

PARKS ADVISORY COMMITTEE INTERVIEWS:

6:20 PM – SEAN MCKENDRY

6:30 PM – MARY BLAKE

**AGENDA SEASIDE CITY COUNCIL MEETING
NOVEMBER 26, 2012 7:00 PM**

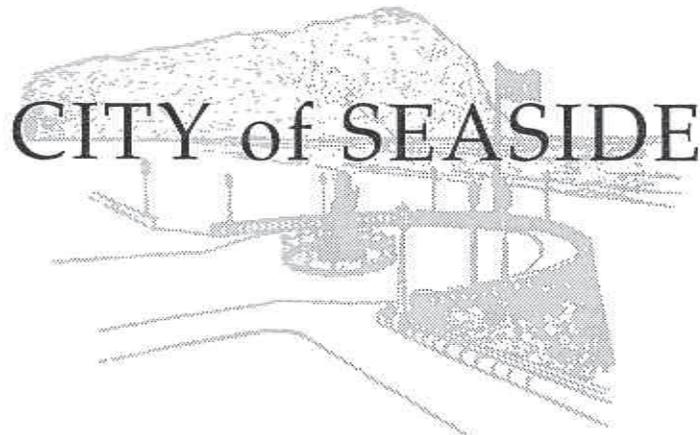
1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – PEARL HARBOR DAY
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$105,993.92
 - b) APPROVAL OF MINUTES – NOVEMBER 12, 2012 REGULAR MINUTES
9. UNFINISHED BUSINESS:
 - a) VACANCY – PARKS ADVISORY COMMITTEE (Interviewed)
10. NEW BUSINESS:
 - a) VACANCY – LIBRARY BOARD
BUDGET COMMITTEE
BUILDING BOARD OF APPEALS
TOURISM ADVISORY COMMITTEE
 - b) RESOLUTION #3783 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, APPROVING A LEASE/PURCHASE MASTER AGREEMENT BETWEEN IBM CREDIT LLC AND CITY OF SEASIDE
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
 - c) APPROVAL – LEASE/PURCHASE MASTER AGREEMENT BETWEEN IBM CREDIT LLC AND CITY OF SEASIDE WITH LEGAL COUNSEL'S SIGNATURE
 - d) ORDINANCE 2012-07 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 71 OF THE SEASIDE CODE OF ORDINANCES REGARDING GOLF CARTS
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED

11. COMMENTS FROM STUDENT REPRESENTATIVE
12. COMMENTS FROM THE COUNCIL
13. COMMENTS FROM THE CITY STAFF & PUBLIC
14. 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.

OREGON'S
FAMOUS
ALL-YEAR
RESORT



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

PROCLAMATION

Whereas, On a quiet Sunday morning, December 7, 1941, more than 2,400 Americans were killed in the attack on Pearl Harbor. On that day, life changed in America, and the course of history was altered forever; and

Whereas, our citizens reacted to the attack with firm determination to defeat tyranny and secure our Nation. This enterprise required the commitment and effort of our entire country. At the height of the conflict, the United States had ships on every ocean and troops on five continents. In, all more than 16 million Americans wore the uniform of our Nation and came from all walks of life. They served honorably and fought fiercely. At home, millions more contributed to the war effort, laboring for victory in factories, on farms, and across America; and

Whereas, today we honor those who fought and died at Pearl Harbor, and we pay special tribute to the veterans of World War II. Those heroes hold a cherished place in our history. Through their courage, sacrifice, and selfless dedication, they saved our country and preserved freedom.

NOW, THEREFORE, I, Don Larson, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim December 7, 2012, as

PEARL HARBOR REMEMBRANCE DAY

and call upon the citizens of Seaside to observe this solemn occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 26th day of November, 2012.



DON LARSON, MAYOR

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.
- Mayor Larson introduced the new reporter and editor for the Seaside Signal, Sayde Moser.
- Present: Mayor Don Larson, Council President Don Johnson, Councilor Dana Phillips, Stubby Lyons, Tim Tolan, Jay Barber, and Tita Montero.
- Absent: None
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; and Sayde Moser, Seaside Signal.
- AGENDA** Motion to approve the November 12, 2012 agenda; carried unanimously. (Lyons/Phillips)
- PROCLAMATION** Councilor Lyons read the Proclamation for Veterans Day.
- COMMENTS – PUBLIC** Tim Mancill, 755 N. Wahanna Rd., Seaside, stated he had a concern with a flood issues after the first couple of weeks of heavy rain. Mr. Mancill further stated he had lived in his home on Wahanna Road for approximately eight years and he had never seen that much flooding with approximately a foot of water going over the east part of 12th Avenue and Wahanna Road. Mr. Mancill further stated he spoke with Jeff Maltman, Public Works, because the culverts were obviously plugged up and found out the North Coast Land Conservancy was reintroducing Habitat for Beavers to the Thompson Falls and Stanley Acres Marsh area. There were issues with the water backing up and plugging the culverts which also caused flooding. Mr. Mancill further stated according to the Land Conservancy Website there was a work party being held on November 17, 2012, for Habitats for Beavers, and there were concerns with flooding because of the beavers taking over the area. Mr. Mancill further stated he had spoken to Doug Ray approximately a week ago and found out the Land Conservancy was trying to reintroduce the beavers, and the beavers would build dams during the summer and as soon as the rains came the water would build up which caused issues with flooding.
- Mayor Larson stated Council had heard comments prior to this City Council meeting on the issue and the City Manager would speak with the Public Works Director.
- Mr. Mancill stated he had taken pictures of the flooding and there was still six months of rain which made him very concerned.
- 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 \$834,226.12; and October 22, 2012, regular minutes; carried unanimously. (Lyons/Johnson)
- REQUEST – KIWANIS CHRISTMAS TREE SALE** Mayor Larson stated the Seaside Kiwanis had requested the City Council waive the business license fee of \$75.00 for their annual Christmas tree sale in November and December. The Christmas tree sale would be located at the Seaside Factor Outlet parking lot which was the same location as previously. Mayor Larson further stated Council had previously waived the business license for Seaside Kiwanis for five years starting in 2007 which expired in 2011. Mayor Larson asked Council what they wished to do.
- Motion to waive the Kiwanis Business License fee for five years for the annual Christmas tree sale beginning 2012and ending 2016; carried unanimously. (Phillips/Montero)
- SEASIDE CIVIC AND CONVENTION CENTER FOOD AND BEVERAGE CONTRACT** Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated Council was presented with the Food and Beverage Contract with the Seaside Civic and Convention Center. Mr. Vandenberg further stated Oregon Fine Foods had been the exclusive food and beverage caterer for the Convention Center and both parties came to an agreement. Mr. Vandenberg further stated he would outline a couple of significant items in the contract. The contract was for three years beginning November 21, 2012, with the option to renew for two, three year options which was based on how performance was within the three years.

The basic terms of the contract was that Oregon Fine Foods would pay the City 12 ½ percent of the first \$450,000.00 of the gross food and beverage sales. When that number exceeded \$450,000.00, Oregon Fine Foods would then pay 15% for every amount of money made over the \$450,000.00. There was also an agreement to pay 20% for all liquor sales and 5% for anything done outside of the Convention Center in terms of catering events or weddings when the kitchen was used. There were not a lot of changes made from the previous contract. Mr. Vandenberg further stated a change made to the contract was a service and gratuity fee that would start January 1, 2013, and would be 15% of all internal catered food events. The service staff and non-salaried kitchen personnel shall be paid 60% of the gratuity and service charge with the remaining 40% to be divided as follows: Administrative fees will be paid 5% and the remaining 35% to the Seaside Civic and Convention Center that may be used at the discretion of the City as a Food Service Reserve or converted to revenue for the Convention Center. Mr. Vandenberg further stated in the Convention Center industry there were basically two types of contracts and that is a Management Fee where someone was hired to come in and do the work and pay them a flat fee and the other was a P and L contract where companies like Oregon Fine Foods could have really high sales and the Convention Center would then receive a higher commission. Mr. Vandenberg recommended Council approve the contract and enter into an agreement with Oregon Fine Foods.

Mayor Larson stated the process started in January, 2012.

Mr. Vandenberg stated the process was quite extensive with a consultant that was brought in to write the Request for Proposal (RFP) and the Convention Center was very happy with the outcome of the finished product. There was also a review of the criteria and also interviews conducted.

Mayor Larson stated Randy Frank was a member of the Convention Center Commission and helped work on the process. Mayor Larson asked Mr. Frank if he had anything to add.

Mr. Frank stated the process was very thorough and the three companies that bid for the contract also made plate presentations that the Commission sampled and Oregon Fine Foods was the best company for the Food and Beverage Contract.

Councilor Phillips stated hats off for all the time that was put into the Food and Beverage Contract by the Commission, Mr. Vandenberg, and the City Manager.

Councilor Barber stated he was pleased to learn the contract allowed for the non-profit groups to use the Convention Center facility without charge and that was a great thing for the community.

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

**SEASIDE CIVIC AND
CONVENTION CENTER
EXCESS EQUIPMENT
DISTRIBUTION**

Mr. Vandenberg stated the Convention Center recently purchased a brand new Rational Convection Oven and in order to make room in the kitchen a piece of equipment needed to be removed and the Convention Center had a GROEN ten gallon gas fired jacket steam tilt kettle valued at \$2,500.00 that had been used very little. Mr. Vandenberg further stated the Convention Center was staying in compliance with City Ordinance Chapter 34.02 (D) (1) regarding Donation of City Property. Mr. Vandenberg requested Council approve the City of Seaside donation of the GROEN gas fired jacket steam tilt kettle to the Seaside High School Culinary Department.

Councilor Phillips stated the Bob Chisholm Community Center was offered the piece of equipment and there was not enough space.

Mr. Vandenberg further stated there were offers always made to the City Departments first and when those were exhausted then the Convention Center looked elsewhere.

Motion approving the City of Seaside donation of a GROEN gas fired jacket steam tilt kettle to the Seaside High School Culinary Department; carried unanimously. (Phillips/Montero)

**COMMENTS - STUDENT
REPRESENTATIVE**

Kegan Wallis, Student Representative, stated the Seaside High School Swim Team starts tomorrow and there was a fall Jazz Concert on Wednesday, November 14, 2012, at 7:00 pm at Seaside High School.

Councilor Lyons asked Mr. Wallis to stand and model a sweatshirt that was made for him for Student Council Representative.

COMMENTS – COUNCIL Councilor Tolan congratulated Randy Frank for being the new City Councilor voted in for Ward 1 & 2 starting January, 2013. Mr. Frank would have big shoes to fill.

Councilor Lyons stated there were a few Veterans at the meeting and he wished them a Happy Veterans Day.

Councilor Barber stated at the last City Council meeting he spoke about concerns with Coyotes at the Seaside Golf Course and wanted to express appreciation to Mr. Winstanley for the research that was done. Councilor Barber further stated information was received from the Oregon Department of Fish and Wildlife (ODFW) and what was required was for the neighbors in the community to work together to hire the County Trapper to come in and deal with Coyote. There had been Coyotes in the area for years but now they were coming into people's yards. Unfortunately the policy was that nothing drastic could be done until someone was hurt. Councilor Barber further stated there would be a Community meeting in the South end of town to get neighbors together.

Mark Winstanley, City Manager, stated the contact number for ODFW was the Tillamook Office at (503) 842-2741.

Councilor Montero publically thanked Mayor Larson for coming to Tongue Point Job Corp on Wednesday, November 7, 2012, to celebrate Veterans Day.

Mayor Larson stated those young people at Tongue Point Job Corp were an amazing group. Mayor Larson asked if Council wished to schedule a City Council meeting on Monday, December 24, 2012.

Motion to cancel the City Council meeting for Monday, December 24, 2012; carried unanimously. (Montero/Phillips)

**COMMENTS – CITY
STAFF AND PUBLIC**

Bill Carpenter, PO Box 797, Seaside, stated he attended the Northwest Oregon Area Commission on Transportation (NWACT) meeting in Astoria and listened to a number of people make presentations concerning Clatsop County, Tillamook County, and Columbia County. If there was a project on the list for Seaside in the future and Seaside requested money for the project the money would come from the Commission.

Chuck Minor, Chamber of Commerce President, stated Monday, November 19, 2012, the Holiday Tree would be set up, and Friday, November 23, 2012, was the Parade of Lights which started off the Christmas Season.

Dan Van Thiel, City Attorney, stated in Baker City people would just shoot the Coyotes. Mr. Van Thiel thanked Randy Frank for inviting him to Norma's for a seafood dinner whenever he was in Seaside for meetings.

Mr. Winstanley stated since there would not be a City Council meeting on Monday, December 24, 2012, he would ask for Council's permission to take time off from December 17, 2012, to January 2, 2012.

Council consensus to allow Mr. Winstanley time off in December.

Mayor Larson stated the City Council Goal Setting Session was January 18, 2012, and January 19, 2012.

ADJOURNMENT

The regular meeting adjourned at 7:27 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

SEASIDE PARKS ADVISORY COMMITTEE

The purpose of the Seaside Parks Advisory Committee is to act as an advisory body to the City Council, the City Manager, and the Public Works Director regarding issues concerning the Seaside Parks.

The committee shall consist of seven members who are not officials or employees of the City and who will be appointed by the City Council. A minimum of six members shall reside within the city limits, and a maximum of one member may reside within the Urban Growth Boundary. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. The Mayor shall appoint one member of the City Council as Council liaison, and the City Manager or his designee, shall be the Staff liaison to the Committee.

The members shall serve without salary or compensation of any nature.

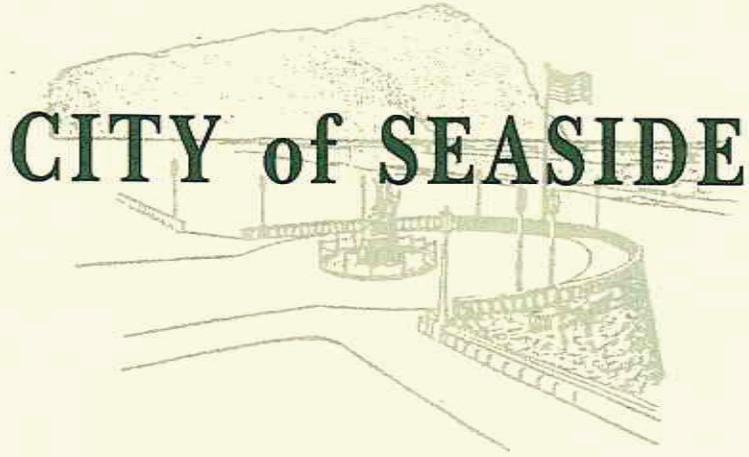
All members shall be appointed by the City Council and shall serve for a term of three years. The initial terms will be: two members shall be appointed for a term of one year, two members for two years, and three members for three years. As those terms expire, all vacancies will be filled for three year terms.

Each year, at the first Committee meeting in January, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.

The Committee shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed by the City Council to serve on this committee who misses three or more regularly scheduled meetings during a 12 month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12 month period is defined as beginning in January of each calendar year.)

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** August 27, 2012
Name: Warren Anderson
Commission/Committee: Parks Advisory Committee
Resignation Date: August 17, 2012
Term Expiration Date: March 31, 2014
Wants to be considered again: No
2. **Applicants:**
Sean McKendry
Mary Blake
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

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

PARKS ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 7

Chairperson*
Vice Chairperson**
Secretary***

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> | <u>TERM EXP.</u> |
|-------------------|-----------------------------|--------------|------------------|
| STEVEN PHILLIPS | 217 BROADWAY | 738-5402 | 3/31/2013 |
| CHRIS QUACKENBUSH | 950 Avenue 'K' | 440-2827 | 3/31/2013 |
| TOM HORNING*** | 808 26 th AVENUE | 738-5770 | 3/31/2014 |
| JASON BOYD* | 1940 HUCKLEBERRY | 738-4363 | 3/31/2014 |
| VACANCY | | | 3/31/2014 |
| MICHAEL HINTON | 1015 S. IRVINE PL. | 738-5748 | 3/31/2015 |
| NANCY HOLMES | 1520 COOPER ST. | 717-1614 | 3/31/2015 |

JAY BARBER
NEAL WALLACE

PO BOX 1013
1187 AVENUE 'U'

717-5017
738-5112

jbarber@warnerpacific.edu
nwallace@cityofseaside.us

SEASIDE LIBRARY BOARD

The Seaside Library Board shall approve board bylaws, follow Oregon's open meetings law and public records laws, propose the annual budget to the governing body, accept donations/grants, build a good community support for the library's service, and listen, then respond to the community with the best possible solution.

The board consists of five members appointed by the Mayor subject to City Council approval. The Seaside Public Library is advised by a library board. All terms of office shall be four years beginning on December 31st, and no member shall hold office for more than two full consecutive terms.

The board shall meet at least once a month in the library at a designated time and special sessions may be called by the chairman of the board should the chairman deem it necessary.

The board shall elect a chairman and vice-chairman at the beginning of each serving year, and in the absence of the chairman, the vice chairman shall assume the duties of the chairman. The board, should it so desire, may appoint the librarian as secretary to the board to take minutes and to keep a record of its actions.

The members shall serve without salary or compensation for services rendered.

COMMITTEE/COMMISSION APPOINTMENT

- 1. Date Council Notified:** November 26, 2012

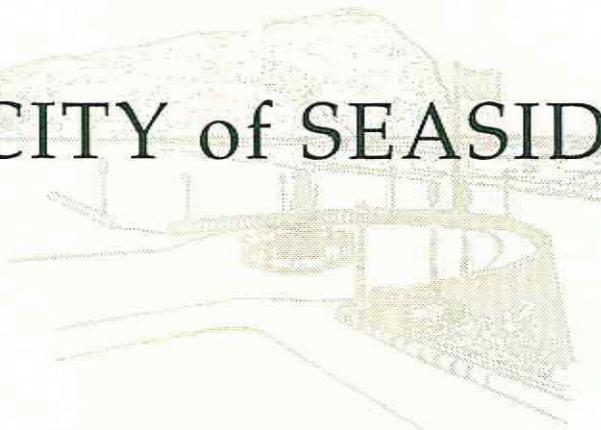
Name: Don McKay
James Shipley

Commission/Committee: Library Board

Resignation Date: McKay – November 6, 2012

Term Expiration Date: December 31, 2012

Wants to be considered again: McKay – No
Shipley - Yes
- 2. Applicants:**
James Shipley
- 3. Nominations:**
- 4. Appointment:**



CITY of SEASIDE

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

LIBRARY BOARD COMMISSION

Term of Office: 4 years

Number of Members: 5

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> | <u>TERM EXPIRES</u> |
|---------------|-----------------------------|--------------|---------------------|
| DON MCKAY* | 2516 OREGON AVE. | 738-9003 | 12/31/2012 |
| JAMES SHIPLEY | 284 ALPINE STREET . | 717-0392 | 12/31/2012 |
| MARY PETERSON | 26 N. WAHANNA RD. #4 | 738-9344 | 12/31/2013 |
| SHARON WARD | 225 10 TH AVENUE | 739-0148 | 12/31/2014 |
| RUSS TAGGARD | PO BOX 2329 – GEARHART | 738-2488 | 12/31/2015 |

*CHAIR

SEASIDE BUDGET COMMITTEE

The Seaside Budget Committee meets publicly to review the budget documents as proposed by the budget officer. The budget committee receives the budget and budget message and provides an opportunity for the public to ask questions about and comment on the budget. The committee also approves a budget, and, if ad valorem property taxes are required, approves an amount or rate of tax for all funds that receive property taxes.

The budget committee is composed of the governing body and an equal number of electors appointed by the governing body. All members of the budget committee have equal authority. An elector is a qualified voter who has the right to vote for the adoption of any measure. If the governing body cannot find a sufficient number of electors who are willing to serve, those who are willing and the governing body become the budget committee.

Applicants for the Budget Committee need to be registered voters of the City of Seaside for at least one year prior to serving on the Committee. The appointive members of the budget committee cannot be officers, agents or employees of the local government. Spouses of officers, agents or employees of the local government are not barred from serving on the budget committee if they are qualified electors and not themselves officers, agents, or employees. Appointive members of the budget committee are appointed for three-year terms.

The committee shall elect a presiding officer from among the members at the first meeting. No member of the budget committee may receive any compensation for their services as a member of the committee.

COMMITTEE/COMMISSION APPOINTMENT

1. Date Council Notified: November 26, 2012

Name: Genesee Dennis
Gayle Spear

Commission/Committee: Budget Committee

Resignation Date: N/A

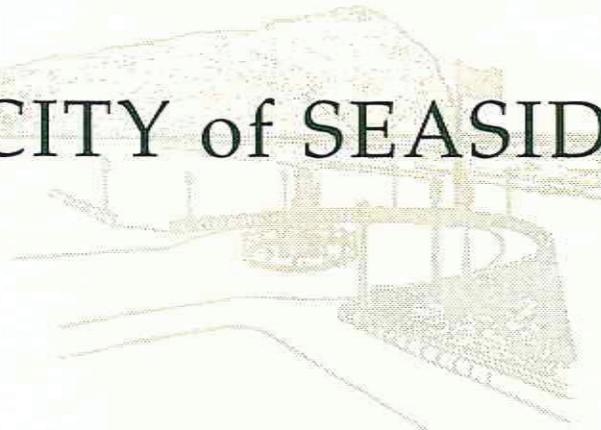
Term Expiration Date: December 31, 2012

Wants to be considered again: Dennis – Yes
Spear – Yes

2. Applicants:
Genesee Dennis
Gayle Spear

3. Nominations:

4. Appointment:



CITY of SEASIDE

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

BUDGET COMMITTEE

Term of Office: 3 years

Number of Members: 14 (Includes City Council)

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> | <u>TERM EXPIRES</u> |
|----------------|---------------------------|--------------|---------------------|
| GENESEE DENNIS | 770 AVENUE Q | 503-791-1009 | 12/31/2012 |
| GAYLE SPEAR | 50 7 TH AVENUE | 738-7942 | 12/31/2012 |
| LES MCNARY | 1624 S. FRANKLIN | 738-0759 | 12/31/2013 |
| DALE MCDOWELL | 3760 SUNSET BLVD. | 717-8084 | 12/31/2013 |
| JAMES SHIPLEY | 284 ALPINE ST. | 717-0392 | 12/31/2014 |
| REBECCA BUCK | P O BOX 1152 | 738-3045 | 12/31/2014 |
| NANCY MCCUNE | 3236 BAYVIEW TERRACE | 503-260-8905 | 12/31/2014 |

SEASIDE BUILDING BOARD OF APPEALS

The Seaside Building Boards of Appeals was established in order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of all city and state regulated building codes.

The Building Board of Appeals consists of five members who reside within the city limits and who are qualified by experience and training to pass upon matters pertaining to building construction. The members are appointed by the Mayor subject to City Council approval.

The Building Board of Appeals shall adopt reasonable rules and regulations for conducting its investigation and shall render all decisions and findings in writing to the Building Official and a copy to the appellant. The Building Official shall be an ex-officio member and shall act as secretary of the Board.

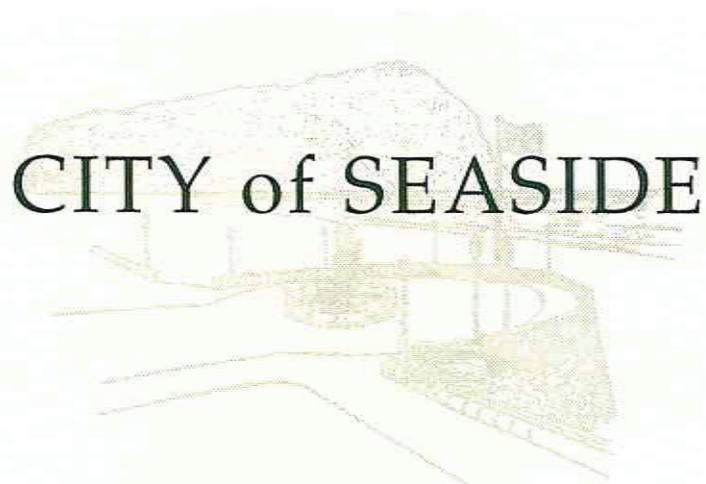
COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** November 26, 2012
Name: James O'Brien
Christopher Rose
Commission/Committee: Building Board of Appeals
Resignation Date: N/A
Term Expiration Date: December 31, 2012
Wants to be considered again: O'Brien – Yes
Rose – Yes

2. **Applicants:**
James O'Brien
Christopher Rose

3. **Nominations:**

4. **Appointment:**



CITY of SEASIDE

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

BUILDING BOARD OF APPEALS

Term of Office: 3 years

Number of Members: 5

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> | <u>TERM EXPIRES</u> |
|------------------|-----------------------------|-------------------|---------------------|
| JAMES O'BRIEN | 720 S. LINCOLN | 738-3169 | 12/31/2012 |
| CHRISTOPHER ROSE | 930 13 TH AVENUE | 738-3221/440-0764 | 12/31/2012 |
| SHANE DEAN | 1800 HUCKLEBERRY | 440-0915 | 12/31/2013 |
| RAY ROMINE | 2170 SKYLINE DR. | 440-9561 | 12/31/2014 |
| DAVID LEHIGH | 3325 BAYVIEW TERRACE | 739-2754 | 12/31/2014 |

TOURISM ADVISORY COMMITTEE

The purpose of the Tourism Advisory Committee is to advise the Tourism Director, City Manager and City Council concerning issues related to the marketing of the City. The Seaside Tourism Director and General Manager of the Seaside Civic and Convention Center shall be the staff liaisons to the Committee.

The Committee shall consist of five members none of whom are employees of the City of Seaside. One must be a resident of Seaside while the remaining four shall be residents, or owners, or employees of businesses within the Seaside City limits. Nominees shall be recommended to the Council for appointment and preference given to the following:

- a) Representative from the Seaside Chamber of Commerce
- b) Representative from the Downtown Development Association
- c) Representative from the lodging businesses
- d) Representative from the restaurant or catering industry
- e) Representative from the at large who resides within the Seaside City limits.

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

Each year, the first meeting of the Committee, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.

The committee shall hold a regular meeting at least once each month of the calendar year. The committee may at any regular or special meeting cancel one of the monthly meetings, and/or may change the location site. The meeting shall be open to the public. Any person appointed by the City Council to serve on this committee who misses three or more regularly scheduled meetings during a 12 month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12 month period is defined as beginning in January of each calendar year.)

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** November 26, 2012

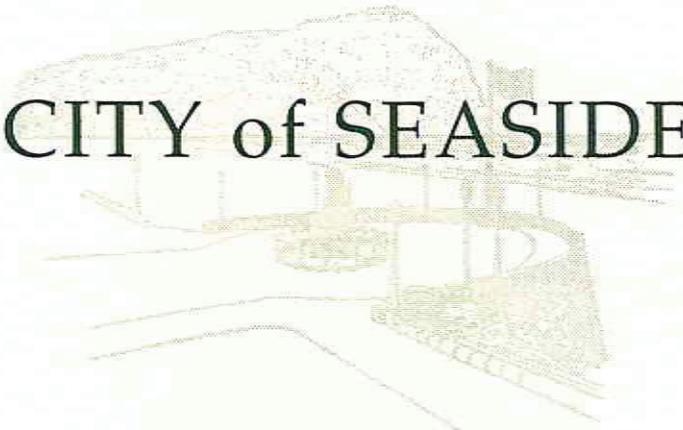
Name: Keith Chandler
Angela Clark

Commission/Committee: Tourism Advisory Committee

Resignation Date: N/A

Term Expiration Date: December 31, 2012

Wants to be considered again: Chandler – Yes
Clark – Yes
2. **Applicants:**
Keith Chandler
Angela Clark
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

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

TOURISM ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 5

Chairperson*
Vice Chairperson**
Secretary***

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> | <u>TERM EXP.</u> |
|------------------|----------------------|--------------|------------------|
| KEITH CHANDLER** | 200 N. PROM | 440-4040 | 12/31/2012 |
| ANGELA CLARK | 451 17 TH | 739-1874 | 12/31/2012 |
| MARCI UTTI | 1423 S FRANKLIN | 440-1018 | 12/31/2013 |
| SHAUN WAGNER* | 30 N. PROM | 738-9571 | 12/31/2013 |
| VIRGINIA DIDEUM | 1941 BEACH DR. | 739-2776 | 12/31/2014 |

RESOLUTION # 3783

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, APPROVING A
LEASE/PURCHASE MASTER AGREEMENT BETWEEN IBM CREDIT LLC
AND CITY OF SEASIDE**

WHEREAS, the City Council of the City of Seaside at a meeting of the governing body, in accordance with all requirements of law, approve and authorize the execution and delivery of the IBM Credit LLC Lease/Purchase agreement for the amount of \$23,599.00.

WHEREAS, the City of Seaside warrants that the property is essential to the proper, efficient and economic functioning of the services that the City of Seaside provides; and has immediate need for and expects to make immediate use of substantially all the property, which the need is not temporary or expected to diminish in the foreseeable future.

NOW, THEREFORE, THE SEASIDE CITY COUNCIL RESOLVES to approve and authorize the execution and delivery of the IBM Credit Lease/Purchase Supplemental No. LD0028392 to Lease/Purchase Master Agreement No. 1785539LP between IBM Credit LLC and the City of Seaside.

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

To: Mayor & City Council
From: City Manager's Office
CC: Kim Jordan
Date: 11/20/2012
Re: IBM Credit LLC Lease/Purchase

I have attached the Lease/Purchase Supplemental No. LD0028392 to Lease/Purchase Master Agreement between IBM Credit LLC and City of Seaside. This agreement once approved by Council will be printed on Dan Van Thiel, City Attorney's letterhead to be signed by legal counsel.

If you have any questions please feel free to call me at (503) 738-5511.

OPINION OF LESSEE'S COUNSEL

[To be provided on letterhead of Lessee's counsel.]

CITY OF SEASIDE
989 BROADWAY
SEASIDE OR 97138-7826

IBM Credit LLC
MAIL DROP A2-180
6303 Barfield Rd.
Atlanta, GA 30328

RE: Lease/Purchase Supplement No. LD0028392 to Lease/Purchase Master Agreement between IBM Credit LLC and CITY OF SEASIDE.

Ladies and Gentlemen:

We have acted as special counsel to CITY OF SEASIDE ("Lessee"), in connection with the Lease/Purchase Master Agreement, dated as of _____ (the "Master Agreement"), between CITY OF SEASIDE, as lessee, and IBM Credit LLC, as lessor ("Lessor"), and the execution of Lease/Purchase Supplement No LD0028392 (the "Lease/Purchase Supplement") pursuant to the Master Agreement. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement and Lease/Purchase Supplement.

As to questions of fact material to our opinion, we have relied upon the representations of Lessee in the Master Agreement and the Lease/Purchase Supplement and in the certified proceedings and other certifications of public officials furnished to us without undertaking to verify the same by independent investigation.

Based upon the foregoing, we are of the opinion that, under existing law:

1. Lessee is a public body corporate and politic, duly organized and existing under the laws of the State, and has a substantial amount of one or more of the following sovereign powers: (a) the power to tax, (b) the power of eminent domain, and (c) the police power.
2. Lessee has all requisite power and authority to enter into the Master Agreement and the Lease/Purchase Supplement and to perform its obligations thereunder.
3. The execution, delivery and performance of the Master Agreement and the Lease/Purchase Supplement by Lessee has been duly authorized by all necessary action on the part of Lessee.
4. All proceedings of Lessee and its governing body relating to the authorization and approval of the Master Agreement and the Lease/Purchase Supplement, the execution thereof and the transactions contemplated thereby, including the financing of software and services the charges for which are included in the supplier's aggregate price to the customer, have been conducted in accordance with all applicable open meeting laws and all other applicable state and federal laws.
5. Lessee has acquired or has arranged for the acquisition of the Property subject to the Lease/Purchase Supplement, and has entered into the Master Agreement and the Lease/Purchase Supplement, in compliance with all applicable public bidding laws.
6. Lessee has obtained all consents and approvals of other governmental authorities or agencies which may be required for the execution, delivery and performance by Lessee of the Master Agreement and the Lease/Purchase Supplement.

ORDINANCE NO. 2012-07

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 71 OF THE SEASIDE CODE OF ORDINANCES REGARDING GOLF CARTS

WHEREAS, the City of Seaside allows for the rental and use of golf carts within the downtown corridor; and

WHEREAS, the City of Seaside has received requests to allow golf carts to be used on city streets; and

WHEREAS, ORS 820.210(3) states “Notwithstanding any provision of the vehicle code relating to vehicle equipment and condition, upon designation of a portion of a highway becoming effective under an ordinance adopted under ORS 810.070, it shall be lawful to drive golf carts, low speed vehicles and electric cars on highways/roadways within city limits so designated in accordance with the rules and regulations prescribed by the local authority”;

WHEREAS, the City of Seaside wishes to allow and establish rules and regulations for the use of golf carts and/or low speed electric vehicles on its City streets within the city limits as may be practical and where the combined operation of said vehicles and regular vehicle traffic can be accomplished safely.;

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

SECTION 1. Chapter 71 of the Seaside Code of Ordinances is amended to read:

GOLF CARTS

§ 71.16 DEFINITIONS.

Section 1. Definitions. The following words and phrases, as used herein, shall have the following meanings:

- A. City Official. City Manager or anyone designated by the City Manager.
- B. Golf Cart. A motor vehicle that has not less than three (3) wheels in contact with the ground, that is designed to be and is operated at not more than twenty-five (25) miles per hour and that is designed to carry not more than four (4) persons, including the driver.
- C. Electric Vehicle. Any self-propelled electrically powered motor vehicle to which all of the following apply:
 - 1. The vehicle is emission free.
 - 2. The vehicle has at least four (4) wheels in contact with the ground.
 - 3. The vehicle complies with the definition and standards for low speed vehicles set forth in the Federal Motor Vehicle Standard No. 500 (49 CFR 571.3(b) and 49 CFR 571.500, respectively).
- D. Low-Speed Vehicle (Slow Moving Vehicle). A four-wheeled motor vehicle with a maximum speed of not more than 25 miles per hour, generally electric powered, and meeting Federal Motor Vehicle Safety Standard No. 500 (49 CFR 571.500), which in part requires low-speed vehicles to be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seatbelts and vehicle identification numbers.
- E. Minor. Any individual under the age of eighteen.
- F. Operator. Any person who has a valid driver’s license.

Section 2. Golf Carts/Low Speed Vehicles permitted. A person may operate a golf cart, low speed vehicle, or electric vehicle on public streets within the City limits, subject to the rules and regulations specified in Section 3 of this Ordinance.

Section 3. Rules & Regulations.

- A. **Title and Registration.** Oregon Law states that low-speed vehicles (golf carts or electric vehicles) are exempt from Title and Registration requirements.
- B. **Driver’s License.** The operator of a low-speed vehicle (golf cart or electric vehicle) must possess on his/her person a valid driver’s license. Residents of other states who drive vehicles in Oregon must be at least 16 years of age and have a valid out-of-state driver license.
- C. **Speed Limit Restrictions.** A golf cart and/or low speed vehicle may not travel on any road or street that has a speed limit in excess of 30 miles per hour.
- D. **Passengers.** A golf cart and/or low speed electric vehicle may only carry the number of passengers for which it is designed, including the driver.

- E. Towing. A golf cart and/or low speed electric vehicle may not tow any trailer, golf cart or other non-motorized piece of equipment.
- F. Mandatory Insurance. Drivers are required by Oregon insurance law to insure their vehicles. The minimum liability coverage for Bodily Injury and Property Damage in Oregon is: • \$25,000 per person, \$50,000 per accident for bodily injury to others, and \$10,000 per accident for damage to the property of others. State law also requires every motor vehicle liability policy to provide: • Personal Injury Protection – \$15,000 per person for reasonable and necessary expenses one year after an accident, for medical, dental, and other services needed due to the accident. • Uninsured Motorist Coverage – \$25,000 per person; \$50,000 per accident for bodily injury.
- G. Required Equipment. Golf Carts, low-speed and electric vehicles operating at dusk or night shall be equipped with two headlamps, at least one stop lamp, turn signal lamps, and tail lamp.

Section 4. Liability for Damage. Any person who causes personal injury or who damages or causes to be damaged any property, whether publicly or privately owned, shall be liable for such damage. The liability shall extend to the parents or legal guardians in the event of a minor being in violation of this Ordinance.

Section 5. Parental or Guardian Responsibility.

- A. The parent, legal guardian or person with legal responsibility for the safety and welfare of a minor, hereinafter “supervisor,” shall have the legal responsibility for the actions of such minor which are in violation of any provision of this Ordinance occurring on public streets, roadways or property.
- B. It shall be a defense to the charge of failure to supervise if:
 - 1. The offense occurred in the presence of the supervisor; and
 - 2. The supervisor took reasonable steps to control the action of the minor or reported the action to the appropriate authorities.
- C. In addition to any fine or penalty imposed pursuant to this Ordinance, the Court may order the supervisor to pay restitution to the City or victim, if any, of the minor’s unlawful conduct.

Section 6. Penalties. All State and Federal traffic laws will apply to the operation of a golf cart, low speed or electric vehicle and traffic citations may be issued as with regular vehicular violations with the same penalties imposed.

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2012, by the following roll call vote:

YEAS:
 NAYS:
 ABSTAIN:
 ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2012.

 DON LARSON, MAYOR

ATTEST:

 Mark J. Winstanley, City Manager