

**AGENDA SEASIDE CITY COUNCIL MEETING  
AUGUST 13, 2012 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 – \$718,024.51
  - b) APPROVAL OF MINUTES – JULY 23, 2012 REGULAR MINUTES
8. UNFINISHED BUSINESS:
  - a) VACANCY – CITY TREE BOARD
9. PUBLIC HEARING – RESOLUTION #3777 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION; REGARDING FUNDING FOR THE PURCHASE OF FIRE-FIGHTING EQUIPMENT AND FUNDING THE TRAINING/SAFETY OFFICER
  - > OPEN PUBLIC HEARING
  - > CLOSE PUBLIC HEARING
  - > COUNCIL COMMENTS
  - > MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
  - > MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
10. NEW BUSINESS:
  - a) DISCUSSION – PROPOSED DESIGN OF NEW STORMWATER SYSTEM FOR THE SAFEWAY/RITE AID SHOPPING CENTER, 401 S. ROOSEVELT DRIVE – GARY WALVATNE
  - b) RESOLUTION #3778 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ACCEPTING THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT GRANT NO. CPA -12-030
    - > 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 – 2012 OVERLAY PROJECT – NEAL WALLACE

d) VACANCY – TRANSPORTATION ADVISORY COMMISSION

11. COMMENTS FROM THE COUNCIL

12. COMMENTS FROM THE CITY STAFF

13. 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](http://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, Council President Don Johnson, Councilors Dana Phillips, Jay Barber, Tita Montero, and Tim Tolan.
- Absent: Councilor Stubby Lyons.
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Neal Wallace, Public Works Director; Bob Gross, Seaside Police Chief; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; and Nancy McCarthy, Daily Astorian.
- AGENDA** Motion to approve the July 23, 2012 agenda; carried unanimously. (Phillips/Barber)
- PROCLAMATION – NATIONAL NIGHT OUT** Bob Gross, Seaside Police Chief, read the Proclamation for National Night Out. Chief Gross stated the event would be held at Broadway Park and Cartwright Park on Tuesday, August 7, 2012, from 6:00 pm to 8:00 pm and everyone but the Mayor was invited because he usually was not in town and also would not be in town this year.
- Mayor Larson stated he would be attending a yearly family reunion at Silver Falls. Mayor Larson thanked Chief Gross and further stated it was a great event for the Community.
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, stated he had the pleasure of speaking with the new Clatsop County Manager in his office and passed on to him the letter that was sent to the Director of Business Oregon talking about the \$220,000.00 of illegally diverted economic development dollars that went into the County’s budget. Mr. Dunzer presented Council with copies of the letters and stated he knew that everyone was very excited about economic development and Mr. Dunzer was also excited about economic development. Mr. Dunzer further stated other items that were given to the County Manager were letters to the editor that had never been published and he did not expect them to be published. One letter dealt with insanity which talked about the fact that 37,000 residents were insane to fund six separate police departments. Mr. Dunzer further stated he was probably out of step but he would like to see a better jail and knew how that could be done. Mr. Dunzer further stated the County Manager stated that “he had been through this several times before and was very interested in the idea”. The other letter to the editor that would never be published by either paper dealt with scuttle. This had to do with the Astorian Reporter Tyler Graf who had interviewed Mr. Dunzer when he ran for County Commissioner. Mr. Dunzer further stated The Alternative Energy Plan had been under lock and key with the County. Mr. Dunzer had a follow-up appointment next week with an advisor to see if the project could be unlocked. Mr. Dunzer further stated since there were articles published in the paper about how wonderful the City looked he distributed to Council pictures of properties in Seaside that needed to be cleaned up. Mr. Dunzer had been working with Lorna Brandt at the Seaside Police Department to get some of the areas cleaned up.
- Mayor Larson stated all the information that was received by the public was copied to all the Council and staff members of the City. Mayor Larson further stated sometimes things did not move real fast but were taken care.
- Mr. Dunzer stated he was excited about the progress that had been made.
- Merlin Humpal, 2481 Oregon Street, Seaside, stated typically this time of year traffic was a terrible problem and he realized it was very hard to make any gains. One big problem was when traffic was coming in through the South and wanted to turn on Avenue ‘U’ to visit the Cove area there was only room in the left turn lane for one car. If there was more than one car then everyone coming into Seaside had to come to a stop. Mr. Humpal further stated Neal Wallace, Public Works Director, may want to speak to the Oregon Department of Transportation about the problem.
- 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 \$677,302.77; and July 9, 2012, regular minutes; carried unanimously. (Tolan/Phillips)

VACANCY –  
CITY TREE BOARD

Mayor Larson stated there was one vacancy on the City Tree Board with no applications received. Mayor Larson asked the press to keep advertising the vacancy for the City Tree Board.

CONVENTION CENTER –  
FOOD AND BEVERAGE  
AGREEMENT

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, introduced the people who were in support of the food and beverage agreement and had attended the Council meeting. Mr. Vandenberg stated there was a sub-committee formed to evaluate the proposals that were received and to make a recommendation from the submitted respondents. The sub-committee members were Russ Vandenberg, Gretchen Darnell, Jeff Kilday, Terry Bichsel, and Mark Posalski. Mr. Vandenberg presented Council with a packet of information that represented materials that were used for the recommendation. In reviewing the proposals there were three categories which were technical, financial, and management and each category was given a scoring or rating system with one hundred points as the total. There were three proposals received from Oregon Fine Food, Inc., McKeown's, and Venue Works and from the evaluation the sub-committee decided on two proposals which were Oregon Fine Food, Inc., and McKeown's. The two proposals were further evaluated and there were some clarification questions for each company and each company presented a luncheon from their menu and both did an outstanding job. The sub-committee then graded the companies again and recommended Council approve the proposal from Oregon Fine Foods, Inc. Mr. Vandenberg further stated there were changes made to the new agreement and one change was the gratuity charge which would be a 15% service charge to all internal catered food events. The contractor shall pay the service staff and non-management kitchen staff 60% of the gratuity and service charge with the remaining 40% would be divided as follows: 5% to the contractor for use as administrative fees and the remaining 35% to the Seaside Civic and Convention Center that may be used as a Food Service Reserve to replace equipment that was visible to the clients. The other changes were to give the facility a little more control of quality of goods, approval of employees, and absolute rights of the City. The contract for the food and beverage agreement would be for three years and was effective November 1, 2012.

Councilor Phillips stated she wanted fellow Council members to understand that part of the gratuity had been discussed over three years since Oregon Fine Foods had to deal with trying to keep wait staff when they could work somewhere else and receive tips. This had been a long process and she was thrilled that Oregon Fine Foods, Inc. was recommended from the sub-committee.

Mayor Larson stated that was a really good comment because Councilor Phillips had been so involved with the Convention Center.

Mr. Vandenberg stated that people did not want to pay more for the product but it was detrimental to try and retain and hire qualified staff and this should help to retain and recruit servers to work on a regular basis.

Mayor Larson stated under the gratuity and service charge at the bottom it states "The payout and distribution of the 60% portion of the gratuity and service charge shall be at the discretion of the contractor". Mayor Larson further stated would it be the individual person that was protected under that last sentence?

Mr. Vandenberg stated the contractor had the discretion of how the money would be distributed. There were some organizations that would keep track of who worked each event and how many hours each person worked and distribute the money that way or the salary could be based on a yearly average of gratuities.

Mayor Larson asked how many years the contract was.

Mr. Vandenberg stated the previous contract was for three years with two three year extensions at the option of the City and this contract was written the same way. At the last Convention Center Commission meeting the proposal for Oregon Fine Foods was approved by the Commission.

Motion to approve the Seaside Civic and Convention Center Food and Beverage Agreement with Oregon Fine Foods; carried unanimously. (Phillips/Tolan)

COMMENTS – COUNCIL

Councilor Barber stated Council received a letter from Mary Cornell and his understanding was that there was a plan to erect a screen at the park to solve the problem of baseballs going on to her property.

Mark Winstanley, City Manager, stated the City was in the process of making application for a grant through State Parks and that grant included funding for additional netting that would help that situation.

Neal Wallace, Public Works Director, stated the grant decision was still a few weeks away. If the grant was received the City could look at what could be done to prevent baseballs from going into Ms. Cornell's property. Mr. Wallace further stated he would be speaking with the Campbell Group about possible solutions for the issue.

Councilor Johnson asked if Ms. Cornell had been contacted about the possible solutions.

Mr. Wallace stated he spoke with Ms. Cornell a few weeks ago but did not have a solution for her this baseball season. If the grant was received then the money could not be spent until October, 2012, and if the grant was not received then there needed to be another solution found.

Mr. Winstanley stated the City was still \$191,000.00 short of paying for what was owed right now for Broadway Field. The total value of the improvements made to Broadway Park was approaching \$2,000,000.00.

Councilor Tolan stated he visited Councilor Stubby Lyons two days ago and he was coming along quite nicely.

**COMMENTS – STAFF**

Chuck Minor, Seaside Chamber of Commerce President, stated Beach Volleyball was coming up August 10, 11, 12, 2012, and after that Hood to Coast Relay.

Mr. Vandenberg stated the Convention Center just finished the Cat Show event which was quite noisy and now the Convention Center was a little quieter with the Funeral Directors in town.

Chief Gross stated this was the seventh National Night Out and he hoped everyone could make it. The Police Department was preparing for Beach Volleyball, Hood to Coast, and Wheels and Waves.

**ADJOURNMENT**

The regular meeting adjourned at 7:43 PM.

\_\_\_\_\_  
JudyAnn Dugan, Secretary

\_\_\_\_\_  
DON LARSON, MAYOR

## **SEASIDE CITY TREE BOARD**

The purpose of the City Tree Board is to study, investigate, and develop and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets, and in other public areas. The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its duties and responsibilities,

- (1) Develop criteria for city staff and/or contractors to apply in making decisions entrusted to staff and/or contractor discretion,
- (2) Designate Heritage Trees on public and private lands within the city,
- (3) Promote the planting and proper maintenance of trees through special events including an annual local celebration of Arbor Day, and
- (4) Obtain the annual Tree City USA designation by the National Arbor Day Foundation.

The Board consists of five members, appointed by the City Council for a three-year term, and who are residents, or owners or employees of businesses within the city limit.

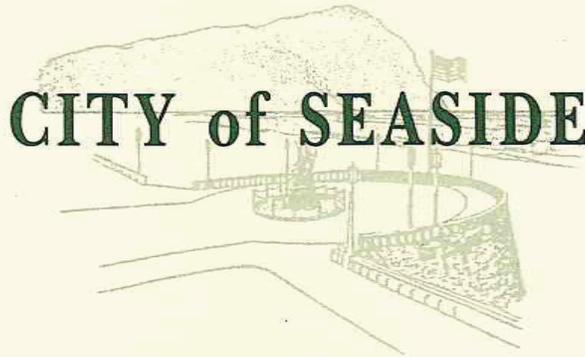
The City Tree Board shall schedule meetings as needed and elect a chairperson and a vice-chairperson. No more than 3 unexcused absences allowed in a calendar year.

Tree Board members serve without salary or compensation of any nature.

---

**COMMITTEE/COMMISSION APPOINTMENT**

1. **Date Council Notified:** June 11, 2012  
**Name:** Austin Tomlinson  
**Commission/Committee:** City Tree Board Committee  
**Resignation Date:** Tomlinson - June 1, 2012  
**Term Expiration Date:** Tomlinson – June 30, 2013  
**Wants to be considered again:** Tomlinson – No
  
  2. **Applicants:**
  
  3. **Nominations:**
  
  4. **Appointment:**
-



# CITY of SEASIDE

OREGON'S  
FAMOUS  
ALL-YEAR  
RESORT

989 BROADWAY  
SEASIDE, OREGON 97138  
(503) 738-5511

## CITY TREE BOARD

Term of Office: 3 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY			6/30/2013
JON WICKERSHAM	1031 7 <sup>TH</sup> AVENUE	440-4816	6/30/2014
PAM FLEMING	1255 AVENUE 'B'	738-5637	6/30/2014
JASON SMITH	1021 7 <sup>TH</sup> AVENUE	738-9461	6/30/2015
RICHARD BAILEY	1358 S. WAHANNA	739-1599	6/30/2015
NEAL WALLACE	989 BROADWAY	738-5112	STAFF REPRESENTATIVE
STUBBY LYONS	325 ALPINE	738-5387	COUNCIL REPRESENTATIVE

**RESOLUTION #3777**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON,  
APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE  
NEXT GENERAL ELECTION; REGARDING FUNDING FOR THE PURCHASE OF  
FIRE-FIGHTING EQUIPMENT AND FUNDING THE TRAINING/SAFETY OFFICER**

**WHEREAS**, the Council of the City of Seaside desires to purchase fire-fighting equipment and fund the training/safety officer.

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the following Ballot Title shall be submitted to the voters of the City of Seaside at the November 6, 2012, general election.

**LOCAL OPTION TAX LEVY FOR FIRE-FIGHTING EQUIPMENT AND PERSONNEL**

**Question:** Shall the City of Seaside levy \$215,000 annually for fire vehicles and fire personnel for five years beginning 2013-2014? This measure may cause property taxes to increase more than three percent.

**Explanation:** These funds will be used to purchase a rescue/pumper combination fire apparatus (engine) with equipment to replace the current 1995 Ford Ambulance and the 1996 International Heavy Rescue vehicles, two new staff vehicles, and continue funding for the training/safety officer. If this measure is approved, the total amount of money raised over the five-year period will be \$1,075,000.00, which will be levied in equal amounts of \$215,000.00 in each of the five years. This levy would replace the current fire levy which expires at the end of the fiscal year. It is estimated this measure will result in a rate of \$0.23 cents per thousand of assessed value in the first year. The estimated tax cost is an ESTIMATE ONLY based on the best information available from the County Assessor at the time of the estimate.

**SECTION 2.** That polling places, form of election, judges, and times, shall be the same as established by the County for Special Election.

**PASSED** by the City Council of the City of Seaside this \_\_\_\_ day of \_\_\_\_\_, 2012.

**SUBMITTED** to the Mayor and **APPROVED** by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
DON LARSON, MAYOR

ATTEST:

\_\_\_\_\_  
Mark J. Winstanley, City Manager

## REQUEST FOR PRESENTATION TO THE CITY COUNCIL OF SEASIDE, OREGON

**DATE:** Monday August 13, 2012, 7:00 p.m.

**SUBJECT:** Proposed Design and Construction of a New Stormwater System for the Seaside Shopping Center (401 S. Roosevelt Drive) and the Adjacent Portion of South Lincoln Street

### **BACKGROUND:**

Safeway Inc., Rite Aid Corporation, McDonald's Corporation, and Wexler Property Group are collectively responsible for their shopping center's common parking area and shared stormwater management. At present, the existing drywells are not as effective as when they were installed. Consequently, the parking lot floods regularly, including the driveway at S. Roosevelt Drive (Highway 101). In addition, the City of Seaside's stormwater drywell and infiltration piping on South Lincoln Street, adjacent to the shopping center, are similarly decreasing in their effectiveness. South Lincoln Street floods regularly between Avenues B and E, including the residential properties along the east side of the street.

### **PROPOSED STORMWATER SYSTEM:**

Through a conceptual design process, Safeway, Rite Aid, Wexler, and McDonald's have considered numerous scenarios for stormwater management, in consultation with City Staff. Only one scenario for stormwater management emerged that would resolve all technical and regulatory issues. The selected design scenario is proposed to collect stormwater from the shopping center area, as well as the adjacent portion of South Lincoln Street, and transfer the water to a stormwater dispersion area at the east end of Avenue D.

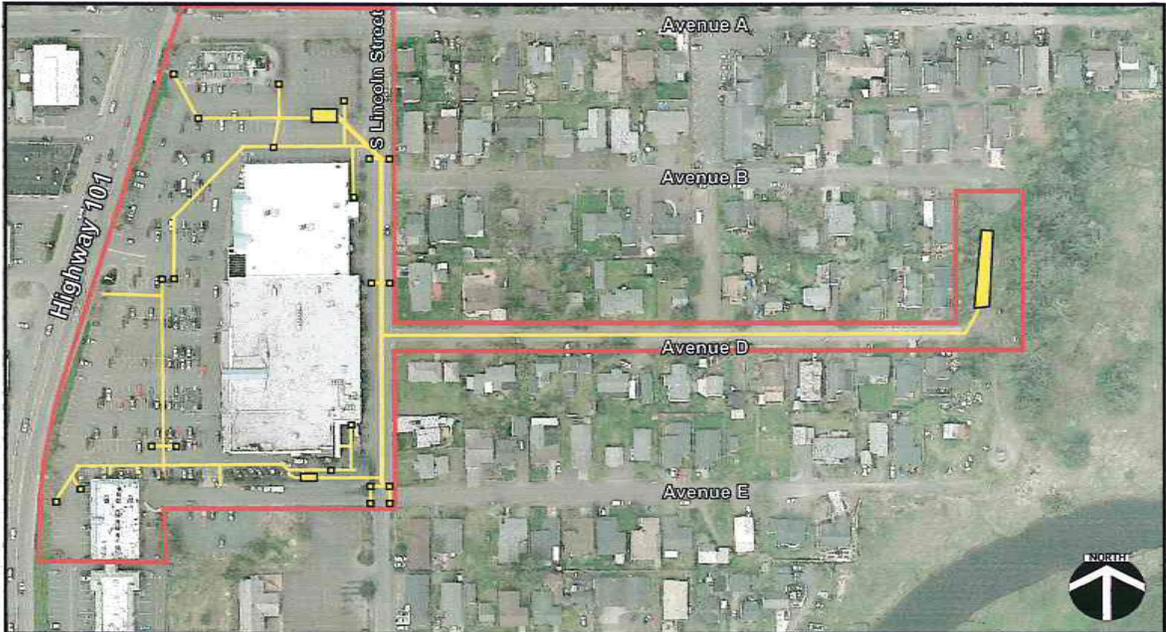
The proposed design includes a pipeline system to collect stormwater from the existing catch basin locations serving the shopping center and the adjacent portion of Lincoln Street. The proposed design includes two water quality/lift stations, with one on Safeway property and a second on Rite Aid property, which will transfer stormwater via force mains to the east side of the shopping center property where it will discharge into a gravity-flow piping system that will also collect the South Lincoln Street stormwater. A single gravity-flow pipeline will then transfer the stormwater eastward beneath Avenue D to a surface dispersion swale, which is proposed to be located on a City of Seaside parcel (Tax Lot 6201). The swale will be located near the wetlands and A-2 Aquatic Zone adjacent to Neawanna Creek, and is designed to provide clean water to support the wetlands and the salmon habitat.

A public information meeting will be held for neighborhood residents on August 9, 2012.

### **CONTACTS:**

Bill Jackson  
Director of Store Development  
Safeway Inc.  
Portland Division  
16300 SE Evelyn Street  
Clackamas, Oregon 97015  
503.657.6296

Gary Walvatne, RG  
Senior Associate  
Hahn and Associates, Inc.  
434 NW 6<sup>th</sup> Avenue  
Portland, Oregon 97209  
503.796.0717



**SEASIDE SHOPPING CENTER AND SOUTH LINCOLN STREET  
STORMWATER MANAGEMENT PROJECT**

Seaside, Oregon

**CITY OF SEASIDE MEMORANDUM**

**To: Mayor & City Council**  
**From: Community Development Department**  
**Date: August 13, 2012**  
**Subject: Resolution 3778, Acceptance of Department of Land Conservation & Development (DLCD) Grant**

**Request Summary:**

The Department of Land Conservation and Development (DLCD) provides a Coastal Zone Management Grant each year to the City of Seaside. These grants require a formal acceptance by the City Council in the form of a letter or a resolution. The grant will provide \$5,400.00 for planning activities associated with working in the Coastal Zone and it requires a cash or in-kind match equal to the grant amount. Each year, the grant is used to help offset payroll costs within the Planning Department and continue our membership services with the Columbia River Estuary Study Taskforce (CREST).

**Recommended City Council Action:**

Authorize Resolution #3778 (attached) formally accepting DLCD's Coastal Zone Management Grant No. CPA-12-030 for the 2012-2013 fiscal year.

**RESOLUTION # 3778**

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ACCEPTING  
THE DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT GRANT NO. CPA-12-030**

**WHEREAS**, the Department of Land Conservation and Development has offered the City a Coastal Zone Management Grant for the 2012-2013 fiscal year in the amount of \$5,400.00.

**WHEREAS**, the City of Seaside routinely accepts this annual grant to help offset payroll costs within the Planning Department and continue our membership services with the Columbia River Estuary Study Taskforce (CREST).

**WHEREAS**, the Department of Land Conservation and Development requires formal acceptance of these grant funds.

**NOW, THEREFORE, THE SEASIDE CITY COUNCIL RESOLVES** that the City of Seaside hereby authorizes acceptance of the Department of Land Conservation and Development Department's Coastal Zone Management Grant CPA-12-030 for fiscal year 2012-2013.

PASSED by the Council of the City of Seaside this \_\_\_\_ day of \_\_\_\_\_, 2012.

SUBMITTED to the Mayor and APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
DON LARSON, MAYOR

ATTEST:

\_\_\_\_\_  
Mark J. Winstanley, City Manager



## MEMO

From: Neal Wallace August 13, 2012  
To: The Honorable Mayor and City Council  
Re: 2012 Overlay Project

There was one bid received for the 2012 Seaside Street Overlay Project. The bid was received from Bayview Transit Mix, Inc. for \$172,794.00 for the project. This fell within the engineer's estimate of \$160,000 to \$180,000. The project consists of four different streets: Holladay Drive from Avenue G to the South Y, Avenue B between Holladay and Highway 101, East Broadway from Wahanna Road to Hilltop Road, and Hillside Loop. Holladay Drive will involve grinding two twelve-foot travel lanes and overlaying them, leaving the shoulder/parking areas alone. Avenue B will be stripped of all asphalt, have the subgrade reworked, and then paved. Broadway and Hillside Loop will be ground, have manhole lids and water valves etc. replaced as needed and overlaid. The work will be scheduled to start after the September 9, 2012 (after hot rod weekend).

Staff recommends accepting the bid from Bayview Transit Mix for \$172,794 and awarding them the overlay contract.

---

## *TRANSPORTATION ADVISORY COMMISSION*

The purpose of the Transportation Advisory Commission is an advisory body to make recommendations to the City Council on matters concerning transportation and proposed transportation projects. The Transportation Advisory Commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinance, resolution or order of this city and in addition it will:

- Assist the City Council in recognizing community priorities by advising on transportation policies and goals;
- Increasing communications between the City, the public, the Oregon Department of Transportation (ODOT), the County, and all interested parties;
- Reduce misunderstandings concerning transportation planning, design, and construction;
- Review current transportation related ordinances and recommend amendments;
- Review proposed transportation projects planned for the City of Seaside and make recommendations;
- Review the City of Seaside Transportation Systems Plan every five years and report to the City Council;
- Complete other projects, as they relate to transportation, as directed by the City Council.

The Commission shall consist of five members who are not employees of the City of Seaside and who will be appointed by the City Council. A minimum of four members shall reside within the city limits; and one member may live outside the city limits in order to represent concerns of neighboring properties and jurisdictions.

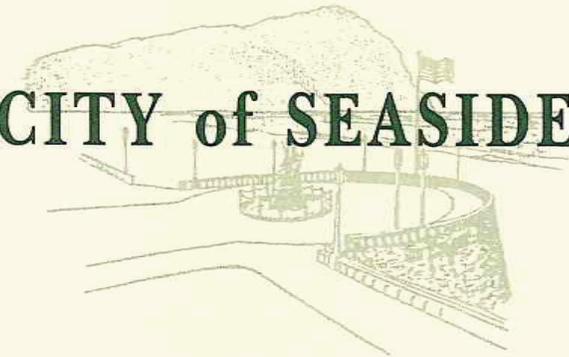
All members shall serve for a term of four years. Any portion of a term exceeding one-half the period of the term shall be considered a term.

Each year in January, the first meeting of the Commission, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. City staff shall serve as Secretary to the Transportation Advisory Commission. Minutes of all meetings will be filed with the City Council.

The commission shall hold a regular meeting at least once each month of the calendar year. The meeting shall be open to the public and legally noticed.

---

# CITY of SEASIDE



OREGON'S  
F A M O U S  
A L L - Y E A R  
R E S O R T

989 BROADWAY  
SEASIDE, OREGON 97138  
(503) 738-5511

## TRANSPORTATION ADVISORY COMMISSION

Term of Office: 4 years  
Number of Members: 7

Chairperson\*  
Vice Chairperson\*\*  
Secretary\*\*\*

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
VACANCY			
VACANCY			