



# CITY OF SALEM

## Meeting Agenda

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, May 14, 2018**

**6:00 PM**

**Council Chambers**

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#### **EXECUTIVE SESSION**

*None.*

#### **WORK SESSION**

*None.*

**1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)**

**Call to Order**

**Roll Call**

**1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

**1.2 COUNCIL AND CITY MANAGER COMMENT**

**1.3 PROCLAMATIONS**

**1.3a. [18-207](#)** Proclamation recognizing National Salvation Army Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only.

**Attachments:** [Proclamation - National Salvation Army Week.pdf](#)

**1.3b. [18-208](#)** Proclamation recognizing Memorial Day 2018

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only.

**Attachments:** [Proclamation - Memorial Day 2018.pdf](#)

## 1.4 PRESENTATIONS

1.4 a. Recognizing Maureen Foelkl - 2018 National Teacher's Hall of Fame Inductee

1.4 b. Human Rights and Relations Advisory Commission Annual Report presented by Danielle Meyer.

1.4 c. Salem Parks and Recreation Advisory Board Annual Report presented by Kasia Quillinan

**2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)**

**3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)**

## 3.1 MINUTES

3.1a. [18-203](#) April 23, 2018 Draft City Council Minutes

**Attachments:** [4-23-18 Draft Council Minutes.pdf](#)

*Revised - Revised Minutes*

## 3.2 RESOLUTIONS

3.2a. [18-194](#) Update to the City of Salem Floodplain Management Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Adopt Resolution No. 2018-19 updating the City of Salem Floodplain Management Plan.

**Attachments:** [Final Draft Floodplain Management Plan 2018 Resolution 2018-19](#)

3.2b. [18-213](#) Waiving certain sections of Cable Communications Franchise Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Adopt Resolution No. 2018-21 waiving certain sections and provisions of Salem Revised Code Chapter 43 Cable Communications Franchise Code.

**Attachments:** [Resolution No. 2018-21](#)  
[Res. No. 2018-21 Exhibit A](#)

### 3.3 ACTION ITEMS

**3.3a.** [18-182](#) Lease termination agreement with Harvey Loveall Hair Care Center, Inc.

Ward(s): 1  
Councilor(s): Kaser  
Neighborhood(s): CANDO

**Recommendation:** Authorize the City Manager to execute the attached termination agreement with Harvey Loveall Hair Care Center, Inc. for lease space located at 310 Commercial Street NE?

**Attachments:** [Proposed Agreement](#)  
[Current Lease](#)

**3.3b.** [18-196](#) Downtown Housing Parking Reservation Agreement

Ward(s): 1  
Councilor(s): Kaser  
Neighborhood(s): CANDO

**Recommendation:** Authorize the City Manager to execute the Downtown Housing Parking Reservation Agreement for use by owners of new and existing residential properties in the downtown core to satisfy the parking requirement in the Salem Revised Code.

**Attachments:** [Current Agreement](#)  
[Proposed Agreement](#)

**3.3c.** [18-199](#) Purchase and Sale Agreement with Hazelgreen, LLC for purchase of real property for use as a City park.

**Recommendation:** Authorize the City Manager to execute the attached Purchase and Sale Agreement with Hazelgreen, LLC for the acquisition of real property for use as a Community Park.

**Attachments:** [Location Map](#)  
[Proposed Agreement](#)

**3.3d.** [18-201](#) Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the McGilchrist Street SE Corridor Improvement Project.

Ward(s): 2  
Councilor(s): Andersen  
Neighborhood(s): SESNA

**Recommendation:** Authorize the City Manager to execute the attached Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the McGilchrist Street SE (12th Street SE to 25th Street SE) Corridor Improvement Project.

**Attachments:** [Attachment 1 - Vicinity Map](#)  
[Attachment 2 - IGA](#)

**3.3e.** [18-211](#) Ambulance Service Area Mutual Aid Agreement

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Authorize the City Manager to sign the Mutual Aid Agreement between the City of Salem and the other ambulance service providers in Marion and adjoining counties retroactive to January 1, 2018, through December 31, 2023.

**Attachments:** [ASA Mutual Aid with Retroactive Date](#)

**3.3f.** [18-216](#) Intergovernmental Agreement with Salem-Keizer School District 24J for Gilmore Field Water Level Monitoring

Ward(s): 2  
Councilor(s): Andersen  
Neighborhood(s): SCAN

**Recommendation:** City Council authorize the City Manager to execute the attached IGA with the District.

**Attachments:** [IGA-SK24J-Water Level Monitoring](#)

## 4. PUBLIC HEARINGS

**4.a.** [18-193](#) Public hearing regarding vacation of Vacation Lane SE.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

**Recommendation:** Approve the vacation of Vacation Lane SE subject to the following two conditions:

1. A reconfiguration of the lots in such a way as to ensure that all lots have adequate access to a public street.
2. Payment of an assessment of special benefit in the amount of \$36,771.

**Attachments:** [Legal & Map](#)  
[Vacation Lane SE Vicinity Map](#)  
[Real Estate Valuation Memo.pdf](#)

**4.b.** [18-197](#) 2018-2019 Housing and Community Development Annual Action Plan

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Adopt the 2018-2019 Housing and Community Development Annual Action Plan (AAP) and direct staff to submit the AAP, amendments, and required forms to the U.S. Department of Housing and Urban Development.

**Attachments:** [2018-2019 Housing and Community Development Annual Action Plan](#)  
[Amendments to 2014, 2015, 2016, 2017 Action Plans](#)  
[Supplemental Report](#)

*Add - Add Report*

**5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)**

**\*\*\* PLEASE NOTE \*\*\* The hearing for this matter is closed, no public testimony or comment on this item may be accepted.**

**5.a.** [18-200](#) Deliberating the formation of the Lone Oak Road Reimbursement District.

Ward(s): Ward 4  
Councilor(s): McCoid  
Neighborhood(s): South Gateway

**Recommendation:** Affirm the January 22, 2018, decision to adopt Resolution No. 2018-08, which approved formation of the Lone Oak Road Reimbursement District to collect funds for reimbursement of costs associated with constructing Lone Oak Road SE between Muirfield Avenue SE and Rees Hill Road SE.

**Attachments:** [Staff report from 1-22-18 Council Mtg. File 18-32](#)  
[Staff report from 3-26-18 Council Mtg. File 18-132](#)

**\*\*\* PLEASE NOTE \*\*\* The hearing for this matter is closed, no public testimony or comment on this item may be accepted.**

**5.b.** [18-217](#) Appeal of Hearings Officer decision approving Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 for property located in the 700 to 800 blocks of Commercial Street NE.

Ward(s): Ward 1  
Councilor(s): Kaser  
Neighborhood(s): CANDO

**Recommendation:**

Affirm and modify the February 9, 2018, Hearings Officer's decision approving the Union Gospel Mission of Salem's consolidated application for a conditional use permit and quasi-judicial zone change subject to the conditions established in the Hearings Officer's February 9, 2018, decision together with the following additional conditions of approval:

Condition 6: The shelter and transitional housing facility shall be limited to a maximum number of 300 overnight occupants.

Condition 7: The applicant shall install secure, covered storage for client personal belongings.

Condition 8: The design of the proposed shelter shall incorporate the following additional requirements:

a) Exterior gathering spaces shall be visible from within the buildings;

b) Shrubs shall not exceed 36 inches in height; and

c) The primary entrance for emergency shelter users shall not be located along the Commercial Street frontage.

Condition 9: The site's grounds shall be monitored 24-hours a day by staff through video surveillance or patrols.

Condition 10: As a condition of site plan review application submittal, the applicant shall provide a photometric plan identifying the site's proposed lighting fixtures, placements, and illumination intensity.

**Attachments:** [Testimony Received Prior to April 30, 2018](#)

[2. Rebuttal Testimony Received Prior to May 7, 2018](#)

[Written Testimony 1](#)

*Add - Add Written Testimony*

**5.c.** [18-221](#)

Motion from Councilor Tom Andersen regarding banning single-use plastic bags.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Salem Plastic Bag Ordinance Proposal](#)

[Written Testimony 1](#)

*Add - Written Testimony*

**6. INFORMATION REPORTS: (Items that require no Council action)****6.a.** [18-184](#)

Purchases approved administratively - March 1, 2018 through March 31, 2018.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

Information only.

**Attachments:** [Purchases approved administratively March 2018](#)

- 6.b. [18-187](#) Human Rights and Relations Advisory Commission Annual Report

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only

**Attachments:** [Discrimination Reports Summary Report](#)  
[Human Rights Commission Core Response Team Brochure](#)  
[Human Rights Commission LGBTQ Rights Task Force Brochure](#)  
[Willamette Awareness Research Report](#)

- 6.c. [18-188](#) Planning Commission Decision - Comprehensive Plan Map Amendment / Neighborhood Plan Change / Zone Change / Class 3 Site Plan Review Case No. CPC-NPC-ZC-SPR18-03 - Approved - Salem Keizer School District 24J (Michael Wolfe) - 3625 Fairview Industrial Drive SE - A consolidated application for: 1) A Comprehensive Plan Map change from "Industrial" to "Industrial Commercial"; and 2) A change to the Morningside Neighborhood Plan designation from "Industrial" to "Industrial Commercial"; and 3) A Quasi-Judicial Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial); and 4) A Class 3 Site Plan Review for development of a new storage facility for buses.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision CPC-NPC-ZC-SPR18-03](#)

- 6.d. [18-190](#) Hearings Officer Decision - Quasi-Judicial Zone Change Case No. ZC18-01 - Approved - Mr Kansky LLC (Richard Kansky, Robert Kansky, Amy Kansky and Stacie Kansky) - 630 Mary Avenue SE - A proposal to add office uses to a list of uses currently allowed on a property zoned CO (Commercial Office).

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision ZC18-01](#)

- 6.e. [18-191](#) Salem Parks and Recreation Advisory Board Annual Report for 2017

Ward(s): All Wards

Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only.

**Attachments:** [FINALReport](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a. [18-212](#) Granting a franchise to Comcast of Oregon I, Inc. for placement of facilities in the City rights-of-way.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Authorize the City Manager to execute the Cable Television Franchise Agreement and Side Letter Agreement between the City of Salem and Comcast of Oregon I, Inc.; and advance to second reading, Ordinance Bill No. 5-18, granting a franchise to Comcast of Oregon I, Inc. to make lawful use of the City rights-of-way to construct, operate, maintain, reconstruct, and repair a cable system for the purpose of providing cable services.

**Attachments:** [Ordinance Bill No. 5-18](#)  
[Ord. No. 5-18 Exhibit A \(Cable Television Franchise Agreement\)](#)  
[Side Letter Agreement](#)  
[Side Letter Agreement Attachment](#)

- 7.1b. [18-214](#) Right-of-Way Use Agreement with Mobilitie, LLC.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Authorize the City Manager to execute the Right-of-Way Use Agreement between the City of Salem and Mobilitie, LLC; and advance Ordinance Bill No. 6-18, granting a Right-of-Way Use Agreement to Mobilitie, LLC for placement of wireless facilities in the City rights-of-way (ROW), to second reading.

**Attachments:** [Ordinance Bill No. 6-18](#)  
[Ord. No. 6-18 Exhibit \(ROW Use Agreement\)](#)

- 7.1c. [18-215](#) Right-of-Way Use Agreement with New Cingular Wireless, PCS, LLC.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Authorize the City Manager to execute the Right-of-Way Use Agreement between the City of Salem and New Cingular Wireless, PCS, LLC; and advance Ordinance Bill No. 7-18, granting a Right-of-Way Use Agreement to New Cingular Wireless, PCS, LLC for placement of wireless facilities in the City rights-of-way (ROW), to second reading.

**Attachments:** [Ordinance Bill No. 7-18](#)  
[Ord. No. 7-18 Exhibit \(ROW Use Agreement\)](#)

*Revised - Revised Attachment 1 Ordinance Bill 7-18*

## 7.2 SECOND READING:

7.2a. [18-198](#) West Salem Zone Code Clean-Up Amendments

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:** Conduct second reading for enactment of the West Salem Zone Code Clean-Up amendments, including various zoning code amendments, comprehensive plan map amendments, neighborhood plan map amendments, and zone map amendments to certain lands generally along Wallace Road NW, Edgewater Street NW, and Second Street NW.

**Attachments:** [Attachment 1 - Map of New Zones](#)  
[Attachment 2 - Ordinance Bill 3-18](#)  
[Attachment 3 - Exhibit 1, CPCNPC for ESMU](#)  
[Attachment 4 - Exhibit 2, CPCNPC for WSCB](#)  
[Attachment 5 - Exhibit 3, ZC for ESMU](#)  
[Attachment 6 - Exhibit 4, ZC for WSCB](#)  
[Attachment 7 - Exhibit 5, ZC to SCI](#)  
[Attachment 8 - Exhibit 6, Findings](#)

## 8. PUBLIC COMMENT: (Other than agenda items)

## 9. ADJOURNMENT

**Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net) at least two business days in advance.**

**Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.**

**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS**

- a. [18-192](#) PUBLIC HEARINGS - Held in the Council Chambers unless otherwise noted

Petitioner-Initiated Annexation of Territory Located at 1338 and 1340 Wallace Road NW (Annexation Case No. C-724)  
Monday, June 11, 2018 at 6:00 p.m.

Petitioner-Initiated Annexation of Territory Located at 6719 Devon Avenue SE (Annexation Case No. C-725)  
Monday, June 11, 2018 at 6:00 p.m.

2019-2020 Utility Rate Proposal  
Monday, October 8, 2018 at 6:00 p.m.

WORK SESSIONS - Held in the Council Chambers unless otherwise noted

BUDGET COMMITTEE MEETING - Held in the Council Chambers unless otherwise noted

Priority Based Budgeting Presentation  
Tuesday, May 15, 2018 at 12:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor  
Morningside - May 23 - Andersen, Nanke  
ELNA - June 7 - Hoy  
SCAN - June 12 - Andersen, Cook

**MEETING PROCEDURES**

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four-year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part-time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at: <http://www.cityofsalem.net/Pages/council-rules.aspx>.

**THE CONSENT CALENDAR**

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

**PUBLIC COMMENT**

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

**HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA**

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 5:00 pm on the day of the City Council meeting when the item will be considered. If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 205, Salem, OR, or by e-mail to: [manager@cityofsalem.net](mailto:manager@cityofsalem.net).

**PUBLIC HEARINGS**

The City Council can hold public hearings to consider legislative, quasi-judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi-judicial hearings in non-land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi-judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503-588-6173 or email at: [lmanderson@cityofsalem.net](mailto:lmanderson@cityofsalem.net).

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

