

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.
- ROLL CALL** Present: Mayor Don Larson, Council President Don Johnson, Councilors Jay Barber, Seth Morrissey, Randy Frank, Tita Montero, and Dana Phillips.
- Absent: None
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney, Neal Wallace, Public Works Director; Kevin Cupples, Planning Director; Joey Daniels, Seaside Fire Chief; Taylor Barnes, Student Representative; and R.J. Marx, Seaside Signal.
- AGENDA** Motion to approve the May 11, 2015 agenda; carried unanimously. (Johnson/Frank)
- PROCLAMATION** Jeremy Houston, Emergency Medical Services (EMS) for Medix Ambulance, read the proclamation for Emergency Medical Service Week. Mr. Houston stated he had been with Medix Ambulance eleven years and for him it was a personal honor as well as a professional honor as he had started as a volunteer in Seaside and continued to volunteer as a firefighter in Seaside. Mr. Houston further stated he loved serving the community and to support the City and serve the City. Medix Ambulance was celebrating forty years of service for Clatsop County and the City of Seaside and he thanked everyone in the room for allowing Medix Ambulance to serve Seaside. Mr. Houston presented a plaque which recognized the City of Seaside for the continued support of emergency medical services personnel in the City of Seaside and helping to make forty years possible.
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, presented a copy of a letter that was sent to the Seaside Signal. Mr. Dunzer stated it was important to expand the economic stability the wintertime use of the Convention Center has brought to Seaside. Convention Center management has determined that this can be done by redesigning the existing Convention Center and expanding facilities to serve larger conventions. It would appear from newspaper reports that many consider financing this project as impossible. Bringing more residents into the Seaside tsunami inundation zone is simply not responsible. Bringing more tourists and visitors into this zone is a problem but it can be more easily mitigated if the City would develop suitable planning. Regardless of the Convention Center expansion, the City should be working with its elected State legislators and State Emergency Preparedness agencies to provide a tsunami shelter in the downtown area of Seaside. The Federal Emergency Management Agency (FEMA) had already designed these shelters which are tsunami safe because they are elevated by reinforced parking structures. Mr. Dunzer further stated Phase I of any downtown expansion must be the construction of this type of structure over the Edgewood right-of-way. Local match funding of approximately \$750,000 a year can come from savings by contracting out Seaside's policing needs to the Clatsop Sheriff. Communities throughout Oregon are executing these types of contracts and are experiencing not only savings but also better protection as well as getting the support of all of those who are in law enforcement. Mr. Dunzer further stated Phase 2 should be the revision and expansion of the Convention Center. Requirements for expansion should be much smaller because, with proper design, the evacuation facilities could be used as additional convention space. Mr. Dunzer further stated financing for this smaller project can be achieved by raising the bed tax to 9.9%. Mr. Dunzer asked when the Budget Committee was going to discuss the police department.
- Mayor Larson stated the next Budget Committee meeting would be May 12, 2015, 6:00 pm. Mayor Larson further stated Council had already discussed the police budget.
- Mr. Dunzer stated he attended the Budget Committee meeting when the non profit groups were invited to attend. Mr. Dunzer was told he would get to speak and he was not able to speak and then had no idea when the other budget meetings were scheduled.
- R.J. Marx, Seaside Signal Editor, introduced himself to Council and the public.
- COMMENTS – STUDENT REPRESENTATIVE** Taylor Barnes, Seaside High School Student Representative, stated spring sports were wrapping up with baseball wrapping up their season, softball was going to a play in game for a spot in the playoffs, track would be in Banks for districts and Seaside athletes both boys girls would be competing at State for league titles and relays, boys golf was at Quail Hall Golf Course today and tomorrow and were the favorites to take it home, girls golf was participating in the regional's today, State Band would be in Corvallis tomorrow at the auditorium and this would be the tenth year attending for Seaside. Mr. Barnes stated the annual Prom Dance was this weekend and would be held at the Red Building in Astoria and the theme was Fireflies after dark. The Pacifica Project presentations would be taking place May 20, 2015. There were scholarship interviews last week for students who were dressed up. There were three teachers retiring this year Virginia Hamer, Health Teacher; Barbara Brockway, Math Teacher; and Jan Priddy, English Teacher. There would be interviews conducted and students were being invited to be on the panel to interview.

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 \$571,340.02; and April 27, 2015, regular minutes; carried unanimously. (Frank/Barber)

VACANCY – CITY TREE BOARD Mayor Larson stated there were two vacancies on the City Tree Board with one application received from Melyssa Graeper. Mayor Larson asked Council what they wished to do.

Motion to appoint Melyssa Graeper to the City Tree Board; carried unanimously. (Frank/Montero)

Term expiration for Melyssa Graeper would be June 30, 2018.

ORDINANCE #2015-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, PURSUANT TO ORS 223.112-223.132, SETTING A PUBLIC HEARING, EXTENDING THE TERM OF THE ASSESSMENT DISTRICT FOR ECONOMIC IMPROVEMENT, KNOWN AS THE “DOWNTOWN MAINTENANCE DISTRICT”; REPEALING ORDINANCE NO. 2014-04, AND ALL ORDINANCES IN CONFLICT.

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

Mayor Larson asked for Council comments.

Councilor Frank stated he had been paying the Downtown Assessment Fees for fifteen years because he had a business downtown. There would be a meeting to discuss the Downtown Maintenance District in August, 2015, and the public was invited to give attend and give input.

Motion to place Ordinance 2015-03 on its third reading by title only; carried unanimously. (Frank/Barber)

Motion to adopt Ordinance 2015-03; carried with the following roll call vote: (Barber/Morrissey)

YEAS: BARBER, FRANK, LARSON, PHILLIPS, MORRISEY, MONTERO, JOHNSON
 NAYS: NONE
 ABSENT: NONE
 ABSTAIN: NONE

ORDINANCE #2015-04 AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING SEASIDE CODE OF ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND CREATING A NEW CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES

Mayor Larson asked for public comments. Mayor Larson stated there had been a lot of comments on record and the public was welcome speak at this time.

Steve Geiger, 1803 S. Roosevelt, Seaside, stated he was being very sincere in saying he was very thankful to the Mayor and Council for the work and the sacrifice. Mr. Geiger was an activist and was often on the side of thankless jobs where tuff decisions needed to be made and people had different interest and were competitive. Council was servants to the community and was volunteering their own time and Mr. Geiger appreciated that. Mr. Geiger was hoping over time that the Mayor would see through deeds and the activist in the community that were cared about as well. Mr. Geiger further stated he had no problem with the fee schedule or the background checks. Mr. Geiger further stated he was not intending in no way to insult Councilor Phillips or the Council when he I tried to compare what was witnessed that evening with the liquor license and yet getting the OHA license was quite a rigorous process. Mr. Geiger further stated if he wanted to hide something from his background check he would just hire somebody to be the PRF. This would not keep the criminal element out of the marijuana dispensaries. Mr. Geiger further stated he lived in Seaside and was not coming from another state but lived in the Community.

Tim Tolan, 33525 Beerman Creek Lane, Seaside, stated he heard a lot of comments the past couple of weeks and was a relative of someone in opposition of the ordinance. Mr. Tolan stated he looked over the ordinance the third paragraph stated the Oregon Legislature enacted Senate Bill 15-1531 which granted the City authority to adopt ordinances that would impose reasonable regulations of the operation of medical marijuana facilities required under ORS 475 located in this jurisdiction. Mr. Tolan stated Josh Marquis, Clatsop County District Attorney, Tom Bergin, Clatsop County Sheriff, and a few others were not invited to participate in coming up with the ordinance for Seaside Medical Marijuana Dispensaries. Mr. Tolan read a letter from Josh Marquis:

I apologize for not being able to be present tonight. I just returned from caring for my 92-year old mother who was in the hospital and have commitments tonight and tomorrow. Although I am elected county wide (and have been six times) I have not been asked or invited by Seaside officials to give my opinion on the issue of the marijuana dispensaries. As the leading spokesperson against Measure 91 - which passed - in last November's election I am very familiar with the arguments about marijuana. The proponents of Measure 91 claimed it would have NO legal effect on the separate Medical Marijuana program which has existed in Oregon with almost no regulation for over 15 years. As the attached article in the Oregonian shows most regular marijuana users are NOT likely to buy from commercial establishments since there is a complex if informal network of growers and providers. I would caution succumbing to the claims of zealous marijuana advocates who cry "it's my medicine" and then claim that they should have unlimited access anywhere anytime to a drug that is still illegal under federal law and 46 states. I do not doubt marijuana is a true godsend medicine for a small group of patients but over 90% of those holding Oregon Medical Marijuana cards do not have the conditions for which the law originally claimed it was targeted (cancer, Glaucoma, AIDS, and other wasting diseases). Another concern should be not only that the law allows convicted felons to run these stores (it's likely harder to get a license to be a barber) but just how much market saturation Clatsop County can take.. I believe the only city in the county that did not pass a moratorium, Astoria, already has 4 medical marijuana "dispensaries." Considering there are fewer than 600 card-holders who live in Clatsop County one has to wonder how they stay in business. I also question whether we need more marijuana stores than highly-regulated pharmacies. There are only two such drug stores in all of South County. If the Colorado experience is any indicator any "medical store" will quickly also covert to become retail or recreational stores allowing any adult to buy after January 1, 2016. I cannot give legal advice but will say anyone can sue anyone else or body or any reason. That threat alone should not deter anyone from doing the right thing. Prevailing in such a suit is a different matter. Mr. Tolan also included for the record an article regarding "Heavy marijuana consumers likely to stay away from regulated retail market".

Mark Tolan, 454 Fairway Court, Seaside, read a letter: As there is no law requiring you to grant these licenses I ask on behalf of the least among us not to. In my early 20's I felt a calling to do more for my community and started volunteering at a youth center for the blind, which lead to a youth center in the inner city, which lead to a detox for adolescents. From that detox I was recruited to work at a long term addiction treatment center for adults for which I spent a thousand documented educational hours in training and years of my LIFE in service helping others battling the disease at the heart of this topic: the business of marijuana I am speaking out with a different plea tonight because it needs to be on record. Please hear my words and ask if what I am saying is true without feeling any shame that may exist for allowing this to have gotten this far. It does not matter what processes we have at the planning department that lead to the planning commission being tasked to come up with a policy the ultimate vote is yours and we voted for you. What matters is there is no legislation requiring cities to grant business licenses in opposition of federal law, which means you can say NO we will stick with federally legal businesses the vote is yours. What matters is your vote on right and wrong and if you will hold the most venerable in our society as your priority... the least of us. We did not vote for Angela to run this town we voted for you. We did not vote for a weak city attorney who does not live here, has not fully informed you that no where in the 1998 legislation OR measure 91 does it mandate you grant business licenses and is afraid to stand by the constitution that puts federal law above state law... we voted for you. We did not vote for a local government that prohibits our city leaders from speaking up for public safety we voted for you. What we voted for IS a local government that would safeguard our community from more businesses that would seek to profiteer off the disease of addiction. I have heard it said we allow alcohol it is hypocritical to not allow marijuana. I say to those people it is more hypocritical to say you stand by policies for public safety and believe the industry of marijuana will make seaside a healthier safer place to live when alcohol abuse is already taking lives and stretching our limited resources. This vote is not about medicine or the law.... it is a vote about the culture of substance abuse being acceptable as a business in this town. It is about Seaside becoming a POT town open for business to come get wasted, come get high, come get faded. Voting to allow the business of marijuana is voting in a broken system based on wait and see mentalities to govern the future of community. This vote will directly impact how many children will be abused, how many woman will be beaten, how many families will be destroyed, how many lives will lost by ignoring federal policies put in place through years and years of leaders like yourself seeking to protect the most venerable in our country...protecting the least of us. I will repeat this slowly because it is the most important thing I will say all night: The reason marijuana is federally banned on the Schedule I list, is because the consequence of drugs in this category is the disease of addiction. Voting not to allow federal safeguards to protect against addiction in our city is a vote for child abuse, it is a vote for woman being beaten, it is a vote for putting your public servants police and fire and economic health at increased risk, it is a vote against who I believe you are as leaders and as human beings. Voting to allow federally banned businesses is a public statement that you do not trust The FDA, DEA • The American Medical Association • The American Society of Addiction Medicine's (ASAM) • The American Cancer Society (ACS) •The American Academy of Pediatrics (AAP) • The American Academy of Child and Adolescent Psychiatry (AACAP). I can go on and on but you get the point that this is vote against the medical bodies that influence FEDERAL public health policies for our nation. Are you really willing to risk the health of our city by allowing the industry of marijuana to set up shop in our town? I believe you won't.

I believe you will keep our federal legality restriction in our city ordinance unchanged and vote this ordinance down tonight outright once and for all. I believe you will side with local pharmacist who believes this is a horrible idea. I believe you spoke to helping hands outreach who is serving the least among us and will echo their voice in telling you this will hurt their reintegration programs. This is a vote to do away with safeguards not add them, which I know you would never stand by and approve. A small minority of people who do not care about public health are making a lot of noise for you to get rid of safeguards so they can cash in on the most venerable among us. The rest of us never expected you to take them seriously because we expected if you had choice to protect our city you would choose to do so. You do have a choice quite honestly I had no idea WE HAD a way out of the mess by sticking with our existing safeguards of prohibiting federally banned businesses in the city of Seaside. I did not realize there was a way out of the mess we are seeing in Colorado that has already directly killed 9 children.... I did not realize. I realize now and I hope you do too. You have an opportunity now to voting with 75% of towns in Colorado who also said they would not allow the disease of addiction to be considered a legal business in their town. You will be voting to stand with Cannon Beach, With Lake Oswego, with our Sheriff and with our district attorney for public health and safety. Did we make an administrative mistake = yes hwy 420 should have never received a license in the first place as it is against our local ordinance. Do we need to make a much bigger mistake that gets rid of safeguards to minimize this first mistake or try and make it right when our public health is at stake? Please say no to any form of covering our tail and saving face. Getting as far away from that original mistake as you can and send the message we are NOT a DRUG TOWN. You as a council have set a precedent for caring about the future and safety of our city which leads me to ask "Can we end this discussion now and bring it back only when the federal and state governments get on the same page by holding true to our existing safeguards that ban federally illegal businesses... Perhaps one day we may ask can we do more than the federal government to server the least among us in this area.... not less." We trust the federal government's oversight for the medicine we buy, we accept federal funds to run this city and we will not allow an agenda of profiteering on the proliferation of substance abuse and addiction dictate and determine your legacy as city leaders.... My friends, my neighbors, my trusted leaders would choose to safeguard our public every time when given a choice = you have that choice. Make no mistake as I know my words will be spun in the coming remarks = Marijuana consumed in the privacy of one's home is not what we are discussing, standing with the federal government regarding the business of marijuana is what we are discussing which does not tread on Oregonians purgative to do what they want in their own home. Marijuana consumed in the privacy of one's home for genuine medical purposes are already supplied by more dispensaries in this county per capita than any other in our state = it has been in effect since 1998.... Do not let them spin my words = this is not about accessibility. What is at vote here is the thousands and thousands of the rest of us whose community will be shaped by the vote you cast today to keep federal safeguards in place for our protection or to say we are safe enough without federal protections and do not need them. Nothing in this vote will keep citizens from doing medically or recreationally what they want in the privacy of their own home. What it does is keep the industry of addiction out of our town. I urge you to walk away saying truthfully to yourself that you did what was right for the least of us. I believe that you have it in your heart to do everything in your power to protect the least of us.

Lois Larson, 1920 Beach Drive, Seaside stated she was attending as a private citizen and her concern was why allow the businesses of a dispensary downtown. Mrs. Larson stated when planning to go on a trip recently the one thing she made sure to pack was medications. Why would anything differently be provided with medical marijuana users? Visitors could prepare and bring there medical marijuana with them when visiting Seaside so why would a dispensary be allowed downtown. They could be allowed along the highway but please keep the dispensaries out of the downtown.

Tiffany Williams, 312 Bond Street, stated in regards to the last testimony given how many children had been saved with medical marijuana and a patient should not be limited on where the medication could be picked up. Seaside would not become a drug town and by opening a dispensary it helped to eliminate some of the black market.

Mayor Larson asked for Council comments. Mayor Larson stated there had been comments made and one was that the Mayor appointed the Planning Commission and he should follow their recommendation. The interesting part of something this important was that there were several sides and sometimes people do not come out until getting to the final status place and Council sometimes had to change their opinion. Council wanted to be careful that they were accurate in what was discussed. Mayor Larson further stated the Oregon Mayor's met together two times a year and Mayor Studebaker, Lake Oswego, stated: "The information presented from a doctor of psychiatry was also a doctor of farmology. The marijuana sold today was typically much more potent then the marijuana thirty to forty years ago because of the THC. Marijuana was possessed by the body at a much slower rate then many people realized and certainly much slower than alcohol because the THC was absorbed into the bodies fat cells and then distributed all over the entire body. As long as the marijuana was in the fat cells the body still felt the effects. Airline pilots showed that after smoking marijuana in the evening the effects of the drug were still there the next morning. Marijuana caused paranoia. Marijuana use had a detrimental effect on motivation and memory particularly in younger years. Marijuana was useful to people as a pain reliever for Cancer. The number of medical marijuana prescriptions vastly exceeded the number of people who need it for medical reasons. Lake Oswego was leery about allowing medical marijuana dispensaries. Lake Oswego along with many other towns had banned marijuana completely.

Mayor Larson stated based on that he wanted to make an amendment to the ordinance which was the same amendment as at prior meetings: Amendment to Ordinance 2015-04: 118.04. (A) Dispensaries must be located in accordance with ORS 475.314 **and meet the following additional limitations: (1) A dispensary cannot be located less than 1000 feet from any property with an arcade that has more than 10 arcade machines accessible to minors that are in operation at the time this ordinance becomes effective. (2) A dispensary cannot be located less than 1000 feet from any local or state parks unless it is physically separated by a river that would impede access at the time this ordinance becomes effective. (3) This provision does not apply to dispensaries registered with the Oregon Health Authority (OHA) prior to 2015.**

Motion to amend Ordinance 2015-04 for Medical Marijuana Dispensaries; carried with opposed. (Larson/Phillips)

Councilor Phillips stated since the last Council meeting she had been stopped by many citizens that supported the fact she did not want Medical Marijuana Dispensaries in the downtown corridor. There had been bullying tactics on social media regarding the ordinance and City Council meeting April 27, 2015. Councilor Phillips stated as an elected official she questions the fact when she found out. The police chief had not attended the last two City Council meetings and she was unable to find out his opinion and guidance. The district attorney and sheriff of Clatsop County did not give input to the Planning Commission. Councilor Phillips further stated she did not want medical dispensaries in the downtown corridor but did not like how the amendment was written in the ordinance. Council should send the ordinance back to the Planning Commission and to get input from the Seaside Police Chief, District Attorney, and Clatsop County Sheriff.

Councilor Barber stated this was a very challenging decision and the ordinance brought before Council was excellent and based on the number of jurisdictions and was carefully researched. The District Attorney and Sheriff had been opposed to medical marijuana dispensaries from the start. Councilor Barber was struggling with the concern that putting a marijuana dispensary in our City was going to make this a drug town. Please listen carefully Seaside was a drug town right now Broadway. Twenty five drug dispensaries serving alcohol and it was disingenuous to ignore that fact. Councilor Barber further stated he did not want marijuana dispensaries on Broadway and there was a way to take care of that issue.

Councilor Phillips stated Council did not have their own Chief of Police attending the meetings. Councilor Phillips asked Mr. Winstanley if the police chief had attended the workshops with the Planning Commission.

Mr. Winstanley stated he was not at the Planning Commission meeting but did attend a workshop that Council had conducted.

Councilor Phillips asked the City Attorney if the ordinance was approved could Council come back to make amendments after it passed.

Dan Van Thiel stated the ordinance would need to start all over because that would be a significant change.

Mayor Larson stated he asked staff about the ordinance not being well written and was told by staff that the ordinance was fine.

Councilor Morrissey stated his problem with the ordinance was if it was such a big issue to have medical marijuana dispensaries near parks then why was a waiver given.

Mayor Larson stated he did that because they already held a State Medical Marijuana License.

Councilor Frank stated he was unable to attend the workshop and it may be a good idea to have another workshop to discuss the ordinance and possibly rewrite it.

Councilor Montero asked the City Attorney with the moratorium being passed what were the possibilities as a Council and a City that we are out of compliance with what was actually a state law.

Mr. Van Thiel stated he was not sure anyone in the State of Oregon understood the marijuana law and the regulations and the future of where this would go. Mr. Van Thiel represents a lot of communities in Eastern Oregon and some had just outright banned marijuana and there were some communities that did not even have an ordinance in place. It had always been the City approach to stay out of court.

Councilor Montero stated she had voted against every marijuana initiative in Washington and now in Oregon. What was mixed in with the whole discussion about medical marijuana dispensaries was recreational marijuana and that needed to be separated out. Those rules were not even in place and July 1, 2015 everyone was thinking it was coming and they let the horse out of the barn early. Council was discussing medical marijuana dispensaries and Ms. Montero wanted to know by a show of hands who had read Senate Bill 1531 or House Bill 3416 which legislated dispensaries. Councilor Montero discussed the history of medical marijuana dispensaries. Councilor Montero stated the recreational marijuana was passed by the people of the state and she did not agree with that.

Council was only discussing medical marijuana and the Senate Bill 1532, Section 2 stated "The governing body of a City or County may adopt ordinances that imposed reasonable regulations on the operation of medical marijuana facilities registered and defined that as including reasonable limitations on the hours which a medical marijuana facility to be operated and reasonable limitations where a medical marijuana facility could be located in a zone with the zones defined. Councilor Montero further stated Seaside could at the most have approximately three or four medical marijuana facilities and the big thing was the 1000 foot exclusion and discussed this further.

Mayor Larson stated Councilor Montero was repeating everything that had been discussed

Councilor Montero stated that was fine, she was getting to make her comments.

Mayor Larson stated he agreed and she could make her comments.

Councilor Montero stated people had spoke about medical marijuana was ok for cancer and the listed the approved treatments. Mr. Montero was not saying this in support and would fully agree there were people receiving medical marijuana that did not really need it and fully agree marijuana was making it out to other states on the black market. Councilor Montero discussed books that she had read and medical marijuana dispensary rules and regulations. The amendment the Mayor was proposing did not take into account that an arcade could be located next to a medical marijuana dispensaries and all the reasons needed to be thought out. Councilor Montero further stated she personally did not want to see a medical marijuana dispensary on Broadway. Councilor Montero stated this was not measure 91 as Josh Marquis had stated. The dispensaries had strict rules that had to be abided by and Josh Marquis had stated there were four dispensaries in Astoria and there were only two registered on the Oregon website.

Councilor Phillips stated the wording on the amendment needed to be changed to not allow it in the downtown corridor.

Councilor Johnson stated Council had made a lot of great comments. There were three issues: a group that does not want marijuana in Seaside at all, July 1, 2015 recreational marijuana coming into effect, and an ordinance for medical marijuana. The voters of Seaside voted for recreational marijuana.

Councilor Barber stated he would like the Mayor to call the question on your amendment.

Mayor Larson stated he would like a vote on the amendment. Mayor Larson voted yes and Council President Johnson, and Councilors Montero, Phillips, Frank, Barber, Morrisey voted no.

Councilor Phillips stated she did not want the medical marijuana dispensary in the downtown corridor and would vote against the ordinance.

Motion to create an amendment drafted by the City Attorney to make the downtown core area a medial marijuana dispensary free zone; carried. (Barber/Phillips)

Mr. Van Thiel stated if the motion to the amendment was approved Council would not have an ordinance to pass because the ordinance had been read twice.

Mayor Larson stated the downtown core area should be defined.

Council discussion followed regarding the amendment.

Council President Johnson stated the ordinance could be passed tonight and then come back and make an amendment to the ordinance.

Mr. Van Thiel stated that was correct when ordinances were passed then amendments could be made.

Councilor Frank stated instead of using the downtown core area in the amendment it should be the Downtown Maintenance District.

Mr. Winstanley stated it was important that the Council recognize what Mr. Van Thiel had previously stated. If the ordinance was amended then it would go back to the beginning. Was Council looking for a re-write of the ordinance with language that excluded the downtown core area? The ordinance would then be brought back to Council at the next meeting for first reading.

Councilor Montero stated listening to the discussion if the ordinance were amended and started at the beginning it would be the middle of July before being approved.

Mr. Van Thiel stated once Council read an ordinance with first and second reading and there was a significant change the ordinance was killed and needed to start from the beginning.

Councilor Montero suggested Council approve the ordinance and then present an amended ordinance on June 8, 2015.

Mr. Van Thiel stated Council could go through the process as any other ordinance that could be amended.

Mr. Winstanley stated the ordinance would go into effect 30 days after approved.

Councilor Barber withdrew his motion to amend.

Motion to place Ordinance 2015-04 on its third reading by title only; carried unanimously. (Johnson/Barber)

Motion to adopt Ordinance 2015-04; carried with the following roll call vote: (Johnson/Barber)

YEAS: BARBER, FRANK, MORRISEY, MONTERO, JOHNSON
NAYS: LARSON, PHILLIPS
ABSENT: NONE
ABSTAIN: NONE

Council consensus for staff to amend Ordinance 2015-04, to not allow medical marijuana dispensaries in the downtown corridor.

LIQUOR LICENSE

Mayor Larson stated there was a liquor license application received from Ashore Hotel, 125 Oceanway. Mayor Larson further stated the application was for a Limited On-Premises Sales License, and was for a new outlet. Mayor Larson asked if the owner Tiffany Turner was present and the owner Brady Turner was present for questions. Mayor Larson asked Council what they wished to do.

Motion approving the Limited On-Premises Sales License for Ashore Hotel, 125 Oceanway; carried unanimously. (Frank/Montero)

RESOLUTION #3838

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ESTABLISHING FEES FOR MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATIONS AND ASSOCIATED BACKGROUND CHECKS

Kevin Cupples, Planning Director, stated the City Council adopted the ordinance that would establish licensing provisions for medical marijuana dispensaries. In conjunction the approval of Resolution #3838 would establish a fees schedule for the new licensing process. It is intended to help offset the costs associated with processing the new licenses once the ordinance was effective. Mr. Cupples further stated he recommended City Council after hearing any public comments for Resolution 3838; review the new medical marijuana dispensary licensing fees, and determine if the resolution should be read by title only, prior to adoption.

Mr. Winstanley stated he had been having conversation with the City Attorney and recommended there be a change to section two of the resolution. The change should read: This resolution shall become effective when Ordinance 2015-04 became effective.

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 #3838 as amended by title only; carried unanimously. (Johnson/Barber)

Motion to adopt Resolution #3838 carried unanimously. (Barber/Montero)

RESOLUTION #3839

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, NATURAL HAZARD MITIGATION PLAN

Mr. Cupples explained the City Council adopted a draft of Seaside's Annex to the County's Natural Hazards Mitigation Plan (NHMP) on February 11, 2013. The County's Plan, along with all of the other local city annexes were then updated and sent to Oregon Emergency Management (OEM) for preliminary review prior to submittal to the Federal Emergency Management Agency (FEMA). Based on OEM's comments, minor modifications were made to Seaside's draft plan, along with all of the other segments of the County's plan, before it was submittal to FEMA. FEMA has now provided pre-approval of the updated plan subject to adoption by resolution by the County and all of the local jurisdictions. Approval by FEMA is required in order for a jurisdiction to be eligible for funding assistance from three federal programs: The Pre-Disaster Mitigation Grant Program (PDMGP), the Hazard Mitigation Grant Program (HMGP), and the Flood Mitigation Assistance (FMA) program. Mr. Cupples further stated the resolution would formally adopt Seaside's amended annex to the County's NHMP. This will be combined with the entirety of the Clatsop County NHMP currently slated for adoption by the Board of Commissioners on May 13, 2015.

These plans were dynamic documents that could be updated at any time; however, FEMA required formal updates every five years. Mr. Cupples further stated after hearing public comments on the Resolution, review Seaside's annex to the Clatsop County NHMP, and determine if the resolution should be read by title only, prior to adoption.

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 #3839 as amended by title only; carried unanimously.
(Frank/Phillips)

Motion to adopt Resolution #3839 carried unanimously. (Johnson/Frank)

RESOLUTION #3840 A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AUTHORIZED PARTICIPATION IN THE TRANSPORTATION AND GROWTH MANAGEMENT GRANT PROGRAM

Neal Wallace, Public Works Director, stated this grant was applied for in the past and the new RARE Participant Jeremy Goldsmith and were now rewording that program. The City applied for a grant for transportation planning along the Avenue 'S'/Wahanna Road Corridor and including the Avenue 'S'/Highway 101 corridor. There would be impacts to the schools and there were a lot of issues for the roadway itself. The City match would be 12% and the total project cost would be approximately \$85, 000.00.

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 #3840 as amended by title only; carried unanimously.
(Frank/Montero)

Motion to adopt Resolution #3840 carried unanimously. (Johnson/Montero)

RESOLUTION #3841 A RESOLUTION OF THE CITY OF SEASIDE, OREGON, EXTENDING SEASIDE'S WORKERS' COMPENSTAIION COVERAGE TO VOLUNTEERS OF THE CITY OF SEASIDE

Mr. Winstanley stated the resolution extended Workman's Comp coverage to all volunteers for the City of Seaside.

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 #3841 by title only; carried unanimously. (Montero/Johnson)

Motion to adopt Resolution #3841 carried unanimously. (Montero/Barber)

**BID RESULTS –
QUATAT PARK BOAT
RAMP**

Neal Wallace stated the City received three proposals for the security gates at the boat ramp. Metro Access Control's proposal was for an automatic double swing aluminum gate and a manual double swing aluminum gate. They included pictures of their gates but there was nothing custom or artistic in their proposal, it was all function. Their installation cost was \$32,474.00. Metro was from Portland. Inland Electric was proposing to partner with Cornerstone Fencing to install an automatic slide gate and manual swing gate. Inland was a local electrical contractor and Cornerstone was out of Milwaukie. Their gate had some custom elements and the installation cost was \$33,000.00. Structures in Landscape out of Beaverton was proposing a custom automatic slide gate with a manual double swing gate. He proposed to utilize river rock structures to accent the gates. The installation cost was \$38,286.00. Mr. Wallace further stated he included the proposals and graphics from all three companies. All three proposals would meet the basic need but the aesthetic appeal covered a broad spectrum. Mr. Wallace further stated staff was seeking a consensus from Council on which proposal was selected.

Council discussion regarding the proposals for the Quatat Park Boat Ramp.

Motion to approve the Quatat Park Boat Ramp Security bid proposal from Structures and Landscaping in the amount of \$38,286.00; carried with no second (Johnson)

Motion to approve the Quatat Park Boat Ramp Security bid proposal from Inland Electric who was proposing to partner with Cornerstone Fencing to install an automatic slide gate and manual swing gate, in the amount of \$33,000.00; carried with Morrisey and Johnson opposed. (Montero/Phillips)

**FINAL – WWTP
EROSION PROJECT**

Mr. Wallace stated the erosion project at the Waste Water Treatment Plant had been completed and the first round of monitoring was finished. Bio Engineering has sent us the final as-built drawings and the initial monitoring report. The original project was estimated to cost \$781,445.00. The final cost of the project was \$716,545.00. The City has paid the contractor \$687,750.75 and has withheld retainage of \$28,794.25. The irrigation system is performing well; the plantings are looking good and have good survival. The willow, in particular, is looking very good and is full of bird life. Mr. Wallace further stated staff recommended accepting the work from Bio Engineering and releasing the retainage of \$28,794.25.

Motion to approve the erosion project for the Waste Water Treatment Plant and release the retainage for \$28,794.25; carried unanimously. (Montero/Barber)

**APPROVAL –
2015 SEASIDE AIRPORT**

Mr. Wallace stated staff was recommending Council approve the 2015 Seaside Airport scope of work and engineering statement of services for the 2015 Seaside airport-lighting, signage and fencing project. Mr. Wallace further stated the general design elements for the work were as follows: Installation of a new Medium Intensity Runway Lighting system (MIRL) including a new electrical equipment and controls building, radio control system and lights in a cans and conduits, Install approximately 1350' of security fencing along the west property line of the airport. This property line is adjacent to a 55 years and older living community. Because of this and the fact that this is in the City limits that the fence be 4 feet high chain-link with no barbed wire at the top, Paving an entrance Taxiway to realign the centerline to correct an Object Free Area penetration, Construct a small run-up apron on the Runway 16 end to allow aircraft an enhanced turning movement to the hold-line, Install Edge Reflectors along the parallel and connector Taxiways as well as installation of unlighted hold line signs, and Removal of small trees and brush at both ends of the runway.

Motion to approve the 2015 Seaside Airport – Lighting, Signage, and Fencing Project; carried unanimously. (Frank/Johnson)

**VACANCY –
AIRPORT COMMITTEE**

Mayor Larson stated there were three vacancies on the Airport Committee with three term expirations from Dianna Widdop, Steve Phillips, and Bruce Francis who wished to be reappointed.

Motion to reappoint Dianna Widdop, Steve Phillips, and Bruce Francis to the Airport Committee; carried unanimously. (Frank/Johnson)

Term expiration for Dianna Widdop, Steve Phillips, and Bruce Francis would be June 30, 2018.

**VACANCY –
COMMUNITY CENTER &
SENIOR COMMISSION**

Mayor Larson stated there were three vacancies on the Community Center and Senior Commission with three term expirations from Louis Neubecker, Helen Meinicke, and Leila Vernor who wished to be reappointed.

Motion to reappoint Louis Neubecker, Helen Meinicke, and Leila Vernor to the Community Center and Senior Commission; carried unanimously. (Phillips/Morrisey)

Term expiration for Louis Neubecker, Helen Meinicke, and Leila Vernor would be June 1, 2018.

**DISCUSSION –
MAY 25, 2015 CITY
COUNCIL MEETING**

Mayor Larson stated the next City Council meeting was scheduled for May 25, 2015, which was Memorial Day. .

Motion to cancel the City Council Meeting scheduled for Monday, May 25, 2015; carried unanimously. (Johnson/Barber)

COMMENTS – COUNCIL

Mayor Larson stated the Budget Committee meeting Tuesday, May 12, 2015, 6:00 pm.

Councilor Phillips stated this weekend the 47 Miss Oregon Contestants would be welcomed at the Seaside Civic and Convention Center for a pageant workshop this weekend. Miss Oregon Pageant was proud to say there would be \$8,000.00 offered to Seaside High School Students and was very excited to give back to the community.

Councilor Morrisey stated as the newly elected chairman of the Budget Committee he would allow John Dunzer to come and talk to the Budget Committee regarding the police budget.

Council President Johnson stated Council had some great ideas and did very well making a decision.

Councilor Montero stated she really appreciated the attention and serious consideration of all the aspects and respected all the opinions shown here this evening. Councilor Montero further stated the Wine Walk was Saturday, May 16, 2015, 3:00 pm to 7:00 pm. The beautiful flower baskets would go up downtown on Wednesday, May 20, 2015.

COMMENTS – STAFF

Joey Daniels, Seaside Fire Chief, stated the Safety Fair would be Saturday, May 16, 2015. The remodeling of the fire department will begin tomorrow.

Mr., Cupples stated the City was in the running for another RARE Participant this next year.

ADJOURNMENT

The regular meeting adjourned at 9:16 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR