

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; Dale Kamrath, Seaside Fire Chief; Adrian Valazquez, Student Representative; Nancy McCarthy, Daily Astorian; and Jeremy Ruark, Seaside Signal.

STUDENT REPRESENTATION

Councilor Lyons introduced Adrian Valazquez, Student Representative, and stated Adrian was a junior and an outstanding student at Seaside High School. Adrian was also an outstanding member of the second place best band in the land. Adrian was also taking piano lessons and was a great student, friend, and person to be around.

AGENDA

Motion to approve the January 23, 2012 agenda; carried unanimously. (Lyons/Johnson)

PRESENTATION – SUNSET EMPIRE PARKS AND RECREATION DISTRICT

Mary Blake, Sunset Empire Parks and Recreation District General Manager, stated she was so very proud of the action that had been taken by two boards which was the Foundation Board and the District Board of the Sunset Empire Park and Recreation with the support of the Broadway Playing Field. The Foundation Board agreed to release in a loan form \$31,000.00 to be used to complete the backstop area of the Baseball Field with the condition that the loan would be paid back. Ms. Blake further stated there were plans to discuss the possibility of giving the \$31,000.00 as a gift or whether or not there could be some money leveraged with the Foundation to help out in the goal setting of raising money through grants. Ms. Blake further stated the reason this was all possible was because of an incredible gift that Gene Kemp who was a regular user of the pool gave the Sunset Empire Park and Recreation District \$100,000.00. The District was so grateful and the money was invested and now supported the Scholarship Program for kids, families, and adults and seniors who found it difficult to join programs that were fee based. There had also been a portion of the money invested in an endowment with the Oregon Community Foundation and a portion of the principal was used in a matching grant from the Oregon Community Foundation to help launch the backpack program that was the model from Cannon Beach. Ms. Blake further stated the board would have a deeper conversation with the Foundation to see if resources could be used to improve the quality of life in the community and also stand up in a heroic way to really support the good work of the community. Ms. Blake further stated a community was built on the spirit of community participation, volunteerism, collaborations, and connections that brought everyone together to improve the quality of life for everybody and it takes a park to raise our children. Ms. Blake further stated it was a great privilege to work with the community and every single person in the community. That was the best and biggest and greatest gift that she had ever been a part of. Ms. Blake asked the Chairman of the Foundation, Cheryl Barker, and the Chairman of the Board of Directors, Mike Hinton, to present the check for \$31,000.00.

Mayor Larson stated Ms. Blake spoke wonderful words about community and the Foundation and Sunset Empire Park and Recreation District. The people working together was what the City had done and what the Sunset Empire Park and Recreation had done. Mayor Larson further stated a piece at a time would be accomplished with Broadway Park. Mayor Larson asked if this would allow Baseball to be played.

Ms. Blake stated as they say “Play Ball”. That was one of the reasons that this piece brought everyone together to be innovative and creative. Everyone was so open to the project which was a remarkable project. The Broadway Field made a difference in the lives of community members.

Mayor Larson thanked everyone and stated the City appreciated everything that had been done.

Neal Wallace, Public Works Director, stated last week there was also a check received from Seaside Kids. During all the work in trying to raise money for the fields, Seaside Kids was really instrumental in helping to raise funds to put us over the top and get the job done. Mr. Wallace further stated a check was presented this last week to the City for \$84,500.00 through their fundraising that had been done pretty much all along. Mr. Wallace further stated \$50,000.00 of the money came from Autzen Stadium who deserved a big thanks.

COMMENTS – PUBLIC

Angela Fairless, 846 10th Avenue, Seaside, stated we the people of Occupy Seaside, ask that Council please consider removing the Illegal Lodging Ordinance which was passed in the early 1970's. Ms. Fairless stated the current law with Ordinance 131.19 Lodging in Public – (A) No person shall use any vehicle or trailer for lodging purposes upon the streets or public streets of the city, or otherwise use the streets or public beach for lodging or sleeping. (B) No person shall use any vehicle or trailer for lodging purposes upon private or public parking lots except as provided by ordinance of the city or by permission by the common council. Ms. Fairless further stated if Council could not remove the law entirely, the Occupy Seaside group would ask that Council allow the law to only apply to the areas described by the Drug Free Zone, so as to read. Proposed Law – (A) No person shall use any vehicle or trailer for lodging purposes upon the streets or public streets of the city, or otherwise use the streets or public beach for lodging or sleeping in the area bounded by the North side of 1st Avenue to the South side of Avenue 'A', thence from the West side of the Prom to the East side of Roosevelt Drive which includes all public streets, sidewalks, and parking lots inside the zone. (B) No person shall use any vehicle or trailer for lodging purposes upon private or public parking lots except as provided by ordinance of the city or by permission by the common council. The area bounded by the North side of 1st Avenue to the South side of Avenue A, thence from the West side of the Prom to the East side of Roosevelt Drive which includes all public streets, sidewalks, and parking lots inside the zone. Ms. Fairless further stated this would as the United States Constitution allows, legal sleeping in the streets/woods on public land if someone's life has gone so bad as to force you into such circumstances. Ms. Fairless further stated while understanding the fears of tent cities and the like, Council should not be afraid and pass laws that were inhumane, senseless, and unconstitutional. Our culture as a community should not be so cold that the homeless were actually institutionalized or forced out of town. Ms. Fairless further stated the issue of homelessness was a big one that had been brought to the forefront not just by Occupy Seaside, but government officials, and high school students recently made front page news. Ms. Fairless further stated please take into consideration and also maybe consider attending the Operation Homeless Connect on Tuesday, for an eye opening experience.

Kindwyn Hoge, 360 Forest Court, Seaside, stated she came for two reasons and the first one was to support Angela and her initiative to decriminalize being homeless. The City would still have the zoned areas but maybe there could be some programs, vouchers, and housing solutions for people because putting people in jail for being homeless was not right. Ms. Hoge further stated the second reason was she had been trying to get a light on Shore Terrace. There were four blocks without any lighting which was very dangerous. Ms. Hoge further stated there were a lot of people that were poor and helping them should be a solution to the problem instead of putting them in jail for it.

Councilor Phillips state the City had addressed the street light and the City was trying to come up with a solution.

John Dunzer, 2964 Keepsake Drive, Seaside, stated he wanted to thank the Council for the last time he had attended a meeting the time limit was discussed and Council chose to enforce the rule but liked the fact that Council let people go beyond that time limit. Mr. Dunzer stated the business people in the community needed a lot of help. At one time in the economic development world there was economic development support that was basically three mandates a week and that was all disbanded because of the Clatsop Economic Development Resources (CEDR) type of an organization. The real reason was to create CEDR so it could be done. It was not a question of wanting to spend \$3,500.00 of tax payer's money but was a question of trying to provide the maximum resources to the business people. People were not very financially literate in this particular community and the rise to Warrenton was a lot more then just an increase in Warrenton. These businesses in Seaside were not going to be coming back. Mr. Dunzer stated for the last four or five months he had been on a list to join the Transportation Advisory Commission and he wanted to take his application out of that list. After four to five months the City was not really in business of pursuing seven applicants to decide how to spend a couple hundred million dollars in Transportation Improvements.

Mayor Larson stated it was not very easy getting the applicants for the vacancies and that was why there were three other Committees and Boards that had vacancies also.

Mr. Dunzer further stated he understood but it was not his job to get applicants for the vacancies but was Council's job. Mr. Dunzer further stated he was out of the Transportation Commission because if Council was not in business to get the Commission going then he was out. Mr. Dunzer further stated the City had Planning Commission problems because of two Commissioners who basically stood up and stated the Zoning Code was immoral. As a citizen Mr. Dunzer did not understand how these people get appointed.

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 \$317,125.76; and January 9, 2012, minutes; carried unanimously. (Lyons/Johnson)

**VACANCY –
CITY TREE BOARD**

Mayor Larson stated there was one vacancy on the City Tree Board with no applications received. Mayor Larson asked Council to speak with people to get the vacancies filled and also asked the press to advertise the vacancy.

**VACANCY –
BUDGET COMMITTEE**

Mayor Larson stated there were two vacancies on the Budget Committee with one application received from Genesee Dennis. Mayor Larson further stated Council would leave the vacancy open for more applications. .

**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 asked Council what they wished to do.

Motion to nominate Kelley Herr and Roger Schultz for the Convention Center Commission and conduct interviews on February 13, 2012, prior to the City Council meeting; carried unanimously. (Tolan/Lyons)

Mayor Larson stated interviews would be conducted prior to the February 13, 2012, Council meeting.

**VACANCY –
TRANSPORTATION
ADVISORY COMMISSION**

Mayor Larson stated there was one applicant that stepped down and there were now 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 Council would leave the vacancy open and accept applications until January 31, 2012.

**INTERGOVERNMENTAL
AGREEMENT TILLAMOOK
HEAD COMMUNICATIONS
SITE**

Mark Winstanley, City Manager, explained the Intergovernmental Agreement pertained to the communication site on Tillamook Head. This was to improve emergency communications and this was an agreement that was going into place with the State of Oregon, Clatsop County, Tillamook County, City of Astoria, and different 911 organizations. The agreement would allow for microwave communications throughout this area and was originally a part of the OWEN project that the State had. The State provided funding for this project and for the antennas and now they needed an Intergovernmental Agreement that would allow for the antenna site for their use in areas the City also used and also to communicate with the City of Seaside. Mr. Winstanley further stated staff recommended that Council approve the Intergovernmental Agreement.

Councilor Lyons asked if this was for an ongoing.

Mr. Winstanley stated the agreement was new but was for ongoing communications and for their use of the site and in turn there would be improvements received.

Motion to approve the Intergovernmental Agreement Site Specific Supplemental – Tillamook Head Communications Site; carried unanimously. (Tolan/Lyons)

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 explained the ordinance was not just the Police Department but was for Public Safety as a whole. Through the budget process the last two years the Budget Committee and the budget of the City of Seaside had been approved with a line item for a Public Safety fee which was a revenue line item and the purpose of the public safety fee was to provide funding to Public Safety. In addition funding for Emergency Readiness would be provided. Mr. Winstanley stated Council had communicated that at this time instituting what would be a new fee, an additional fee to the taxpayers and supporters of the City of Seaside would be a very difficult thing to do. While the fee was for a very good cause it was still a very difficult time to institute a new fee. The fee was needed and the City had worked their way around it for the last year and a half without having something instituted and that could not continue to be done because it would cause financial difficulties for Public Safety and basically from an Emergency Readiness stand point there had not been any funding at all. Mr. Winstanley further stated staff was suggesting to Council that the room tax dollars be redistributed. This redistribution would require that less money would be given to the Convention Center and the Convention Center's Capital Improvement program. The last couple of years the ending fund balances for both those funds had continued to go up and staff was suggesting that by redistributing the room tax dollars that the ending fund balance would level out. Mr. Winstanley further stated the City would not take away any programs or any things that the Convention Center was currently pursuing. The redistribution of the room tax would address the problems with the revenue stream in Public Safety.

Mr. Winstanley further stated he totally understood Council's concern about instituting a new fee at this time as far as the economy was concerned. This was not a good time and staff had to work with the dollars that were there and redistribute those dollars so that the missions could still be accomplished but within the bounds of what was already there.

Terry Bichsel, 414 N. Prom, Seaside, stated would the percentage of the redistribution be fifty six to fifty seven percent of the lodging tax dollars that go to the Convention Center now.

Mr. Winstanley stated that was a pretty good estimate. A little over fifty-six percent was going to the two different funds the Convention Center Operations Fund and the Capital Improvement Fund. When the ordinance was approved there would be a little over fifty-five percent.

Mr. Bichsel stated that would be two points.

Mr. Winstanley stated no, it was actually a little over fifty-one percent so there would be approximately five percent taken away.

Mr. Bichsel stated that would be five or six points and the amount being collected was approximately \$2,700,000.00.

Mr. Winstanley stated approximately \$2,500,000.00.

Mr. Bichsel stated this would be approximately \$125,000.00.

Mr. Winstanley stated that was correct and approximately \$115,000.00 would go to Public Safety and approximately \$15,000.00 would go to the Emergency Readiness fund.

Mayor Larson asked for public comments.

Mr. Bichsel stated the big picture was that some forty years ago some very wise people put together the Convention Center and what a deal they did and what a great addition to the community with many jobs and a lot of tourism which was the bases of the economy. The Convention Center needed to grow and needed to be repositioned and the Council members were aware there was a study. Mr. Bichsel further stated as the Convention Center Commission Vice Chair there was a lot of work that went into the study and the Commission had really paid attention to that study and the plans for the future and he was concerned with this kind of a funding mechanism change and maybe this had not been given the whole big picture. Mr. Bichsel further stated as Council members maybe you were not aware that literally every function at the Convention Center today could be basically subsidized. There were two hundred and fifty to two hundred and seventy user days a year at the Convention Center which was a facility that was competitive to maybe less then forty percent of the market today. A larger facility would more then double the amount of potential customers coming to the facility based on the study from an independent source. Mr. Bichsel further stated while the City had put together a business model that was almost self funding, meaning the more business that was done meant there were more room tax dollars that were created and more money could go to the City to be re-allocated. If the business model was interrupted without considering the big picture with the growth of the facility would be what Mr. Bichsel was concerned about.

Mayor Larson stated from Council this decision did not come lightly. This was a very difficult decision for Council and there had been concerns about the funding for a year and a half.

Mr. Bichsel stated he was not so sure about raising fees or increase taxes but was not so sure at least from some of the hotel community that the idea should be taken off the table so quickly, if that was what you meant by increasing fees.

Councilor Montero stated that was not what he meant.

Mayor Larson stated there would be part of the surplus that came into the Convention Center which was partly based on the debt that had been paid and the bond that had been paid and there was a lot of money accumulating. The Convention Center also brought more people to Seaside and the Public Safety needed some funds. There were two times that the public voted on the public safety fees and it failed and this would be money to help with those funds.

Mr. Bichsel stated that was the new fee on the Public Safety side as opposed to increasing the room tax dollars.

Mr. Winstanley stated there was no intention to increase the room tax; The City was just taking the room tax that the City currently had and was redistributing funds.

Mayor Larson asked for Council comments.

Councilor Barber stated his understanding was that the room tax fee had nothing to do with the future expansion of the Convention Center. That would require separate funding that would not be reflected in the room tax. Changing this proportion would not have any direct or indirect impact of the future expansion plans that had not been approved or acted upon at this point.

Mr. Winstanley stated future expansion of the Convention Center was a considerably larger financial endeavor than the redistribution of \$150,000.00 in this case. Mr. Winstanley further stated he understood Mr. Bichsel's concerns and the intention was not to deemphasize the Convention Center in this proposal. Many things that took place as far as Public Safety was concerned were important aspects for the tourist economy and the City needed to make sure that Public Safety people were able to take care of the tourist that the City was attempting to attract. Mr. Winstanley further stated it was very important that the operation of the Convention Center not be harmed and their Capital Improvement program would not be stopped. The Convention Center should be fully funded in the future but the City was seeing ending fund balances continue to climb in both Convention Center funds and public safety balances were declining. The City was being good stewards of the public's money and was taking what the City had to rebalance the funds.

Mr. Bichsel stated \$125,000.00 would pay a lot of interest on a bond at today's interest rates. That could carry \$7,000,000.00 to \$8,000,000.00 worth of bond at today's interest rate. If that money was removed from the Convention Center then the servicing of a bond would be removed.

Councilor Johnson stated he understood the big picture and worked on that big picture. The City was a long ways down the road for that big picture to be developed.

Councilor Phillips stated especially with the economy the way it was. There were so many things from that feasibility study and one of them was remodeling all the properties in this City before the building was expanded. Ms. Phillips further stated she loved that building because it was the heart of the community but Public Safety was number one at this time.

Mr. Bichsel stated now was a great time to move forward with the expansion of the facility because buildings can be built a lot cheaper right now, unless Council did not believe in the future.

Mayor Larson stated those were extremely good remarks that were made.

Councilor Barber stated to those who manage the Convention Center they deserve kudos because a report came out for a Convention Center that was running in the red in Portland. The Seaside Convention Center was a well managed facility.

Mayor Larson stated he was at the Convention Center quite often and read every report that came out. People loved the Convention Center and it was absolutely wonderful. Council was doing their best and the expansion of the facility would not be killed but would not be built this afternoon either.

Merlin Humpal, 2481 Oregon, stated he had not done any home work on the ordinance but liked the idea that room taxes would not be changed which could be very serious in this economy. There were a lot of empty businesses in this town and the Convention Center did deserve kudos but the police department also deserved kudos because that was one of the areas that should not be forgotten in this kind of environment that everyone was in.

Motion to place Ordinance 2012-01 on its first reading by title only; carried unanimously. (Montero/Johnson)

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

Mayor Larson stated third and final reading would be at the Council meeting, February 13, 2012.

**APPROVAL –
AUDIT CONTRACT**

Mr. Winstanley stated this was the Audit Contract for next year. Kern and Thompson were the current auditors and had provided a proposal to conduct the City of Seaside audit for the next year in the amount of \$40,000.00. That amount was up \$2,000.00 from the previous two years. Kern and Thompson had done a wonderful job of doing the audit and staff was recommending Council accept the Audit Contract in the amount of \$40,000.00.

Motion to approve the City of Seaside Audit Contract for \$40,000.00; carried unanimously. (Barber/Lyons)

COMMENTS – COUNCIL

Councilor Phillips stated she recently attended the Miss America Pageant in Las Vegas and Oregon's young lady did an awesome job and it was a great experience. Councilor Phillips further stated as the new representative of the Community Center & Senior Commission and as a Councilor she wanted to address the Community Center's needs. One of the Council goals in the goal setting session was to spruce up the building and to open it up for more functions in that building. The building did need to be spruced up and the other buildings in the City were spruced up.

Mr. Winstanley stated he did receive a copy of the letter and he and Neal Wallace, Public Works Director, had discussed the letter. Mr. Wallace visited the Community Center and had taken a look at some of the items. There were items that could be taken care of in house by the City and there were items that would require the City to go through another budget cycle to see what could be done. Mr. Winstanley further stated he did not know what magnitude of landscaping needed to be done but the Landscape Contract could be looked at.

Councilor Phillips stated she wanted them to know that Council appreciated all the time and energy they put into serving on the Commission.

Councilor Lyons stated he attended a City Tree Board meeting on Thursday, January 19, 2012, and the meeting went very well with some great members serving on the board.

Councilor Montero stated she wanted to thank the Sunset Empire Park and Recreation Board and the Foundation Board for their donation towards Broadway Field. Councilor Montero further stated paying off what was already billed was very important because there were still things that needed to be added but the past bill also needed to be paid. Councilor Montero further stated the Homeless Connect Event was scheduled for Tuesday, January 24, 2012, at the Convention Center. This was a wonderful event that helped people understand what was available in the community and Clatsop County. This was the third year and was named in memory this year of Jessica Maclay who had planned the event the previous two years but was killed in a car accident.

Councilor Barber stated there was a major community event The Sweet Affair at the Convention Center on Sunday, February 12, 2012. There were tickets available for the event which provided scholarships for children and adults at the Sunset Empire Park and Recreation District and was also an important component of the Rotary Club Scholarship Program.

Councilor Lyons stated Tuesday, February 14, 2012, there was a Spaghetti Feed at the High School Cafeteria, and the proceeds would go toward Broadway Field.

Councilor Johnson thanked the Seaside Kids for the donation of \$81,000.00 which was a spectacular donation from a very worthy organization. Councilor Johnson stated there was an Airport Advisory meeting on Tuesday, February 24, 2012, 6:00 pm.

COMMENTS – STAFF

Neal Wallace, Public Works Director, reminded everyone of the Love Your Park event at Seaside High School on Tuesday, February 14, 2012, and there were tickets available for that event also.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated the Visitors Guide was now available.

Bob Gross, Seaside Police Chief, stated the Ark was almost finished and the Police Department was ready to go.

COMMENTS – STUDENT REPRESENTATIVE

Mayor Larson thanked Adrian for attending the meeting and asked if there were any comments he wanted to make.

Adrian Velazquez, Student Representative, stated Tuesday, January 24, 2012, there was a big basketball game between Astoria and Seaside. Drivers Ed started today with Councilor Stubby Lyons. Parent Teacher Conferences coming soon and there was a dance at Broadway Middle School on Saturday, January 28, 2012.

ADJOURNMENT

The regular meeting adjourned at 8:02 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR