

**AGENDA SEASIDE CITY COUNCIL MEETING
AUGUST 12, 2013 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS – PUBLIC
6. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
7. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$1,147,052.29
 - b) APPROVAL OF MINUTES – JULY 22, 2013 REGULAR MINUTES
8. UNFINISHED BUSINESS:
 - a) ORDINANCE 2013-05 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 101 TO THE CODE OF SEASIDE, ESTABLISHING OUTDOOR LIGHTING REGULATION, MAINTENANCE PROVISION, AND NUISANCE LIGHTING ABATEMENT PROCEDURES – THIRD AND FINAL READING
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
9. NEW BUSINESS:
 - a) RESOLUTION #3805 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

- b) RESOLUTION #3806 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, REGARDING COMPLIANCE WITH THE FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

- c) BID RESULTS – 2013 STREET OVERLAY PROJECT

- d) BID RESULTS – CLASS ‘A’ DRYER PROJECT

- 10. COMMENTS FROM THE COUNCIL

- 11. COMMENTS FROM THE CITY STAFF

- 12. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall. The Agendas and Minutes can be viewed on our website at www.cityofseaside.us.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.

- 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, Councilors Stubby Lyons, Jay Barber, Tita Montero, and Dana Phillips.
- Absent: Council President Johnson, and Councilor Randy Frank.
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Neal Wallace, Public Works Director; Kevin Cupples, Planning Director; Chris Dugan, Seaside Fire Division Chief; Gordon Houston, Seaside Fire Department Volunteer; and Nancy McCarthy, Daily Astorian.
- AGENDA** Motion to approve the July 22, 2013 agenda; carried unanimously. (Lyons/Montero)
- PROCLAMATIONS** Bob Gross, Seaside Police Chief, read a proclamation for National Night Out.
- Mayor Larson stated this was Seaside's eighth National Night Out and would be at Broadway Park and Cartwright Park on Tuesday, August 6, 2013, 6:00 to 8:00 pm.
- Gordon Houston, Seaside Fire Department Lieutenant and Volunteer, read a proclamation for the Seaside Fire Annual Fundraiser.
- Lieutenant Houston stated the Seaside Fire Department Volunteers have always had a fundraiser which was normally the annual game night that raised money for the fire department. Last year the volunteers decided to have an annual community fundraiser with the fire department cooking which would be a BBQ. The fundraiser would be held at the Seaside Fire Department where people had the opportunity to see the tools and equipment and items that had been purchased over the last few years with the money raised. The Seaside Fire Department Annual BBQ would be held Saturday, August 10, 2013, 11:00 am to 4:00 pm. There would be prizes raffled off at the fundraiser.
- COMMENTS – PUBLIC** None
- CONFLICT** Mayor Larson asked whether any Councilor wished to declare a conflict of interest.
- Councilor Montero stated her brother was a partner in the new ownership of Seaside Oceanfront Inn, LLC. 581 S. Prom, and she would abstain from voting for the liquor license.
- CONSENT AGENDA** Motion to approve payment of the bills in the amount of \$296,811.61; and July 8, 2013, regular minutes; carried unanimously. (Barber/Lyons)
- LIQUOR LICENSE APPLICATION** Mayor Larson stated there was a liquor license application from Seaside Oceanfront Inn, LLC. 581 S. Prom (formally Maggie's On the Prom). The owner was applying for a Full On-Premises Sales Liquor License. Mayor Larson asked if the representative Sadie Jean Mercer was present at the meeting.
- Sadie Jean Mercer stated she was present and welcomed the Council and public to come and have dinner at the Seaside Oceanfront Inn.
- Mayor Larson stated the Seaside Police had reviewed the liquor application for Seaside Oceanfront Inn, LLC. with a trade name change with "Full On-Premises Sales". The police department conducted a background check and did not find anything that would disqualify the owners from obtaining the requested liquor license.
- Motion to approve the Full On-Premises Liquor License for the Seaside Oceanfront Inn, LLC. located at 581 S. Prom; carried with Montero abstaining. (Phillips/Lyons)
- ORDINANCE #2013-05** AN ORDINANCE OF THE CITY OF THE SEASIDE, OREGON, ADDING CHAPTER 101 TO THE CODE OF SEASIDE, ESTABLISHING OUTDOOR LIGHTING REGULATION, MAINTENANCE PROVISIONS, AND NUISANCE LIGHTING ABATEMENT PROCEDURES
- Kevin Cupples, Planning Director, explained the Seaside Planning Commission had been working on the development of an outdoor lighting ordinance that was intended to cut down on the visible glare caused by unshielded lights. The draft ordinance had undergone a number of changes during the course of development in order to garner support from a majority of the Commissioners.

Mr. Cupples stated one version that was not supported would have called for replacement of all fixtures to conform to the ordinance; however, the Commission ultimately settled on grandfathering all of the existing installations. They felt that by only regulating the installation of new circuits, the application of the ordinance would be more successful. In this way, we would be acknowledging the existence of nonconforming light installations, but ensuring that additional lighting would meet the standards. Mr. Cupples further stated the ordinance did not prohibit outdoor lighting. It simply called for purposefully directing the illumination of outdoor lighting instead of allowing uncontrolled glare where it was not intended. A good example of directional lighting versus non-directional lighting could be seen by comparing the lighting at Costco and Home Depot. It was easy to see that the wall pack fixtures at Home Depot diminished the ability to see anything but the glare from the lights, whereas Costco's building can be seen without the competing glare from their lights. Mr. Cupples further stated as with any new ordinance, the proposed text could be modified in order to address concerns identified by the Council. Mr. Cupples further stated Council could review the proposed ordinance and consider adoption of new outdoor lighting regulations intended to reduce the glare that could be caused by unshielded lighting.

Mayor Larson asked for public comments.

Ms. Mercer asked if the lights that pointed at signs would need to be shielded.

Mr. Cupples stated the way the ordinance was drafted was that there was no regulation on current lights as long as the lights were not shining on another property. The existing lighting would be exempt and after the ordinance was approved any new lighting would be regulated by the ordinance.

There were no further comments and Mayor Larson closed the public comments.

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

Motion to place Ordinance 2013-05 on its first reading by title only; carried unanimously. (Barber/Lyons)

Motion to place Ordinance 2013-05 on its second reading by title only; carried unanimously. (Lyons/Montero)

**RECOGNITION –
4TH OF JULY PARADE**

Councilor Montero stated she had moved to Seaside on July 3, 2002, and had never spent a 4th of July in Seaside until then and was blown away by the 4th of July Parade, 4th of July Social, and 4th of July Fireworks. Councilor Montero further stated people have not experienced a 4th of July unless in Seaside on the 4th of July. Councilor Montero further stated most of the years she has lived in Seaside had been participating in the parade rather than being a watcher of the parade which was fun. The Seaside 4th of July Parade was put on by the Seaside Museum and Historical Society. Councilor Montero asked Ruth Swenson to introduce the members of the board and the people of the museum.

Ruth Swenson introduced members of the board Karen Rossi, Ken Ward, Roger Waller, Sandy Winnette, Cissie Perkins, Christine Gonzales, and Evelyn Beisner.

Councilor Montero thanked the members of the board for all the hard work that was done. Councilor Montero stated there was someone retiring this year and he would not be taking care of the Seaside 4th of July Parade which was a tradition. Council would like to present Roy Kirkham with a certificate that stated "This certificate is awarded to Roy Kirkham. The Seaside 4th of July Parade was an annual attraction for both residents and visitors. As a volunteer of the Seaside Museum and Historical Society Roy had spearheaded, organized, and managed the annual Seaside 4th of July Parade for more than twenty-five years". The residents of the City of Seaside, Mayor, and City Councilors acknowledged and thanked Roy for his tireless dedication and service to the Community. Councilor Montero presented Roy with the certificate.

Mayor Larson stated Mr. Kirkham's wife should also be thanked because without your wife and her support it would have been tougher. Mayor Larson further stated Council thanked Mr. Kirkham for everything he had done through the years.

**AMMENDMENT – CITY
MANAGER CONTRACT**

Mark Winstanley, City Manager, stated as City Manager of the City of Seaside he had a contract with the City of Seaside or the City Council in this case who acted for the City of Seaside. The Mayor and Mr. Winstanley had been meeting for several months concerning the contract and had discussions concerning his vacation time for the City Manager in this case. Mr. Winstanley had worked for the City of Seaside for quite a long time and accrued vacation time at a high rate. In addition to that the City Council had repeatedly asked for Mr. Winstanley to take more vacation time which was a difficult juggling act for him because there were responsibilities for the City of Seaside. Mr. Winstanley continued to earn vacation at a very high rate because as of September, 2013, he will have worked for the City for twenty-eight years and that was at the very top as far as accruing vacation time.

Mr. Winstanley further stated the Mayor and himself had been looking for some compromise in language for his contract and there was a proposal made to amend the current contract with the following changes:

Mr. Winstanley stated the proposal would reduce vacation accrual from 25 days to 18 days each year. There were four additional holidays earned each year and those four floating holidays would be given up. In addition, the proposal would place a hard cap on the amount of vacation accrual that would be accumulated over time. At this time Mr. Winstanley had over 1,050 hours of vacation time on the books which equaled over six months of vacation. The amount of vacation time earned would be capped at 800 hours which could be managed better. Mr. Winstanley further stated all employees of the City of Seaside would get paid for the vacation that was accrued and that was not in the City Managers contract but had a set amount of vacation hours that would be paid. Under the current contract was at 500 hours and would be increased to 700 hours. Mr. Winstanley further stated in addition he was asking Council to approve cashing in 300 hours of vacation time that was currently on the books.

Proposed amendments to City Manager current contract with the following changes:

Section III. E. All provisions of the City Charter and Personnel Policy and regulations and rules of City relating to ~~vacation~~, sick leave, retirement system contributions, ~~holidays~~, ~~administrative leave~~ and other fringe benefits and working conditions as they now exist or hereinafter may be amended, also shall apply to Winstanley as they would to other employees of the city in addition said benefits enumerated specifically for the benefits of Winstanley, except as herein provided. Vacation accrual shall be 12 hours per month down from the current 16.67 per month, and he shall receive all holidays except annual floaters. Maximum vacation accrual is 800 hours.

Section IV. E. ~~Vacation time shall be credited pursuant to existing City policy.~~ It is understood the City generally supports a policy of providing a period of rest and relaxation away from work with pay. Accordingly Winstanley is encouraged to schedule vacation time each year and use all vested vacation benefits. At the conclusion of employment with the City, the City will compensate Winstanley for accrued vacation up to a maximum of ~~500~~ 700 hours accrued vacation time.

Councilor Barber stated he supported the amendment to the contract. Councilor Barber further stated one of the things that most people did not know was that when vacation time was accrued it was booked as a liability. When people working for the City retired or sadly lose their lives those payouts had to be made in a timely fashion and there was not a budget for this happening. Councilor Barber further stated this was a good move and would put Mr. Winstanley in a good position and one of the agreements was that he actually would take vacation.

Mayor Larson stated this was a real dream because Council had discussed the City Manager's vacation for years at their goal setting sessions.

Mr. Winstanley stated he had scheduled the second and third week of August, 2013, for his vacation and would be celebrating his forty year anniversary.

Motion to approve the City Manager, Mark Winstanley, amended contract; carried unanimously.

COMMENTS - COUNCIL

Council was very happy to have Mr. Winstanley as the City Manager and was so fortunate with the staff that worked for the City which ran so well and Mr. Winstanley being one of the prime movers.

Councilor Phillips thanked the Planning Commission for all the time and effort that went into the Lighting Ordinance.

Mayor Larson stated Councilor Lyons mounted the two beautiful City seals for the Council Chambers.

Councilor Lyons stated Jim Shipley had mounted the seals. The two high school girls who made the seals would also be making a podium for the City Council Chambers.

Councilor Montero stated she agreed with Councilor Phillips on the Lighting Ordinance and thanked the Planning Commission for the work that went into the ordinance.

Mayor Larson stated the City received information this morning that Seaside was a finalist as a Northwest Beach Town in the Golden Map Teddy Awards.

COMMENTS -
CITY STAFF

Neal Wallace stated the Dryer Building Project was back out to bid and would be presented at the August 12, 2013, City Council meeting. There was also a 2013 Street Overlay Project that was out to bid.

July 22, 2013

Mayor Larson asked what streets would be done in the Overlay Project.

Mr. Wallace stated the Street Overlay Project would consist of a portion of South Edgewood and Hilltop. Mr. Wallace further stated there was a small continuing piece with keeping up with the Prom Rail and cleaning up a couple of streets. Mr. Winstanley further stated during the month of July both filters at the Water Treatment Plant had been rebuilt. The clear well was emptied, cleaned, and disinfected yesterday and the plant should be back on line tomorrow.

Mr. Cupples stated the end of July, 2013, would be Sarah Bronstein, RARE Participant's, last day with the City. Sarah completed the Natural Hazard Mitigation Plan, and Tsunami Barrels were all distributed and the supplies in the barrels that expired were replaced. Mr. Cupples further stated there were interviews conducted last week for next year's RARE Participant.

Bob Gross, Seaside Police Chief, stated it was summer time and the police department was preparing for the next events. Chief Gross further stated he purchased the food for National Night Out which would be held on Tuesday, August 6, 2013, 6:00 to 8:00 pm.

Chris Dugan, stated Chief Daniels was on vacation and the department had been very busy with calls over the weekend. Mr. Dugan further stated the fire department was really looking forward to the BBQ Fundraiser and looking for the support of the Council and Community. Mr. Dugan further stated the fire department would also be at National Night Out with the fire trucks and to help out with the event.

Gini Dideum, Chamber of Commerce, stated Beach Volleyball was coming August 9, 10, 11, 2013, and there were fifteen more courts added this year.

ADJOURNMENT

The regular meeting adjourned at 7:47 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

CITY OF SEASIDE, OREGON DRAFT OUTDOOR LIGHTING ORDINANCE

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 101 TO THE CODE OF SEASIDE, ESTABLISHING OUTDOOR LIGHTING REGULATION, MAINTENANCE PROVISION, & NUISANCE LIGHTING ABATEMENT PROCEDURES

WHEREAS, the city is interested in reducing the visual glare caused by unshielded exterior lighting in Seaside; and

WHEREAS, the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids illumination of the surrounding environment is an efficient use of lighting; and

WHEREAS, the City of Seaside is interested in establishing "Dark Sky" provisions that will in time make the night sky more visible throughout the city.

WHEREAS, lighting that is directed at neighboring residential property can create adverse impacts and it is not specifically recognized as an enumerated nuisance under the current nuisance ordinance, Chapter 96; and

WHEREAS, City Council is seeking a way to promote the use of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Amend the Code of Seaside by adding Chapter 101 to read as follows:

CHAPTER 101: OUTDOOR LIGHTING

101.010 PURPOSE, FINDING, & INTENT.

The city council finds that the installation of outdoor lighting can cause unwanted impacts within the City of Seaside and adversely affect the value, utility, and habitability of the property within the city as a whole.

The purpose of this supplementary provision is to make the lighting used for residential, commercial, and public areas appropriate to the need and to keep light from shining offsite onto adjacent public rights of way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor illuminating devices, lighting practices, and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the City

These lighting provisions contained herein are intended to achieve the following:

(A) Develop regulations that will promote the installation of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment; and

(B) Establish guidelines for the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids the inefficient illumination of the surrounding environment; and

(C) Supplement city Nuisance Ordinance Chapter 96 and further define lighting classified as a public nuisances.

101.020 REQUIREMENTS FOR INSTALLATION.

Except as exempted by provisions of this ordinance, as of the date of adoption; the installation of outdoor lighting fixtures shall be subject to the shielding & glare elimination provisions of this ordinance. Outdoor lighting installed on or adjacent to residentially developed property must not be more than 20 feet above the ground level immediately below the fixture.

101.030 SHIELDING & GLARE ELIMINATION

All nonexempt outdoor lighting fixtures shall have translucent covers that eliminate glare or directed shielding so as to prevent direct light from the fixture to shine beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source (See Figure 1).

101.040 PROHIBITIONS.

(A). Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

(B). Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

101.050 EXEMPTIONS.

(A) Outdoor light fixtures lawfully installed prior to the effective date of this ordinance are exempt from all such requirements except as follows:

(1) A light fixture directed onto a neighboring property such that the glare is declared a nuisance in accordance with City Ordinance 96.23 (B).

(B) Site lighting along the common property lines of non-residentially developed property where continuous illumination is intended. Likewise, lighting along the common property lines of all parking lots where continuous illumination is desired.

(C) Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration (FAA) are exempt from these provisions. All other airport outdoor lighting must conform to this ordinance.

(D) Tower or antenna safety lighting required by FAA.

(E) Lights of less than 15 watts used for holiday decorations for no more than 45 days are exempt from the requirements of this ordinance.

(F) Carnivals, Fairs, or other special events that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

(G) Lighting for U.S. flags intended to be properly displayed at night.

(H) Temporary exemptions to the requirements of this ordinance for up to five days per calendar year.

(I) Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

(J) Lights installed on public property or in the public right of way; however, all lighting must aspire to use dark sky compliant fixtures and use recessed lighting elements or indirect light sources wherever practical.

(K). Individual light fixtures with lamps of less than 450 lumens. *The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.*

Examples of lamp types of 450 lumens and less are:

- *40 Watt Standard Incandescent*
- *11 Watt Cool White Fluorescent*
- *11 Watt Compact Fluorescent*
- *8 Watt High efficacy LED accent light*

Figure 1
Shielding Provisions for Outdoor Lighting

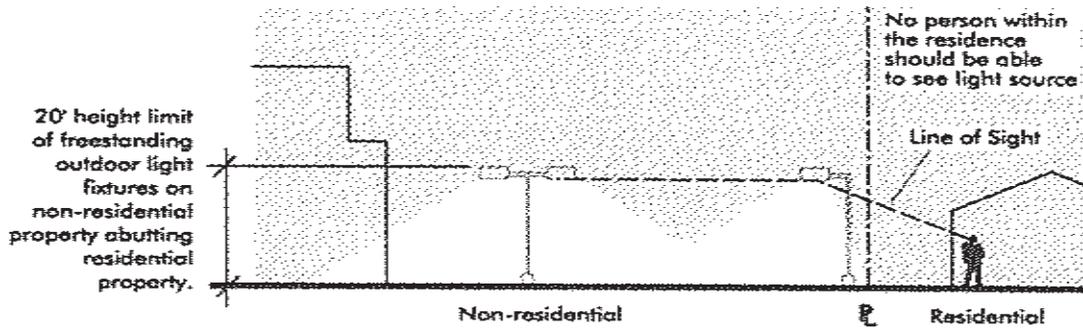
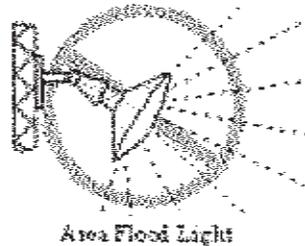
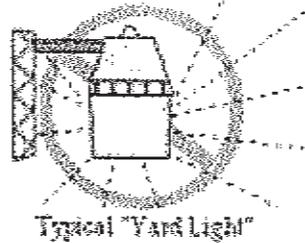
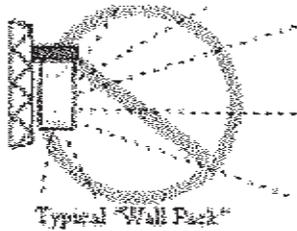


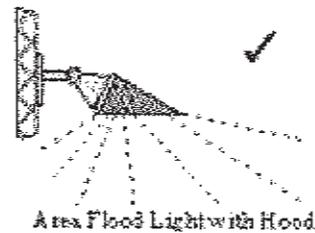
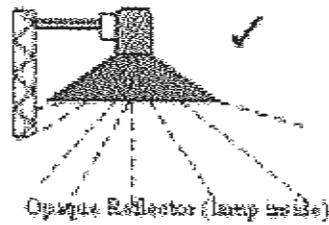
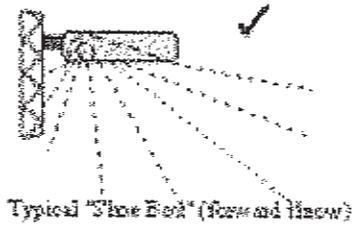
Figure 2
Examples of Acceptable Outdoor Lighting Fixtures

COMMON LIGHTING FIXTURES

NON COMPLIANT



GOOD



CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: July 22, 2013
Subject: Draft Outdoor Lighting Ordinance

Request Summary:

The Seaside Planning Commission has been working on the development of an outdoor lighting ordinance that is intended to cut down on the visible glare caused by unshielded lights. The draft ordinance has undergone a number of changes during the course of development in order to garner support from a majority of the Commissioners.

One version that was not supported would have called for all replacement fixtures to conform to the ordinance; however, the Commission ultimately settled on grandfathering all of the existing installations. They felt that by only regulating the installation of new circuits, the application of the ordinance would be more successful. In this way, we would be acknowledging the existence of non-conforming light installations, but ensuring that additional lighting will meet the standard.

The ordinance **does not** prohibit outdoor lighting. It simply calls for purposefully directing the illumination of outdoor lighting instead of allowing uncontrolled glare where it is not intended. A good example of directional lighting versus non-directional can be seen by comparing the lighting at Costco and Home Depot. It is easy to see that the wall pack fixtures at Home Depot diminish your ability to see anything but the glare from the lights, whereas Costco's building can be seen without the competing glare from their lights.

As with any new ordinance, the proposed text can be modified in order to address concerns identified by the Council.

Recommended City Council Action:

Review the proposed ordinance and consider adoption of new outdoor lighting regulations intended to reduce the glare that can be caused by unshielded lighting.

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Sarah Bronstein, RARE, Public Works Department
Date: July 2, 2013
Subject: Resolution 3805, Adoption of an Excessive Force Policy and Resolution 3806, Fair Housing Resolution for Community Development Block Grant Eligibility

Request Summary:

The City of Seaside is applying on behalf of the South County Community Food Bank for a Community Development Block Grant (CDBG) to purchase and renovate a building for the food bank to operate in. A site has been chosen, and an architect is drawing up initial plans for the project. However, before the city can accept the grant, the Oregon Business Development Department and HUD have a provision in place (Section 906 of the NAHA, subsection 104(1) to the HCDA) that requires every local government to adopt an excessive force policy before any CDBG funds may be allocated.

The policy adopted must prohibit the use of excessive force by law enforcement agencies within our jurisdiction against any individuals engaged in nonviolent civil rights demonstrations. In addition, the policy must require that applicable state and local laws that prohibit physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction shall be enforced.

Without this policy in place, or a similar policy that exactly fulfills these requirements, the city will not be eligible for CDBG funding. Although the city has received CDBG funding in the past, it was prior to this requirement, and therefore this policy is not yet in place.

In addition, every CDBG recipient must also pass a fair housing resolution. The language of the resolution is provided in full by the Oregon Business Development Department for adoption. Once adopted, a Fair Housing Poster and Brochures must be posted at city hall and other public locations in the community. These two requirements must be met 6 months prior to the first draw for non-construction activities.

Recommended City Council Action:

Adopt Resolution 3805 mandating the Seaside Excessive Force policy (attached). Adopt and publish Resolution 3806 with the attached Fair Housing Resolution.

RESOLUTION # 3805

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS

WHEREAS, The City of Seaside is applying on behalf of the South County Community Food Bank for a Community Development Block Grant from the Oregon Business Development Department for the acquisition and renovation of a new food bank building; and,

WHEREAS, Subsection 104(1) of the Housing and Community Development Act in Section 906 of the National Affordable Housing Act mandates the adoption of a policy by a local agency prohibiting the use of excessive force in order for that agency to be eligible for a Community Development Block Grant;

NOW, THEREFORE, THE SEASIDE CITY COUNCIL RESOLVES to adopt the following policy:

- 1) Its law enforcement personnel shall not use excessive force against any individuals engaged in nonviolent civil rights demonstrations, and
- 2) Applicable state and local laws that prohibit physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction shall be enforced.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2013.

SUBMITTED to the Mayor and **APPROVED** by the Mayor this ____ day of _____, 2013.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION # 3806

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON REGARDING COMPLIANCE WITH
THE FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988**

WHEREAS, the City of Seaside is applying on behalf of the South County Community Food Bank for a Community Development Block Grant (CDBG) from the Oregon Business Development Department for the acquisition and renovation of a new food bank building; and,

WHEREAS, passage of a Fair Housing resolution, and publication of said resolution, is required 6 months prior to the first draw of funds for non-construction activities by the recipient of a CDBG; and,

WHEREAS, the federal Fair Housing Amendments Act of 1988 prohibits the discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental),

NOW, THEREFORE, THE SEASIDE CITY COUNCIL RESOLVES to adopt the attached Seaside Fair Housing Resolution as written, and implement the Fair Housing Program as described.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2013.

SUBMITTED to the Mayor and **APPROVED** by the Mayor this ____ day of _____, 2013.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

SEASIDE FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the City of Seaside that discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental) familial status (children) or national origin is prohibited by Title VIII of the federal Fair Housing Amendments Act of 1988. It is the policy of the City of Seaside to support the Fair Housing Amendments Act of 1988 and to implement a Fair Housing Program to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability (physical or mental) familial status (1. children and 2. actual or perceived sexual orientation, gender identity or marital status or its members) or national origin. Therefore, the City does hereby pass the following Resolution:

BE IT RESOLVED that within the resources available to the City through city, county, state, federal and community volunteer sources, the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, disability (physical or mental) familial status (children) or national origin in the process of filing a complaint with the Oregon Civil Rights Division or the U.S. Department of housing and Urban Development, Seattle Regional office Compliance Division, that they may seek equity under federal and state laws.

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall cause real estate brokers and sellers, private home sellers, rental owners, rental property managers, real estate and rental adviser, lenders, builders, developers, home buyers and home or apartment renters to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances.

THIS FAIR HOUSING PROGRAM, for the purposes of informing those affected of their respective responsibilities and rights concerning Fair Housing law and complain procedures, will at a minimum include, but not be limited to: 1) the printing, publicizing and distribution of this Resolution; 2) the distribution of posters, flyers, pamphlets and other applicable Fair housing information provided by local, state and federal sources, through local media of community contacts; and 3) the publicizing of locations where assistance will be provided to those seeking to file a discrimination complaint.

EFFECTIVE DATE

This Resolution shall take effect July 8th, 2013.



MEMO

To: The Honorable Mayor and City Council
From: Alvin Harwood
Re: 2013 OVERLAY PROJECT

This Project will include furnishing and placing asphalt concrete pavement over existing pavement on the complete street of Hilltop Drive and approximately 800 feet of South Edgewood street south of Avenue 'U'. The Overlay Project will use approximately 1400 tons of asphalt mix. The work is scheduled to start after September 9, 2013 (weather dependent) and will be completed on or before September 27, 2013.

The City received three bids for the 2013 overlay project:

BAYVIEW TRANSIT MIX INC. \$134,558.00

TFT CONSTRUCTION INC. \$143,000.00

CLEAN SWEEP MAINTENANCE INC. \$113,550.00

Staff recommends accepting the bid from Clean Sweep Maintenance for \$113,550.00 and awarding them the 2013 Overlay Project Contract.



PUBLIC WORKS MEMORANDUM

To: City Council
From: Geoffrey Liljenwall PE, City Engineer
Date: August 6, 2013
Re: Seaside Class 'A' Dryer Project – Re-Bid

There were 10 plan holders for the Seaside Class 'A' Dryer Project. The bid opening was held at Seaside City Hall on August 6, 2013 at 2:00 pm, of which there were 3 bids submitted.

The City received five bids for the Seaside Class 'A' Dryer Project:

Helligso Construction	\$ 853,336.00
Boede Construction	\$ 945,870.00
TEK Construction	\$ 1,008,441.61

Upon review of the bid package submitted, we recommend that the project be awarded to Helligso Construction, Astoria, OR for the total amount of \$853,336.00.

All the bids appeared to be responsive, but Helligso Construction was the lowest bid. Staff has reviewed the bids and discussed the project with Helligso Construction representative, Ryan Helligso.

Attached is the bid summary sheet.

**CITY OF SEASIDE - Class 'A' Dryer Building
Schedule of Contract Prices - VE Rebid - BID Results**

8/6/2013

Item	Description	Quantity	Units	Hettigo		Boede Construction		丁成 Construction	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
A-1	Mobilization and Bonding	1	LS	\$ 89,000.00	\$ 89,000.00	\$ 81,000.00	\$ 81,000.00	\$ 87,912.00	\$ 87,912.00
A-2	Demo of A.C. including load, haul & dispose	288	BY	\$ 2.00	\$ 578.00	\$ 3.50	\$ 1,008.00	\$ 15.18	\$ 4,375.98
A-3	Demo of Curb including load, haul & dispose	75	LF	\$ 4.00	\$ 300.00	\$ 5.00	\$ 450.00	\$ 5.93	\$ 487.98
A-4	Demo of Sidewalk/Driveway	20	SY	\$ 20.00	\$ 400.00	\$ 18.00	\$ 360.00	\$ 20.44	\$ 408.90
A-5	General Earthwork - Excavation (in place)	50	CY	\$ 27.00	\$ 1,350.00	\$ 28.00	\$ 1,400.00	\$ 130.58	\$ 6,528.00
A-6	General Earthwork - Embankment (in place)	130	CY	\$ 18.00	\$ 2,340.00	\$ 29.00	\$ 3,770.00	\$ 63.53	\$ 8,232.90
A-6	Erosion Control	1	LS	\$ 750.00	\$ 750.00	\$ 800.00	\$ 800.00	\$ 1,679.00	\$ 1,679.00
A-7	Stew-Cut Asphalt Pavement	250	LF	\$ 2.00	\$ 500.00	\$ 4.00	\$ 1,000.00	\$ 4.42	\$ 1,105.00
A-8	Pothole (as per Sheet C1.1 - Construction Note #15)	5	EA	\$ 250.00	\$ 1,250.00	\$ 275.00	\$ 1,375.00	\$ 480.20	\$ 2,431.00
A-9	Furnish and Install Retards, as per Detail 1301 STRUCTURAL PLANS (Exterior)	10	EA	\$ 700.00	\$ 7,000.00	\$ 705.00	\$ 7,050.00	\$ 704.99	\$ 7,049.99
A-10	Furnish and Install Retards, as per Detail 1401 STRUCTURAL PLANS (Interior)	17	EA	\$ 760.00	\$ 12,920.00	\$ 500.00	\$ 8,500.00	\$ 522.93	\$ 8,889.81
				TOTAL	\$ 115,356.00	TOTAL	\$ 106,793.00	TOTAL	\$ 137,609.00
B-1	Base Course Aggregate (complete in place)	175	CY	\$ 30.00	\$ 5,250.00	\$ 55.00	\$ 9,625.00	\$ 54.82	\$ 9,598.50
B-2	Leveling Course Aggregate (complete in place)	72	CY	\$ 32.00	\$ 2,304.00	\$ 30.00	\$ 2,160.00	\$ 31.32	\$ 2,275.04
B-3	Shoulder Rock Aggregate (3/4"-0")	10	CY	\$ 70.00	\$ 700.00	\$ 50.00	\$ 500.00	\$ 119.89	\$ 1,198.90
B-4	Level 3 HWAC Asphalt Pavement (complete in place) 2" thick	106	Ton	\$ 95.00	\$ 10,030.00	\$ 118.00	\$ 12,508.00	\$ 132.60	\$ 14,055.00
B-5	Level 3 HWAC Asphalt Pavement (complete in place) - PATCHING	5	Ton	\$ 125.00	\$ 625.00	\$ 115.00	\$ 575.00	\$ 221.00	\$ 1,105.00
B-6	Concrete Sidewalk, 4" thick (complete in place)	47	SY	\$ 70.00	\$ 3,290.00	\$ 42.00	\$ 1,974.00	\$ 112.55	\$ 5,303.95
B-7	Concrete Exterior Slab Section (Detail 1503 STRUCTURAL PLANS (complete in place)	88	SY	\$ 116.00	\$ 10,208.00	\$ 70.00	\$ 6,160.00	\$ 100.22	\$ 8,818.92
B-8	Concrete Curb	72	LF	\$ 30.00	\$ 2,160.00	\$ 20.00	\$ 1,440.00	\$ 27.63	\$ 1,989.36
B-9	Furnish and Install New Utility Vault Top No. 44-3328	1	EA	\$ 3,500.00	\$ 3,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,370.00	\$ 1,370.00
B-10	French Foundation Material - concrete in place (Sewer, Storm, & Water Mains)	10	CY	\$ 42.00	\$ 420.00	\$ 40.00	\$ 400.00	\$ 19.99	\$ 199.90
				TOTAL	\$ 38,097.00	TOTAL	\$ 38,633.00	TOTAL	\$ 49,974.17
C-1	Furnish & Install 6" dia. ASTM-D3334 PVC Down Spout Drain	316	LF	\$ 23.00	\$ 7,268.00	\$ 25.00	\$ 7,900.00	\$ 26.83	\$ 8,479.08
C-2	Furnish & Install 8" dia. ASTM-D3334 PVC Storm Main	148	LF	\$ 29.00	\$ 4,292.00	\$ 33.00	\$ 4,881.00	\$ 52.86	\$ 7,823.28
C-3	8" Sewer Clean-out - Condensate Waste	1	EA	\$ 480.00	\$ 480.00	\$ 500.00	\$ 500.00	\$ 553.00	\$ 553.00
C-4	Down Spout Connection - 6" x 8" WYE, 6" x 6" TEE WITH/UP, PVC Down Spout Adapter	5	EA	\$ 434.00	\$ 2,170.00	\$ 750.00	\$ 3,750.00	\$ 151.94	\$ 761.72
C-5	8" x 8" Tee for storm sewer - Down Spout connection	1	EA	\$ 311.00	\$ 311.00	\$ 200.00	\$ 200.00	\$ 144.00	\$ 144.00
C-6	8" x 8" Tee for storm sewer - Condensate Waste	1	EA	\$ 330.00	\$ 330.00	\$ 200.00	\$ 200.00	\$ 144.00	\$ 144.00
C-7	Furnish and install CATCH BASIN, complete in place	3	EA	\$ 1,500.00	\$ 4,500.00	\$ 750.00	\$ 2,250.00	\$ 1,060.00	\$ 3,180.00
C-8	Re-connection to existing Catch Basin	1	EA	\$ 250.00	\$ 250.00	\$ 50.00	\$ 50.00	\$ 500.00	\$ 500.00
				TOTAL	\$ 21,535.00	TOTAL	\$ 21,348.00	TOTAL	\$ 21,995.28
D-1	6" Sewer Clean-out	2	EA	\$ 335.00	\$ 670.00	\$ 250.00	\$ 500.00	\$ 204.43	\$ 408.86
D-2	Furnish & Install 6" dia. ASTM-D3334 PVC Sewer Lateral	72	LF	\$ 38.00	\$ 2,736.00	\$ 47.00	\$ 3,384.00	\$ 46.35	\$ 3,337.20
D-3	Connection to new sewer building laterals, including fittings	1	EA	\$ 280.00	\$ 280.00	\$ 300.00	\$ 300.00	\$ 1,547.00	\$ 1,547.00
D-4	Connection to new sewer mains, including fittings	1	EA	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 1,802.00	\$ 1,802.00
D-5	Install and Connect 4" Sewer Force main (300lbs) without block	1	LS	\$ 3,485.00	\$ 3,485.00	\$ 2,500.00	\$ 2,500.00	\$ 3,812.00	\$ 3,812.00
				TOTAL	\$ 7,533.00	TOTAL	\$ 6,964.00	TOTAL	\$ 10,707.00
E-1	6" Copper/Brass Water Service Line - Condensate Drvier	1	LS	\$ 2,102.00	\$ 2,102.00	\$ 2,000.00	\$ 2,000.00	\$ 2,783.00	\$ 2,783.00
E-2	Water Service (3" and 1 1/2" sch 80 PVC) - 130 LF (W) service line	1	LS	\$ 2,783.00	\$ 2,783.00	\$ 4,000.00	\$ 4,000.00	\$ 1,539.00	\$ 1,539.00
				TOTAL	\$ 4,885.00	TOTAL	\$ 6,000.00	TOTAL	\$ 4,299.00
F-1	DIVISION 15 - Mechanical	1	LS	\$ 89,258.00	\$ 89,258.00	\$ 141,025.00	\$ 141,025.00	\$ 100,555.00	\$ 100,555.00
G-1	DIVISION 16 + DIVISION 17	1	LS	\$ 281,000.00	\$ 281,000.00	\$ 270,800.00	\$ 270,800.00	\$ 274,040.00	\$ 274,040.00
H-1	Erection of 150' x 84' Steel Framed Building	1	LS	\$ 275,902.00	\$ 275,902.00	\$ 323,285.00	\$ 323,285.00	\$ 375,252.00	\$ 375,252.00
H-2	Installation of Bell Press	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,304.00	\$ 5,304.00
H-3	Installation of 28 Cubic Yard (CY) Dryer	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,304.00	\$ 5,304.00
H-4	Installation of Class 'A' Dryer	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,304.00	\$ 5,304.00
H-5	Structural SI (Complete in Place) (See Geotech report for specifications)	260	CY	\$ 28.00	\$ 7,280.00	\$ 50.00	\$ 13,000.00	\$ 57.72	\$ 15,007.20
				TOTAL	\$ 305,682.00	TOTAL	\$ 354,285.00	TOTAL	\$ 409,271.20
A	SCHEDULE A - SITE PREPARATION				\$ 115,356.00		\$ 106,793.00		\$ 137,609.00
B	SCHEDULE B - ROAD IMPROVEMENTS				\$ 38,097.00		\$ 38,633.00		\$ 49,974.17
C	SCHEDULE C - STORM SEWER				\$ 21,535.00		\$ 21,348.00		\$ 21,995.28
D	SCHEDULE D - SANITARY SEWER				\$ 7,533.00		\$ 6,964.00		\$ 10,707.00
E	SCHEDULE E - WATER MAIN CONSTRUCTION				\$ 4,885.00		\$ 6,000.00		\$ 4,299.00
F	SCHEDULE F - DIVISION 15				\$ 89,258.00		\$ 141,025.00		\$ 100,555.00
G	SCHEDULE G - DIVISION 16-17				\$ 281,000.00		\$ 270,800.00		\$ 274,040.00
H	SCHEDULE H - BUILDING				\$ 305,682.00		\$ 354,285.00		\$ 409,271.20
				TOTAL	\$ 853,336.00	TOTAL	\$ 845,670.00	TOTAL	\$ 1,008,441.67