

- 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 Tim Tolan, Councilors Don Johnson, Jay Barber, and Larry Haller.
- Absent: Councilor Stubby Lyons
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Dale Kamrath, Seaside Fire Chief; Jeremy Ruark, Seaside Signal; Jeff Nelson, KAST; and Rebecca Herren, The Coast Times.
- AGENDA** Motion to approve the July 26, 2010, agenda; carried unanimously. (Haller/Johnson)
- PROCLAMATION** Bob Gross, Seaside Police Chief read a proclamation on National Night Out.
- Chief Gross stated he hoped to see everyone at National Night Out which would be held at Broadway Park and Cartwright Park.
- COMMENTS – PUBLIC** None
- 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 \$198,111.69; and July 12, 2010, minutes; carried unanimously. (Johnson/Tolan)
- PUBLIC HEARING –** This was the duly advertised time and place to hold a public hearing regarding the Charter Communications Franchise Agreement – Falcon Video Communications, L.P., Locally known as Charter Communications request to renew the franchise agreement for the operation of Cable Television System within the City of Seaside, Oregon.
- Trish Downey, Human Resource Department, stated City staff had for some time, been working on a draft franchise renewal agreement with Charter Communications. Staff had finally ironed out issues that were important to the City. Ms. Downey further stated the term of the agreement would be seven years, and the franchise fee would be five percent of the annual gross revenue. A sentence was included so that subsequent changes to the franchise fees in the Cable Act were incorporated in the agreement. Ms. Downey further stated the Community Programming (PEG channel) was to be used by the City for non-commercial, video programming for public, education and government access programming. The City must utilize the channel with locally produced programming seventy percent of the available broadcast time with distinct non repetitive programming. The City did not at this time have the means or equipment to use the channel, but a provision was included in the agreement so that if in the future the City was in a position to utilize the channel Charter would make one PEG Channel available for the City's use within twelve months if the City's request. Ms. Downey further stated of considerable concern to the City was restoration of damaged or disturbed public ways or streets as a direct result of Charter's operation. The City and Charter agreed that the City would be notified prior to making any excavation in the public way and Charter would restore the area to a condition in accordance with City specifications through the permit process. Ms. Downey further stated the agreement provided one free outlet of Basic Service to each state accredited Public School and Library, and would include the Clatsop Community South County Campus. Ms. Downey further stated staff submitted the proposed Charter Communications Franchise Agreement for a public hearing and Council consideration for approval. Ms. Downey introduced Marian Jackson, who was the newly appointed Charter Communications Government Relations person.
- Mayor Larson opened the public hearing.
- Merlin Humpal, 2481 Oregon Avenue, Seaside, asked if Charter Communications had to follow the guidelines with the underground utilities on the North Holladay Project.
- Ms. Jackson stated for any undergrounding of utilities Charter Communications was subject to the same rules.
- There were no other public comments and Mayor Larson closed the public hearing.
- Mayor Larson asked for Council comments.
- Councilor Johnson asked what encompassed the gross revenue.
- Ms. Jackson stated the gross revenue came from the cable services but not internet or telephone services.
- Council President Tolan asked how the seven years for the term of agreement was decided.
- Ms. Downey stated the term of the agreement was negotiated.

Council President Tolan asked if the five percent franchise fee was also negotiated.

Ms. Jackson stated there were some city's who took less but the maximum amount permitted by the Federal Communication Commission (FCC) was five percent.

Councilor Barber asked how much time was left on the seven year agreement.

Ms. Jackson stated the agreement would be active on the effective date which would be after the agreement was signed.

Motion to approve the Charter Communications Franchise Agreement; carried unanimously. (Tolan/Barber)

RESOLUTION #3715

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ESTABLISHING THE CITY OF SEASIDE AS A WELCOMING COMMUNITY, WHERE EVERYONE FEELS VALUED, ACCEPTED, RESPECTED, AND SAFE.

Mayor Larson stated the Mayors in the County had been meeting for several years and there had been four or five meetings concerning diversity. To ensure that each City promotes, cooperates, and has respect for all people in the community the resolution was established. The resolution recognized the City of Seaside as a welcoming community, where everyone feels valued, accepted, respected, and safe. Mayor Larson further stated the City Council of the City of Seaside accepted the responsibility to encourage a strong diverse community connected by a shared commitment to mutual respect, understanding, and dignity for all. The City Council was committed to protecting the civil and human rights of all citizens. The City Council challenged and encouraged all residents and visitors to act at all times in ways consistent with the values of equality, justice, civility, and fairness in personal and family lives; in neighborhoods, where working, playing, and worship; In schools; and in civic lives through clubs, associations and other institutions. The City Council urged those who feel they have been victims or witnesses of harassment, intimidation, or discrimination, to report such incidents to the appropriate enforcement agencies. The City Council would make a commitment to follow up on all reports of discrimination.

Mayor Larson asked for public comments.

Mr. Humpal agreed with the resolution but stated the City needed to be very careful in how the resolution was promoted.

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

Motion to read Resolution #3715 by title only; carried unanimously. (Barber/Johnson)

Motion to adopt Resolution #3715; carried unanimously. (Haller/Johnson)

COMMENTS – COUNCIL

None

COMMENTS – STAFF

Mark Winstanley, City Manager, encouraged the public to attend National Night Out.

ADJOURNMENT

The regular meeting adjourned at 7:25 PM

Kim Jordan, Secretary

DON LARSON, MAYOR