

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Jay Barber.
- ROLL CALL** Present: Mayor Jay Barber; Councilors Randy Frank, Dana Phillips, Seth Morrisey, and Tom Horning.
- Absent: Council President Tita Montero
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Dale McDowell, Public Works Director; Dave Ham, Seaside Police Chief; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Kevin Cupples, Planning Director; and RJ Marx, Daily Astorian/Seaside Signal.
- AGENDA** Mayor Barber asked for a motion to approve the agenda.
- Councilor Frank so moved with a second from Councilor Morrisey; carried unanimously. (Frank/Morrisey)
- COMMENTS – STUDENT REPRESENTATIVE** Mayor Larson stated our student representative had recently signed to play soccer on the east coast and he congratulated Lizzy Barnes.
- Lizzy Barnes, Seaside High School Student Representative, stated the last home league basketball game was Tuesday, February 14, 2017 and was also senior night. The District Jazz Festival with the Jazz Band at Seaside High School was on Wednesday, February 15, 2017 at Scappoose. The last league basketball game was at Banks on Thursday, February 16, 2017. The State Swimming Tournament was on Friday, and Saturday, February 17-18, 2017 at Mount Hood Community College. Ms. Barnes further stated the Associated Student Body (ASB) was selling valentine cards with candy to students and tomorrow cupid would deliver the valentines. There was a blood drive on Friday, February 18, 2017, which was a Pacifica Project.
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, presented Council with a letter which he stated was a case study for a person that tries to be a street vendor in Seaside. The letter stated: Complaint Against the City of Seaside by Plaintiff John B. Dunzer alleges the following: Plaintiff is a married individual and resides with his wife of 59 years in Seaside Or. Plaintiff and his wife are both 80 years old and are defined by ORS 124.100 as vulnerable persons. Plaintiff and his wife have been full time residents and the owners of a residence at 2964 Keepsake Drive for 14 years. On or about April 12, 2016, the plaintiff requested that the City of Seaside Business License Department furnish him with the current Seaside Business Regulations-Chapter 116, dealing with "STREET VENDORS". The ordinance (Ord.81-10, passed 4-13-81, as amended Ord. 95-27, passed 6-26-95 and as further amended Ord.2002-05, passed 6-11-02), was provided to the plaintiff. Plaintiff verified with the business license department that as of that date there were no active STREET VENDOR licenses that were in effect for year 2016. On or about April 18, 2016, plaintiff requested that the County of Clatsop verify that land within the city limits of the city of Seaside and identified as GAP34 on County Tax Maps at the southeast corner of Avenue A and the Seaside Prom was public land. On or about April 19, 2016, the County's Public Surveyor confirmed that GAP 34 was unimproved public land. On or about April 20, 2016, plaintiff requested that County of Clatsop Public Health Department furnish him with the current State of Oregon Regulations for a "TEMPORARY RESTAURANT LICENSE". County provided plaintiff with "TEMPORARY RESTAURANT OPERATION GUIDE, rev 07/12". On or about May 17, 2016, plaintiff submitted an "OPERATIONAL PLAN" for a temporary restaurant to be operated from 11am-7pm on the dates of 6/18/2016 through 9/18/2016. In addition to defining a menu and food handling equipment and procedures, this plan specified design and location of the temporary restaurant. The Clatsop County Health Department issued a "TEMPORARY RESTAURANT LICENSE" after collecting a fee of \$140 from the plaintiff. On or about June 3, 2016, plaintiff purchased liability insurance as required by the City of Seaside's Street Vendor Ordinance from Essex Insurance Company upon payment of \$104.67. Insurance covered operating on the following 2016 dates: June 27,28; July 1-12, 15-19, 22-26, 29-31; August 12; 5-9, 12-16, 19-23, 26-30; Sept. 2-6 10. On or about June 3, 2016, plaintiff submitted an application to the City of Seaside for a Street Vendor's Business License which included the evidence of having obtained the required health license and insurance coverage. The plaintiff submitted a fee to the City of \$120. On or about June 20, 2016, plaintiff assembled a push food cart as defined and approved by the Clatsop County Health Department Temporary Restaurant Operations Plan. Time to assemble or disassemble was 35 minutes. Cart was made up of the following components Costco- Propane Grill -\$159, 2 Wheeled Wire Baskets - \$98, Ice Chest - \$40, Home Depot — Laminate Counter \$50, Grill Cover \$35, Propane Tank- \$30, 2 Food Thermometers -\$20 Folding Table- \$35, Walmart - Hand Wash Water Dispenser/Stand-\$35, TOTAL CART PARTS COST \$502. Movable Cart Size was 27 inches wide by 78 inches long fully meeting Seaside Ordinance- no wider than 8 feet and no longer than 22 feet.

Cart could carry food supplies for 1 day sales of 100 bacon cheeseburger wrap sandwiches on or about June 25, 2016, plaintiff pushed his mobile-type food cart from its storage location four city blocks along public streets to property on the south side of Ave A 20 feet east of the Seaside Prom. This property, known as GAP 34 on County maps, had been confirmed by the County as being vacant public property that was not part of a street or sidewalk easement. Seaside Police inspected the food cart and found that unit met the Seaside code ordinance requirement to "certify that the device will not create a nuisance or hazard to the public and the size of the cart meets the requirements of the city." The plaintiff then assembled the food booth on the site taking 35 minutes. The Clatsop County Health Department then inspected the temporary restaurant and gave its final clearance to begin food service operations. On or about June 28, 2016, Plaintiff received via First Class Mail a letter from the City of Seaside Planning Director dated June 27, 2016. Letter contained the code requirements as originally provided by the City of Seaside with the exception of the following addition: SPECIAL CONSIDERATION - The street vendor ordinance is intended to permit sales from a mobile-type device. Although a time limit is not specified in the ordinance, no vendor should be stopped at one location for more than three consecutive hours. Complaints concerning the length of stopping times could result in further time limits if complaints are submitted to the City. The "Special Consideration" added by the City Planning Director without any ordinance change legislation would require significant changes to the cart equipment (to allow faster disassemble/assemble times), health department operations plan and the liability insurance coverage that had been previously approved by the City. In addition the plaintiff knew that he was physically unable to repeatedly move the cart and reset up its operations a number of times in one workday. The plaintiff assumed that the Planning Director had the authority to unilaterally expand the scope of the City's existing ordinance and Cart operations were suspended as of June 28, 2016 prior to initiating sales to the public.

Samuel Condron, 150 S. Wahanna Road #10, Seaside, stated he has been absent for a while from an illness and was curious on how Mayor Barber received the Mayoral seat.

Mayor Barber stated when Mayor Larson passed away he actually had resigned at the last meeting he presided. The Charter calls for an appointment process when there was an open seat. The Council had the option to either appoint someone from the Council or a person from the community and the requirement was that they live in Seaside for at least one year and were a registered voter. Over a process of consideration the Council decided not to seek someone from outside. There were two serving on the Council that indicated their willingness to serve, Council President Don Johnson and Councilor Barber and the Council appointed Mayor Barber he would serve for the two remaining years of Mayor Larson's term.

Mr. Condron asked if it would be possible to get a copy of the Ordinance.

Mayor Barber stated he could get a copy of the Charter from Kim Jordan.

Steve Geiger, 1803 S. Roosevelt, Seaside, presented Council with the Oregon Marijuana Tax Statistics: Accounting Information (marijuana tax receipts). Mr. Geiger stated he followed all the agenda and minutes every month. It was over four years ago he began a battle with the City to allow Medical Marijuana sales and that lasted almost three years and almost broke him financially and caused unbelievable hardship for his family and at times had to live in a tent in order to pay the rent for the store until he could finally start operating after paying all the State fees for years without being able to operate. Mr. Geiger further stated he brought that up tonight and sounded a bit incredulous because starting this month he will start writing a check to the City every month for our marijuana sales. After going through the hell for years and trying to do something the people of the City and State wanted, he now was going to write a check every month to the City. Mr. Geiger was not that bitter about it because he was hoping perhaps there could be input on how these funds could be used. Right now there was 17% tax going to the local schools and police right here in the City as well as the rest of the State. In addition now there will be a 3% tax which all goes to the City and he did not believe those funds were earmarked if he read the ordinance correct. Mr. Geiger was hopeful after all the hell he went through he could now have what the people of this City and State wanted here in Seaside and we have this incredible tax that perhaps this money can be used for something that really matters and not put away in the general account for things that may not be as important. The schools are already benefiting and the police will benefit. Marijuana sales have been a boom for not only the State but for Seaside. The information given to Council showed \$60,000,000.00 in sales and those are very limited sales and next year it will boom. The amount of money being talked about locally and state wide was big. Mr. Geiger further stated he would love to see Council have a goal to create more community involvement and one way was to redistrict the wards because he had several friends that wanted to run for office but they can't because of where they lived. Mr. Geiger further stated he really hoped that community involvement was in the Council goals this year and some of the funds from the marijuana sales that some of you opposed for so long could be dedicated to creating some more community involvement.

Tim Flynn, 495 N. Wahanna, Seaside, stated the multiunit housing that was built on North Wahanna across from him was nothing but trouble. He was 70% disabled from the Vietnam War PTSD and the two brothers that live next door to him were Veterans and the guy up the street. There was enough traffic already on Wahanna and a lot of trouble across the street. The last rain his property was a flood zone and he did not think it would be right for that property to be allowed.

Mayor Barber asked Mr. Flynn if he was speaking about the two items on the agenda.

Mr. Flynn stated that was correct.

Mayor Barber stated there would be a public hearing as part of the item on the agenda and he can speak again at that point.

Mr. Flynn stated the police do what they can and cars are driving 60 mile per hour and it was a nice quiet neighborhood.

CONFLICT

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

No one declared a conflict of interest.

CONSENT AGENDA

Mayor Barber asked for a motion for the consent agenda.

Consent Agenda: Payment of the Bills - \$579,681.62; Approval of Minutes January 23, 2017; Resolution #3885 – A Resolution of the City of Seaside, Oregon, Adjusting the 2016-2017 Seaside Road District Budget; and Resolution #3886 – A Resolution of the City of Seaside, Oregon, Adjusting the 2016-2017 City of Seaside Budget.

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

**VACANCY –
COMMUNITY CENTER
AND SENIOR COMM.**

Mayor Barber stated there was one vacancy on the Seaside Community Center and Senior Commission with two applications received from Vineeta Lower and Malinda Austin. Mayor Barber asked Council what they wished to do.

Councilor Phillips nominated Vineeta Lower and Malinda Austin and to conduct interviews with a second from Councilor Morrisey; carried unanimously. (Phillips/Morrisey)

Mayor Barber stated interviews would be conducted prior to the next City Council meeting February 27, 2017.

**VACANCY –
LIBRARY BOARD**

Mayor Barber stated there was one vacancy on the Seaside Library Board with three applications received from Gloria Linkey, Andrew Oberembt, and Matthew Stoberg. Mayor Barber further stated all three were interviewed and Matthew Stoberg had withdrawn his application. Mayor Barber asked Council what they wished to do.

Councilor Phillips appointed Gloria Linkey to the Library Board with a second from Councilor Frank; carried unanimously. (Phillips/Frank)

The term expiration for Gloria Linkey would be December 31, 2020.

**VACANCY –
CITY TREE BOARD**

Mayor Barber stated there was one vacancy on the Seaside City Tree Board with no applications received.

PUBLIC HEARING

This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating Supplemental Budget Increases and Reductions of Greater than 10% for the 2016-2017 City of Seaside Budget

RESOLUTION #3887

A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES AND REDUCTIONS OF GREATER THAN 10% FOR THE 2016-2017 CITY OF SEASIDE BUDGET

Mark Winstanley, City Manager, explained the resolution adopted and appropriated supplemental budget increases and reductions of greater than 10% to the current 2016-2017 budget. There were three funds being affected the special assessment fund, sewer department, and street construction fund.

Mayor Barber opened the public hearing.

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

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

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

Councilor Frank so moved Council read Resolution #3887 by title only with a second from Councilor Morrisey; carried unanimously. (Frank/Morrisey)

Mayor Barber asked for a motion to adopt.

Councilor Morrisey so moved to adopt Resolution #3887 with a second from Councilor Frank; carried unanimously. (Morrisey/Frank)

PUBLIC HEARING

This was the duly advertised time and place to hold a public hearing regarding an Ordinance of the City of Seaside, Oregon, Amending the Zoning Map referenced in Code of Seaside Ordinance Chapter 151 Changing the zoning at 405 North Wahanna Road from SR to R-3

ORDINANCE 2017-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT 405 NORTH WAHANNA ROAD FROM SR TO R-3

Mayor Barber stated he would read a public hearing procedure summary. Mayor Barber read: Before we get started taking public testimony, there are a few procedural issues to take care of. First, does anyone wish to object to this item on jurisdictional grounds? Second, I need the councilors to state if they have any conflicts of interest or ex-parte contacts they need to disclose? Third, I'll ask staff to give us a brief report and then hear testimony from: the applicant, other individuals in favor of the request, then individuals in opposition to the request, Following the testimony, the applicant will be given time for rebuttal (would be provided after we have heard from everyone that wishes to testify; however, since we plan to continue testimony to our next meeting, rebuttal will be postponed until then). All public comments are important to us and we want to be able to hear from everyone that wishes to speak. Individuals wishing to testify should: Sign the sheet at the desk by the entry way which indicates you plan to provide oral testimony, Persons may speak only after being recognized and must state their full name and address for the record, Testimony should be relevant to the issues at hand. Please avoid testimony that is immaterial or repetitious. Individuals testifying are reminded their testimony and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which they believe is applicable to the decision. Failure to raise an issue with sufficient details to allow decision makers and/or parties an opportunity to respond to the issue may preclude appeal to the Land Board of Appeals on that issue. Optional time limit Statement: Please be prepared to limit your oral comments to 5 minutes. We encourage written testimony in addition to or instead of oral testimony if you feel there will be insufficient time for you to testify orally. Mayor Barber further stated, Ok lets get started Kevin.

Kevin Cupples, Planning Director, explained there was one correction as this hearing does not have a continuance so any public testimony would follow after hearing from the applicant and other parties. Mr. Cupples stated the applicant is requesting a zone map amendment that will change the upland Suburban Residential (SR) zoned portions of the above referenced property (approximately 20,394 sq. ft.) to High Density Residential (R-3). The entire parcel is approximately 3.88 acres and all of the non-upland area is zoned Freshwater Wetland (A-3). The applicant is interested in rezoning the narrow band of upland that parallels Wahanna Road in order to allow urban density residential development in conjunction with annexation of the property. The developed upland property to the south is currently zone High Density Residential (R-3) and it exhibits very similar characteristics to the applicant's property. All of the subject property is currently within the City of Seaside's urban growth boundary. If the request is approved, future development of the upland property will be governed by the ordinance provisions and development standards applicable to the High Density Residential R-3 zone. In accordance Article 9 of the Seaside Zoning Ordinance, the City Council can make a final decision on a zone change after holding a public hearing and considering the recommendation by the Seaside Planning Commission. Planning Commission Testimony Summary: The Planning Commission heard testimony concerning the proposed zone change prior to making their recommendation. Testimony in favor of the proposed request was offered by the applicant and he expressed his interest in rezoning to allow more efficient use of the limited amount of upland. Property owner Tim Mancill expressed concerns about traffic on Wahanna Road and he 16-059ZC Zone Change CC memo ord. 2017-01 indicated he would like to see development designed to prevent backing into the roadway. Planning Commission Recommendation: Following public comment and discussing the proposed zone change, the Commissioners recommended the City Council approve the request based on the information in their final recommendation (attached). Final Recommended City Council Action: Conduct a public hearing to take testimony on the proposed zone change. Following testimony, determine if any finding need to be added to the Planning Commission's recommendation. Provided testimony during the public hearing does not lead to findings which indicate the proposed change will violate the Comprehensive Plan or undermine the integrity of the Plan's compliance with State wide Planning Goals, approve the zone change request based on the Commission's recommendation, and make a motion that Ordinance No. 2017-01 (attached) be read "by title only." This ordinance is the document that will formally recognize the Council's approval of the request and authorize the change on the City's Zoning Map. Following the first reading, a motion for a second reading "by title only" will be needed. The third reading and final adoption will take place during the next council meeting scheduled on February 27, 2017.

Annexation Ordinance Action, Agenda Item 12.c: The same Council process; public hearing followed by a motion to read Annexation Ordinance No. 2017-02 "by title only" would follow any Council action to approve the zone change request. This ordinance is the document that will bring the subject property into the city and provide city services to it. Attachments: Ordinance No. 2017-01, and Planning Commission's Recommendation.

James Spicer, 1827 SW Third Drive, Gresham, Oregon, stated he was the applicant and, as the Representative for my father, Darrel Spicer, we are making application for Annexation into the City of Seaside and Zone Change for our property Tax Acct # 13033, Map 61022BA00101, Clatsop County Unincorporated Area 410032, Map 101, on Wahanna Road in Seaside, OR. This property is currently incorporated, Zoned Suburban Residential (SR) and Freshwater Wetland (A-3). The property is approximately 3.88 Acres with 221' of frontage on Wahanna Road. In extensive meetings with city planners and officials, it became apparent to all of us, that there was indeed a sizable portion of this property that was Suburban Residential (SR) and it did not qualify as Freshwater Wetland (A-3). There will be sufficient usable and viable building areas, uplands", on the frontage of this property. In order to best utilize the band of upland, a zone change to High Density Residential (R-3) is being requested. The majority of our discussions and applications for review are focused on this upland area, with supporting documentation attached. There appears to be a severe need for affordable housing in the Seaside area, and by this application, it is our intent to address this need, in small part) as we have no interest in providing "Lake Oswego with 2" homes", as it was relayed to me. At this time we are not making building applications, but are providing you a sample of our proposed vision for this property. Getting back to the wetlands, we hired Carex Consulting, Douglas Ray, to provide us, and Kevin Cupples with a wetlands "Determination" of uplands/usable building areas, This Determination was accepted by the City Planner, without discussion, as it was submitted with all applicable elevations, soil samples, and wildlife/vegetation reviews. This determination along with all scientific wetland boundaries and test pits are included and they support the current zone boundary line determination between the SR & A3 zones, It appears the annexation/zoning of this property is somewhat of an anomaly, as the property south of ours; tax lots 200, 201 202, are currently zoned R3, with very similar structures onsite as we are proposing, along 'with the properties Just to the north of us. So, our first order of business is to bring this property in line with all surrounding areas, in other words, urban zoning in conjunction with Annexation into the City of Seaside. In Section 1. "Comprehensive Plan Map Amendment" on your "Zone Change Application" you request information on items A-H, and, you request justification for these changes. It appears, the only reason these changes haven't been made previously, is no one has made such application. Sewer, water, & utilities already exist in Wahanna Road, with 2 Sewer stubs providing a mass already in place. It is our understanding that in order to develop this property & partition, there is a possibility of needing to provide up to 2 more of these access points, but that appears to only be an issue of installation, not feasibility. In Section D, you request a narrative on sustaining the surrounding natural environment. Since it is obvious that the majority of this property is indeed wetlands, with native vegetation and such, it is our intent to ultimately donate this portion of our property to the North Coast Land Conservancy. Talks are already underway to make this happen sooner than later, as we too share the notion of growth while maintaining the beauty and necessary habitats that environments such as this provide, Addressing Item G, we feel this has already been addressed, both by us, and by the City's words and actions. This property is within the growth area, has like properties adjacent to it already having been rezoned and annexation has already happened. We feel what we are doing and making application for, is legitimately an extension of an already established pattern of growth for this specific area, transportation, traffic flow, and utilities will not have an undesirable impact with the addition of this small RS re-zoning, and while it provides a small amount of some potential for affordable housing to this area, the tax implications and benefits to the City are noticeable and remarkable. In Section U subset, we feel it is a logical Implementation of your existing plan, even going to the extreme of stating it is illogical for these changes not to be made, making It "desirable appropriate and proper", to use your words in subset iv. We therefore ask that Council accept our application, consider our attached plans and purposes for this property, approve our Zone Change justification, and ultimately annex us into the City of Seaside. Since we are not builders, developers, or city planning officials, I feel quite confident that we are not leaving some questions or concerns unanswered or unaddressed. In speaking with Mr. Cupples on multiple occasions, It been obvious to him immediately, that this is not my profession, and while I am a novice at this, we have brought on a very competent team, and it appears that in working together on this, both of our needs can be met to our satisfaction.

Councilor Frank asked if the paperwork Council received which stated theoretically nine units were sort of the number Mr. Spicer was applying for.

Mr. Spicer stated no sir I believe that was a number put out there in the public testimony that was going to be a maximum amount of density allowed for that property but was not something that he came up with.

Mayor Barber asked Council if there were any conflicts of interest or ex-parte contacts they need to disclose.

Council had no conflicts or ex-parte contact they needed to disclose.

Mayor Barber asked if anyone wished to object to this item on jurisdictional grounds.

No one wished to object to the item on jurisdictional grounds.

Mayor Barber stated this was coming through the City Council after going through the Planning Commission. Mayor Barber called on any individual or individuals that wanted to speak in favor of the project.

There were none.

Mayor Barber called on any individual that wanted to speak in opposition of the project.

Mr. Flynn stated he would like to use his statement from public comments.

Mayor Barber asked Mr. Spicer if he wanted to speak in response to Mr. Flynn comments.

Mr. Spicer stated he did not.

Mayor Barber asked for Council comments.

Councilor Phillips asked Mr. Flynn if he went to the Planning Commission meetings when this was discussed.

Mr. Flynn stated he attended the Planning Commission meeting and did not testify against the project.

Councilor Morrissey stated just to be clear the property located to the south was zoned R-3.

Mr. Cupples stated if you were driving north on Wahanna Road there was a zero lot line duplex and that was in a R-3 zone and would be the neighboring property to the north.

Councilor Morrissey asked about the property to the north of that.

Mr. Cupples stated the property after that was zoned Suburban Residential (S-R). The Suburban Residential was zoned on property in the Urban Growth Boundary and would move into the City over time for further development.

Councilor Frank stated after looking over what the Planning Commission put together and there comments on needs for public land and . Also Doug Ray to peruse the property and its use and that the wetlands would not be used he sided with the Planning Commission. Councilor Frank further stated he understood no one wants to see a neighborhood grow but in Seaside there was a tremendous need for housing.

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

Mayor Barber opened the floor for first reading by title only.

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

Mayor Barber asked for a second reading by title only.

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

Mayor Barber stated this would be on the next City Council agenda for the Third and Final Reading and Adoption.

PUBLIC HEARING

This was the duly advertised time and place to hold a public hearing regarding an Ordinance of the City of Seaside, Oregon, Annexing Certain Property East of the City (Property located to the South of 495 North Wahanna)

ORDINANCE 2017-02

ORDINANCE 2017-02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ANNEXING CERTAIN PROPERTY EAST OF THE CITY (PROPERTY LOCATED TO THE SOUTH OF 495 NORTH WAHANNA)

Mr. Cupples explained this was more of a procedural manner and to annex the property into the City.

Mr. Winstanley stated the property owner would be interested in all City services for the property.

Mayor Barber opened the public hearing.

Mr. Flynn asked if the City was going to annex the property that supposed to be getting developed now.

Mayor Barber stated it would annex that property into the City.

Mr. Flynn stated he pays two property taxes to the City and County and was paying double on everything. The fence was in the City and the house was in the County. This property is now in the County.

Mayor Barber stated that was correct and would be annexed into the City.

Mr. Cupples stated Mr. Flynn property would not be affected by the annexation of Mr. Spicer property.

Mr. Barber asked if he was in the city or outside the city.

Mr. Flynn stated he pays taxes to the City and also pays the County for his trees.

Mayor Barber stated the annexation would not affect Mr. Flynn property taxes.

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

Mayor closed the Public Hearing and asked for a motion for first reading by title only.

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

Mayor Barber asked for a second reading by title only.

Councilor Frank moved that Council read Ordinance 2017-02 with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Mayor Barber thanked the Planning Commission for their recommendation and there had been a lot of careful consideration before this was brought before City Council.

LIQUOR LICENSE

Mayor Barber stated there was a liquor license application received from Yeldah's Bazaar, LLC., 411 Broadway. Mayor Barber further stated the application was for a Limited On-Premises Sales License, and was for a new outlet. Mayor Larson asked if the owner or representative was present and Hadley Davidson who was the owner, was present for Council questions.

Hadley Davidson, 440 S. Franklin, owner of Yeldah's Bazaar, stated it was the Vintage Store for five years before we took over. It was previously a candy store so it was plumbed and in the front area would be the café. The back of the store would be vintage clothing.

Mayor Barber asked what kind of food would be served.

Ms. Davidson stated Panini Sandwiches with an espresso machine. The liquor license would be beer and wine.

Mayor Larson stated the liquor license was reviewed by the Seaside Police Department and there was a recommendation made.

Dave Ham, Seaside Police Chief, stated there were a couple of things on how far back the alcohol could go and Sergeant Knight came back with a recommendation which was favorable to the Oregon Liquor License Commission (OLCC).

Mayor Barber stated he would entertain a motion.

Councilor Frank so moved Council support the decision and grant the license with a second from Councilor Morrisey. (Frank/Morrisey)

LIQUOR LICENSE

Mayor Barber stated there was a liquor license application received from Liberty Coffee LLC., 26 Avenue 'A'. Mayor Larson further stated the application was for an Off-Premises Sales License, and was for a change of ownership. Mayor Barber asked if the owner or representative was present and Aliz Smith-Dabah who was the owner was present for Council questions.

Aliz Smith-Dabah, 89515 Ocean Drive, Warrenton, stated she was the owner Liberty Coffee.

Mayor Barber stated this was in the Wyndham Resorts and was there prior and you are the new owners?

Ms. Smith-Dabah stated that was correct and this would be the second location. The first location is downtown Seaside and this was the first location that would have beer and wine and Wyndham had asked to carry this for the guest for not only pool side service but in room service. There was no seating or sit down but there were amazing pastries and sandwiches and would be take out only.

Councilor Frank asked if alcohol was delivered to the pool.

Ms. Smith-Dabah stated they people can take the alcohol but we do not take it out or open it for them. No open container alcohol.

Mayor Barber asked Chief Ham if he had any comments.

Chief Ham had no comments.

Councilor Barber stated he would entertain a motion.

Councilor Morrissey moved that Council grant the liquor application for Liberty Coffee with a second from Councilor Phillips. (Morrissey/Phillips)

**PRESENTATION –
TOBACCO 21**

Lois Fitzpatrick, 2335 S. Columbia, Seaside, stated she was ACT LEAD for Congressional District 1 for the Cancer Action Network. Oregon Lawmakers want to raise the tobacco purchase age to 21. Oregon would become the third state to raise the age of sale for tobacco products from 18 to 21 if lawmakers pass legislation backed by the American Cancer Society. Sen. Elizabeth Steiner Hayward, D-Beaverton, announced Wednesday morning that she will soon introduce a bill that would prohibit retailers from selling any tobacco product—including e-cigarettes — to anyone younger than 21. Rep. Rich Vial, R-Scholls, also is sponsoring the bill, which the pair said has strong bipartisan support. California and Hawaii already have the requirement. A similar bill failed in Washington last year. Tobacco use is the leading cause of preventable death in Oregon, killing more than 5,500 Oregonians annually, according to the American Cancer Society. Each year, roughly 1,800 Oregon kids become new daily smokers, the organization said, and unless current smoking rates decline, 68,000 Oregon kids alive today will die prematurely from tobacco use. Dr. Brian Druker, director of the Oregon Health & Science University Knight Cancer Center, said the peak age for getting addicted to tobacco is between 18 and 21 years old. "This bill will decrease the number of people who start smoking in our state by about 20 percent, and that translates into 1,000 lives saved per year," Druker said. Steiner Hayward introduced a similar bill in the 2015 session. This time, however, there are no criminal penalties. The bill would impose no punishment on youth caught with tobacco. For a first offense, retail clerks selling to youth under 21 would receive a \$50 civil penalty, and their managers would be fined \$500. Fines would increase for subsequent offenses. As a family physician, I think it's always better to prevent disease than to cure it," Steiner Hayward said. "And one of the best things we can do in Oregon to prevent disease is to stop people from using tobacco and other dangerous products that contain nicotine and other harmful substances."

Adriana Gaspar, 725 Avenue H, stated she was a Seaside High School Senior and Tobacco 21 was her Pacifica Project. Ms. Gaspar further stated she was in favor of Tobacco 21 because of all the teenagers she knows that smoke and can get cigarettes.

Mayor Barber asked how the Pacifica Project was going.

Ms. Gaspar stated it was going well and there were petitions the students signed for Tobacco 21 and she would be going to the State Capital March 13, 2017.

**UPDATE –
BOB CHISHOLM
COMMUNITY CENTER**

Lou Neubecker, 1859 Broadway, introduced the Commission members attending Joe Fisher, Piper O'Brien, and Molly Irons. Those not attending: Kristin Tschannen, Helen Meinicke, Leila Vernor, and Greta Passetti. Darren Gooch, Bob Chisholm Community Center Manager, and Skyler Archibald, Sunset Empire Park and Recreation District manager. Mr. Neubecker stated fundraising for the Bob Chisholm Community Center was continuously bringing in money on a weekly basis. Many of the donations were coming from individual community members and there was currently \$30,886.00 received today with an in-kind pledge to do all the painting, paint included from Anderson Painting and Sherwood Williams. There was also a \$10,000.00 pledge match by Tom and Mary Hershe to match the first \$10,000.00 raised for 2017. The pledge sheets would be sent out with the water billing again with the last time raising over \$3,000.00. The people have been very generous. Mr. Neubecker further stated there was a very unique fundraiser for Wednesday, March 8, 2017, 6:00 to 8:00 pm at the Funland Arcade. It would be a Fascination Tournament and the cost was \$100.00 per team or \$25.00 per person. There will be pizza, salad bar, and a drink is included in the price. Mr. Neubecker thanked the City Council who had donated to the project. A special thanks to the Tom and Mary Hershe, Pacific Power, and the entire Chisholm family for their generous donations.

Mayor Barber asked what the goal was.

Mr. Neubecker stated the goal was \$80,000.00.

Piper O'Brien, 720 S. Lincoln, Seaside, explained the Fascination Tournament (flyer presented).

**APPROVAL –
MUNICIPAL ADVISORY
BOND SERVICES
AGREEMENT**

Mr. Winstanley explained the Council has had several meetings regarding the renovation for the Convention Center and it will be a \$14,000,000.00 plus project and that would require the City to sell bonds. The first step was the hiring of a bond advisor, bond attorney, and an underwriter. The bond advisor puts together all the documents for the sale of the bonds. Putting together a bond sale was a legal process and those people will be repaid for the investment.

The contract required the bond advisor be paid a minimum of \$20,000.00 and could go as high as \$35,000.00 and was a percentage of the bonds issued. Mr. Winstanley further stated Staff was recommending Council enter into the bond agreement and David Ulbricht who would be the bond advisor.

Mayor Barber stated he would entertain a motion to approve the contract.

Councilor Phillips so moved to move forward with hiring David Ulbricht for the Bond Services Agreement with a second from Councilor Frank; carried unanimously. (Phillips/Frank)

Mr. Winstanley stated Council would actually be entering into contracts with Special Districts Association of Oregon Advisory Services. David Ulbricht is just simply the principle partner that would be handling the work.

**VACANCY –
BUDET COMMITTEE**

Mayor Barber stated there were two vacancies on the Budget Committee with two term expirations from Les McNary and Kathleen Peterson who wished to be reappointed.

Councilor Phillips so moved to reappoint both applicants with a second from Councilor Morrisey; carried unanimously. (Phillips/Morrisey)

The term expiration for Les McNary and Kathleen Peterson would be December 31, 2019.

Mayor Barber asked when the Budget dates would be coming up.

Mr. Winstanley stated the budget process as far as the committee was concerned until April, 2017. Keep April 19, 2017 available.

**VACANCY –
TOURISM ADVISORY
COMMITTEE**

Mayor Barber stated there were two vacancies on the Tourism Advisory Committee with two term expirations from Marci Utti and Sadie Mercer.

Councilor Frank moved to reappoint Marci Utti and Sadie Mercer with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

The term expiration for Marci Utti and Sadie Mercer would be December 31, 2019.

**CITY COUNCIL
VACANCY**

Mayor Barber stated there was a City Council Vacancy Position Ward 1, Precinct 37. Mayor Barber introduced the applicants attending the meeting. Council advertised the vacancy and there were four applications received from John Chapman, Steve Wright, George Stacey, and Norman Brown. Mayor Barber further stated the process now was to schedule interviews, interview applicants, and at the February 27, 2017, appoint a new Councilor to fill the vacant two year term that is available.

Council consensus to interview the applicants for the vacant City Council Position Ward 1 on Monday, February 20, 2017, 12:00 – 4:00 pm.

**COMMENTS –
CITY STAFF
AND OTHERS**

Chief Ham stated the Kiwanis Pancake Feed is Tuesday, January 21, 2017.

Dale McDowell, Public Works Director, stated he was able to take Councilor Horning and Councilor Morrisey on a tour to the Headwork's to see the improvements that had been made. Mr. McDowell further stated on Friday, February 17, 2017, 1:00 pm, there would be a ribbon cutting ceremony at the new Dog Park. All are invited to the North end of the Broadway Middle School parking lot and RJ Marx from the press agreed to come down and take pictures.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated this weekend was the AFT School and the following weekend was the Jazz Festival.

Mr. Cupples stated at the last Planning Commission meeting the Commission continued two items Council may revisit one because it is also a zone change request. The City Council and the property owners have been interested in the development on Avenue 'S' and Wahanna and that item was continued to the next Planning Commission Meeting.

The owner of the property has come in with a revised subdivision plat and that may move forward in the upcoming year and any zone changes would come before Council. The other item that will come back to Council for a second time was there has been an appeal on the revised plans for the Pearl and that would be coming to Council on March 13, 2017. Council needed to keep comments to themselves and if people want to talk they can do that at the public hearing.

Skylar Archibald, Sunset Empire Park and Recreation District, stated the Sweet Affair was a great event and he thanked everyone who helped out and participated. There was also another successful Daddy, Daughter Dance last weekend with approximately 250 dads, uncles, and grandparents.

Mr. Winstanley stated the fire chief was not here tonight and the fire department was very busy because of the significant fire in Cannon Beach yesterday that they helped out with and we are very proud of our fire department. Mr. Winstanley further stated he was happy to hear about what was being accomplished as far as the community center was concerned. There has been a budget put together for the renovations. If the dollars can be raised for the renovations that will be a very exciting project for the City.

COMMENTS – COUNCIL Councilor Horning stated he was happy to have a sunny warm day.

Councilor Frank congratulated Ms. Barnes. Councilor Frank stated the police department was fully staffed which was nice to see.

Councilor Phillips stated Kudos to the Community Center Commission, she was very proud of every one of them. Councilor Phillips congratulated Ms. Barnes.

Mr. Winstanley stated maybe Ms. Barnes could tell the audience what she was being congratulated for.

Ms. Barnes stated this last week she signed to play soccer at Gilford College in North Carolina. The college was for Liberal Arts and there were approximately 1200 students.

Councilor Morrisey thanked Dale for the tour of the Watershed and he drove by the dog park today and it was packed.

Mayor Barber stated today the City Manager and I had a delightful lunch with the Mayor's and City Manager's of Astoria, Warrenton, Gearhart, Cannon Beach, and only the City Manager of Nehalem. This was a meeting that we would have on a regular basis and the biggest issue for all of us was affordable housing. Mayor Barber further stated he would close the meeting with a thought to take with you and he was learning this himself: "Our days are happier when we give people a little piece of our heart rather than a little piece of our mind".

ADJOURNMENT The regular meeting adjourned at 7:47 PM.

Kim Jordan, Secretary

JAY BARBER, MAYOR