

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

Present: Mayor Don Larson, Council President Don Johnson, Councilors Stubby Lyons, Dana Phillips, Jay Barber, Tim Tolan, and Tita Montero.

Absent: None.

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Neal Wallace, Public Works Director; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Joe Otts, RARE Student; Adrian Valazquez, Student Representative; Nancy McCarthy, Daily Astorian; and Jeremy Ruark, Seaside Signal.

AGENDA Motion to approve the February 13, 2012 agenda; carried unanimously. (Lyons/Montero)

COMMENTS – PUBLIC John Dunzer, 2964 Keepsake Drive, Seaside, congratulated Councilor Barber for being interested in cleaning up the South portion of Highway 101. There had been an agreement in 1996 between the City of Seaside and Clatsop County regarding Seaside’s responsibility for the unincorporated properties. A copy of the agreement was obtained from the County and was attached to a letter that was presented to Council. Mr. Dunzer stated the agreement identified the enforcement responsibility that the City of Seaside had accepted for the properties. Mr. Dunzer further stated he had furnished the same letter to Seaside approximately eight years ago and to his knowledge the City was not meeting its responsibility. Mr. Dunzer presented Council with another letter pertaining to Library hours. Mr. Dunzer stated the Seaside Library was not open on Mondays and his observation over the past eight years was that numerous students utilized the library after school until dinner time on school days and when the library was open. Mr. Dunzer further stated from his research conducted on libraries while he was a member of grand jury in San Diego, found that many kids had no adults at home after school. The kids considered the library a valuable resource to their studies. Mr. Dunzer further stated the cost of opening the library between 1:00 pm and 5:00 pm on Mondays (just like presently done on Sunday’s) would be minimal to the citizens of Seaside. Most of the additional staff hours could be furnished by the surplus of volunteers that were currently available. Permanent staff could be made available during Monday’s by a small modification of existing staffing hours. Mr. Dunzer further stated he had appeared before the Seaside Library Board during a meeting approximately six months ago with a request that the Board consider this change to the Council and to the best of his knowledge nothing had been discussed or decided. Mr. Dunzer further stated since working within the present system appeared to not generate any attention; he decided to escalate the action to one of civil disobedience. Therefore unless he received notification from a Seaside official that such an investigation of Monday openings would be fully considered, he would defy instructions to leave the library at 5:00 pm on Sunday, February 19, 2012, and occupy the library until the doors opened again at 9:00 am on Tuesday, February 21, 2012.

CONFLICT Mayor Larson asked whether any Councilor wished to declare a conflict of interest.
No one declared a conflict of interest.

CONSENT AGENDA Motion to approve payment of the bills in the amount of \$583,400.05; January 23, 2012, minutes; Master Intergovernmental Agreement for Sharing Multiple Wireless Communications Sites Northwest; Intergovernmental Agreement Site Specific Supplemental – Bandwidth Sharing from Nicolai to Mt. Hebo Communications Sites; and Intergovernmental Agreement Site Specific Supplemental – Nicolai Communications Site; carried unanimously. (Lyons/Tolan)

VACANCY – CITY TREE BOARD Mayor Larson stated there was one vacancy on the City Tree Board with no applications received. Mayor Larson asked the press to advertise the vacancy.

VACANCY – BUDGET COMMITTEE Mayor Larson stated there were two vacancies on the Budget Committee with two applications received from Genesee Dennis and Nancy McCune. Mayor Larson asked Council what they wished to do.

Motion to appoint Genesee Dennis and Nancy McCune to the Budget Committee; carried unanimously. (Phillips/Lyons)

The term expiration for Genesee Dennis would be December 31, 2012.

The term expiration for Nancy McCune would be December 31, 2014.

**CONVENTION CENTER
COMMISSION**

Mayor Larson stated there was one vacancy on the Convention Center Commission with two applications received from Kelley Herr and Roger Schultz. Mayor Larson further stated Council interviewed the applicants prior to the City Council meeting. Mayor Larson asked Council what they wished to do.

Motion to nominate Kelly Herr and Roger Schultz to the Convention Center Commission; carried with the following roll call vote. (Tolan/Lyons)

LYONS	SCHULTZ
JOHNSON	HERR
MONTERO	HERR
BARBER	SCHULTZ
TOLAN	SCHULTZ
LARSON	SCHULTZ
PHILLIPS	HERR

Mayor Larson stated the new member for the Convention Center Commission was Roger Schultz.

The term expiration for Roger Schultz would be October 25, 2012.

**VACANCY –
TRANSPORTATION
ADVISORY COMMISSION**

Mayor Larson stated there were seven vacancies on the Transportation Advisory Commission with seven applications received from Dale McDowell, Bill Carpenter, Kathleen Teeple, Terry Hartill, Russ Earl, Michael Tucker, and Robert Perkel. Mayor Larson stated he had closed the vacancy for the Transportation Advisory Commission on January 31, 2012, and asked Council what they wished to do.

Motion to reopen the vacancy to receive more applications; carried unanimously. (Barber/Montero)

**LIQUOR LICENSE
APPLICATION**

Council considered an application for a liquor license for the Firehouse Grill, 841 Broadway. The applicant was applying for a Limited On-Premises Sales license, which would be for a new outlet.

Robert Breslauer, Firehouse Grill owner, stated the new restaurant was next door to Yummy's Restaurant. The restaurant would be serving breakfast and lunch and would also like to offer beer and wine to the customers.

Mayor Larson stated there was a recommendation from the Seaside Police Chief.

Motion to approve a Limited On-Premises Sales license for the Firehouse Grill, 841 Broadway; carried unanimously. (Barber/Phillips)

**LIQUOR LICENSE
APPLICATION**

Council considered an application for a liquor license for J. Raes Wines LLC., 608 Broadway. The applicant was applying for an Off-Premises Sales license, which would be for a new outlet.

Colin Woody, J Raes Wines LLC, owner, stated he was focusing on the Northwest family owned wine shop and the retail would be off premise and would not be a drinking establishment.

Councilor Tolan asked what made Mr. Woody select Seaside.

Mr. Woody stated he had been the restaurant manager of the Wayfarer Restaurant in Cannon Beach for the last five years and he has had a passion for wine.

Councilor Tolan stated there was an issue with Mr. Woody liquor license application.

Mr. Woody stated he had made a mistake on his application and had not disclosed all of the information which had totally slipped his mind. Mr. Woody had made a mistake in checking the unsure box on the application and thought there could be a discussion if anything came back that was found.

Mayor Larson stated there was a recommendation from the Seaside Police Chief to not approve the application because Mr. Woody failed to make a full disclosure regarding past convictions and criminal record as required in the application. Mayor Larson stated the Council made a recommendation to the Oregon Liquor Control Commission (OLCC) and OLCC made the final decision. Mayor Larson further stated Council did receive an email from Mr. Woody explaining the answers on his application.

Mr. Woody stated he did not put everything down on his application but it was not by choice but only because he had not remembered all the information from years ago and that was why he had checked the unsure box. Mr. Woody further stated he thought that he had been only held in jail because it was over the weekend and a judge was not available.

Councilor Tolan asked how that was resolved.

Mr. Woody stated he pled no contest because he was twenty years old and needed to get back to work. Mr. Woody further stated he wanted to move on with his life trying to resolve his job and just paid the fines.

Councilor Barber stated this had to be embarrassing for Mr. Woody but Council really needed to know what happened and how that was all resolved.

Mr. Woody stated it was embarrassing because he would rather be upfront with everything and not lie. Mr. Woody and his girlfriend at that time were moving into a new place and he did not think that it was appropriate for them to go forward and broke off the relationship. There was some arguing and Mr. Woody tried to remove himself from the situation and the girlfriend grabbed him and he pushed her off and left the situation and was heading to his new apartment to cool off. Mr. Woody's then received a call from a detective saying he wanted Mr. Woody to come to the downtown police department and then he was taken into custody and put into the holding cell and was held through the weekend. Mr. Woody further stated he then moved to Oregon to go to school and then moved to Seaside.

Council President Johnson asked how long ago this happened.

Mr. Woody stated it happened in 2004.

Mayor Larson stated what bothered him personally was that Mr. Woody did not remember this incident.

Councilor Phillips asked Bob Gross, Seaside Police Chief, if this was the correct scenario when doing the background.

Chief Gross stated Mr. Woody was arrested and convicted of partner family member assault which resulted in a fine and jail time. Chief Gross further stated based on Mr. Woody's explanation he was given credit for the time that was served in jail as part of the jail sentence.

Mark Winstanley, City Manager, asked if that was a misdemeanor.

Chief Gross stated that was correct.

Councilor Phillips stated and this charge had nothing to do with alcohol.

Mr. Woody stated no.

Councilor Lyons stated and this had nothing to do with serving alcohol.

Chief Gross stated not to his knowledge.

Mr. Woody stated he had been in the service industry for thirteen years and had background checks done to manage a restaurant and when working for United Parcel Service (UPS).

Councilor Phillips stated this was another lesson learned about checking the unsure box.

Mr. Woody stated it was definitely his mistake and thought if anything came up there could be a discussion.

Mayor Larson stated he found it strange that Mr. Woody did not remember. The mistake was a long time ago but Council depended on the Chief of Police to do the research and not remembering an incident like that was very serious.

Councilor Phillips stated this was a situation of he said she said and Councilor Phillips further stated Mr. Woody had learned his lesson and she did not blame him for not wanting to remember.

Councilor Lyons stated when he was a young man many years ago he worked his way through college and worked ten hours a day. Councilor Lyons further stated if things worked out then take advantage of it and if things did not work out then suck it up and try again later.

Motion to approve an Off-Premises Sales license for J Raes Wines LLC., 608 Broadway; carried with the following roll call vote. (Tolan/Phillips)

YEAS: LYONS, JOHNSON, MONTERO, BARBER, TOLAN, PHILLIPS
NAYS: LARSON
ABSENT: NONE
ABSTAIN: NONE

ORDINANCE #2012-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 32 OF THE SEASIDE CODE OF ORDINANCE REGARDING TRANSIENT ROOM TAX

Mr. Winstanley stated the ordinance would redistribute a portion of room tax. Currently there was a formula that allowed for a percentage of room tax to go to a number of different areas. Staff was asking that some of the room tax money currently going to the Convention Center be reduced by a small amount. The Convention Center Capital Improvement program would be reduced also by a small amount and there would be additional funding provided for Public Safety and for Emergency Preparedness.

Mayor Larson stated there were two votes to get money to adequately fund Public Safety and the people said no and the City had now done what was the best way to handle this.

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

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

Motion to place Ordinance 2012-01 on its third reading by title only; carried unanimously. (Lyons/Phillips)

Motion to adopt Ordinance 2012-01; carried with the following roll call vote: (Johnson/Tolan)

YEAS: LYONS, JOHNSON, MONTERO, BARBER, TOLAN, LARSON, PHILLIPS
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

RESOLUTION #3757

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AMENDING SECTION 5 OF RESOLUTION #3670 REGARDING FINANCING FOR SYSTEM DEVELOPMENT FEES FOR WATER, SEWER, AND PARKS

Mr. Winstanley stated when new properties were built in Seaside there were System Development fees for Water, Sewer, and Parks and Council had previously established what those were. There were options to finance the System Development fees in the City of Seaside for ten years. Currently the interest rate for financing System Development fees was ten percent which had not been adjusted since before 1985 and in this economy the interest rate was excessive. Staff was asking Council to reduce the interest rate from ten percent to five percent which would be more in line with the market.

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

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

Motion to read Resolution #3757 by title only; carried unanimously. (Tolan/Lyons)

Motion to adopt Resolution #3757; carried unanimously. (Tolan/Barber)

ORDINANCE #2012-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REPEALING ORDINANCE NO. 96-48, PUBLIC LIBRARY

Mr. Winstanley explained the ordinance was really a housekeeping measure. Staff was asking Council to repeal Ordinance No. 96-48. The City was evaluating miscellaneous fees and the Library late fee. The miscellaneous fees were set by resolution but the Library fines were set by ordinance or law. This was not necessary to establish the fees by ordinance and the Library fees would now be added to the miscellaneous fees by resolution.

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

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

Motion to place Ordinance 2012-02 on its first reading by title only; carried unanimously. (Barber/Phillips)

Motion to place Ordinance 2012-02 on its second reading by title only; carried unanimously. (Lyons/Johnson)

COMMENTS – STUDENT REPRESENTATIVE

Adrian Velazquez, Student Representative, stated last Wednesday, February 8, 2012, there was a District Jazz Festival which Mr. Valazquez was part of and that went pretty well.

Mayor Larson stated he heard the Jazz Festival went extremely well.

Mr. Valazquez stated on Saturday, February 24, 2012, he would be performing at the Seaside Jazz Festival. Tuesday, February 14, 2012, Seaside would be playing Basketball against Tillamook and were on a twenty game winning streak. There was also a Spaghetti Feed at the High School after the game. The Spring Musical, Zombie Prom would be performing February 24, 2012 and February 25, 2012.

Councilor Lyons stated Mr. Valazquez would be performing in the play.

COMMENTS – COUNCIL

Councilor Montero stated she was in Washington DC last week meeting Suzanne Bonimici and watching her get sworn in as Oregon's new District 1 Representative which was wonderful. Councilor Montero further stated she attended the Clatsop Economic Development Resources (CEDR) meeting in January and one of the big pushes was to increase the number of private company members. There were quite a few public members but not enough private members.

Councilor Barber stated he was also in Washington DC last week for a different reason. Councilor Barber further stated The Sweet Affair on Sunday, February 12, 2012, was an excellent success. There were bottles of wines that went for \$400.00.

Council President Johnson stated there was an Airport Committee meeting on Tuesday, January 24, 2012, and there were updates on projects that had been accomplished at the Airport and projects in the near future.

Councilor Lyons stated on Tuesday, February 14, 2012, there was a Spaghetti Feed at the Seaside High School which was a fundraiser to support Broadway Park.

Councilor Phillips stated she attended the Community and Senior Commission meeting and that was a group of very enthusiastic people overseeing the Community Center. The Commission was told that there were things that needed to be done with the building and they should come up with some fundraiser ideas.

Mayor Larson stated the Mayor Rugby Cup Game would be Saturday, February 25, 2012, at Broadway Field.

Chuck Minor, Chamber of Commerce, stated the Chamber of Commerce was a sponsor of the Mayor Rugby Cup Game. The money that was raised from the food proceeds would be donated to Broadway Field.

Mayor Larson stated the Seaside Jazz Festival was February 24, 2012 and February 25, 2012, at the Convention Center. Mayor Larson further stated he and Mr. Winstanley attended a meeting at City Hall on Saturday, February 11, 2012, with Senator Wyden's assistant who spoke about debris coming from Japan.

Mr. Winstanley stated the meeting was good and people needed to know that what was seen in Japan would come into our area in smaller portions.

Mayor Larson stated there was a Love Your Park Spaghetti Feed on Tuesday, February 14, 2012, 4:30 – 7:30. Mayor Larson further stated the Rotary Garage sale was on Saturday, February 18, 2012.

COMMENTS – STAFF

Chief Gross stated Rotary had already reached the numbers from last year and still had several days to go. This year the indoor sale had been expanded to two days which was Saturday and Sunday.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, thanked Council for a seventh Commission member and looked forward to working with Mr. Schultz.

Mayor Larson stated he wanted to read a comment that was written by a group that used the Convention Center. Mayor Larson read "It was always a good experience to use the Convention Center that was why the group came back every year." Mayor Larson stated the comments the Convention Center received were great.

Neal Wallace, Public Works Director, reminded the public to attend the Love Your Park Spaghetti Feed.

**RECESSED INTO
EXECUTIVE SESSION**

Council recessed into Executive Session at 7:42 PM in accordance with ORS 192.610 (1) (i) regarding annual evaluation of the City Manager, Mark Winstanley.

**RECONVENED FROM
EXECUTIVE SESSION**

Council reconvened from Executive Session at 8:26 PM. Mayor Larson read a summary of the Councils evaluation on City Manager, Mark Winstanley.

Mayor Larson stated Mark received many positive remarks concerning his annual evaluation as Seaside City Manager. Mark does an exceptional job in Finance Management during an extremely austere time in the State of Oregon. Mark also had responsibility for the Human Resource Department. While handling these additional jobs thus adding a large amount of additional workload, he still received an exceptional rating. Mayor Larson further stated most of the comments were extremely positive and were listed on the evaluation: great example to his staff, present at many community functions, professional appearance, respect for Seaside citizens, communicates well with the public and other agencies, executes his responsibilities with passion and expertise, in house, Mark makes Council members feel very important and listens to all their thoughts, always prepares background information so a proper discussion can be presented prior to making a decision, goes beyond the normal call of duty "spending many extra hours at his job generally working parts of the weekend, as usual all Councilors encourage Mark to take some vacation time to relax and enjoy the other side of life. Training and especially supporting staff also received an exceptional rating. Mayor Larson further stated Mark was a gem and Council thanked him for all he did and he was truly an outstanding City Manager and Council rated Mark at exceptional.

ADJOURNMENT

The regular meeting adjourned at 8:28 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR