to anyone who wanted to speak on any item not on the agenda. Please come forward and identify yourself and give your address and please keep your comments to four minutes please.

Rita Simpson, 800 Mead Avenue Las Vegas, Nevada, stated she was a visitor to this beautiful state and had been traveling to Oregon for two years. Ms. Simpson was attending the City Council meeting to speak on a public safety issue. The vacation rental market is estimated to be valued around one hundred billion now and predicted to be worth nearly one hundred seventy billion by 2019. The public deserves a reasonable standard of care regarding sanitary conditions of accommodations where they will live when away from home. In hotels, motels, even bed and breakfast receive oversight by the health department but not vacation rentals. While more jurisdictions such as Seaside require licensing there are no industry standards for oversight. She was here to share her current situation and she would not use any names of owners or rental agencies associated with the condo that was rented. She was shocked not only by the condition she will describe and she has pictures on her iPhone if anyone would like to see them. She was also shocked by the treatment and comments received when she took her pictures and complaints to the rental agency. There were pictures of pillows and the mattress terribly stained with body fluids and she was told those were not body fluids. There was a question asked about the pillows and mattress having protective covers and the management company asked what those were. The agent was quite aggressive and angry with me for bringing the complaints forward. There was \$4,000.00 spent for a twenty day visit. Every surface had to be wiped in the room and was dirty and she spent the better part of five days cleaning and doing laundry since it was peak season and where would she go but back home and she was trying to make the best of a bad situation. Ms. Simpson further stated she purchased pillows, and a mattress topper, and this is an issue everywhere and was happening in her town too. When she contacted the health department they said there was no oversight and that concerned her. Ms. Simpson stated she traveled all over and this was one of the first times she has encountered something like this.

CONFLICT Mayor Barber asked whether any Councilor wished to declare a conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA Mayor Barber stated he would entertain a motion to approve the consent agenda.

Consent Agenda: Payment of the Bills - \$816,601.18, and Approval of Minutes July 9, 2018.

Councilor Frank so moved with a second from Councilor Horning; carried unanimously. (Frank/Horning)

UNFINISHED BUSINESS:

ORDINANCE #2018-09 AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING ORDINANCE TEXT IN CODE OF SEASIDE ORDINANCE CHAPTER 158 ALLOWING ACCESSORY DWELLING UNITS.

Kevin Cupples, Planning Director, explained the Council made changes to the recommendations of the Planning Commission and that was to put sideboards on the ADU's of a max of 800 square feet and anything over 525 square feet would require a conditional use by the Planning Commission.

Mayor Barber asked for public comments, and there were no public comments.

Mayor Barber asked for Council comments.

Councilor Frank stated he hates to see it go over the 525 square feet.

Councilor Wright stated if there is anything that comes up in the Planning Department or building codes perhaps it could be passed on to the City Manager so that he report the issues that come up and if the ordinance needed to be revisited Council could do that.

Councilor Morrissey stated it was a good ordinance and he was happy to move forward with the ordinance and he was happy to move forward with it and it will even if a little bit help with the housing crisis.

Mayor Barber asked if there were any other Council comments and there were no other comments. Mayor Barber stated he would entertain a motion for third reading by title only.

Councilor Frank so moved for a third reading of Ordinance 2018-09 by title only with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Frank so moved to adopt with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)

Mayor Barber asked for a roll call vote:

YEAS: FRANK, BARBER, WRIGHT, PHILLIPS. MORRISEY, HORNING,
NAYS: NONE
ABSENT: MONTERO
ABSTAIN: NONE

ORDINANCE #2018-10

AN ORDINANCE GRANTING CHARTER COMMUNICATIONS A FRANCHISE TO PROVIDE SERVICES, FACILITES, AND EQUIPMENT TO OPERATE AND MAINTAIN CONSTRUCTION AND OPERATION OF A CABLE NETWORK WITHIN THE CITY OF SEASIDE, OREGON.

Mayor Barber stated Ordinance #2018-10 was granting Charter Communications a franchise.

Mayor Barber opened the public comments, there were no public comments.

Mayor Barber asked for Council comments, there were no Council comments.

Mayor Barber stated he would entertain a motion for third reading by title only.

Councilor Wright moved to approve third reading by title only Ordinance #2018-10 with a second from Councilor Phillips; carried unanimously. (Wright/Phillips)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Wright so moved to adopt with a second from Councilor Phillips; carried unanimously. (Wright/Phillips)

Mayor Barber asked for a roll call vote:

YEAS: FRANK, BARBER, WRIGHT, PHILLIPS. MORRISEY, HORNING,
NAYS: NONE
ABSENT: MONTERO
ABSTAIN: NONE

**VACANCY –
CITY TREE BOARD**

Mayor Barber stated there was one vacancy on the City Tree Board. Council was still accepting applications for the vacancy.

**VACANCY -
AIRPORT COMMITTEE**

Mayor Barber stated there were two vacancies on the Airport Committee with two applications received from Jeff Gage and Dianne Widdop. Mayor Barber further stated the applicants had been interviewed prior to the City Council meeting. Mayor Barber asked if Council would like to nominate and appoint.

Councilor Frank moved to nominate Dianne Widdop to the Airport Committee with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Councilor Frank moved to appoint Dianne Widdop to the Airport Committee with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

VACANCY -
PARKS ADVISORY
COMMITTEE

The term expiration for Dianne Widdop would be June 30, 2021.

Mayor Barber stated there was one vacancy on the Parks Advisory Committee with one application received from Pam Bierly who was interviewed prior to the City Council meeting. Mayor Barber asked if Council would like to appoint.

Councilor Horning moved to appoint Pam Bierly to the Parks Advisory Committee with a second from Councilor Phillips; carried unanimously. (Horning/Phillips)

The term expiration for Pam Bierly would be March 31, 2019,

VACANCY -
COMMUNITY CENTER
COMMISSION

Mayor Barber stated there was one vacancy on the Community Center Commission. Mayor Barber further stated Council was still accepting applications for the vacancy.

NEW BUSINESS:

ORDINANCE #2018-11

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 118 MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS

Mayor Barber asked Mr. Winstanley to explain the ordinance.

Mark Winstanley, City Manager, stated Council has had request over the last couple of meetings to make adjustments to the time that marijuana dispensaries can be open and originally the ordinance stated 8:00 PM and there have been request for the dispensaries to be able to stay open until 10:00 PM. Ordinance #2018-11 would allow for that to happen. Mr. Winstanley further stated in addition to that the city had been notified by the State of Oregon that the current ordinance did not allow for any collection penalties and the state said that unless Council added language to the ordinance they could not institute any collection penalties if any vendors were not making payments and that language has been added to the ordinance.

Mayor Barber asked for public comments.

Steve Geiger, 1803 South Roosevelt Drive, Seaside, stated he represented Highway 420. As mentioned in the comments at the last meeting he was not sure exactly why we arrived at 8:00 PM initially with the original ordinance unless there were security concerns or something. With the growth of the amount of dispensaries right now with some right outside the boundaries of Seaside and now there was one added in Gearhart that are able to stay open until 10:00 PM. Seaside was losing out on the revenue along with Mr. Geiger but more importantly were the citizens of Seaside to travel outside the city to get a product they should be able to get here. Mr. Geiger further stated he was not sure they would utilize those hours in the winter because there are not that many people out at that time of night but in the summer it is significant and will be that way through the fall.

Mayor Barber asked for any other public comments, there were no more public comments.

Mayor Barber asked for Council comments.

Councilor Phillips stated to answer Mr. Geiger question. When the ordinance was put together there were no regulations from the state and Council was going by what time the liquor store closed at that time.

Mr. Winstanley stated 10:00 PM was the maximum hours the state would allow dispensaries to be open.

Councilor Phillips stated she asked for this to be put on the agenda and she was in favor of expanding the hours to make it uniform throughout the county.

Councilor Wright stated the rules about the addition of the penalties, thank you for the explanation. Councilor Wright further stated he assumed that went through the legal team, right.

Dan Van Thiel, City Attorney, stated right.

Councilor Wright stated he was curious whether the police chief had any comments.

Dave Ham, Seaside Police Chief, stated he had no comments.

Mayor Barber stated he would entertain a motion for first reading by title only.

Councilor Phillips so moved to read by title only Ordinance #2018-11 with a second from Councilor Morrissey; carried unanimously. (Phillips/Morrissey)

Mayor Barber stated he would entertain a motion for second reading by title only.

Councilor Frank stated he would not mind if this sat for another go around.

Councilor Wright stated Council knows my feelings that ordinances should go for three separate meetings and he was fine with waiting.

Councilor Morrissey stated he tended to agree unless it was an emergency he was always for three meetings to give the public a chance to weigh in.

Councilor Phillips stated she thought it was unfortunate that this would be through the fall now.

Mayor Barber stated someone can make a motion and we can vote on that.

Councilor Phillips so moved for a second reading by title only Ordinance #2018-11 with no second and the motion failed. (Phillips)

Mayor Barber stated the ordinance will be on the agenda for the August 13, 2018, City Council meeting for second reading by title only.

**COMMENTS –
CITY STAFF
AND OTHERS**

Mr. Cupples stated the building and planning department was very busy and there was a number of new structures going up the Wheel of Fun, Convention Center, Ace Hardware, and the school districts excavation.

Mayor Barber stated is the Wheel of Fun a warehouse.

Mr. Cupples stated no he picked up the train that was downtown and he will incorporate that into his business.

Chief Ham stated he wanted to remind everyone of National Night Out at Broadway Park on Tuesday, August 7, 2018, 5:00 – 7:00 PM.

Brian Owen, Seaside Chamber of Commerce Director, stated one thing the Chamber did last year was move our breakfast meeting into a meeting where we meet in a different location each week that highlighted a business into the city. This week the meeting would be at public works and we would be talking about what public works does for our city and our visitors. Mr. Owen further stated Volleyball was coming up shortly and registration as of this morning was 1360 teams with an anticipation of 1500 teams and the teams were coming from all over the world and there would be two Olympic men playing.

Mr. Winstanley stated we must be having a good summer because most of the complaints were that there were too many people in town. Mr. Winstanley further stated he had a wonderful time in Disneyland and he had a great time. Mr. Winstanley further stated Mr. Rahl is doing an excellent job as the assistant and is very ambitious.

Jon Rahl, Assistant City Manager, stated he would miss the Chamber meeting on Wednesday; he would be attending a meeting that actually talks about the sharing of information in the lodging community between the state and municipalities.

Mr. Van Thiel stated he would miss the Council meeting August 13, 2018, as he would be fishing.

COMMENTS – COUNCIL

Councilor Horning stated he was enjoying the weather and pleased that everything is working out nicely for the city and looking forward to the Council work session coming up Monday, July 30, 2018, 6:00 PM. Councilor Horning further stated Council has been on fieldtrips and this was an opportunity to put it all together.

Councilor Wright stated he was looking forward to seeing what and it was an opportunity for people to take advantage of the law just passed and it will be effective through today. Councilor Morrissey was on the committee for the housing report and find out what was next because we are in a real bad situation. Councilor Wright further stated there was a volunteer needed for the community center because they had some big things coming up.

Councilor Morrissey stated he agreed with Councilor Wright it was one of the biggest issues we were facing if you talked to a lot of the business owners right now they were definitely struggling to find housing for their employees and he was excited to get moving on that and the recommendation will be coming soon.

Councilor Frank stated he had a compliment for whoever got the chair painted it looked good. Once again he would voice his approval and compliments to the lifeguard crew because with more people coming to town meant more people for the lifeguards to watch and it was great to be one of the only towns on the coast that actually have a full lifeguard crew and ours was excellent.

Councilor Phillips stated she was glad the fire department crew that went over to fight the fires are back home safe and sound.

Mayor Barber stated he continued to get lots of comments on the fireworks situation and he was hoping that in the next several weeks we can pull together representatives from the state parks, local law enforcement, concerned community members, and people involved with the Chamber and come together and talk about how we can come to some understanding of the challenge of adding patrols around a very difficult problem. Mayor Barber further stated he was also hearing a lot from citizens about the illegal camping going on in the community. There was one particular place on the beach between Avenue K and Avenue L in the Cypress Trees. A large community of campers over there and the police have been trying to deal with that and there is a homeless issue in the city and that needs to be discussed also. Mayor Barber further stated he would close with this quote by Harold Geneen, "Leadership is practiced not so much in words as in attitude and in actions".

ADJOURNMENT

The regular meeting adjourned at 7:32 PM.

Kim Jordan, Secretary

JAY BARBER, MAYOR

ORDINANCE NO. 2018-11

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS

WHEREAS, the previously established Chapter 118 in the Code of Seaside to establish a license procedure for medical marijuana dispensaries following the Oregon Legislature's enactment of Senate Bill 1531 (2014) which granted cities the authority to adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered under ORS 475.314 that are located in the city's jurisdiction; and

WHEREAS, the voters of Seaside and the State of Oregon passed Ballot Measure 91 allowing the retail sale and use of recreational marijuana; and

WHEREAS, the Oregon Legislature enacted House Bill 3400 directing the Oregon Liquor Control Commission to establish administrative rules to govern the licensing requirements and procedures for recreational marijuana retailers

WHEREAS, this is a new industry and the City seeks to develop regulations that protect public health and safety; and

WHEREAS, the City of Seaside wishes to develop reasonable regulations for this industry in addition to the administrative rules adopted by the Oregon Liquor Control Commission; and

WHEREAS, the City of Seaside believes it is in the best interest of the health, safety and welfare of the citizens of the city to adopt and include such regulations in the Municipal Code.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 118 is hereby amended in the Code of Seaside to read:

Chapter 118 MEDICAL MARIJUANA DISPENSARIES & RECREATIONAL MARIJUANA RETAILERS

118.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

Marijuana. As defined under ORS 475.005.

Dispensary. A medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

Cardholders. Persons authorized under Oregon's Medical Marijuana Program to buy and transfer medical marijuana. This includes patients, designated primary caregivers, person responsible for a medical marijuana facility, and person responsible for a medical marijuana grow site.

License. A medical marijuana dispensary or recreational marijuana retailer license issued pursuant to this Chapter.

Recreational marijuana retailer (retailer). A person licensed by the Oregon Liquor Control Commission who sells marijuana items to a consumer in this state in accordance with the applicable provision of Oregon Administrative Rule OAR 845-025-1000 to 845-025-8590.

118.02 PURPOSE OF REGULATION.

To protect the public health and safety from unlawful use and sale of marijuana, all medical marijuana dispensaries shall be registered with the Oregon Health Authority in accordance with ORS Chapter 475.300 to 475.346 and the applicable Oregon Administrative Rule (OAR 333-008).

Likewise, recreational marijuana retailers shall be licensed with the Oregon Liquor Control Commission in accordance with Oregon Administrative Rule OAR 845-025-1100. Registration by the Oregon Health Authority or a license from the Oregon Liquor Control Commission is not a guarantee the dispensary or recreational marijuana retailer is permitted to operate under applicable local municipal regulations. All dispensaries and retailers shall comply with the regulations set forth in the *Code of Seaside*.

The regulations set forth by the City of Seaside in this chapter provide reasonable regulations that supplement the Oregon Health Authority's Medical Marijuana Program and Oregon Recreational Marijuana Laws. These regulations are intended to solely address the issue of selling or dispensing medical and recreational marijuana. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon's existing Medical Marijuana Act.

118.03 LICENSE REQUIRED.

- (A) No person shall establish, maintain or operate a dispensary or recreational marijuana retailer within the city unless an annual license is obtained from the city. Every place or building where a dispensary is established shall be deemed a dispensary subject to the provisions of this chapter. Each licensee shall also obtain a General Business License in accordance with Code of Ordinance Chapter 110.
- (B) No license will be issued without proof of registration to operate a dispensary or license for a recreational marijuana retailer issued by the State of Oregon. The applicant for the license must also provide copies of the written detailed policies and procedures and training for employees on the policies and procedures that were used as the basis for documenting compliance with OAR 333-008-1200 (4) or OAR 845-025-1030 (4).
- (C) The City may deny a license if any owner, manager, operator, employee, agent, or volunteer:
- (1) Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the City; or
 - (2) Has been Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - (3) Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP) or activities associate with Oregon Recreational Marijuana Laws.
- (D) Application for a license must include the information necessary for criminal record background checks for any owner, manager, operator, employee, agent, or volunteer. The City of Seaside police department will conduct all necessary background checks.
- (E) No license shall be issued until after a criminal record background check has been completed for the applicant and all individuals employed or volunteering with the dispensary or retailer.
- (F) Once the dispensary or retailer is licensed, the licensee must notify the city and submit necessary information for criminal record background checks of any new owner, manager, operator, employee, agent, or volunteer.
- (G) Each licensee shall be required to pay the applicable license fee as set by Resolution of the Seaside City Council.
- (H) The requirements of sections 118.01 to 118.04 shall apply to the owners, managers, operators, employees, agents, and volunteers of the licensee's business.

118.04 OPERATIONAL REQUIREMENTS.

- (A) Dispensaries and retailers must be located in accordance with ORS 475.314 and retailers will be subject to the same 1000 foot separation requirement from other retailers and dispensaries. They are also subject to an additional exclusion area described as follows:

The area lying between a line drawn 600' north of the Broadway right-of-way that extends from the east side of North Prom to the West side of North Roosevelt Drive and a line drawn 600' south of the Broadway right-of-way that extends from the east side of South Prom to the West side of South Roosevelt Drive.

(B) Remain in compliance with all of the applicable provision of OAR 333-008 or OAR 845-025 and specifically recognize local law enforcement officers as government officials that have jurisdiction over some aspect of the registered facility and licensed retailer or that otherwise have authority to be on the premises of the registered facility as specified in OAR 333-008-1200 (3) (h) and OAR 845-025-1600 (1).

(C) Non-Operational Hours. No sale or other distribution of marijuana shall occur upon the premises or via delivery between ~~8:00~~ 10:00 pm and 8:00 am.

(D) Giveaways. Dispensaries and retailers shall not distribute to consumers marijuana or marijuana-infused products free of charge.

118.05 LICENSE VALIDITY & ANNUAL REVIEW FOR RENEWAL.

(A) A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed business may continue to operate during the next calendar year until the status of their new application is determined, provided a complete renewal application is submitted in December.

(B) A license for a medical marijuana dispensary or a recreational marijuana retailer may be converted prior to expiration of a current license; however, each conversion will require a new application and the prior license will become void at the time the new license is approved.

118.06 REVOCATION OF LICENSE

(A) A license is subject to revocation at any time for violation of this chapter or any of the provisions of state law or the applicable Oregon Administrative Rules.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter, state law, or Oregon Administrative Rule; the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all dispensary activities must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety.

118.13 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

18.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$700.

(B) Each day a violation of a provision of this chapter constitutes a separate violation.

(C) Revocation or suspension of a license is not a penalty for violation of this chapter and it does not relieve a person of any fine for the violation.

(D) Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the Oregon Department of Revenue was originally required to be filed by the marijuana retailer to the time of payment.

(E) If a marijuana retailer fails to file a return with the Oregon Department of Revenue or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS 314.400.

(E) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid by the marijuana retailer and remitted to the Oregon Department of Revenue.

(F) Taxes, interest and penalties transferred to the City of Seaside by the Oregon Department of Revenue will be distributed to the City.

(G) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the owed amount in accordance with ORS 475B.700 to 475B.755, any agreement between the Oregon Department of Revenue and City of Seaside under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2018, by the following roll call vote:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2018.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

SEASIDE CITY TREE BOARD

The purpose of the City Tree Board is to study, investigate, and develop and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets, and in other public areas. The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its duties and responsibilities,

- (1) Develop criteria for city staff and/or contractors to apply in making decisions entrusted to staff and/or contractor discretion,
- (2) Designate Heritage Trees on public and private lands within the city,
- (3) Promote the planting and proper maintenance of trees through special events including an annual local celebration of Arbor Day, and
- (4) Obtain the annual Tree City USA designation by the National Arbor Day Foundation.

The Board consists of five members, appointed by the City Council for a three-year term, and who are residents, or owners or employees of businesses within the city limit.

The City Tree Board shall schedule meetings as needed and elect a chairperson and a vice-chairperson. No more than 3 unexcused absences allowed in a calendar year.

Tree Board members serve without salary or compensation of any nature.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** June 25, 2018
Name: Ann Tierney-Ornie
Commission/Committee: City Tree Board Committee
Resignation Date: N/A
Term Expiration Date: Tierney-Ornie - June 30, 2018
Wants to be considered again: No
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

OREGON'S
F A M O U S
A L L - Y E A R
R E S O R T

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

CITY TREE BOARD

Term of Office: 3 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY (TIERNEY-ORNIE)			6/30/2018
JOHN CARTER	PO BOX 679	738-4387	6/30/2019
VINEETA LOWER	815 6 TH AVENUE	503-621-6588	6/30/2020
PAM FLEMING	1255 AVENUE 'B'	738-5637	6/30/2020
ARNIE OLSEN	PO BOX 645	717-5745	6/30/2021
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	STAFF REPRESENTATIVE

SEASIDE AIRPORT COMMITTEE

The purpose of the Seaside Airport Committee is to act as an advisory body to the City Council, the City Manager, and the Public Works Director/City Engineer regarding issues concerning the Seaside Public Airport.

The committee shall consist of the following Seven (7) members: resident of the City of Gearhart, and Six (6) members, who are not employees of the City, and at least (4) of the members shall reside within the City limits who shall serve as members. The Mayor shall appoint one member of the City Council as Council liaison, and the Public Works Director shall be the Staff liaison to the Committee.

The members of the committee shall be selected from, but are not limited to, members of the following groups: persons with a demonstrated interest in public airport, educators, private businesspersons, persons with a diversity of ethnic and cultural affiliations, and persons of diverse economic backgrounds and interests.

The members shall serve without salary or compensation of any nature.

All members shall be appointed by the City Council and shall serve for a term of three years. However, three of the first non-permanent members shall be appointed for a term of one year, two years, and three years respectively. As those terms expire, the vacancy will be filled for three-year terms in each case.

Each year, at the first Committee meeting in January, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.

The Committee shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed by the City Council to serve on this committee who misses three or more regularly scheduled meetings during a 12 month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12 month period is defined as beginning in January of each calendar year.)

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** **August 13, 2018**

Name: Steve Phillips
Tracy MacDonald

Commission/Committee: **Seaside Airport Committee**

Resignation Date: **Phillips - Has not been able to attend meetings**
MacDonald - August 1, 2018

Term Expiration Date: **June 30, 2019**

Wants to be considered again: **N/A**
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**

Kimberley Jordan

From: Tracy MacDonald <tmacd60@gmail.com>
Sent: Wednesday, August 01, 2018 1:48 PM
To: Kimberley Jordan
Subject: Re: Airport Committee Resignation

To Seaside City Council: so sorry but I cannot continue serving on Airport advisory Committee as of 8/01/18.

Tracy MacDonald
Area Admin PNW Key Club

On Aug 1, 2018, at 13:21, Kimberley Jordan <kjordan@cityofseaside.us> wrote:

<image001.jpg>

Tracy,

You were going to send me a resignation to the Airport Committee.

Have not received it as yet.

*Kim Jordan, City Recorder
City of Seaside
989 Broadway
Seaside, OR 97138
(503) 738-5511
kjordan@cityofseaside.us*

Life is 10% what happens to you and 90% how you react to it.



CITY of SEASIDE

OREGON'S
F A M O U S
A L L - Y E A R
R E S O R T

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

AIRPORT COMMITTEE

Term of Office: 3 years

Number of Members: 7

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY (PHILLIPS)			6/30/2018
VACANCY (MACDONALD)			6/30/2019
TERI CARPENTER	220 AVENUE 'U'	425-246-9962	6/30/2019
RANDALL HENDERSON*	89066 OCEAN DRIVE WARRENTON, 97146	503-577-6153	6/30/2020
ROY BENNETT	2026 FERNWOOD ST.	738-4102	6/30/2020
BRUCE FRANCIS	90250 SHORE LINE DR. WARRENTON, 97146	440-0033	6/30/2021
DIANNE WIDDOP	PO BOX 2116 GEARHART, 97138	440-0358	6/30/2021
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	Public Works
RANDY FRANK	454 HIGHLAND DR.	440-3090	City Council

*Chair

COMMUNITY CENTER COMMISSION

The purpose of the Community Center Commission is to be an advisory body to recommend and make suggestions to the City Council concerning matters relating to the well being of the community center and its users. Receive direction from the Council concerning matters relating to the well being of the community center and its users.

The commission consists of nine members who are not officials or employees of the city and who shall be appointed by the City Council. A minimum of five members shall reside within the city limits; a maximum of four members may reside within the Urban Growth Boundary, but outside the City limits.

A Community Center Commissioner's term of office shall commence on June 1, of each year of his/her term. At the first Commission meeting in June, the Commission will appoint one of their members as Chairperson and one as Vice-Chairperson. One member of the Commission will serve as secretary and minutes will be filed with the City Council.

The Commission shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed to serve on this committee who misses three or more regularly scheduled meetings during a 12-month period shall be notified by letter from the Mayor that the position must be vacated. The individual may appeal the decision to the City Council. (A 12 month period is defined as beginning in January of each calendar year.)

The members shall serve without salary or compensation of any nature. "The members shall serve without salary or compensation of any nature."

COMMITTEE/COMMISSION APPOINTMENT

1. Date Council Notified: June 25, 2018

Name: Helen Meinicke

Commission/Committee: Community Center Commission

Resignation Date: Helen Meinicke (June 1, 2018)

Term Expiration Date: June 1, 2018

Wants to be considered again: Meinicke - No

2. Applicants:

3. Nominations:

4. Appointment:



CITY of SEASIDE

OREGON'S
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RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

COMMUNITY CENTER COMMISSION

Term: 3 years

Number of Members: 9

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY (MEINICKE)			6/01/2018
PIPER O'BRIEN	720 S. LINCOLN	738-3169	6/01/2019
GRETA PASSETTI*	2556 QUEEN ST. #1	738-6583	6/01/2019
MOLLY IRONS	221 7 TH AVENUE	738-7005	6/01/2019
MALINDA AUSTIN	2062 CEDAR STREET	738-3926	6/01/2020
JOE (FRED) FISHER	2533 OREGON	738-9897	6/01/2020
KRISTIN TSCHANNEN	770 16 TH AVENUE	323-397-5116	6/01/2020
LOUIS NEUBECKER	1859 BROADWAY	717-0153	6/01/2021
LEILA VERNOR	764 3 RD AVENUE	738-4352	6/01/2021



MEMORANDUM

TO: Honorable Mayor & City Council
FROM: Russ Vandenberg, General Manager
DATE: Monday, July 16, 2018
RE: Convention Center Table Donation

The convention center would like to donate fifteen (15) Round Tables to the Seaside American Legion Post 99. These tables represent surplus inventory that have recently been replaced.

Staff is recommending the approval of this request.

Hi Russ,

As a representative for Seaside American Legion Post 99, I would like to thank you and your staff for considering our Post as a possible recipient of the Civic Center's old round dining tables. We would like to have up to fifteen (15) tables, if that number is available. If an offer is firm, we will be ready to act on your instructions.

Serving Military Veteran & Country,

Bud Thompson
Events/Activities Director
Past Commander 2013-14
Seaside American Legion 503-738-5158 cell 503-338-8019



CIVIC AND CONVENTION CENTER

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Russ Vandenberg – General Manager
DATE: Monday, July 16, 2018
RE: Convention Center Food and Beverage Agreement

As described in the Food and Beverage agreement between the City of Seaside and Oregon Fine Foods, Inc signed November 16, 2012 and noted in exhibit B, section III titled “Period of Performance”:

III PERIOD OF PERFORMANCE

The period of performance under this Contract will begin on November 21, 2012 and will continue through a term of three (3) years, terminating November 20, 2015, with two (2), three-year extension options. The extension option will be exercised by the CITY with the approval of the CONTRACTOR by providing written notice to the CONTRACTOR One Hundred-Eighty (180) days prior to the expiration of the Contract. In addition, at the end of this Contract, the CONTRACT may be extended by the CITY for a period not to exceed two months, if necessary in the sole judgment of the CITY to facilitate the process of securing competitive proposals on a replacement Contract. The CITY shall extend the Contract by providing the CONTRACTOR with written notice of the extension at least sixty days before the termination date.

The City of Seaside retains the option of renewing this agreement for two additional three-year periods, not to exceed nine (9) consecutive years.

Staff recommends retaining the services of Oregon Fine Foods, Inc for an additional three-year period commencing November 21, 2018 through November 20, 2021.

CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

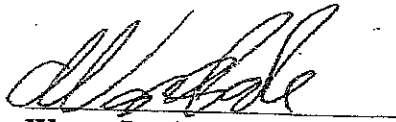
ADDENDUM TO AGREEMENT

This addendum to the agreement for Food and Beverage Service at the Seaside Civic and Convention Center is made this 12th day of October 2015, by and between Oregon Fine Foods, Inc., CONTRACTOR, and the City of Seaside, OWNER. OWNER and CONTRACTOR hereby agree to the following terms and conditions:

1. OWNER and CONTRACTOR agree that CONTRACTOR will continue to provide Food and Beverage Service at the Convention Center. Expiring at midnight of November 20, 2018.
2. All terms of the Food and Beverage Service Agreement dated November 16, 2012, will continue as stated in the agreement.

WHEREFORE, the parties have executed this addendum this 13 day of October, 2015.

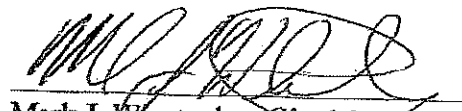
CONTRACTOR:
OREGON FINE FOODS, INC.


Wayne Poole

OWNER:
CITY OF SEASIDE


Don Larson, Mayor

ATTEST:


Mark J. Winstanley, City Manager



CITY of SEASIDE

OREGON'S
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RESORT

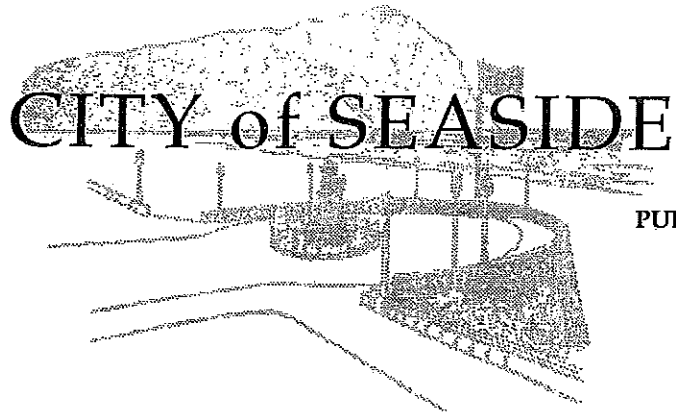
989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

MEMO

To: The Honorable Mayor and City Council
From: Mark J. Winstanley
Date: August 13, 2018

Re: Main Hall Refresh - Bob Chisholm Community Center

The City of Seaside received one (1) bid for the Main Hall Refresh for the Bob Chisholm Community Center on July 12, 2018. The bid was received from HELLIGSO in the amount of \$306,000.00 for Council consideration.



OREGON'S
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ALL-YEAR
RESORT

PUBLIC WORKS DEPARTMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5112

Recommendation to City Council

Date: August 2, 2018

From: Dale McDowell – Public Works

To: The Honorable Mayor and City Council

RE: Completion and Acceptance of HMAC Asphalt Paving on Avenue H LID

Dear Honorable Mayor and City Council Members,

Bayview Transit Mix has completed their Contract for the Avenue H Local Improvement District aka LID. The Original Contract was in the amount of \$10,972.50. Upon final calculations, the amount was reduced to \$9,937.95.

At this time, it is my recommendation to accept the HMAC Asphalt Paving for the Avenue H LID project, and to release retainage.

Respectfully yours,

A handwritten signature in black ink that reads "Dale M. McDowell". The signature is written in a cursive style with a large, sweeping initial "D".

Dale McDowell

Public Works Director