

**AGENDA SEASIDE CITY COUNCIL MEETING
AUGUST 10, 2015 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. INTRODUCTION – SWEARING IN SEASIDE PATROL OFFICER, Elise Parkman
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$432,309.55
 - b) APPROVAL OF MINUTES – JULY 27, 2015 REGULAR MINUTES
9. UNFINISHED BUSINESS:
 - a) ORDINANCE 2015-07 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE CHAPTER 110.04: UNLAWFUL, ILLEGAL, OR PROHIBITED BUSINESSES NOT AUTHORIZED AND CREATING A NEW CHAPTER 119: MEDICAL MARIJUANA GROW SITES
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ROLL CALL VOTE
10. NEW BUSINESS:
 - a) LIQUOR LICENSE APPLICATION – CREATIVE BEGINNING’S, 620 S. HOLLADAY DR.
 - b) PRESENTATION – BOB CHISHOLM COMMUNITY CENTER COMMISSIONERS RECOMMENDATION FOR MAIN HALL REFRESH PROJECT
 - c) BID RESULTS – SEASIDE MUNICIPAL AIRPORT 2015 RUNWAY LIGHTING AND SIGNAGE PROJECT, Neal Wallace
 - d) FINAL – QUATAT PARK RESTROOM REMODEL, Neal Wallace
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.*

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 Larson.
- ROLL CALL** Present: Mayor Don Larson, Council President Don Johnson, Councilors Jay Barber, Seth Morrissey, Randy Frank, Dana Phillips and Tita Montero. .
- Absent: None
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Kevin Cupples, Planning Director; Joey Daniels, Seaside Fire Chief; Dave Ham, Seaside Police Chief; Steve Barnett, Seaside Police Lieutenant; and Katherine Lacaze, Daily Astorian/Seaside Signal.
- AGENDA** Councilor Frank stated he would like one item changed on the agenda. The Ordinance 2015-06 should deserve a workshop of some sort.
- Councilor Phillips stated she would rather discuss it on the agenda.
- Mayor Larson asked Councilor Frank if that was a motion.
- Councilor Frank stated that was a motion.
- Mayor Larson asked for Councilor Frank's motion.
- Motion to put this on the back burner, to not address it now and have a workshop to talk about it; carried with Larson and Phillips opposed. (Frank/Barber)
- Councilor Phillips stated she was opposed on the motion and would like to discuss the ordinance. Mayor Larson and Councilor Phillips were not at the last meeting. Councilor Phillips asked for a specific date for the workshop.
- Mayor Larson stated he did not feel a workshop was important because the reason the ordinance was before the City Council was because there had been enquiries from people from the police department. Mayor Larson further stated Council was trying to help support the police and he would like to act on the ordinance tonight.
- Councilor Barber stated he was anxious to proceed with this and was hoping in a work session to work on the structure, licensing fee, fine, and look at what was happening at other jurisdictions. Councilor Barber stated it was a good ordinance and we don't need to rush the judgment and Council could feel good about what we finally come up with.
- Councilor Montero stated she agreed with Councilor Barber and do believe that Council not taking action right now, and putting it out for further discussion and changing, does not reflect anything for our regard for our police department. Councilor Montero further stated Council was looking to improve an ordinance that had been on the books for years and Council was trying to improve it and this has no reflection on what Council thinks of the work of the police department.
- Councilor Phillips stated the ordinance was very important and she agreed with Councilor Montero and Councilor Barber and wanted to make sure that this meeting does not adjourn without a specific date for the workshop.
- Mayor Larson stated he would schedule the workshop for August 31, 2015, 6:00 pm. The discussion would be the Downtown Maintenance District, and Ordinance 2015- 06 Itinerant Merchants.
- Councilor Phillips stated she voted against the motion because she wanted the date included and asked if the motion could be amended.
- Motion to see Ordinance 2015-06 tabled and we set a workshop on August 31, 2015, 6:00 pm to further discuss it; carried unanimously as amended. (Frank/Morrissey)
- Councilor Montero stated she also had a change in the agenda and want to take the minutes out of the consent agenda.
- Motion to take the minutes out of the consent agenda; carried with Phillips opposed. (Montero/Johnson)
- Mayor Larson stated before asking for a second could Councilor Montero tell Council her reasoning.
- Councilor Montero stated because I have corrections to the minutes.
- Mayor Larson stated approval of the minutes – July 13, 2015, would now be agenda item Number 10 (a).

**INTRODUCTION –
SWEARING IN PATROL
OFFICER**

Dave Ham, Seaside Police Chief swore in new Patrol Officer, Nathan Tappert and he was congratulated.

PROCLAMATION

Chief Ham read a proclamation for National Night Out.

Chief Ham stated National Night Out would be held at Broadway Park and Cartwright Park on August 4, 2015, 6:00 – 8:00 pm.

COMMENTS – PUBLIC

John Dunzer, 2964 Keepsake Drive, Seaside, stated he hoped everyone had a chance to read the wonderful article in the New Yorker Magazine. Mr. Dunzer wrote a letter back to the New Yorker Magazine and presented Council with a copy of the letter.

Samuel Condron, 2149 S. Franklin Apt. 2, Seaside, stated he would like to address a couple of things today. The first was the anti begging Ordinance 131.21 which he presented Council a copy. Mr. Condron asked for a full repeal of Seaside Ordinance 131.21. Mr. Condron further stated the second item was Ordinance 2015-05 which was unconstitutional and Council was presented with a copy of rulings made considering the ordinance.

Kevin Widener, 381 S. Edgewood #6, Seaside, was opposed to Ordinance 2015-06 and asked Council to seriously reconsider the ordinance.

Steve Geiger, 1115 Avenue 'I', Seaside, stated he was listening minutes from last meeting already the beginning of this one Council was in a tough spot and to govern was much more difficult. Mr. Geiger further spoke about the image in Seaside and the Broadway Core of the City which Council represented more so then the base in the City who worked for less than a living wage. There was no where to live in Seaside and rent was expensive or not affordable. People were worried about the wrong things in the City and should be thinking about the future.

Jodine Hayward, 821 2nd Avenue, Seaside, asked what could be done to protect the children on 2nd Avenue with the cars speeding down the road. Ms. Hayward discussed the issue further with Council and asked if something could be done.

Mayor Larson stated Chief Dave Ham was taking notes.

Mary Eng stated she was opposed to the Itinerant Merchant License and discussed the issue of PIMP or pimping people out by charging for a license. Would the City profit off people in need because she hoped Council could find a different way around the license and maybe the workshop would provide some opportunities to explore alternatives and social programs.

Mayor Larson stated right now there was not an ordinance in effect but a workshop was scheduled.

Mary Blake, 1668 Whispering Pines, Seaside, stated in three days she would be out of the Sunset Empire Park and Recreation District and it was her thrill and real privilege to introduce the new Executive Director for Sunset Empire Park and Recreation District, Skyler Archibald. Ms. Blake further stated the Food Pantry was pulled together by approximately 250 people and a donation accumulation of over \$350,000.00 that brought the new food pantry together.

Zachery Zidell, 364 9th Street, Suite C, Astoria, stated he was opposed to Ordinance 2015-06, and encouraged Council to investigate positive means of improving the image and business environment in Seaside or surrounding area which would have a better economic impact for those who are affected by transient culture. Mr. Zidell further stated he would like to go into section B in speaking about marijuana as a drug and the 'S' street region in Seaside has been rumored as ghetto in his investigations and industrial which means a dirty industry could locate close by possibly creating pollution or a dangerous environment. Mr. Zidell further stated he was opposed to the growing of marijuana inside of a City.

Mayor Larson stated there would be public comments on the marijuana piece later.

Ann Daner, 1953 Spruce Drive #35, Seaside stated she was opposed to Ordinance 2015-06 and attended the last City Council meeting. Ms. Daner further stated it was easier for people to not look at the problem going on. Ms. Daner discussed the issue further.

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 \$250,618.46; carried unanimously. (Frank/Barber)

Mayor Larson further stated Councilor Montero had corrections to the minutes for July 13, 2015.

Councilor Montero stated she had several amendments to the minutes.

Mayor Larson asked if they were corrections.

Councilor Montero stated yes she would call them corrections. If Council would look at page 3 of the minutes down to where it says motion to table ordinance. I believe it is common practice that motions are transcribed in minutes verbatim and first of all that isn't verbatim, and secondly that was not what the motion was. The motion was to table the ordinance for us to review and digest and consider at a later date and was incorrectly reported in these minutes and I would like to have that corrected with verbatim motion.

Motion to table the ordinance for us to review and digest and consider at a later date and was incorrectly reported in these minutes which should be changed to verbatim of what was on the recording; carried with Larson and Phillips abstaining. (Montero/Barber)

July 13, 2015 Minutes Page 3, Paragraph 15

~~Motion to table the ordinance and bring back to the City Council meeting scheduled for Monday, July 27, 2016; carried unanimously. (Montero/Morrissey)~~

Motion to table this to a later date. Take the testimony that has been brought before us, digest it, understand it and come back and review it and see what Council's decision would be at a later date; carried unanimously. (Montero/Frank)

Councilor Montero stated she had one other one that is going to sound nitpicky but I really don't think it is. This is on page 5, Comments of the Council, the 4th paragraph down. Every one of those verbs needs to be changed from the past tense to the present tense because it really does reflect the present and not the past.

Motion to correct page 5, Comments of the Council, the 4th paragraph down. Every one of those verbs need to be changed from the past tense to the present tense because it really does reflect the present and not the past; carried with Larson and Phillips abstaining. (Montero/Barber)

Mr. Winstanley stated this was Councilor Barber's comments and asked Councilor Barber if he wanted the comment corrected to the present tense.

Councilor Barber stated that was correct, we are all volunteers not were.

July 13, 2015 Minutes Page 5, Paragraph 13

~~Councilor Barber stated the City Council was volunteers and were not out to categorize or discriminate against people in the City. Councilor Barber was a board member on the Helping Hands Board and there was help available in the City and the County. Councilor Barber was a practicing Christian and believed in charity and it was his responsibility to take care of his neighbor. This was a decision Council needed to weigh carefully in terms of making sure everyone had the opportunity to survive in the community and he appreciated the input.~~

Councilor Barber stated he appreciated the input as well. I'm troubled by it in many ways. First of all he would like to say all of us sitting in these chairs are volunteers. We were not out to categorize, discriminate any particular group of people in our City. Councilor Barber further stated he was personally involved in addressing solutions to the homeless problem in our community. He served on the board of directors of Helping Hands re-enter programs now for two years. It's been very encouraging to me to see a program that was helping people get out of homelessness and into transitional programs, get into permanent housing. There were resources in the community for people who really did need help. One of the troubling things is some people preferred to be on the street corner panhandling will not go to Helping Hands for support and maybe we need to work on that problem. I am a practicing Christian, I believe in charity and believe it was my responsibility to care for my neighbor and I do that on a daily basis. This was a decision that I think we need to weigh carefully in terms of making sure that everybody has the opportunity and right to survive in our community.

Motion to approve the minutes as amended; carried unanimously. (Montero/Frank)

ORDINANCE #2015-07

AN ORDINANCE OF THE CITY OF THE SEASIDE, OREGON, AMENDING, CODE OF SEASIDE CHAPTER 110.04: UNLAWFUL, ILLEGAL, OR PROHIBITED BUSINESSES NOT AUTHORIZED AND CREATING A NEW CHAPTER 119: MEDICAL MARIJUANA GROW SITES

Kevin Cupples, Planning Director, explained at the last meeting Council reviewed the draft chapter 119 an amendment that basically set up a review authority for medical marijuana grow sites and production sites.

Currently the way the business license was written growing would be prohibited activity regardless what the zoning ordinance stated this would actually clear the way so that could be an allowed activity in the production zone. The Planning Commission previously reviewed the ordinance because of a property owner that was interested in doing a medical marijuana grow site.

Mayor Larson asked for public comments.

Mr. Zidell stated the 'S' Street region was not a viable area for growing. He had a condition that required medical marijuana and would like high quality marijuana. Mr. Zidell was opposed to the location.

Ms. Eng discussed the concept of bioaccumulation which was simple. In California there were fields around toxic smog and pollutions. All growing in commercial areas would be indoor growing.

Mayor Larson asked for Council comments.

Councilor Barber stated he would vote in favor of the ordinance. Many of the issues that had been raised are important to hear but all growing in the commercial area will be in a controlled climate and would only be indoors and that provides security which was a major issue in the growing of marijuana and provided for fire protection. The state was the one that measured the quality of the product.

Councilor Morrisey stated while I agree with both the speakers I believe it was Ann and Zachery that stated marijuana would be grown best on farmland, well removed from population centers. Unfortunately Seaside had no farmland or very little so I think it was a nice compromise to put this in an industrial zone and if people want to grow outside City limits I'm sure they can figure out how to do that as well.

Motion to place Ordinance 2015-07 on its second reading by title only; carried unanimously. (Barber/Johnson)

LIQUOR LICENSE

Mayor Larson stated there was a liquor license application received from Pendleton Outlet Store, 1111 Roosevelt Drive, #410. Mayor Larson further stated the application was for a Off - Premises Sales License, and was for a new outlet. Mayor Larson asked if the owner or representative was present and Dan who was a representative was present for Council questions.

Councilor Montero stated you would be selling it in bottles and people would be carrying it out.

Dan stated that was correct and bottles to go would be sold.

Motion to approve the Off-Premises Sales License for Pendleton Outlet Store, 1111 N. Roosevelt Drive, #410; carried unanimously. (Johnson/Phillips)

FINAL - SEASIDE FIRE & RESCUE OFFICE SPACE REMODEL

Joey Daniels, Seaside Fire Chief, stated Jason Kraushaar Contracting had completed the office remodel at the Seaside Fire Station. The bid received for the remodel was for \$32,984.00, with an additional \$6,399.08 in change orders because of unforeseen issues that took place during the remodel. The total cost of the fire station office remodel was \$39,383.08. Chief Daniels was pleased with the work that was completed, and would like to recommend the City Council release the retainage of \$1,969.15 to Jason Kraushaar Contracting, LLC.

Motion to approve the final for the Seaside Fire and Rescue Office Space Remodel and release the retainage of \$1,969.15 to Jason Kraushaar Contracting, LLC; carried unanimously. (Frank/Johnson)

COMMENTS - COUNCIL

Councilor Phillips stated due to her mother having multiple strokes she wanted to reiterate how special this community is. Councilor Phillips thanked Chief Daniels and all of the EMT's and Police Officers that showed up to help my brother and sister to take care of her mom. Councilor Phillips further stated this community was a family and she thanked them all.

Councilor Frank stated there was an Airport Committee meeting Tuesday, July 28, 2015, at the Seaside Airport.

Councilor Montero stated Council heard this at the last Council meeting and also tonight, why the City was not doing something about homelessness in this community. Councilor Montero talked to several people who are involved in the help of the homeless. There was Helping Hands and the Food Bank both of which tell her that the homeless don't come there for help or not enough of the homeless but they reach out to them. The City supports all of that through grants to both of those organizations and other organizations that help the poor and the homeless, etc.

Councilor Montero further stated I guess I'm going to push back a little bit on that, that the City doesn't do enough or the community doesn't do enough because we do even for the senior citizens that have the lunches at the Community Center. I know there are people who when they see somebody who's homeless or somebody who's got a sign will give them food and are rebuffed. Councilor Montero further stated I think we need to look at this from all the angles and for me it's not a bad image in this town at all because you see the same kind of activity in every city and the state and probably in the Country.

Mayor Larson stated tonight he was appointing an AdHoc Committee to take a look at possible uses of the church building on Broadway. Jeremy Goldsmith, RARE Representative, has gone through all these people and talked with all of them and every one of them is very anxious to be a part of this. Mayor Larson further stated the AdHoc Committee will consist of: John Burke, Melyssa Graeper, Kristin Tschannon, Richard Basch, Lori Wilcox, Darren Gooch, Pam Fleming, Denise Fairweather, Veronica Russell, and John McAndrews. The first meeting would be Wednesday, August 5, 2015, 12:00 pm, at the church building on Broadway.

COMMENTS – STAFF

Chief Daniels stated the Seaside Volunteers have their fundraiser on Saturday, August 8, 2015, 11:00 am to 4:00 pm. Life flight will be joining us in the parking lot.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated there was a landscaping project on the east side of the facility and there was a newly installed bench.

Mr. Cupples stated there were plans turned in for the 26 unit apartment complex back behind Coast Hardware.

Ms. Blake reminded Council and the public that Seaside had a really active Farmers Market with twelve booths and all sorts of activity on Wednesday's from 3:00 pm to 7:00 pm. There was also a really big Volleyball Tournament coming up and the Chamber of Commerce needed volunteers.

ADJOURNMENT

The regular meeting adjourned at 8:07 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND CREATING A NEW CHAPTER 119: MEDICAL MARIJUANA GROW SITES.

WHEREAS, the 2013 Oregon Legislature enacted House Bill 3460 (2013) which creates a registration system for medical marijuana facilities that may receive usable marijuana a person responsible for a marijuana grow site; and

WHEREAS, Oregon Revised Statute 475.304 calls for the Oregon Health Authority to establish a registration system for medical marijuana grow sites responsible for production & processing of usable marijuana products; and

WHEREAS, the City of Seaside allows for production & processing within the M1 industrial zone in accordance with the City of Seaside Zoning Ordinance, Code of Seaside Chapter 158; and

WHEREAS, this is a new industry and the City seeks to develop regulations that protect public health and safety; and

WHEREAS, the City of Seaside wishes to develop reasonable regulations for this industry; and

WHEREAS, the City of Seaside believes it is in the best interest of the health, safety and welfare of the citizens of the city to adopt and include such regulations in the Municipal Code.

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

SECTION 1: Chapter 110 of the Code of Seaside is amended to read:

110.04 UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED.

The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city, to the person engaged therein, in the event such business shall be unlawful, illegal, or prohibited by the laws of the state or the United States or ordinances of the city. Notwithstanding the aforementioned provisions, a license can be issued for medical marijuana dispensaries that comply with the additional licensing requirements in Chapter 118 or medical marijuana production & processing facilities that comply with the additional licensing requirements in Chapter 119.

SECTION 2: A new Chapter 119 is hereby created and added to the Code of Seaside to read:

Chapter 119 MEDICAL MARIJUANA PRODUCTION & PROCESSING FACILITIES

119.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

Marijuana. All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination, or industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.

Marijuana grow site. A location registered under ORS 475.304 where marijuana is produced or processed for use by a registry identification cardholder that may be transferred to a medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

License. A medical marijuana grow site license issued pursuant to this Chapter.

119.02 PURPOSE OF REGULATION.

To protect the public health, safety, and welfare from unlawful production & processing of marijuana, all medical marijuana grow sites shall be registered in accordance with ORS Chapter 475.304 and the applicable Oregon Administrative Rule (OAR 333-008).

Registration by the Oregon Health Authority is not a guarantee that a medical marijuana grow site is permitted to operate under applicable local municipal regulations. All grow sites shall comply with the regulations set forth in the *Code of Seaside*.

The regulations set forth by the City of Seaside in this chapter provide reasonable regulations that supplement the Oregon Health Authority's Medical Marijuana Program. These regulations are intended to solely address the issue of medical marijuana grow site production and processing facilities. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon's existing Medical Marijuana Act.

119.03 LICENSE REQUIRED.

- (A) No person shall establish, maintain or operate a medical marijuana grow site within the city unless an annual license is obtained from the city. Every place or building where a medical marijuana grow site is established shall be deemed a grow site subject to the provisions of this chapter. Each licensee shall also obtain a General Business License in accordance with Chapter 110 of the Code of Seaside.
- (B) No license will be issued without proof of registration to operate a medical marijuana grow site issued by the State of Oregon. The applicant for the license must also provide copies of electrical permits obtained in order to facilitate the production and processing of medical marijuana and written documentation of the security measures in place to prevent unauthorized entry into the facility.
- (C) The City may deny a license if any owner, manager, operator, employee, agent, or volunteer:
 - (1) Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the City; or
 - (2) Has been Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - (3) Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP).
- (D) Application for a license must include the information necessary for criminal record background checks for any owner, manager, operator, employee, agent, or volunteer. The City of Seaside police department will conduct all necessary background checks.
- (E) No license shall be issued until after a criminal record background check has been completed for the applicant and all individuals employed or volunteering at the grow site.
- (F) No license shall be issued until after the grow site has been inspected by the City of Seaside Building Official and approved for the proposed occupancy in accordance with the State of Oregon Structural Specialty Code, Fire and Life Safety Regulations, and the Uniform Building Code adopted by the City of Seaside.
- (G) Once the grow site is licensed, the licensee must notify the city and submit necessary information for criminal record background checks of any new owner, manager, operator, employee, agent, or volunteer.
- (G) Each licensee shall be required to pay the applicable license fee as set by Resolution of the Seaside City Council.

119.04 OPERATIONAL REQUIREMENTS.

- (A) Medical marijuana grow sites are not allowed to operate within 1,000 feet of the real property comprising a public or private elementary, secondary or career school.
- (B) Grow sites must remain in compliance with all of the applicable provision of OAR 333-008 and they are specifically subject to the monitoring and investigation provisions of OAR 333-008-0060.
- (C) Grow sites are subject to periodic inspection by the Seaside Fire Marshal to ensure they remain in compliance with applicable Fire and Life Safety Regulations.

119.05 LICENSE VALIDITY & ANNUAL REVIEW FOR RENEWAL.

A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed grow site may continue to operate during the next calendar year until the status of their new application is determined, provided a complete renewal application is submitted in December.

119.06 REVOCATION OF LICENSE

(A) A license is subject to revocation at any time for violation of this chapter or any of the provisions of state law or the applicable Oregon Administrative Rule.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter, state law, or Oregon Administrative Rule; the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all grow site activities must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety.

119.07 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

119.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$700.

(B) Each day a violation of a provision of this chapter constitutes a separate violation.

(C) Revocation or suspension of a license is not a penalty for violation of this chapter and it does not relieve a person of any fine for the violation.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2015, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2015.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

LIQUOR LICENSE APPLICATION

Andrea "AJ" Wahl
Creative Beginnings
620 S. Holladay
Seaside

This business has applied for a Limited On-Premises Sales Liquor License. This would be for a new outlet.

Limited On-premises sales license – allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go. Licensees can cater small scale and large-scale private events if they have pre-approval from OLCC.

The Police Department has reviewed the applicant and business applying for the liquor license and attached is the information received. The applicant was sent a copy of the Police Department review.

Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An un-licensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

Seaside Police Department

1091 S. Holladay DR. Seaside, OR 97138 - (503) 738-6311

July 30, 2015

MEMORANDUM

TO: Mark Winstanley, City Manager
FROM: Michael Demagalski, Detective
SUBJECT: Wine & Twine LLC, OLCC Application

The Seaside Police Department has reviewed the liquor application for a new "Limited On-Premises Sales" permit at the location know as Creative Beginnings, located at 620 S Holladay DR, Suite 1. The location hasn't been licensed by the OLCC and is currently operating as an arts and crafts store, which also has an espresso bar inside the establishment.

Our background check on the owner requesting the license did not find anything that would disqualify the owner from obtaining a liquor license.

If you have any additional questions please let me know.



August 5, 2015

re: Bob Chisholm Community Center Main Hall Refresh Project

To Our Esteemed City Council Members,

Over the past couple of months I have had the privilege of working with the Community Center Commission to select a suitable design firm to assist us with developing a new look for the Bob Chisholm Community Center's Main Hall. The Commission found RESOLVE Architecture + Planning to be that design firm and have since worked closely with John Flynn and Suenn Ho to develop the project they are presenting to you this evening.

First and foremost, I believe this project to be the best balance between overall cost and a design that meets all of the criteria we set forth in the original RFP. As the Commission members in attendance tonight will attest, we highly recommend that the Council vote to approve the proposed project design. We would further recommend that the Council consider developing a fundraising committee comprised of Council members, Commission members, and invested community members. I would be very interested in being part of that committee myself and I know that the Commission has some great ideas around raising money to offset the cost of this project.

Finally, I would make a last recommendation to the Council, that you consider retaining RESOLVE Architecture + Planning to assist in the next phase of this project. Both John and Suenn have demonstrated to the Commission a level of knowledge and creativity that we feel would be very valuable to the success of the project.

Thank-you for your consideration and support of the project, we are very excited to see these great ideas become a reality for our community center.

Sincerely,

A handwritten signature in black ink that reads "D Gooch". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Darren Gooch
Building Manager, the Bob Chisholm Community Center



August 04, 2015

Neal Wallace, Director of Public Works
City of Seaside
989 Broadway Street
Seaside, OR 97138

RE: Seaside Airport-Bid Results and Award Recommendation
2015 Runway Lighting and Other Improvements Project
FAA AIP # 3-41-0057-005

Dear Neal,

The intent of this letter is to summarize the public bids received on the above project, report on our analysis of the bids' information, and provide an award recommendation.

Pursuant to a published "Invitation to Bid" on the project, public bids were received/opened by City of Seaside (City) August 3rd, 2015. The City received 5 bids. Two bids were received late and were not reviewed but returned to the bidders. The low bidder was Kunert Electric LLC with a total basis of award bid price of \$335,462.50 (corrected extension error, see below). Rush Development LLC was the second lowest bidder at \$366,724.84 then Helligso Construction Co. with \$450,779.60 (corrected math error). The engineers estimate was \$363,342.

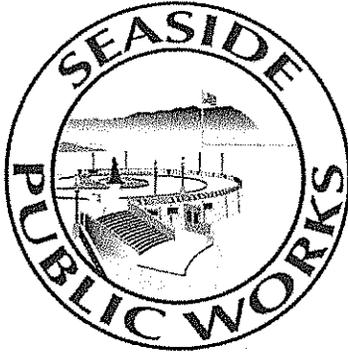
We have reviewed Kunert Electric's full proposal and have found that it meets the requirements set forth in the bidding documents. We did note one minor issue on the bid proposal. On Bid Schedule D, bid item 1, chain link fence, the bidder wrote in the unit price as though it were a lump sum bid. The contractor noted the total work to be \$23,536. After incorporating the unit price per the attached email, the fencing work reduced to \$23,460.00. We view this as an minor informality and recommend that all bid schedules be awarded to Kunert Electric LLC.

If the City concurs with this recommendation the contract should be awarded pending the FAA grant offer that will be forthcoming. We will then coordinate with Kunert Electric to begin preparing the contracts, bonds and insurance forms.

Sincerely,

WHPacific, Inc.

Rainse Anderson, P.E.
Project Manager
Enclosure



MEMO

August 10, 2015

From: Neal Wallace

To: The Honorable Mayor and City Council

Re: Quatat Park Restroom Rehab Project

The work on the Quatat Park restroom has been completed. Kinney and Sons won the contract with a bid of \$49,650.99. The project was completed for the contract amount. The contractor was very cooperative and performed all tasks with workmanship. The new look is a great improvement and hopefully the new lighting will help keep questionable activities to a minimum. To date, we have paid the contractor \$15,074.81. Staff recommends releasing the remaining balance and all retainage to Kinney and Sons in the amount of \$34,576.18.