

**AGENDA SEASIDE CITY COUNCIL MEETING
NOVEMBER 13, 2017 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. INTRODUCTION - STUDENT REPRESENTATIVE LAURA OROS
6. COMMENTS – PUBLIC – (please keep speaking time to four minutes)
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$1,172,152.49
 - b) APPROVAL OF MINUTES - October 9, 2017
9. UNFINISHED BUSINESS:
 - a) VACANCY - PARKS ADVISORY COMMITTEE
 - b) ORDINANCE NO. 2017-13 - AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, GRANTING LIGHTSPEED NETWORKS, INC., DBA "LS NETWORKS" AN OREGON CORPORATION, A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SEASIDE - Third and Final Reading
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT - ROLL CALL VOTE
10. NEW BUSINESS
 - a) PUBLIC HEARING - RESOLUTION #3904 - A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES OF GREATER THAN 10% FOR THE 2017-2018 CITY OF SEASIDE BUDGET
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
 - b) LIQUOR LICENSE APPLICATION - CULINARY CAPERS, 340 AVENUE 'E'
 - c) APPROVAL - KIWANIS CHRISTMAS TREE SALES

d) RESOLUTION #3905 - A RESOLUTION ADOPTING AND APPROPRIATING A SUPPLEMENTAL BUDGET DECREASE OF LESS THAN 10 PERCENT TO THE 2017-2018 SEASIDE ROAD DISTRICT BUDGET

- PUBLIC COMMENTS
- COUNCIL COMMENTS
- MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
- MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

e) RESOLUTION #3906 - A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES AND REDUCTIONS OF LESS THAN 10% FOR THE 2017-2018 CITY OF SEASIDE BUDGET

- PUBLIC COMMENTS
- COUNCIL COMMENTS
- MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
- MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

f) CLATSOP ECONOMIC DEVELOPMENT RESOURCES (CEDR) ANNUAL REPORT AND UPDATE ON AFFORDABLE HOUSING, Kevin Leahy

g) RESOLUTION #3907 - A RESOLUTION OF THE CITY OF SEASIDE, OREGON, REGARDING CLATSOP ECONOMIC DEVELOPMENT RESOURCES

- PUBLIC COMMENTS
- COUNCIL COMMENTS
- MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
- MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

h) RESOLUTION #3908 - A RESOLUTION OF THE CITY OF SEASIDE, CLATSOP COUNTY OREGON, AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO CONSTRUCT, REPAIR, EXPAND AND FURNISH THE CITY'S CONVENTION CENTER AND DIRECTING THE PUBLICATION OF A NOTICE OF INTENT TO ISSUE REVENUE BONDS

- PUBLIC COMMENTS
- COUNCIL COMMENTS
- MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
- MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

i) CITY RECORDER EMPLOYEE POSITION

j) VACANCY - LIBRARY BOARD

11. COMMENTS FROM THE CITY STAFF

12. COMMENTS FROM THE COUNCIL

13. 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; Council President Tita Montero; Councilors Steve Wright, and Dana Phillips.
Absent: Councilor Randy Frank, Seth Morrissey, and Tom Horning
Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney, Dale McDowell, Public Works Director; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Dave Ham, Seaside Police Chief; Jon Rahl, Convention Center & Visitors Bureau Assistant Manager; Joey Daniels, Seaside Fire Chief; and RJ Marx, Daily Astorian/Seaside Signal.

AGENDA Mayor Barber stated he would entertain a motion to approve the agenda.
Councilor Phillips so moved with a second from Council President Montero; carried unanimously. (Phillips/Montero)

COMMENTS – PUBLIC None

CONFLICT Mayor Barber asked whether any Councilor wished to declare a conflict of interest.
Council President Montero stated with regards to item 9-f on the agenda – RFP Seaside Visitors Bureau and New Town Signage Fabrication and Installation for Town Entries, her brother William Montero was president of the Tube Art Group until his retirement on August 25, 2017. William Montero may have had some involvement in Tube Arts bid for the signage fabrication and installation for Seaside Council President Montero had no knowledge or any financial interest and she had no conflict of interest in the matter and believed she can be objective and intended to vote.

CONSENT AGENDA Mayor Barber asked for a motion to approve the consent agenda.
Consent Agenda: Payment of the Bills - \$473,924.81; and Approval of Minutes September 25, 2017.
Councilor Phillips moved to approve the consent agenda with a second from Council President Montero; carried unanimously. (Phillips/Montero)

UNFINISHED BUSINESS:

VACANCY – BUDGET COMMITTEE Mayor Barber stated there was one vacancy on the Budget Committee with two applications received from John Dunzer, and George Stacey.

Mayor Barber asked for a roll call vote for the appointment of a Budget Committee member:

BARBER STACEY
MONTERO STACEY
WRIGHT STACEY
PHILLIPS STACEY

Mayor Barber stated the new member for the Budget Committee was George Stacey.

Term expiration for George Stacey would be December 31, 2018.

ORDINANCE 2017-11 ORDINANCE 2017-11 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE COMPREHENSIVE PLAN, CODE OF SEASIDE ORDINANCE, CHAPTER 151, FOR THE SEASIDE SCHOOL DISTRICT #10 PROPERTY
SEASIDE CITY COUNCIL FINAL ORDER AND FINDINGS IN SUPPORT OF DECISION TO APPROVE SEASIDE SCHOOL DISTRICT APPLICATION NOS. 17-047CPA&ZCA & 17-048ZMA: A request by Seaside School District #10: Amend the Seaside Comprehensive Plan to Expand the Urban Growth Boundary (UGB) by about 49 acres to provide a suitable site for the proposed District campus; Change the designation of the UGB expansion area from Clatsop County Conservation Forest Lands (F-80) to City Institutional Campus; and Adopt new policies and text to support the proposed Comprehensive Plan map changes.

Amend the Seaside Zoning Ordinance Zoning Ordinance to: Adopt a new Institutional Campus (I-C) plan designation and zoning district; Amend Article 6 Conditional Use and other sections of the Zoning Ordinance to recognize and to ensure consistency with the new I-C zone; and Rezone the developable portion of the District site approximately 89 total acres from County Forest-80 (49 acres) and Seaside Low Density Residential R-1 approximately 40 acres to Institutional Campus (I-C). City Council Decision and Findings: On September 11, 2017, the Seaside City Council approved the above referenced request in accordance with applicable Statewide Planning Goals and Rules, applicable provisions of the City of Seaside Zoning Ordinance and Comprehensive Plan, and applicable provisions of the Clatsop County Zoning Ordinance and Comprehensive Plan. The Council's decision is supported by the following findings and analysis provided by the Seaside School District, which the Council adopts as its own: The Seaside School District Comprehensive Plan and Zoning Map and Text Amendment Request (Winterbrook Planning, June 8, 2017), including Appendices A through G; The Seaside School District's oral and written testimony, as presented to the Planning Commission on August 1, 2017 and to the City Council on September 11, 2017; The Seaside School District's August 1, 2017 PowerPoint presentation, including KPFF Engineering's evaluation of four options for providing another access from Wahanna Road, through protected wetlands, to the proposed Seaside School Campus; The Seaside School District's Memorandum dated September 5, 2017 and entitled "District Response to Public Comments Received before 8/25/17". In making its decision, the City Council also relied on the Planning Commission's unanimous recommendation in favor of the District's proposal, and the Seaside Planning Director's staff reports to the Planning Commission and City Council. In addition, the City Council found the following testimony persuasive and relied upon this testimony in making its decision to approve the District's application, subject to coadoption by the Clatsop County Board of Commissioners: The Necanicum Watershed Council's oral and written testimony in support of the District's application, as presented to the Planning Commission on August 1, 2017 and to the City Council on September 11, 2017; The Department of Land Conservation and Development's written testimony in support of the District's application, dated July 7, 2017. Response to Mr. Dunzer's September 11, 2017 Material: Finally, the City Council has reviewed the materials provided by John Dunzer at the August 1, 2017 Planning Commission hearing and the evening of the September 11, 2017 City Council hearing. Mr. Dunzer's August 1, 2017 comments were addressed in the District's September 5, 2017 memorandum. At the September 11, 2017, City Council hearing on the above-referenced applications, Mr. Dunzer submitted a stack of additional documents. The documents do not contain any specific testimony or focused argument. Instead, the documents appear to be support for Mr. Dunzer's previously submitted comments in which he set forth ten errors he believes the above-referenced applications suffer from. The 9/11/17 documents do contain a site plan of the existing Seaside Heights Elementary school property, however, in which Mr. Dunzer has sketched in some additional facilities, including a three-story structure with teacher's parking on the ground floor, a middle school on the second floor, and a high school on the third floor. This plan is at odds with the District's conceptual plan prepared by an licensed architect registered in the state of Oregon, which separates the elementary school from the middle and high school building, and shows additional athletic fields necessary for Title IX compliance and parking areas sufficient to meet demand as identified in the Transportation Impact Analysis prepared by Lancaster Engineering. Presumably, the marked-up site plan is intended to demonstrate that no UGB amendment is necessary, because all school facilities can be located on the existing Seaside Heights Elementary school property. The Council finds this proposed site plan unpersuasive for several reasons: First, the District has submitted substantial evidence in the record to demonstrate that the applicable requirements for its applications have been met; Second, the District's architects and professional engineers have demonstrated that the existing elementary school site must be expanded by 49 acres to fit the required schools, parking, and athletic fields onto one comprehensive campus; Third, Mr. Dunzer does not profess to be a practicing architect or an engineer. Mr. Dunzer did not provide evidence of licensure at either public hearing, nor did he provide evidence of specific expertise in school campus design, nor did he contend that the site plan he submitted is the product of either; Fourth, the submitted site plan suffers most obviously from a lack of parking for parents, visitors, and high school students and a lack of athletic fields and playgrounds required for physical education and to meet Title IX requirements. The proffered site plan also suffers from a lack of any evidence from a licensed professional that the buildings proposed by Mr. Dunzer would actually fit on the property, and be feasible, safe and functional; Fifth, the District's September 5, 2017 memorandum responding to comments that had been submitted to the record, the District did respond to Mr. Dunzer's contention that the District could construct all additional facilities needed over the Seaside Heights Elementary parking lot; Finally, Mr. Dunzer provides no credible evidence that the campus he proposes would cost \$45 million. Conclusion: The findings and conclusions above demonstrate that the Council's adoption of Ordinances No. 2017-11 amending the Comprehensive Plan and UGB and Ordinance 2017-12 amending the Zoning Ordinance & Zoning Map comply with applicable Statewide Planning Goals and Rules, as well as applicable city and county review standards. The Council's decision will become final upon concurrence by the Clatsop County Board of Commissioners.

Mayor Barber stated the ordinances were coming up for third and final reading and a roll call vote to adopt. There have been some changes with the ordinances since the second reading and before going into public comments or discussions he would refer this to the City Attorney to explain how this can be done in accordance with the City Charter.

Dan Van Thiel, City Attorney, stated this was rather unusual and the two ordinances have been read by first and second by title only and Council now received a request and there have been some modifications and changes to the ordinances as they have been read at the present time. Frequently when confronted with that the ordinances would be sent back and he would normally advise that Council start over again. There is however a means by which we can move forward and he would refer the Council to section 32 of the City Charter and if the Council so dispose we can proceed along these lines. Section 32.4 of the City Charter states: An ordinance read by title only has no legal affect if it differs in substance from its terms as filed prior to the reading unless each section is so differing is read fully and distinctly in open Council meeting before the Council adopts the ordinance. Mr. Van Thiel stated Council has not adopted the ordinance and if Council wants him to move forward to read the next two ordinances he can read them by title only but would engage in a rather archaic procedure and he would do some reading which will articulate what the ordinances says as read at this point in time and then he would read also the change in each section of the two ordinances. We do not need to worry about the second ordinance so much because if you all on the same page the first ordinance should pretty much resolve the issues moving to the next ordinance. Mr. Van Thiel further stated he would represent to you that Council President Montero called him to discuss the matter with him and there were questions about why this was being done and frankly he was not privy on why the changes were made and Kevin Cupples is away. If this Council has questions of the school district on why these changes were made. Now would be an opportunity for Council to ask those questions with the school representatives here tonight that can respond to those questions. Mr. Van Thiel further stated if this is appropriately this process can move forward and there were timelines the school district was concerned with and they need to meet with the County Commissioners and there will not be a Council meeting October 23, 2017.

Mayor Barber proposed the representatives be invited to come and respond to questions the Council may have and then after that he would open it to public comments. Mayor Barber asked the representative for the school district to come up to respond to Council's questions.

Greg Winterowd, Winterowd Planning, stated he prepared most of the application and he has talked to Kelly Osane the attorney involved about this ordinance and the changes and he was prepared to answer any questions.

Mayor Barber asked for Council questions and comments.

Councilor Wright asked for a summary on why there were changes made.

Mr. Winterowd stated basically the new ordinances made sure we were talking about the right properties and a property that was owned by the school district was added by Mr. Cupples in the description of the properties affected by the zone change from residential to institutional. One of the properties is entirely within the aquatic zone and would not be affected by the ordinance. The intent was not to rezone the aquatic 3 zone but only residential to institutional because the aquatic could not be developed. The second type of issue is what exactly and this is important because there is Land Use Board of Appeals (LUBA) cases and we have a gentleman in the audience who announced publically that he intends to appeal. This basically says it's important for elected officials to say specifically what you relied on in the decision. The ordinance was not as specific as we felt was necessary and so we specifically lay out in a set of findings which are referenced in the ordinance that relied on the application that Winterowd prepared with Kelly's assistant. Mr. Winterowd further stated they also relied on the detailed response sheet that we provided to the City Council well in advance of the City Council meeting that said here were the issues raised by three concerned citizens and here is our detailed response. That was what we wanted to make abundantly clear is these are the documents we relied on and there was also a slide show we showed the Planning Commission and it summarized our arguments and explained why we didn't want to build a road through the A3 wetland if you recall that issue and that was also listed. The other thing listed in the findings is a letter from the Department of Land Conservation and Development that recommended that the City Council approve an Urban Growth Boundary which is somewhat of an unusual letter from them say yes we want you to approve it. There were a number of changes red line things to make it clear and the City Attorney could read those loud two minutes or less.

Council President Montero stated she was now confused because if we go to section 6 in that section it appears the original wording had those items that you just read for us. The submitted justification document presented information in the memorandum and those are the things you actually removed and that is confusing to her now.

Mr. Winterowd stated that was an excellent question and when Kelly and I were going back and forth about this we were going to put everything in the section 6 which would have made section 6 quite long and so instead we referred to the Council final order which is referenced in the ordinances which list all the documents which we talked about. Mr. Winterowd further stated he has done about forty Urban Growth Boundary amendments in his career and is the primary author and worked with City Attorneys and County Councils and because we have both a city and a county that have to adopt these things and because they are often contested, they often get appealed because there are winners and losers in most UGB amendments but not this one so much but many. It was important to have a very clear record and very clear statement of the reasons why cities act the way they do for the appeal.

The motion for a final order that lays out one, two, three, four, on why you did the decision which we tried to be as accurate as we could and the key documents relied on was normal procedure in my book. Mr. Winterowd named some cities he has worked for with UGB amendments.

Council President Montero stated now she needed to ask Mr. Van Thiel where is that final order because she doesn't think she has seen one and if she has then she doesn't know she has seen one. Council President Montero stated he says based on Council's final order and what he just referenced was the final order would have all of those things in them.

Mr. Winterowd stated that was a memorandum from Mr. Cupples that was sent to you.

Mr. Van Thiel stated it was the memorandum prior to the ordinances in the Council packet.

Council President Montero stated as she looks at this I do notice something else and that was in the third whereas in the very last line what has been removed it says: the newly designated forty-nine acre portion would be annexed. The final order says expanding the Urban Growth Boundary by about forty-nine acres and then again in amending forty-nine acres. In the City Council final order the description is different on the first paragraph it states expand the Urban Growth Boundary by about forty-nine acres and then in the second paragraph amend the Seaside Zoning Ordinance by approximately eighty-nine acres from forest -80, 49 acres and Seaside Low Density Residential R-1 and approximately forty acres to institutional Campus I-C.

Mr. Winterowd stated the reason for that is right now the city has an institutional campus and most schools in the city are zoned residential, What we needed to do was to convince the State that we were not rezoning land that could ever be developed as residential was to adopt a special zone that only allows institutional uses. Because there is case law by LUBA and the Court of Appeals that say if you need land you better zone it for that so you cannot switch later. There was forty-nine acres being added to the Urban Growth Boundary that is zoned institutional campus but to make sure we had the same zone that would apply to the rest of the school property contiguously and was the forty acres where Seaside Heights was located which was eighty-nine acres total.

Councilor Wright stated it seemed like mostly clarification to me.

Mayor Barber asked if Mr. Van Thiel had any comments.

Mr. Van Thiel stated he did not have anything further and if there were no other questions he would take each section in the ordinances that had changes and read them as they were and as they are now. There should then be a motion made to read by title only as amended.

Mayor Barber stated prior to Mr. Van Thiel reading the ordinance sections he would ask for public comments.

John Dunzer, 2964 Keepsake Drive, Seaside, stated all he was trying to do was save seventy million dollars of the tax payer's money because he did not think this was the right idea. Nobody really wants to take it on because it doesn't agree with the dream of the giant facility on the hill. When we get to LUBA and I think its going to be Seaside Attorney and not the School District Attorney. The issue is the fact that the City Council and Planning Commission has not really understood planning goal number fourteen and the fact is they are responsible for performing the analysis that is required under goal fourteen. Mr. Dunzer read goal fourteen: "Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary". Mr. Dunzer further stated he believed he presented to the school board and the City Council a plan which will achieve it without expanding the Urban Growth Boundary and save the tax payer of this community seventy million dollars. Mr. Dunzer further stated the school district has made it clear that they don't feel like they have any responsibility to have the best solution to their facilities problem and they have policy which say they are going to put these consolidated schools up on the hill and they need to have a certain amount of plan to do that. One of the schools he was proposing does not move up on the hill and would have enough time to get to safety.

There were no more public comments and Mayor Barber closed the comments.

Mr. Van Thiel stated he would take Ordinance 2017-11 and read the changes of the ordinance and once that was completed the ordinance would be read as amended by title only. Mr. Van Thiel stated Council had the ordinance with the particular sections to be amended. The first one is the third whereas clause on page one. The material that is to be added is underscored and the material that is to be deleted as read previously is crossed through and he would read this section in its entirety. Whereas, the District submitted justification for Comprehensive Plan, Zoning Code, and Zoning Map Amendments summarized as follows: 17-047CPA&ZCA & 17-048ZMA- A request by Seaside School District #10 to expand the Urban Growth Boundary by approximately 49 acres to provide a suitable site for a Consolidated School District Campus above the tsunami inundation zone. The subject property is located at 2000 Spruce Dr. and includes the residential portion of the existing elementary school site ~~lands to the east of the existing campus~~ (T6, R10, S22, TL#900) outside the Coastal Lake & Freshwater Wetland Zone (A-3) and the proposed UGB expansion area (T6, R10, S22, & portions of TL#2102 & S22CA, TL#108).

The proposal would change a portion of the Clatsop County Conservation Forest Land (F-80) designation of the property to City Institutional Campus and adopt new policies and text to support the proposed Comprehensive Plan map changes. The Seaside Zoning Ordinance would also be changed to create a new Institutional Campus (I-C) zoning district and amend the conditional use provision in Article 6 and other sections to recognize the I-C zone and keep it consistent with the Ordinance. The school campus would be rezoned from Low Density Residential (approximately 40 acres of R-1) & County Conservation Forest (49 acres of F-80) to Institutional Campus (IC); and the newly designated 49-acre portion would be annexed; and The second is the sixth Whereas clause on the first page, Whereas, the City Council held their own public hearing and reviewed the Commission's recommendation on the proposed Comprehensive Plan Amendments (file reference 17-047CPA&ZCA & 17-048ZMA) during their meeting on September 11, 2017, and after considering the additional testimony and submitted information, the Council approved the District's proposed amendments based on the Commission's recommendation and the Council's Final Order which is attached hereto., the District's submitted justification document, their presented information, and the memorandum dated 9/5/17 responding to public comments in the record. The third clause is on page 2 Section 6, The City Council hereby find there is sufficient justification to approve the amendments to the Seaside Comprehensive Plan (file reference 17-047CPA&ZCA & 17-048ZMA) based on the Commission's recommendation and the Council's Final Order., the District's submitted justification document, their presented information, and the memorandum dated 9/5/17 responding to public comments in the record. As a coordinated decision, this approval is subject to subsequent concurrence by the Clatsop County Board of Commissioners and takes effect upon approval by the Board.

Mayor Barber stated he would entertain a motion for the amended ordinance 2017-11.

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

Mayor Barber stated he would entertain a motion to adopt.

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

Mayor Barber asked for a roll call vote:

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

ORDINANCE 2017-12

ORDINANCE 2017-12 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING ORDINANCE TEXT AND ZONING MAP, CODE OF SEASIDE ORDINANCE CHAPTER 158, FOR THE SEASIDE SCHOOL DISTRICT #10 PROPERTY

Mayor Barber asked Mr. Van Thiel if he would be reading the changes for Ordinance 2017-12.

Mr. Van Thiel stated he wanted to go through the very same process. In reference to Ordinance 2017-12 the amended portion starts with the third Whereas clause on page one, Whereas, the District submitted justification for Comprehensive Plan, Zoning Code, and Zoning Map Amendments summarized as follows: 17-047CPA&ZCA & 17-048ZMA- A request by Seaside School District #10 to expand the Urban Growth Boundary by approximately 49 acres to provide a suitable site for a Consolidated School District Campus above the tsunami inundation zone. The subject property is located at 2000 Spruce Dr. and includes the residential portion of the existing elementary school site lands to the east of the existing campus (T6, R10, S22, TL#900) outside the Coastal Lake & Freshwater Wetland Zone (A-3) and the proposed UGB expansion area (T6, R10, S22, & portions of TL#2102) & S22CA, TL#108). The proposal would change a portion of the Clatsop County Conservation Forest Land (F-80) designation of the property to City Institutional Campus and adopt new policies and text to support the proposed Comprehensive Plan map changes. The Seaside Zoning Ordinance would also be changed to create a new Institutional Campus (I-C) zoning district and amend the conditional use provision in Article 6 and other sections to recognize the I-C zone and keep it consistent with the Ordinance. The school campus would be rezoned from Low Density Residential (approximately 40 acres of R-1) & County Conservation Forest (49 acres of F-80) to Institutional Campus (I-C); and the newly designated 49-acre portion would be annexed; and The second is the sixth Whereas clause on the first page, Whereas, the City Council held their own public hearing and reviewed the Commission's recommendation on the proposed Zoning Code and Zoning Map Amendments (file reference 17-047CPA&ZCA & 17-048ZMA) during their meeting on September 11, 2017, and after considering the additional testimony and submitted information, the Council approved the District's proposed amendments based on the Commission's recommendation and the Council's Final Order, which is attached hereto, the District's submitted justification document, their presented information, and the memorandum dated 9/5/17 responding to public comments in the record.

The third clause is on page 5 Section 9, The City Council hereby find there is sufficient justification to approve the amendments to the Seaside Zoning Ordinance and Zoning Map (file reference 17-047CPA&ZCA & 17-048ZMA) based on the Commission's recommendation, and the Council's Final Order. ~~the District's submitted justification document, their presented information, and the memorandum dated 9/5/17 responding to public comments in the record.~~ As a coordinated decision, this approval is subject to subsequent concurrence by the Clatsop County Board of Commissioners and takes effect upon approval by the Board.

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

Mayor Barber stated he would entertain a motion to approve by title only Ordinance 2017-12.

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

Mayor Barber stated he would entertain a motion to adopt.

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

Mayor Barber asked for a roll call vote:

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

NEW BUSINESS:

HOOD TO COAST RELAY AND BEER GARDENS

Dan Floyd, Hood to Coast Chief Operating Officer, stated he had attended the Council meeting two years ago and it was nice to speaking here not after a major storm on the beach. This year was a great year for us and to recap and in general was excellent year for us as far as the way we see it and internally through the two hundred mile course. It was a very smooth year and staff was excited and ready for 2018. The Hood to Coast Relay for 2017 had participants from all fifty states and this year thirty nine countries participated and last year forty three countries participated. The exposure is still at a very high level and the media exposure is always really big especially for the month of August. Now we have moved into China, Israel, and Houston Texas and other areas where that continues to grow but Hood to Coast Oregon and us finishing in Seaside remains our number one event and always will be. We will continue to make this a bucket list for runners and walkers that means starting at Timberline and ending in Seaside. Social media is a big deal now and has been for a while especially for us because we have this following as you notice and they really like social media and we get to showcase Seaside and rightfully so you have done a great job hosting the event and most years there is a beautiful finish and we want to thank you for that. Mr. Floyd further stated there was a check already given to the City and heard it was cashed a long time ago so he could not present it tonight and that was for \$18,000.00. The Chamber of Commerce has always a major part of Hood to Coast and Brian Owen has done a great job with awareness and helping be another voice in the community and they throw in an entire beer garden that makes people very happy and we were able to raise \$30,000.00 for the Chamber of Commerce, and the event raised a record for the Providence Cancer Center \$730,000.00 which means all that money stays in Oregon. Mr. Floyd further stated Hood to Coast wanted to come back next year and for many more years and we feel very good about the relationship with the City of Seaside and everyone here and rather then asking and talking about one year we want to talk about a long term commitment and plan on being here for a very long time. Mr. Floyd presented the Mayor with an award for the City of Seaside.

Mayor Barber asked if the Council had any questions.

Council President Montero stated first she wanted to give a compliment. Her brother has been doing the Hood to Coast Relay like fifteen or twenty years and we always stand down at the end gate and she really had to compliment the woman that was there as the volunteer and there were several volunteers and they handled the people very well. That is the place where the runners really want to join the last runner before getting to the official gate and she had her explanation down wonderfully and treated everybody with respect and humor and she ended up kicking one team off because the guys came at her sort of in an attacking fashion. Council President Montero further stated the comment she wanted to give is that I think for several years running she had talked about the hotline so people have comments or complaints and if there is a hotline people don't know about it and she hasn't seen it advertised and she encouraged to advertise that hotline because she is sure it does exist out there.

Councilor Phillips stated the Hood to Coast is an incredible event and she is very proud.

Mayor Barber stated there was a meeting this afternoon with the City Manager and Department Heads and there was a discussion about the Council taking action tonight to extend for this next year but then set up a meeting in the future.

Mark Winstanley, City Manager, stated there will be a meeting in the future where we will have additional discussions about the raise and the compensation and the number of years.

Mayor Barber stated at this point he would entertain a motion to approve the extension of a year pending the discussion for the conditions under which we will agree.

Council President Montero moved to approve the extension of one year for the Hood to Coast Relay and the Beer Gardens August 24, 25, 2018, and have additional discussions about the conditions under which will be agreed with a second from Councilor Phillips; carried unanimously. (Montero/Phillips)

ORDINANCE #2017-13

AN ORDINANCE OF THE CITY OF THE SEASIDE, OREGON, GRANTING LIGHTSPEED NETWORKS, INC., DBA "LS NETWORKS" AN OREGON CORPORATION, A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SEASIDE

Mayor Barber stated Ordinance 2017-13 was an ordinance which permits a franchise agreement with a provider who has one client but is required to get the franchise agreement.

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

Mayor Barber asked for Council comments.

Council President Montero stated she thinks it is wonderful this group Lightspeed Networks because they could have gone under the wire and not told us they were here having only one client and the fact they were honest and every franchise brings in more tax money.

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

Councilor Phillips so moved to read by title only Ordinance 2017-13 with a second from Council President Montero; carried unanimously. (Phillips/Montero)

Mayor Barber asked for a motion for second reading by title only.

Council President Montero so moved for a second reading by title only Ordinance 2017-13 with a second from Councilor Phillips; carried unanimously. (Montero/Phillips)

Mayor Barber stated the next Council meeting would be the third and final and motion to adopt.

**RFP - CONSTRUCTION
MANAGER/GENERAL
CONTRACTOR - SCCC**

Russ Vandenberg, Convention Center & Visitors Bureau General Manager stated following the solicitation of proposals, our project team reviewed, evaluated and interviewed O'Brien & Company LLC to provide Pre-Construction and eventually Construction Management General Contractor (CM/GC) services for the Seaside Civic and Convention Center Renovation/Addition project. Pre-Construction Services will be the first phase in this process thus providing the following list of services that are included in their proposal but not limited: Design Review, Alternate Materials/Methods, Value Analysis, Cost Estimating/Management, Permitting, Schedule and Sequencing, Value Engineering, Identification of Long Lead Items. Upon satisfactory performance of the pre-construction phase, the intent will be to contract O'Brien & Company LLC for the construction phase. Staff is recommending O'Brien & Company LLC based on their exceptional qualifications, experience, and referrals with the total cost of CM/GC Pre-Construction Services for \$86,200.00.

Mayor Barber stated in a project of this size this kind of service is important and he understood that and you want to be able to be careful you decided appropriately.

Mr. Vandenberg stated that was correct and could save a lot of money as the project moves forward and that if you were to do a design/bid/build process the contractor doesn't see the plans until the design is complete and there could be a lot of cost savings that they could help out and recommend during the final phase of the design and is exactly where we are right now.

Councilor Phillips stated it was very impressive for the sub-committee overseeing all of this and there not missing any stone.

Councilor Phillips moved to accept the proposal from O'Brien & Company in the amount of \$86,200.00 with a second from Councilor Wright; carried unanimously. (Phillips/Wright)

Mr. Vandenberg stated we are also very fortunate that they are a local contractor based out of Cannon Beach and they have done numerous projects throughout this region and a recent one you will remember is the Catholic Church that they built on time and on budget.

**BID RESULTS -
PROM RAIL AND POLE
REPAIR PROJECT**

Dale McDowell, Public Works Director, stated the City of Seaside received two bids for the Prom Rail and Prom Light Pole Rehabilitation Project. There was one bid delivered via FedEx and came in late and was not accepted. After careful review of the second bid by Halbrook Construction, and research into the pricing submitted, along with information from the product supplier, it is my recommendation to reject the bid due to pricing. Staff would like to recommend to Council that we re-advertise the project and go back out to bid as soon as possible.

Mayor Barber stated reject the bids and re-advertise.

Council President Montero moved to reject the bids and re-advertise with a second from Councilor Phillips; carried unanimously. (Montero/Phillips)

**BID RESULTS -
HVAC SERVICES
AND MAINTENANCE**

Mr. McDowell stated The Professional HVAC Services and Maintenance Project were advertised for two weeks, and the City of Seaside received one bid submitted by Fresh Air Co. Inc. in the amount of \$9,040.00 for the maintenance year. After review of the bid documents submitted, no errors were found. Based on the bidding documents and the information provided, staff recommends the contract be awarded to Fresh Air Co. Inc. Mr. McDowell stated he also spoke with the president of the company who came here to turn the bid in, at length because the City has had some concerns in the past and so we have talked about scheduling and making sure that he knows when he is coming to do the service and if something needed to be fixed that quotes were given in a timely manner.

Mayor Barber stated there was a recommendation to award the bid.

Council President Montero so moved with a second from Councilor Phillips; carried unanimously. (Montero/Phillips)

**RFP - NEW TOWN
SIGNAGE FABRICATION
AND INSTALLATION**

Jon Rahl, Convention Center & Visitors Bureau Assistant Manager, stated the Seaside Visitors Bureau received three proposals from the following agencies for the fabrication and installation of new town signage for the south and north entry points along Highway 101. Ramsay Signs, Portland, Oregon. \$39,770; Security Signs Inc. Portland, Oregon. \$54,570; Tube Art Group Seattle, Washington, \$34,632. Staff recommended, after analysis of proposals, reference checks and consultation with Public Works Director, Dale McDowell, that we offer a contract to Tube Art Group for the fabrication and installation of new town signage as previously outlined and presented at the Sept. 11, 2017 City Council Meeting. In addition to a very reputable work history, experience with similar work – including many successful governmental projects – they offer us the most competitive rate of proposals received. We anticipate, based on a timeline of event milestones, that the project will be completed by the end of the calendar year.

Mayor Barber stated he would entertain a motion.

Councilor Wright moved to accept the Tube Art Group bid with a second from Councilor Phillips; carried unanimously. (Wright/Phillips)

**VISITORS BUREAU
ADVERTISING VIDEOS**

Mr. Rahl stated these videos are a product of work we started in May, 2017, and shot for two days in Seaside and this goes along with our branding so telling people How Easy It Is To Seaside. Mr. Rahl presented Council with Visitors Bureau Promotional Advertising Videos for the City of Seaside.

**RFP - SEASIDE POLICE
CLEANING SERVICES**

Dave Ham, Seaside Police Chief, stated the City of Seaside advertised for Request for Proposals for the Seaside Police Department Cleaning Services. The City of Seaside received one (1) proposal from Amaroyals Cleaning Services in the amount of \$780.00 a month. The proposal was reviewed and a background is being conducted on Amaroyals Cleaning Services for the contract. City staff recommends awarding the contract to Amaroyals Cleaning Services contingent on the background being accepted.

Mayor Barber asked for a motion pending the background check.

Councilor Wright moved to award the contract to Amaroyals Cleaning Service contingent on the background being accepted with a second from Councilor Phillips; carried unanimously. (Wright/Phillips)

**VACANCY -
PARKS ADVISORY
COMMITTEE**

Mayor Barber stated there were two vacancies on the Parks Advisory Committee with Chris Quackenbush and Steve Phillips resigning. The vacancy would be left open for applications.

October 9, 2017

**VACANCY –
PLANNING COMM.**

Mayor Barber stated there was one vacancy on the Planning Commission with one term expiration from David Posalski who wished to be reappointed. Mayor Barber asked Council what they wished to do.

Council President Montero moved to reappoint David Posalski to the Planning Commission with a second from Councilor Wright; carried unanimously. (Montero/Wright)

The term expiration for David Posalski would be November 1, 2021.

**VACANCY –
CONVENTION CENTER
COMMISSION**

Mayor Barber stated there were three vacancies on the Convention Center Commission with three term expiration from Jeff Kilday, Shaun Wagner, and Patrick Duhachek who wished to be reappointed. Mayor Barber asked Council what they wished to do.

Councilor Phillips moved to reappoint Jeff Kilday, Shaun Wagner, and Patrick Duhachek to the Convention Center Commission with a second from Council President Montero; carried unanimously. (Phillips/Montero)

The term expiration for Jeff Kilday, Shaun Wagner, and Patrick Duhachek would be October 25, 2021.

Mayor Barber stated he and Council President Montero were talking about who would like to take a look at the stipulations for membership of our committee's, commissions, and boards. In the case of the Parks Advisory Committee for instance you must be a resident of the City of Seaside or.

Council President Montero stated that was it.

Mayor Barber stated there are people very engaged with the Parks Committee who would like to serve but do not qualify. Mayor Barber further stated he would like to schedule a workshop at a date and we will check with the rest of the Council. Mayor Barber further stated we know by stipulation state law or Charter that a Planning Commission member must be a resident of the city.

Council President Montero stated it also gives the Council an opportunity to look at the Airport Committee.

**COMMENTS –
CITY STAFF
AND OTHERS**

Mr. McDowell, Public Works Director, stated the public works department received a new garbage truck and were extremely excited about that and it will be in service next week.

Mr. Rahl stated we have now begun production of the 2018 Visitors Guides.

Mr. Vandenberg stated this week at the Convention Center we have the Oregon Vegetation Management Conference approximately 250 attendees, and this weekend will be the Rotary Auction and dinner on Saturday, October 14, 2017.

Joey Daniels, Seaside Fire Chief, stated he wanted to remind everyone fire season was in effect and we had two grass fires and both could have gotten really ugly in the Cove area up in the hills. Chief Daniels further stated the annual Seaside Fire Fundraiser is on Saturday, October 14, 2017, from 11:00 AM to 5:00 PM. There would be a BBQ Fundraiser and some good prizes to win. Chief Daniels stated a special thanks goes to the Holladay Inn who is doing a remodel and gave the fire department furniture for the resident rooms.

Brian Owen, Chamber of Commerce Director, stated the Chamber does not have an event this Saturday. Mr. Owen further stated two weeks ago I headed down to Huntington Beach to meet with a Pro-Volleyball League and the talks were continuing and video like a streaming product for the Volleyball event and would get 22-24 hours of streaming video. The Chamber of Commerce was working on the Pouring at the Coast Event on St. Patrick's Day weekend. Mr. Owen further stated next week you will be able to register for the Parade of Lights.

Mr. Winstanley stated he wanted to remind Council there was not a second City Council meeting on October 23, 2017. The bond sale for the work that would be taking place in the Convention Center is also moving along and we expect that sale to take place before the end of the year.

COMMENTS – COUNCIL

Councilor Wright stated he was at the police department last week and they interviewed four police reserve candidates and were impressed by all of them and he appreciated the opportunity. Councilor Wright further stated he attended his first League of Oregon Cities Conference and thoroughly enjoyed and found out that housing is not just an issue on the coast or Portland and was an issue across the state. There was a good presentation by Helping Hands about the homeless situation. There was a school project, Youth Advisory Council which was an excellent idea if we can get the students to get involved with local government.

October 9, 2017

Council President Montero stated she attended the League of Oregon Cities and she attended the same one with the Youth Advisory Council and she would take it past the students and take it to the youth that were home schooled and think it was a wonderful idea. The North Coast and Clatsop County was very well represented and the room was full and people wanted to hear the younger generation that were in their thirties or forties and some in their twenties, and they made us all real proud. Council President Montero further stated out of all the League of Oregon Conferences she has attended this was the probably the best.

Mayor Barber stated Council President Montero was on the program committee and that was why that was the best and it was a good contribution.

Councilor Phillips stated she loved going to the League of Oregon Cities and it was always nice to come away from there knowing we have a Council that agree to disagree on certain issues but still leave the meetings liking each other. There are a lot of Council and Commissions that don't get along. Councilor Phillips further stated one of the meetings she really enjoyed was prelude to the Tsunami Safety and took it a step further and there were all sorts of unfortunate things in this world that are happening and to make sure our citizens know where to go, and how to handle things and that would be a workshop she would be asking about.

Mayor Barber stated he enjoyed the meeting with other Mayors of small cities and we have a lot in common and the same challenges but also a lot of the same great opportunities in small cities. The common denominator is the homeless situation and even the smallest cities are having issues. There was a special on KGW, Tents In Our City and was a very well done documentary on the homeless problem in Portland and what they are trying to do about it. There were over one hundred people living in tents in Portland. Mayor Barber further stated there have been people serving on committees, and commissions who asked to be reappointed and to me that is remarkable and especially when it comes to the Planning Commission. Mayor Barber further stated his quote was by my good friend Warren Buffet "Someone is sitting in the shade today because someone planted a tree a long time ago".

ADJOURNMENT

The regular meeting adjourned at 8:26 PM.

Kim Jordan, Secretary

JAY BARBER, MAYOR

SEASIDE PARKS ADVISORY COMMITTEE

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

The committee shall consist of seven members who are not officials or employees of the City and who will be appointed by the City Council. A minimum of six members shall reside within the city limits, and a maximum of one member may reside within the Urban Growth Boundary. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. The Mayor shall appoint one member of the City Council as Council liaison, and the City Manager or his designee, shall be the Staff liaison to the Committee.

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. The initial terms will be: two members shall be appointed for a term of one year, two members for two years, and three members for three years. As those terms expire, all vacancies will be filled for three year terms.

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:** **October 9, 2017**

Name: Chris Quackenbush
Steven Phillips

Commission/Committee: **Parks Advisory Committee**

Resignation Date: **Quackenbush - Sept. 20, 2017**
Phillips - Sept. 25, 2017

Term Expiration Date: **March 31, 2019**

Wants to be considered again: **No**

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

PARKS ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 7

Chairperson*
Vice Chairperson**
Secretary***

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
MICHAEL HINTON	1015 S. IRVINE PL.	738-5748	3/31/2018
NANCY HOLMES**	1520 COOPER ST.	717-1614	3/31/2018
VACANCY			3/31/2019
VACANCY			3/31/2019
MARY BLAKE	1668 Whispering Pines	717-3810	3/31/2020
NORMAN BROWN***	3041 Evergreen Dr.	738-5132	3/31/2020
JASON BOYD*	1940 Huckleberry	738-4363	3/31/2020
TOM HORNING	808 26TH AVENUE	738-5770	horning@pacifier.com
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	dmcdowell@cityofseaside.us

ORDINANCE NO. 2017-13

AN ORDINANCE GRANTING TO LIGHTSPEED NETWORKS, INC., DBA "LS NETWORKS" AN OREGON CORPORATION, A FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SEASIDE, OREGON

WHEREAS: LightSpeed Networks, Inc., an Oregon Corporation, dba LS Networks provides Telecommunications services within the City of Seaside, Oregon; and

WHEREAS: Franchisee has applied for a Telecommunications Franchise pursuant to local ordinances relating to Telecommunications located in the public rights of way, and the City of Seaside "City" has reviewed said application and has determined that it meets the requirements of the City's Ordinance subject to the terms and conditions stated herein:

NOW THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

Section 1: Definitions.

Gross Revenues: Any and all revenue derived from telecommunications services, of any kind, nature, or form, without deduction for expense in the City of Seaside and is further defined in Section 13. All such revenue remains subject to applicable FCC rules and regulations which exclude revenues from internet access services while prohibited by law.

Rights-of-Way: the present and future streets, viaducts, elevated roadways, alleys, public highways, and avenues in the City, including Rights-of-Way held in fee, or by virtue of an easement or dedication.

Telecommunications: the transmission between and among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Network: infrastructure owned by Franchisee utilizing one or more facilities located within the City's Rights-of-Way, including, but not limited to, lines, poles, anchors, wires, cables, conduit, laterals, and other appurtenances, necessary and convenient to the provision of access to the Internet and Telecommunications service.

Telecommunications Service: the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities' uses.

Section 2: Grant of Franchise. The City hereby grants to Franchisee, its successors and assigns as authorized herein, a nonexclusive right, privilege, authority and Franchise to erect, construct, operate, repair and maintain in, under, upon, along, across and over the City's Rights-of-Way, its lines, poles, anchors, wires, cables, conduits, laterals and other necessary and convenient fixtures and equipment, for the purposes of constructing, operating and maintaining a competitive Telecommunications network within the City.

Section 3: Franchise Not Exclusive. The Franchise granted herein (the "Franchise") is not exclusive, and shall not be construed as any limitation upon the right of the City to grant to other persons or corporations, including itself, rights, privileges or authority the same as, similar to or different from the rights, privileges or authority herein set forth, in the same or other Rights-of-Way, by Franchise, permit or otherwise; provided, however, that any such grant shall be done in a competitively neutral and non-discriminatory manner with respect to the rights, privileges and authorities afforded Franchisee.

Section 4: Term and Termination. The term of this Franchise shall be five (5) years, commencing with the effective date of this Ordinance. Thereafter, this Franchise shall continue in full force and effect for an additional five (5) years unless notice is given by either party ninety (90) days before expiration of its intention to terminate or renegotiate the Franchise.

Upon termination or expiration of the Franchise, Grantee shall, within one hundred and eighty days (180), remove all its facilities from the City's Rights-of-Way. Should the Grantee fail to remove its facilities within the one hundred and eighty day period (180), the City may remove.

Section 5: No Limitation of City Authority.

(a) Except as provided in Section 6 below, nothing in this Franchise shall in any way be construed or interpreted to prevent, or in any way limit, the City from modifying or performing any work in its Rights-of-Way, or granting other franchises for use of Rights-of-Way, or of adopting general ordinances regulating use of or activities in the Rights-of-Way, or of otherwise abrogating or limiting any rights, privileges or property interest the City now has in its Rights-of-Way, whether now owned or hereinafter acquired.

(b) In the event that any portion of the Franchisee's infrastructure interferes with any present or future use the City desires to make of its Rights-of-Way, Franchisee shall, upon request, and at its sole expense, promptly relocate such infrastructure, and restore the area where such relocation occurs to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

(c) Where the Franchisee had paid for the relocation costs of the same facilities at the request of the City within the past five (5) years, the Franchisee's share of the cost of relocation will be paid by the City if it requested the subsequent relocation.

(d) Except as otherwise provided by law, and subject to Section 6 herein, nothing in this Franchise shall be construed to give the Franchisee any credit or exemption from any nondiscriminatory, generally applicable business tax, or other tax now or hereafter levied upon Franchisee's taxable real or personal property, or against any permit fees or inspection fees required as a condition of construction of any improvements upon Franchisee's real property and imposed under a generally applicable ordinance or resolution.

Section 6: Competitively Neutral Application. The City shall impose, on a competitively neutral and nondiscriminatory basis, similar terms, and conditions upon other similarly situated providers of Telecommunications services operating within the City. Any requirement imposed on Franchisee that is determined not in compliance with this Section 6 shall be unenforceable against Franchisee.

Section 7: Control of Construction.

The Franchisee shall file with the City maps showing the location of any construction, extension, or relocation of its telecommunications equipment in the right of way and public places of the City and shall obtain from the City approval of the location and plans prior to commencement of the work. The City may require the Franchisee to obtain a permit before commencing the construction, extension, or relocation of any of its telecommunications equipment.

Section 8: Right of Way Excavations and Restorations.

(a) Subject to the provisions of this agreement, the Franchisee may make necessary excavations for the purpose of constructing, installing, maintaining, and operating its facilities. In the performance of routine service connections and ordinary maintenance, prior to making an excavation in the traveled portion of any right of way or public place, and, when required by the City, in any untraveled portion of any right of way or any public place, the Franchisee shall obtain from the City approval of the proposed excavation and of its location. Except in emergencies, Franchisee must first obtain a City of Seaside Public Street/Alley Opening Permit. Franchisee shall give notice to the City by telephone, electronic data transmittal or other appropriate means prior to the commencement of service or maintenance work and as soon as is practicable after the commencement of work performed under emergency conditions.

(b) When any excavation is made by the Franchisee, a Public Street/Alley Opening Permit must be obtained including the cost of the permit. The Franchisee shall be responsible for prompt restoration of the affected portion of right of way or public place to the same condition in which it was prior to the excavation.

The restoration shall be in compliance with specifications, requirements, and regulations of the City in effect at the time of such restoration. If the Franchisee fails to restore promptly the affected portion of a right of way or public place to the same condition in which it was prior to the excavation, upon thirty (30) days prior written notice to Franchisee, the City may make the restoration and the cost thereof shall be paid by the Franchisee.

(c) City right of ways that have been newly constructed or overlaid shall not be cut for a period of 10 years. City right of ways that have been slurry or crack sealed shall not be cut for a period of 3 years. Franchisee may request a waiver from the Seaside Public Works Director. City shall notify Franchisee at least 30 days in advance of any planned new roadway or overlay projects.

Section 9: Location and Relocation of Facilities.

(a) All facilities of the Franchisee shall be placed so that they do not interfere unreasonably with the use by the City and the public of the right of way and public places and in accordance with any specifications adopted by the City governing the location of facilities.

(b) The City may require, in the public interest, the removal, or relocation of facilities maintained by the Franchisee in the rights of way and public places of the City, and the Franchisee shall remove and relocate such facilities within a reasonable time after receiving notice to do so from the City. The cost of such removal or relocation of its facilities shall be paid by the Franchisee, but when such removal or relocation is required for the convenience or benefit of any person, governmental agency, or instrumentality other than the City, Franchisee shall be entitled to reimbursement for the reasonable cost thereof from such person, agency, or instrumentality. The City shall provide the Franchisee with timely notice of any anticipated requirement to remove or relocate its facilities and shall cooperate with the Franchisee in the matter of assigning or allocating the costs of removal or relocation.

Section 10: Insurance.

(a) **General.** At all times during the term of this Franchise, Franchisee, at its own cost and expense, shall provide the insurance specified in this section.

(b) **Evidence Required.** Within 30 days of the effective date of this Franchise, Franchisee shall provide the City with a certificate of insurance executed by an authorized representative of the insurer or insurers, evidencing that Franchisee's insurance complies with this section.

(c) **Notice of Cancellation, Reduction, or Material Change in Coverage.** Policies shall include a provision requiring written notice by the insurer or insurers to the City not less than 30 calendar days prior to cancellation, reduction, or material change in coverage. If insurance coverage is canceled, reduced, or materially changed, Franchisee shall, prior to the effective date of such cancellation, reduction or material change, obtain the coverage required under this section, and provide the City with documentation of such coverage. Franchisee shall be responsible, to the extent not caused by the City's negligence or intentional misconduct, for the costs of any damage, liability, or injury, which are not otherwise covered by insurance or because of a failure to comply with this section.

(d) **Insurance Required.** During the term of this contract, Franchisee shall maintain in force, at its own expense, the following insurance:

- (1) The Franchisee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Workers' Compensation	Limits as required by State Law
Commercial General Liability Liability	\$1,000,000 per occurrence, Combined Single
General Aggregate	\$2,000,000
Auto Liability including coverage on all owned, non-owned hired autos Umbrella Liability	\$1,000,000 per occurrence
Umbrella Liability	\$1,000,000 per occurrence

- (2) The City shall be added as an additional insured to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.
- (3) The Franchisee shall furnish the City with current certificates of insurance evidencing such coverage upon request.

Section 11: Transfers and Change in Control.

(a) **Transfer.** This Franchise shall not be sold, leased, assigned or otherwise transferred, nor shall any of the rights or privileges herein granted or authorized be leased, assigned, mortgaged, sold or transferred, either in whole or in part, nor shall title hereto, either legal or equitable, or any right, interest or property herein, pass to or vest in any person, except the Franchisee, either by act of the Franchisee or by operation of law, without the consent of the City, expressed in writing, such consent not to be unreasonably withheld. If the Franchisee wishes to transfer this Franchise, the Franchisee shall give City written notice of the proposed transfer, and shall request consent of the transfer by the City.

(b) Any transfer of ownership affected without the written consent of the City shall render this Franchise subject to revocation. The City shall have 60 days to act upon any request for approval of a transfer. If the City fails to render a final decision on the request within said 60 days, the request shall be deemed granted unless the Franchisee and the City agree to an extension of time.

(c) The Franchisee, upon any transfer, shall within 60 days thereafter file with the City a certified statement evidencing the transfer and an acknowledgment of the transferee that it agrees to be bound by the terms and conditions contained in this Franchise.

(d) The requirements of this section shall not be deemed to prohibit the use of the Franchisee's property as collateral for security in financing the construction or acquisition of all or part of a Telecommunications System of the Franchisee or any affiliate of the Franchisee. However, the Telecommunications System franchised hereunder, including portions thereof used as collateral, shall at all times continue to be subject to the provisions of this Franchise.

(e) The requirements of this section shall not be deemed to prohibit sale of tangible assets of the Franchisee in the ordinary conduct of the Franchisee's business without the consent of the City.

The requirements of this section shall not be deemed to prohibit, without the consent of the City, a transfer to a transferee whose primary business is Telecommunications System operation and having a majority of its beneficial ownership held by the Franchisee, a parent of the Franchisee, or an affiliate, a majority of whose beneficial ownership is held by a parent of the Franchisee.

Section 12: Indemnification. Each party shall indemnify and hold the other harmless for any losses, claims, damages, awards, penalties or injuries incurred by any third party, including reasonable attorney's fees, which arise from any alleged breach of such indemnifying party's representations and warranties made under this Agreement, provided that the indemnifying party is promptly notified of any such claims. The indemnifying party shall have the sole right to defend such claims at its own expense. The other party shall provide, at the indemnifying party's expense, such assistance in investigating and defending such claims as the indemnifying party may reasonably request. This indemnity shall survive the termination of this Agreement.

Section 13: Compensation.

(a) **Franchise Fee.** In consideration of permission to use the streets and Rights-of-Way of the City for the construction, operation, and maintenance of a Telecommunications system within the Franchise area the Franchise shall pay to City during the term of this Franchise an amount equal to seven percent (7%) of the Franchisee's Gross Revenues ("Franchise Fee"). Any net uncollectibles, bad debts or other accrued amounts deducted from Gross Revenues shall be included in Gross Receipts at such time as they are actually collected. Revenue from point to point or multi-point services is based on the pro-rata share of the revenue from those services.

(b) **Modification Resulting from Action by Law.** Upon thirty days notice and in the event any law or valid rule or regulation applicable to this Franchise limits the Franchise Fee below the amount provided herein, or as subsequently modified, the Franchisee agrees to and shall pay the maximum permissible amount and, if such law or valid rule or regulation is later repealed or amended to allow a higher permissible amount, then Franchisee shall pay the higher amount commencing from the date of such repeal or amendment, up to the maximum allowable by law.

(c) **Payment of Franchise Fees.** Payments due under this provision shall be computed and paid quarterly for the preceding quarter, as of March 31, June 30, September 30, and December 31, each quarterly payment due and payable no later than 45 days after such dates. Not later than the date of each payment, the Franchisee shall file with the City a written statement, in a form satisfactory to the City and signed under penalty of perjury by an officer of the Franchisee, identifying in detail the amount of gross revenue received by the Franchisee, the computation basis and method, for the quarter for which payment is made.

(d) The Franchise Fee includes all compensation for the use of the City's Rights-of-Way. Franchisee may offset against the Franchise Fee the amount of any fee or charge paid to the City in connection with the Grantee's use of the Rights-of-Way when the fee or charge is not imposed under a generally applicable ordinance or resolution. The Franchise Fee shall not be deemed to be in lieu of or a waiver of any ad valorem property tax which the City may now or hereafter be entitled to, or to participate in, or to levy upon the property of Franchisee.

Section 14: Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Facilities owned, maintained, or operated by Grantee located within any public Rights-of-Ways of the annexed territory shall be subject to all of the terms of this Ordinance.

Section 15: Right to Inspect Records. In order to manage the Franchisee's use of Rights-of-Way pursuant to this Franchise, and to determine and verify the amount of compensation due to the City under this Franchise, the Franchisee shall provide, upon request, the following information in such form as may be reasonably required by the City: maps of the Franchisee's Telecommunications System; the amount collected by the Franchisee from users of Telecommunications Service provided by Franchisee via its Telecommunications network; the character and extent of the Telecommunications Service rendered therefore to them; and any other related financial information required for the exercise of any other lawful right of Franchisee under this Franchise. The Council may require periodic reports from the Franchisee relating to its operations and revenues within the City. The City agrees that such information is confidential and that the City will use such information only for the purpose of managing its Rights-of-Way, determining compliance with the terms of this Franchise, and verifying the adequacy of Franchisee's Fee payments. The City further agrees to protect such information from disclosure to third parties to the maximum extent allowed by Oregon law.

Section 16: Right to Perform Franchise Fee Audit or Review; Default. In addition to all rights granted under Section 15, the City shall have the right to have performed, a formal audit or a professional review of the Franchisee's books and records by an independent private auditor, for the sole purpose of determining the Gross Receipts of the Franchisee generated through the provision of Telecommunications Services under this Franchise and the accuracy of amounts paid as Franchise Fees to the City by the Franchisee; provided, however, that any audit or review must be commenced not later than 3 years after the date on which Franchise Fees for any period being audited or reviewed were due.

The City agrees to protect from disclosure to third parties, to the maximum extent allowed by State law, any information obtained as a result of its rights pursuant to this Section, or any compilation or other derivative works created using information obtained pursuant to the exercise of its rights hereunder.

Section 17: Right to Inspect Construction. The City or its representatives shall have the right to inspect all construction or installation work performed pursuant to this Franchise and to make such tests as it shall find necessary to ensure compliance with the terms of this Franchise and other pertinent provisions of law relating to management of the City's Rights-of-Way.

Section 18: Venue. Venue for any proceeding brought to enforce any term or condition of this Franchise shall be the local Circuit Court for the City; provided, however, that should any proceeding be brought in a federal forum, such proceeding shall be brought in the U.S. District Court of Oregon in Portland, Oregon, with the parties stipulating to trial in Portland, Oregon.

Section 19: Limitation of Liability. The City and the Franchisee agree that neither shall be liable to the other for any indirect, special, or consequential damages, or any lost profits, arising out of any provision or requirement contained herein, or, in the event this Franchise or any part hereof, is determined or declared to be invalid.

Section 20: Compliance with Applicable Laws. Franchisee shall comply with all applicable federal, state, and local laws, ordinances, and regulations, whether now in existence or hereinafter enacted. Nothing contained in this Franchise shall be construed as authorizing the Franchisee, its officers, employees or agents, to violate any federal, state or local law, whether now in existence or hereinafter enacted, including, by way of illustration but not of limitation, any provision of Oregon anti-trust law, ORS 646.750-646.836, or the Oregon Unlawful Trade Practices Act, ORS 646.650-646.652. Nothing contained in this section shall be construed as requiring Franchisee to comply with any federal, state, or local law that is repealed or otherwise rendered unenforceable subsequent to the adoption of this Franchise.

Section 21: Notice. Any notice provided for under this Franchise shall be sufficient if in writing and (1) delivered personally to the other party or deposited in the U.S. Mail, postage prepaid, certified mail, return receipt requested; (2) sent overnight by commercial air courier; or (3) sent by facsimile transmission, provided receipt of such facsimile is confirmed, in writing, on the first business day following the date of transmission. Notice shall be sent to the following address or such other address as each party may specify in writing:

City Manager
City of Seaside
989 Broadway
Seaside, OR
Phone: (503) 738-5511
Facsimile: (503) 738-5514

Contracts Management
LS Networks
921 SW Washington Street, Suite 370
Portland, OR 97205
Phone: (503) 294-5300
Facsimile: (503) 227-8585

Notice shall be deemed effective upon the earliest date of actual delivery; three business days after deposit in the U.S. mail as provided herein; one business day after shipment by commercial air courier; or the same day as transmitted by facsimile, provided transmission of such facsimile is confirmed in writing as provided herein.

Section 22: Captions. The captions to sections of this Franchise are intended solely to facilitate reading and reference of the sections and provisions contained herein, and shall not affect the meaning or interpretation of any section or provision of this Franchise.

Section 23: Severability. If any part of this Franchise becomes or is held to be invalid for any reason, the determination will affect only the invalid portion of this Franchise. In all other respects this Franchise will stand and remain in full force and effect as if the invalid provision had not been part of this Franchise.

Section 24: Waiver.

(a) The City is vested with the power and authority to reasonably regulate, and manage, its Rights-of-Way in a competitively neutral and non-discriminatory manner, and in the public interest. Franchisee shall not be relieved of its obligations to comply with any provision of this Franchise by reason of the failure of the City to enforce prompt compliance, nor does the City waive or limit any of its rights under this Franchise by reason of such failure or neglect.

(b) No provision of this Franchise will be deemed waived unless such waiver is in writing and signed by the party waiving its rights. However, if Franchisee gives written notice of a failure or inability to cure or comply with a provision of this Franchise, and the City fails to object within a reasonable time after receipt of such notice; such provision shall be deemed waived.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2017, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2017.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

Accepted _____ (date)

LightSpeed Networks, Inc.
By _____
Michael Weidman
President and CEO

RESOLUTION #3904

A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL
BUDGET INCREASES OF GREATER THAN 10%
FOR THE 2017-2018 CITY OF SEASIDE BUDGET

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following supplemental budget increases and reductions for 2017-2018; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2017, and for the purpose shown below are hereby adjusted and appropriated as follows:

SEWER RESERVE
Resources

	Present	Changes	New
Beginning Fund Balance	\$ 367,418	\$ (5,861)	\$ 361,557
Interest On Investments	3,400	1,600	5,000
Total	\$ 370,818	\$ (4,261)	\$ 366,557

SEWER RESERVE
Requirements

	Present	Changes	New
Capital Outlay	\$ 11,030	\$ (4,261)	\$ 6,769
Ending Fund Balance	359,788	0	359,788
Total	\$ 370,818	\$ (4,261)	\$ 366,557

PARKS CONSTRUCTION
Resources

	Present	Changes	New
Beginning Fund Balance	\$ -	\$ 4,613	\$ 4,613
Interest On Investments	0	50	50
Total	\$ -	\$ 4,663	\$ 4,663

PARKS CONSTRUCTION
Requirements

	Present	Changes	New
Capital Outlay	\$ -	\$ 4,663	\$ 4,663
Total	\$ -	\$ 4,663	\$ 4,663

CONVENTION CENTER CAPITAL IMPROVEMENT
Resources

	Present	Changes	New
Beginning Fund Balance	\$ 699,906	\$ (23,663)	\$ 676,243
Seg Beg Food Service	52,949	397	53,346
Transfer - Business License	15,000	0	15,000
Transfer - Room Tax	201,715	0	201,715
Interest On Investments	7,000	2,000	9,000
Food Service Fees	25,000	0	25,000
Total	\$ 1,001,570	\$ (21,266)	\$ 980,304

CONVENTION CENTER CAPITAL IMPROVEMENT
Requirements

	Present	Changes	New
Materials and Services	\$ 25,000	\$ -	\$ 25,000
Capital Outlay	155,000	0	155,000
Contingency	150,000	(21,266)	128,734
Ending Fund Balance	671,570	0	671,570
Total	\$ 1,001,570	\$ (21,266)	\$ 980,304

SYSTEMS DEVELOPMENT - PARKS (91)
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 102,788	\$ 59,418	\$ 162,206
Systems Dev - Principal	35,000	0	35,000
Systems Dev - Interest	2,600	0	2,600
Interest On Investments	1,000	1000	2,000
Total	\$ 141,388	\$ 60,418	\$ 201,806

SYSTEMS DEVELOPMENT - PARKS (91)
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials and Services	\$ 50,000	\$ 30,418	\$ 80,418
Capital Outlay	91,388	30,000	121,388
Total	\$ 141,388	\$ 60,418	\$ 201,806

Passed by the City Council of Seaside on this ___ day of _____, 2017.

Submitted to the Mayor and Approved by the Mayor on this ___ day of _____, 2017.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC HEARING
FOR BUDGET INCREASES OF GREATER THAN 10%**

A public hearing on proposed budget increases of greater than 10 % for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2017 to June 30, 2018 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public hearing will take place during the regularly scheduled City Council meeting on the 13th day of November, 2017 at 7:00 P.M. The purpose of the public hearing is to discuss the budget adjustments with interested persons. A copy of the budget document may be inspected or obtained on or after October 25, 2017 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF BUDGET ADJUSTMENTS

FUND: Sewer Reserve

Resources		Requirements	
Beginning Fund Balance	\$ (5,861)	Capital Outlay	\$ (4,261)
Interest On Investments	1,600		
Revised Total Resources	\$ 366,557	Revised Total Requirements	\$ 366,557

COMMENTS: To decrease infrastructure budget for lower than expected Beginning Fund Balance.

FUND: Parks Construction

Resources		Requirements	
Beginning Fund Balance	\$ 4,613	Capital Outlay	\$ 4,663
Interest On Investments	50		
Revised Total Resources	\$ 4,663	Revised Total Requirements	\$ 4,663

COMMENTS: To budget for infrastructure improvements in Fiscal Year 2017/18.

FUND: Convention Center Capital Improvement

Resources		Requirements	
Beginning Fund Balance	\$ (23,663)	Contingency	\$ (21,266)
Segregated Beg Food Service Fee	397		
Interest On Investments	2,000		
Revised Total Resources	\$ 980,304	Revised Total Requirements	\$ 980,304

COMMENTS: To reduce Contingency budget for lower than expected Beginning Fund Balance.

FUND: Systems Development - Parks (91)

Resources		Requirements	
Beginning Fund Balance	\$ 59,418	Materials & Services	\$ 30,418
Interest On Investments	1,000	Capital Outlay	30,000
Revised Total Resources	\$ 201,806	Revised Total Requirements	\$ 201,806

COMMENTS: To increase professional/contractual services and land acquisition for higher than expected Beginning Fund Balance.

COMMENTS: Additional FAA funding allows for airport improvement project.

LIQUOR LICENSE APPLICATION

Vivienne Higgs
Culinary Capers Catering LLC
340 Avenue 'E'
Seaside

This business has applied for a Full On-premises Sales Liquor License. This would be for a new outlet.

Full On-Premises Sales License – allows the sale of distilled spirits, malt beverages, wine, and cider for consumption at the licensed business. This license also allows private catering if the applicant receives pre-approval from OLCC.

The Police Department has reviewed the business and applicants applying for the liquor license and the information received is attached.

Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An unlicensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

Seaside Police Department

MEMORANDUM

TO: Mayor and City Council

FROM: Bill Barnes, Seaside Police Detective

SUBJECT: Culinary Capers Catering
340 Ave E, Seaside, OR

DATE: 10/13/17

The Seaside Police Department has reviewed the liquor application of Culinary Capers Catering at 340 Ave E, Seaside, OR on 10/12/17.

Our background check did not find anything that would disqualify the owner from obtaining a liquor license.

The owner of this business, Vivienne Higgs, described her business as an out of the home catering business. Though serving alcohol is a very small part of her business, she occasionally has a request to do so at locations which do not have their own bar. In the past, Vivienne has obtained temporary alcohol permits for these specific events. With the State Administrative rules change, she is now able to obtain a license for her business to serve without obtaining individual temporary permits.

If you have any additional questions, please let me know.

Detective Corporal Barnes
Seaside Police Department



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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


November 9, 2017

Vivienne Higgs
Culinary Capers Catering LLC
340 Avenue 'E'
Seaside, OR 97138

Dear Vivienne:

This letter is to confirm that the Oregon Liquor License application that was submitted to the City of Seaside is scheduled to appear on the agenda for the City Council meeting Monday, November 13, 2017 at 7:00 PM. City Council requests all applicants be at the Council meeting as they will be discussing your information as stated on your liquor license application and may have questions. Attached with this letter is the Seaside Police Department memorandum that is submitted to City Council for review.

Sincerely,



Kim Jordan
Administrative Assistant

Memo

To: Mayor and City Council

From: City Manager's Office

Date: 11/13/2017

Re: Kiwanis Request

The Seaside Kiwanis Club has requested the City Council approve the annual Christmas Tree sales for the next four years and waive the business license fee of \$75.00 for each year. The Christmas Tree sale will be located at the Seaside Factory Outlet parking lot. This is the same location as the previous years.

Council previously waived the business license for Seaside Kiwanis for five years starting in 2012 and expired last year in 2016.

Kiwanis

Seaside, OR

Kiwanis Club of Seaside
PO Box 665
Seaside, OR 97138

November 3, 2017

Seaside City Council
989 Broadway St
Seaside, OR 97138

Re: Renewal of Council's Approval to sell Christmas Trees

Dear Council Members,

The Kiwanis Club of Seaside has had a long history with its annual Christmas tree sales at the Seaside Outlets. The annual sale of tree is by far the biggest fundraiser our club has throughout the year and allows us to be able to continue funding youth oriented programs all around Clatsop County. Tree sales begin the Thursday following Thanksgiving and generally finishes up within fourteen days.

Last year, our club supported the good work of the Miss Clatsop Scholarship Program, the Food 4 Kids Backpack Program, Byron Meek's "The Program" at Seaside Heights Elementary, scholarships for Camp Kiwanilong attendees, and so many more.

We are requesting that the Council renew our approval for Christmas tree sales at the Seaside Outlets for another four-year period. We appreciate your consideration and on-going interest in our club's efforts to support the youth of Clatsop County.

Sincerely,



Darren Gooch, Christmas Tree Committee Chair

RESOLUTION #3905

**A RESOLUTION ADOPTING AND APPROPRIATING A
SUPPLEMENTAL BUDGET DECREASE OF LESS THAN 10 PERCENT
TO THE 2017-2018 SEASIDE ROAD DISTRICT BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside, acting in the capacity as the governing body for the Seaside Road District, hereby adopts the following supplemental budget for 2017-2018; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2017, and for the purpose shown below are hereby adjusted and appropriated as follows:

**District Road
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 392,129	\$ (57,437)	\$ 334,692
Tax Levy	355,122	2,824	357,946
Est Taxes Not To Be Rec'd	(24,859)	(197)	(25,056)
Delinquent Taxes	8,800	0	8,800
Tax Offsets	100	0	100
Interest On Investments	2,500	0	2,500
Interest On Tax Receipts	2,500	0	2,500
	<u>736,292</u>	<u>(54,810)</u>	<u>681,482</u>
Total	\$ <u>736,292</u>	\$ <u>(54,810)</u>	\$ <u>681,482</u>

**District Road
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 8,800	\$ -	\$ 8,800
Capital Outlay	708,230	(54,810)	653,420
Interfund Transfers	10,262	0	10,262
Ending Fund Balance	9,000	0	9,000
	<u>736,292</u>	<u>(54,810)</u>	<u>681,482</u>
Total	\$ <u>736,292</u>	\$ <u>(54,810)</u>	\$ <u>681,482</u>

Passed by the City Council of Seaside on this ___ day of _____, 2017.

Submitted to the Mayor and Approved by the Mayor on this ___ day of _____, 2017.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

A public meeting on proposed supplemental budgets of less than 10% for the Seaside Road District, Clatsop County, State of Oregon for the fiscal year July 1, 2017 to June 30, 2018 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public meeting will take place during the regularly scheduled City Council meeting on the 13th of November, 2017 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting a supplemental budget and making necessary appropriations. A copy of the supplemental budget document may be inspected or obtained on or after October 25, 2017 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: District Road			
Resources		Requirements	
Beginning Fund Balance	\$ (57,437)	Capital Outlay	\$ (54,810)
Current Taxes	2,627		
Revised Total Resources	\$ 681,482	Revised Total Requirements	\$ 681,482

COMMENTS: To decrease budget for capital outlay due to lower than expected beginning balance.

RESOLUTION #3906

A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL
BUDGET INCREASES AND REDUCTIONS OF LESS THAN 10%
FOR THE 2017-2018 CITY OF SEASIDE BUDGET

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following supplemental budget increases and reductions for 2017-2018; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2017, and for the purpose shown below are hereby adjusted and appropriated as follows:

GENERAL
Resources

	Present	Changes	New
Beginning Fund Balance	\$ 802,023	\$ 79,232	\$ 881,255
Admin Cost - Water	133,492	0	133,492
Admin Cost - Sewer	269,814	0	269,814
Admin Cost - State Tax Street	16,958	0	16,958
Admin Cost - Convention Ctr	122,751	0	122,751
Admin Cost - District Road	10,262	0	10,262
Admin Cost - Downtown Maint	6,803	0	6,803
Admin Cost - Public Safety	379,216	0	379,216
Admin Cost - Community Dev	30,655	0	30,655
Admin Cost - Public Works	89,093	0	89,093
Transfer - Water	263,981	0	263,981
Tax Base	3,707,497	29,472	3,736,969
Est Taxes Not Rec'd	(259,525)	(2,063)	(261,588)
Delinquent Taxes	97,000	(4,000)	93,000
Tax Offsets	2,000	0	2,000
Interest On Investments	4,000	0	4,000
Interest On Tax Receipts	28,000	0	28,000
Liquor License Fees	1,900	0	1,900
Bus Lic & Room Tax Penalties	10,000	0	10,000
Room Tax - Vacation Rentals	688,500	0	688,500
Cigarette Tax	5,925	0	5,925
Library Grant	1,000	0	1,000
Healthy Benefits Grant	1,000	0	1,000
Library	21,000	0	21,000
Community Center	8,500	0	8,500
Rental/Sale City Property	2,000	0	2,000
Miscellaneous	10,000	0	10,000
Total	\$ 6,453,845	\$ 102,641	\$ 6,556,486

GENERAL
Requirements

	Present	Changes	New
Mayor & Council	\$ 20,249	\$ -	\$ 20,249
City Attorney	44,075	0	44,075
Business Office	557,002	0	557,002
Library	689,778	0	689,778
Community Center	52,625	6,000	58,625
Non-Departmental	297,384	22,800	320,184
Special Payments	1,000	0	1,000
Debt Service	263,981	0	263,981
Interfund Transfers	3,678,972	0	3,678,972
Contingency	100,000	73,841	173,841
Ending Fund Balance	748,779	0	748,779
Total	\$ 6,453,845	\$ 102,641	\$ 6,556,486

SPECIAL ASSESSMENTS

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 3,650	\$ 5,910	\$ 9,560
Assessment Principal	5,000	0	5,000
Assessment Interest	2,500	0	2,500
Interfund Loan-Sys Dev (Wtr)	133,950	(5,910)	128,040
Total	\$ 145,100	\$ -	\$ 145,100

SPECIAL ASSESSMENTS

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 4,100	\$ -	\$ 4,100
Capital Outlay	75,000	25,000	100,000
Special Payments	65,000	(25,000)	40,000
Interfund Transfers	1,000	0	1,000
Total	\$ 145,100	\$ -	\$ 145,100

**WATER
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 2,660,622	\$ 113,420	\$ 2,774,042
Interest On Investments	14,000	0	14,000
Gross Water Sales	1,890,000	0	1,890,000
Tap & Meter Set	8,000	0	8,000
On & Off	145,000	0	145,000
Miscellaneous	5,000	0	5,000
Total	\$ 4,722,622	\$ 113,420	\$ 4,836,042

**WATER
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 702,431	\$ -	\$ 702,431
Materials & Services	511,400	63,420	574,820
Capital Outlay	330,000	0	330,000
Interfund Transfers	546,433	0	546,433
Contingency	200,000	50,000	250,000
Ending Fund Balance	2,432,358	0	2,432,358
Total	\$ 4,722,622	\$ 113,420	\$ 4,836,042

CONVENTION CENTER

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 2,852,763	\$ (101,545)	\$ 2,751,218
Transfer - Room Tax	2,808,192	0	2,808,192
Interest On Investments	22,000	1,545	23,545
Food & Liquor Franchise	750,000	0	750,000
Rentals - Events	75,000	0	75,000
Convention Fees	25,000	0	25,000
Bond Proceeds	15,000,000	0	15,000,000
Miscellaneous	5,500	0	5,500
Total	\$ 21,538,455	\$ (100,000)	\$ 21,438,455

CONVENTION CENTER

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 1,086,520	\$ -	\$ 1,086,520
Materials & Services	1,137,000	0	1,137,000
Debt Service	350,000	0	350,000
Interfund Transfers	15,122,751	0	15,122,751
Contingency	1,200,000	(100,000)	1,100,000
Ending Fund Balance	2,642,184	0	2,642,184
Total	\$ 21,538,455	\$ (100,000)	\$ 21,438,455

ROOM TAX & BUSINESS LICENSE

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 768,427	\$ 9,955	\$ 778,382
Interest On Investments	5,500	45	5,545
Room Tax	4,944,000	0	4,944,000
Business License	180,000	0	180,000
Oregon Tourism Grant	11,000	0	11,000
Miscellaneous	100	0	100
Donations	100	0	100
Total	\$ 5,909,127	\$ 10,000	\$ 5,919,127

ROOM TAX & BUSINESS LICENSE

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 232,645	\$ -	\$ 232,645
Materials & Services	600,450	0	600,450
Capital Outlay	50,000	0	50,000
Interfund Transfers	4,264,005	0	4,264,005
Contingency	150,000	10,000	160,000
Ending Fund Balance	612,027	0	612,027
Total	\$ 5,909,127	\$ 10,000	\$ 5,919,127

SEWER PLANT REPLACEMENT

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 326,930	\$ (5,873)	\$ 321,057
Interest On Investments	3,000	1,000	4,000
Total	\$ 329,930	\$ (4,873)	\$ 325,057

SEWER PLANT REPLACEMENT

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 1,000	\$ -	\$ 1,000
Capital Outlay	328,930	(4,873)	324,057
Total	\$ 329,930	\$ (4,873)	\$ 325,057

PUBLIC WORKS

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 361,592	\$ 60,612	\$ 422,204
Transfer - Water (Franchise)	148,960	0	148,960
Transfer - Sewer (Franchise)	167,691	0	167,691
Transfer - Room Tax	122,611	0	122,611
Transfer - Capital Improvement	45,000	0	45,000
Interest On Investments	3,000	0	3,000
Franchise Fees	711,000	0	711,000
State Marine	7,200	0	7,200
Engineering	1,000	0	1,000
Sale of City Property	750	0	750
Cemetery Lots	3,000	0	3,000
Miscellaneous	1,000	0	1,000
Donations	18,000	0	18,000
Total	\$ 1,590,804	\$ 60,612	\$ 1,651,416

PUBLIC WORKS

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Engineering	\$ 275,852	\$ 12,000	\$ 287,852
Public Works	724,901	12,000	736,901
City Parks	204,712	0	204,712
Interfund Transfers	125,093	2,787	127,880
Contingency	50,000	33,825	83,825
Ending Fund Balance	210,246	0	210,246
Total	\$ 1,590,804	\$ 60,612	\$ 1,651,416

**PUBLIC SAFETY
Resources**

	Present	Changes	New
Beginning Fund Balance	\$ 755,481	\$ 99,604	\$ 855,085
Transfer - Room Tax	747,533	0	747,533
Transfer - General	3,647,972	0	3,647,972
Tax Levy	95,000	(86)	94,914
Est Taxes Not Rec'd	(6,650)	6	(6,644)
Delinquent Taxes	3,000	0	3,000
Tax Offsets	50	0	50
Interest On Investments	7,000	0	7,000
Interest On Tax Receipts	800	0	800
Dog Licenses	2,500	0	2,500
Liquor Taxes	102,100	0	102,100
Marijuana Taxes	15,000	0	15,000
State Revenue Sharing	91,300	0	91,300
Federal Fire Grants	0	144,381	144,381
Rural Fire Protection	42,000	0	42,000
Dispatch Service	89,390	0	89,390
Fines & Forfeitures	105,000	0	105,000
Parking Tickets	16,000	0	16,000
False Alarms	1,500	0	1,500
State Fire Reimbursement	0	227,352	227,352
Insurance Reimbursement	5,000	0	5,000
Rental or Sale of City Property	30,000	0	30,000
Miscellaneous - Police	15,000	0	15,000
Miscellaneous	10,000	0	10,000
Donations	700	0	700
Total	\$ 5,775,676	\$ 471,257	\$ 6,246,933

**PUBLIC SAFETY
Requirements**

	Present	Changes	New
Municipal Court	\$ 179,418	\$ -	\$ 179,418
Police	3,526,373	0	3,526,373
Lifeguards	46,643	0	46,643
Fire	857,049	311,257	1,168,306
Non-Department	34,000	0	34,000
Interfund Transfers	379,216	0	379,216
Contingency	200,000	60,000	260,000
Ending Fund Balance	552,977	100,000	652,977
Total	\$ 5,775,676	\$ 471,257	\$ 6,246,933

**COMMUNITY DEVELOPMENT
Resources**

	Present	Changes	New
Beginning Fund Balance	\$ 108,938	\$ 80,422	\$ 189,360
Transfer - Business Licenses	100,000	0	100,000
Interest On Investments	850	1,600	2,450
Building & Heating Permits	100,000	0	100,000
Mechanical Permits	28,000	0	28,000
Plumbing Permits	25,200	0	25,200
Plan Review Fees	77,500	0	77,500
Planning	50,000	0	50,000
Cannon Beach Service Fees	35,000	(25,000)	10,000
Miscellaneous	1,500	0	1,500
Total	\$ 526,988	\$ 57,022	\$ 584,010

**COMMUNITY DEVELOPMENT
Requirements**

	Present	Changes	New
Planning	\$ 183,174	\$ -	\$ 183,174
Building	204,213	0	204,213
Interfund Transfers	30,655	0	30,655
Contingency	50,000	25,000	75,000
Ending Fund Balance	58,946	32,022	90,968
Total	\$ 526,988	\$ 57,022	\$ 584,010

DOWNTOWN MAINTENANCE DISTRICT
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 42,013	\$ (842)	\$ 41,171
Current Assessments	92,051	0	92,051
Est Assessments Not Rec'd	(6,006)	0	(6,006)
Loss-Due To Compression	(6,250)	(10)	(6,260)
Delinquent Assessments	2,545	(148)	2,397
Assessment Offsets	50	0	50
Interest On Investments	400	0	400
Interest On Assessments	700	0	700
Total	\$ 125,503	\$ (1,000)	\$ 124,503

DOWNTOWN MAINTENANCE DISTRICT
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 81,700	\$ (1,000)	\$ 80,700
Interfund Transfers	6,803	0	6,803
Contingency	10,000	0	10,000
Ending Fund Balance	27,000	0	27,000
Total	\$ 125,503	\$ (1,000)	\$ 124,503

CAPITAL IMPROVEMENT & MAINTENANCE
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 235,749	\$ (4,739)	\$ 231,010
Transfer - Public Works	36,000	0	36,000
Transfer - Room Tax	114,701	0	114,701
Interest On Investments	2,000	1,000	3,000
Donations	80,000	0	80,000
Total	\$ 468,450	\$ (3,739)	\$ 464,711

CAPITAL IMPROVEMENT & MAINTENANCE
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 25,500	\$ -	\$ 25,500
Capital Outlay	397,950	(3,739)	394,211
Interfund Transfers	45,000	0	45,000
Total	\$ 468,450	\$ (3,739)	\$ 464,711

EMERGENCY READINESS
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 182,957	\$ 901	\$ 183,858
Transfer - Room Tax	59,328	0	59,328
Interest On Investments	1,500	1,000	2,500
Donations	1,000	0	1,000
Total	\$ 244,785	\$ 1,901	\$ 246,686

EMERGENCY READINESS
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 13,295	\$ -	\$ 13,295
Materials & Services	81,600	0	81,600
Interfund Transfers	25,000	0	25,000
Contingency	25,000	1,901	26,901
Ending Fund Balance	99,890	0	99,890
Total	\$ 244,785	\$ 1,901	\$ 246,686

SYSTEMS DEVELOPMENT - WATER (91)
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,300,232	\$ 43,568	\$ 1,343,800
Systems Development-Prin	45,000	0	45,000
Systems Development-Int	4,500	0	4,500
Interest On Investments	13,300	0	13,300
Interfund Loan-Spec Assess	65,000	(25,000)	40,000
Interfund Loan-Fire Equipment	0	138,206	138,206
Total	\$ 1,428,032	\$ 156,774	\$ 1,584,806

SYSTEMS DEVELOPMENT - WATER (91)
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 150,000	\$ -	\$ 150,000
Capital Outlay	250,000	0	250,000
Special Payments	133,950	(5,910)	128,040
Contingency	250,000	50,000	300,000
Ending Fund Balance	644,082	112,684	756,766
Total	\$ 1,428,032	\$ 156,774	\$ 1,584,806

SYSTEMS DEVELOPMENT - SEWER (91)
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,559,542	\$ 29,803	\$ 1,589,345
Systems Development-Prin	75,000	0	75,000
Systems Development-Int	2,600	0	2,600
Interest On Investments	14,000	6,000	20,000
Total	\$ 1,651,142	\$ 35,803	\$ 1,686,945

SYSTEMS DEVELOPMENT - SEWER (91)
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 150,000	\$ -	\$ 150,000
Capital Outlay	250,000	0	250,000
Contingency	250,000	35,803	285,803
Ending Fund Balance	1,001,142	0	1,001,142
Total	\$ 1,651,142	\$ 35,803	\$ 1,686,945

SYSTEMS DEVELOPMENT - ROADS (91)
Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 46,969	\$ 505	\$ 47,474
Systems Development - Principal	888	0	888
Systems Development - Interest	110	0	110
Interest On Investments	450	100	550
Total	\$ 48,417	\$ 605	\$ 49,022

SYSTEMS DEVELOPMENT - ROADS (91)
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Capital Outlay	\$ 48,417	\$ 605	\$ 49,022
Total	\$ 48,417	\$ 605	\$ 49,022

**LIBRARY TRUST
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 182,128	\$ 1,788	\$ 183,916
Transfer - Emergency Read	25,000	0	25,000
Interest On Investments	1,500	212	1,712
Donations	600	0	600
Total	\$ 209,228	\$ 2,000	\$ 211,228

**LIBRARY TRUST
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 4,000	\$ 2,000	\$ 6,000
Capital Outlay	91,000	0	91,000
Contingency	50,000	0	50,000
Ending Fund Balance	64,228	0	64,228
Total	\$ 209,228	\$ 2,000	\$ 211,228

Passed by the City Council of Seaside on this ____ day of _____, 2017.

Submitted to the Mayor and Approved by the Mayor on this ____ day of _____, 2017.

ATTEST:

JAY BARBER, MAYOR

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

A public meeting on proposed supplemental budgets of less than 10% for the City of Seaside, Clatsop County, State of Oregon for the fiscal year July 1, 2017 to June 30, 2018 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public meeting will take place during the regularly scheduled City Council meeting on the 13th of November, 2017 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting supplemental budgets and making necessary appropriations. A copy of the supplemental budget document may be inspected or obtained on or after October 25, 2017 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: General

Resources		Requirements	
Beginning Fund Balance	\$ 79,232	Community Center	\$ 6,000
Current Taxes	27,409	Non Departmental	22,800
Delinquent Taxes	(4,000)	Contingency	73,841
Revised Total Resources	\$ 6,556,486	Revised Total Requirements	\$ 6,556,486

COMMENTS: To increase Community Center budget for a new water heater, Non-Departmental for costs associated with the new urban renewal district formation, and an increase in Contingency.

FUND: Special Assessments

Resources		Requirements	
Beginning Fund Balance	\$ 5,910	Capital Outlay	\$ 25,000
Interfund Loan - Sys Dev (Wtr)	(5,910)	Loan Repayment - Sys Dev (Wtr)	(25,000)
Revised Total Resources	\$ 145,100	Revised Total Requirements	\$ 145,100

COMMENTS: To adjust for required loan resources and requirements.

FUND: Water

Resources		Requirements	
Beginning Fund Balance	\$ 113,420	Materials & Services	\$ 63,420
		Contingency	50,000
Revised Total Resources	\$ 4,836,042	Revised Total Requirements	\$ 4,836,042

COMMENTS: To increase budget for increase in infrastructure repairs and bad debt writeoff.

FUND: Convention Center

Resources		Requirements	
Beginning Fund Balance	\$ (101,545)	Contingency	\$ (100,000)
Interest On Investments	1,545		
Revised Total Resources	\$ 21,438,455	Revised Total Requirements	\$ 21,438,455

COMMENTS: To decrease Contingency for lower than expected Beginning Fund Balance.

FUND: Room Tax & Business License

Resources		Requirements	
Beginning Fund Balance	\$ 9,955	Contingency	\$ 10,000
Interest On Investments	45		
Revised Total Resources	\$ 5,919,127	Revised Total Requirements	\$ 5,919,127

COMMENTS: To increase Contingency for larger than expected Beginning Fund Balance.

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

FUND: Sewer Plant Replacement

Resources		Requirements	
Beginning Fund Balance	\$ (5,873)	Capital Outlay	\$ (4,873)
Interest On Investments	1,000		
Revised Total Resources	\$ 325,057	Revised Total Requirements	\$ 325,057

COMMENTS: To decrease infrastructure expenditures for lower than expected Beginning Fund Balance.

FUND: Public Works

Resources		Requirements	
Beginning Fund Balance	\$ 60,612	Engineering	\$ 12,000
		Public Works	12,000
		Transfer - Airport	2,787
		Contingency	33,825
Revised Total Resources	\$ 1,651,416	Revised Total Requirements	\$ 1,651,416

COMMENTS: To increase engineering and public works departments for personnel costs, to budget a transfer of funds to the Airport Fund, and increase Contingency.

FUND: Public Safety

Resources		Requirements	
Beginning Fund Balance	\$ 99,604	Fire	\$ 311,257
Current Taxes	(80)	Contingency	60,000
Federal Fire Grants	144,381	Ending Fund Balance	100,000
State Fire Reimbursement	227,352		
Revised Total Resources	\$ 6,246,933	Revised Total Requirements	\$ 6,246,933

COMMENTS: To increase Fire Department budget for costs associated with Oregon and California wildfires and federal equipment grant.

FUND: Community Development

Resources		Requirements	
Beginning Fund Balance	\$ 80,422	Contingency	\$ 25,000
Interest On Investments	1,600	Ending Fund Balance	32,022
Cannon Beach Service Fees	(25,000)		
Revised Total Resources	\$ 584,010	Revised Total Requirements	\$ 584,010

COMMENTS: To increase Contingency for higher than expected Beginning Fund Balance.

FUND: Downtown Maintenance District

Resources		Requirements	
Beginning Fund Balance	\$ (842)	Materials & Services	\$ (1,000)
Loss Due To Compression	(10)		
Delinquent Taxes	(148)		
Revised Total Resources	\$ 124,503	Revised Total Requirements	\$ 124,503

COMMENTS: To decrease grounds maintenance budget due to revenue shortfall.

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

FUND: Capital Improvement and Maintenance

Resources		Requirements	
Beginning Fund Balance	\$ (4,739)	Capital Outlay	\$ (3,739)
Interest On Investments	1,000		
Revised Total Resources	\$ 464,711	Revised Total Requirements	\$ 464,711

COMMENTS: To decrease infrastructure budget due to lower than expected Beginning Fund Balance.

FUND: Emergency Readiness

Resources		Requirements	
Beginning Fund Balance	\$ 901	Contingency	\$ 1,901
Interest On Investments	1,000		
Revised Total Resources	\$ 246,686	Revised Total Requirements	\$ 246,686

COMMENTS: To increase Contingency for higher than expected Beginning Fund Balance and Interest income.

FUND: Systems Development - Water (91)

Resources		Requirements	
Beginning Fund Balance	\$ 43,568	Special Payments	\$ (5,910)
Interfund Loan - Special Assessment	(25,000)	Contingency	50,000
Interfund Loan - Fire Equipment (13)	138,206	Ending Fund Balance	112,684
Revised Total Resources	\$ 1,584,806	Revised Total Requirements	\$ 1,584,806

COMMENTS: To increase Contingency for higher than expected Beginning Fund Balance and unanticipated Interfund Loan payment.

FUND: Systems Development - Sewer (91)

Resources		Requirements	
Beginning Fund Balance	\$ 29,803	Contingency	\$ 35,803
Interest On Investments	6,000		
Revised Total Resources	\$ 1,686,945	Revised Total Requirements	\$ 1,686,945

COMMENTS: To increase Contingency for higher than expected Beginning Fund Balance and Interest income.

FUND: Systems Development - Roads (91)

Resources		Requirements	
Beginning Fund Balance	\$ 505	Capital Outlay	\$ 605
Interest On Investments	100		
Revised Total Resources	\$ 49,022	Revised Total Requirements	\$ 49,022

COMMENTS: To increase Capital Outlay for higher than expected Beginning Fund Balance and Interest income.

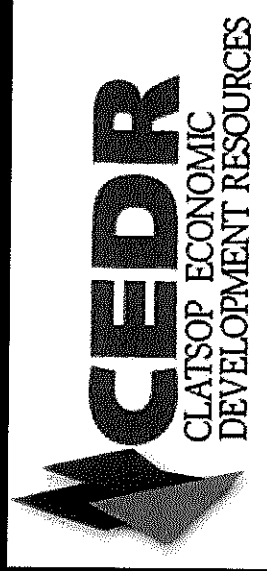
FUND: Library/Trust

Resources		Requirements	
Beginning Fund Balance	\$ 1,788	Materials & Services	\$ 2,000
Interest On Investments	212		
Revised Total Resources	\$ 211,228	Revised Total Requirements	\$ 211,228

COMMENTS: To increase professional/contractual budget for higher than expected Beginning Fund Balance.

CEDR/CCCC SBDC

Seaside City Council Annual Update
November 13, 2017



RESOLUTION #3907

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
REGARDING CLATSOP ECONOMIC DEVELOPMENT RESOURCES (CEDR)**

WHEREAS, the goals of Clatsop Economic Development Resources (CEDR) is to expand, retain and recruit business and industry; and

WHEREAS, the targets for expansion and retention include industry clusters, increasing per-capita income, diversifying the economy and promoting managed economic growth through year round family wage jobs, and to lead delivery of professional economic development services by bringing together multi-organizational efforts; and

WHEREAS, the Seaside City Council, has determined that endorsement of the establishment of Clatsop Economic Development Resources would be a benefit to the communities throughout the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The Seaside City Council agrees to partner with Clatsop Economic Development Resources and hereby approves the contribution of \$10,000.00 for the **third (3) year** as financial support for this program.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2017.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2017.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION NO. 3908

**A RESOLUTION OF THE CITY OF SEASIDE, CLATSOP COUNTY, OREGON
AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO CONSTRUCT,
REPAIR, EXPAND AND FURNISH THE CITY'S CONVENTION CENTER AND
DIRECTING THE PUBLICATION OF A NOTICE OF INTENT TO ISSUE
REVENUE BONDS.**

WHEREAS, the City is authorized to issue revenue bonds for any public purpose under Oregon Revised Statutes 287A.150 (the "Act"); and

WHEREAS, the Act permits the City to authorize revenue bonds by adopting a resolution. Revenue bonds issued under the Act and the resolution may be secured by the revenues or other property of the public body that is described in the resolution; and

WHEREAS, the City may not sell those revenue bonds until 60 days after the publication of a Notice of Intent to Issue Revenue Bonds. If the resolution is referred to a vote during that 60 day period, the City may not sell those revenue bonds described in the resolution unless the voters approve issuance of the revenue bonds; and

WHEREAS, the City finds that it is in its best interest to finance (1) the costs of constructing, repairing, expanding and furnishing the City's convention center, (2) fund a reserve account, if required, and (3) pay the costs of issuing the revenue bonds (the "Project"); with revenue bonds issued under the Act; and

WHEREAS, United States Treasury Regulation Section 1.150-2 sets forth certain requirements that must be complied with in order for the reimbursement with proceeds of an obligation to qualify as an expenditure of bond proceeds; and

WHEREAS, the City adopts this resolution to authorize the issuance of up to \$15,000,000 of revenue bonds to finance the costs of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE, OREGON AS FOLLOWS:

Section 1. Revenue Bonds Authorized.

1.1 The City hereby authorizes the issuance of not more than \$15,000,000 in aggregate principal amount of revenue bond (the "Series 2017 Revenue Bonds") under the Act to finance the costs of the Project and the costs of issuance of the revenue bonds in accordance with this Resolution.

1.2 The City Manager is authorized and directed to publish a Notice of Intent to Issue a Revenue Bond, describing the purposes for which the Series 2017 Revenue Bonds are to be issued, in the form attached hereto as Exhibit A, in one issue each of the Seaside Signal and The Daily Astorian, newspapers of general circulation within the geographical boundaries of the City, and in the same manner as are other public notices of the City. The Series 2017 Revenue Bonds may not be sold, nor shall a purchase agreement be executed, for at least 60 days following publication of the Notice of Intent to Issue a Revenue Bond.

1.3 Electors residing within the geographical boundaries of the City may file a petition with the City asking to have the question of whether to issue the Series 2017 Revenue Bonds referred to a vote.

If the City receives petitions containing valid signatures of not less than five percent (5%) of the City's electors, the question of issuing the Series 2017 Revenue Bonds shall be placed on the ballot at the next legally available election date. In the event the City receives such a petition within (60) days from publication of the Notice of Intent to Issue a Revenue Bond, the Series 2017 Revenue Bonds shall not be sold until this Resolution is approved by a majority of the electors of the City voting on this Resolution.

Section 2. Security. The Series 2017 Revenue Bonds shall not be a general obligation of the City nor a charge upon the tax revenues of the City except as described herein. The Series 2017 Revenue Bonds shall be a special obligation of the City payable solely from the transient room tax. The City hereby pledges the transient room tax to pay the Series 2017 Revenue Bonds on parity with all outstanding obligations secured by the transient room tax. The owners of the Series 2017 Revenue Bonds shall not have a lien or security interest on any property financed or refinanced with the proceeds of the Series 2017 Revenue Bonds.

Section 3. Reserve Account. In the event there is a reserve requirement for the Series 2017 Revenue Bonds, the City shall deposit into a reserve account from the proceeds of the Series 2017 Revenue Bonds, or from any other monies lawfully available therefor, so that there will be on deposit in such reserve account an amount equal to the reserve requirement.

Section 4. Compliance with Internal Revenue Code. The City hereby covenants for the benefit of the owners of the Series 2017 Revenue Bonds to use the proceeds of the Series 2017 Revenue Bonds and the facilities financed with the Series 2017 Revenue Bonds in the manner required under this Resolution and to otherwise comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), that are required for the interest on the Series 2017 Revenue Bonds to be excluded from gross income for federal income tax purposes. The City makes the following specific covenants with respect to the Code:

- 4.1 The City will not take any action or omit any action if it would cause the Series 2017 Revenue Bonds to become an arbitrage bond under Section 148 of the Code.
- 4.2 The City shall operate the facilities refinanced with the Series 2017 Revenue Bonds so that the Series 2017 Revenue Bonds do not become a "private activity bond" within the meaning of Section 141 of the Code.
- 4.3 The City shall comply with appropriate Code reporting requirements.
- 4.4 The City shall pay, when due, all rebates and penalties with respect to the Series 2017 Revenue Bonds that are required by Section 148(f) of the Code.

The Authorized Representative may enter into covenants on behalf of the City to protect the tax-exempt status of the Series 2017 Revenue Bonds.

Section 5. Delegation. The Mayor or the City Manager, each acting individually, are designated by the Council to act on behalf of the City under this Resolution (each of whom is referred to in this Resolution as an "Authorized Officer") and the Authorized Officer may, on behalf of the City (a) establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, record dates and other terms for the Series 2017 Revenue Bonds, (b) determine if a Master Declaration with respect to the Series 2017 Revenue Bonds and any future parity obligations is desirable and, if so, prepare in conjunction with Bond Counsel and execute a Master Declaration, (c) execute any documents and take any other action in connection with the Series 2017 Revenue Bonds which the Authorized Officer finds will be advantageous to the City.

Section 6. Resolution to Constitute Contract. In consideration of the purchase and acceptance of the Series 2017 Revenue Bonds, the provisions of this Resolution and any Master Declaration shall constitute a contract between the City and the owners of the Series 2017 Revenue Bonds. The pledges, covenants and agreements contained herein and in any Master Declaration shall be for the equal benefit, protection and security of the Registered Owners, all of which shall be of equal rank without preference, priority or distinction of any of such obligations over any other thereof.

Section 7. Reimbursement. It is the reasonable official intent of the City to reimburse itself for the capital expenditures associated with the Project with the proceeds of the Series 2017 Revenue Bonds in the principal amount not to exceed \$15,000,000. This declaration of official intent is given pursuant to United States Treasury Regulations Section 1.150-2.

Section 8. Appointment of Bond Counsel. The City appoints Mersereau Shannon LLP to serve as Bond Counsel in connection with the issuance of the Series 2017 Revenue Bonds.

Section 9. Appointment of Financial Advisor. The City appoints SDAO Advisory Services LLC to serve as financial advisor to the City in connection with the issuance of the Series 2017 Revenue Bonds.

Section 10. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the Council this ____ day of _____, 2017 by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and APPROVED by the Mayor on this ____ day of _____, 2017.

Jay Barber, Mayor

Attest:

Mark J. Winstanley, City Manager

CITY OF SEASIDE, OREGON
NOTICE OF INTENT TO ISSUE A REVENUE BOND

NOTICE IS HEREBY GIVEN that on _____, 2017 the Council of the City of Seaside, Oregon (the "City") adopted Resolution No. _____ authorizing the issuance of a revenue bond (the "Bond") as authorized by Oregon Revised Statutes 287A.150, in an amount not to exceed \$15,000,000 for the purpose of (1) constructing, repairing, expanding and furnishing the City's convention center, (2) funding a reserve account, if any, and (3) paying the costs of issuance of the Bond.

Principal of and interest on the Bond shall be paid solely from the revenues of the City's transient room tax and shall not be a general obligation of the City nor a charge upon the other tax revenues of the City.

Electors residing within the City may file a petition with the City within sixty (60) days of the publication of this notice asking to have the question of whether to issue the Bond referred to a vote. If not less than five percent (5%) of the City's registered electors sign such petition and it is filed with the City within sixty (60) days of the publication of this notice, the question of issuing such Bond shall be placed on the ballot at the next legally available election date. If sufficient petitions are not filed, the City may proceed to issue the Bond.

Resolution No. _____ is available for inspection at the office of the City Manager, 989 Broadway, Seaside, Oregon 97138.

CITY OF SEASIDE, OREGON

Memo

To: Mayor and City Council
From: Mark J. Winstanley, City Manager
Date: 11/13/2017
Re: City Recorder Position

The City Manager has carried the title of City Recorder for a number of years and would like to hand that title over to Kim Jordan, Administrative Assistant, whom has helped carry out the functions of City Recorder for the last few years and is very qualified to take on the responsibilities of the position. The City Manager has provided Council with the City Recorder Position Description and recommends Council appoint (as stated in the Charter) Kim Jordan as the City Recorder for the City of Seaside as of November 1, 2017.

POSITION DESCRIPTION

- Position Title:** CITY RECORDER
- Department:** Business Office
- Supervisors:** Works under the direct supervision of the City Manager
- Position:** Full-Time, Monday-Friday 8:00 AM to 5:00 PM. Attendance of evening City Council and Improvement Commission meetings (2-3 per month) is required. (This is a Non-Union Exempt Position)

Distinguishing Features of the Class: The City Recorder is an appointed position as described by charter. The position combines statutory responsibility for records, official documents, and elections with advanced administrative support to the City Manager. Advancement to the position is by appointment, compliance with the job's qualifications, and a demonstrated ability to organize official proceedings and processes, and develop and maintain complex record management and retention systems.

An employee in this classification performs a variety of routine and complex administrative work. The City Recorder performs as the City's records and public documents manager and elections officer. Provides routine and complex administrative support to the City Manager, City Council, and Department Heads.

Examples of Essential Duties: (Illustrative only. Any single position of a class may or may not involve all of the essential duties listed, and many positions will involve essential duties which are not listed.)

1. Serves as city records manager by maintaining custody of official records and archives.
2. Facilitates public relations between the citizens and the city council.
3. Attends city council meetings, study sessions, and workshops; records legislative actions including city ordinances, resolutions and minutes of meetings; facilitates logistical arrangement for meetings of the city council and ensures compliance with state public meeting laws.
4. Prepares and distributes city council and other agenda packets as needed; facilitates public access to the legislative process in order to ensure compliance with legislative requirements and openness of the decision making process.
5. Responsible for preparation of Ordinances, Resolutions, and Proclamations and acts as custodian for city ordinances, resolutions, deeds and contracts.
6. Maintains city charter and municipal code.
7. Provides administrative support to mayor, city council, city manager and department directors as needed.
8. Coordinates and produces city newsletter for citizens of Seaside.
9. Responds to public records requests and citizen inquiries regarding ordinances, resolutions, rules and regulations concerning city governance issues.
10. Establishes and maintains a variety of files or other records.

11. Acts as City elections officer, Process petitions and prepares required notices and forms for media, County Clerk, and others and arranges for the placement of measures on the ballot and date of elections, in coordination with City Attorney. Assists interested citizens in filing for vacant positions and campaign filings. Collects necessary paperwork and keeps on file. Prepares and monitors election schedules.
12. Responsible for current knowledge and training of Elections, Public meetings and Ethics laws to advise City Manager, City Council, and Department Heads.
13. Maintains personnel and work records.
14. Responsible for Annexation, Vacation, LID process to completion.
15. Responsible for maintaining and updating City website.
16. Serves as Notary Public.
17. Other duties as assigned.

WORK ENVIRONMENT:

Work is performed in an office setting during regular business hours. Overtime may be needed at times. Position may be impacted by periods of extremely heavy workloads; attention to detail and accuracy is important; legal deadlines exist on some jobs; ability to work independently and use good judgment is critical; impact of error can affect employee relations and City liability. Must be able to sit and use computer for up to two hours at a time.

DESIRABLE QUALIFICATIONS

KNOWLEDGE OF: Thorough knowledge of rules of effective English usage and grammar; general office practices and procedures. Considerable knowledge of the operations, policies and terminology of the assigned department; basic bookkeeping principles necessary to maintain departmental records; different filing systems including alphabetical; numerical and chronological; business telephone etiquette.

ABILITY TO: Independently research assigned problems; organize material from various sources into a format of own design; maintain confidentiality; handle complaints and problems courteously; accurately classify, file and retrieve materials and documents; deal effectively with frequent interruptions and several situations at one time; maintain effective working relationships with the public and other employees; establish priorities and organize own workload; accurately record and prepare minutes of meetings.

SKILL IN: Need thorough knowledge and demonstrated experience in word processing, particularly Microsoft Word; spreadsheets, particularly Excel; as well as data base systems, AS 400; the operation of other standard office equipment, including typing, phone systems, fax and copiers.

EXPERIENCE AND TRAINING: High school graduation or equivalency; and at least three years of progressively responsible administrative duties, or any equivalent combination of experience and training which demonstrates the knowledge, skills, and abilities to perform the above described duties. At least three years' experience with local government.

SEASIDE LIBRARY BOARD

The Seaside Library Board shall approve board bylaws, follow Oregon's open meetings law and public records laws, propose the annual budget to the governing body, accept donations/grants, build a good community support for the library's service, and listen, then respond to the community with the best possible solution.

The board consists of five members appointed by the Mayor subject to City Council approval. The Seaside Public Library is advised by a library board. All terms of office shall be four years beginning on December 31st, and no member shall hold office for more than two full consecutive terms.

The board shall meet at least once a month in the library at a designated time and special sessions may be called by the chairman of the board should the chairman deem it necessary.

The board shall elect a chairman and vice-chairman at the beginning of each serving year, and in the absence of the chairman, the vice chairman shall assume the duties of the chairman. The board, should it so desire, may appoint the librarian as secretary to the board to take minutes and to keep a record of its actions.

The members shall serve without salary or compensation for services rendered.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** November 13, 2017

Name: **Catriona Penfield**

Commission/Committee: Library Board

Resignation Date: N/A

Term Expiration Date: **December 31, 2017**

Wants to be considered again: **Yes**

2. **Applicants:**
Catriona Penfield

3. **Nominations:**

4. **Appointment:**



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

LIBRARY BOARD

Term of Office: 4 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
CATRIONA PENFIELD	PO BOX 366	738-6380	12/31/2017
SHARON WARD	225 10 TH AVENUE	739-0148	12/31/2018
RUSS TAGGARD*	PO BOX 2329 -- GEARHART	738-2488	12/31/2019
TESS RATTY	89637 LAKESIDE CT. WARRENTON	738-5055	12/31/2020
GLORIA LINKEY	561 BONNIE COURT	440-7142	12/31/2020

*CHAIR