



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, October 24, 2016

6:30 PM

Council Chambers

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

1.4 PRESENTATIONS

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. [16-321](#)

10-10-2016 Council Minutes

Attachments: [10-10-16 Council Minutes](#)

3.1b. [16-313](#) 10-12-2016 Joint Public Hearing Minutes

Attachments: [10-12-16 Joint Hearing Minutes](#)

[10-12-16 Draft Joint Hearing Minutes - Revised](#)

Revise- Revised 10-12-16 Joint Public Hearing Minutes

3.2 RESOLUTIONS

3.2a. [16-268](#) Revised Report - Proposed amendments to Council and Urban Renewal Agency Rules regarding moving the meeting time to 6:00 p.m. from 6:30 p.m., moving Mayor and Councilor items to "special orders of business" on the agenda, requiring public hearings to begin by 7:30 p.m., restricting Council and Agency Board members from serving of City, Agency, or Housing Authority boards and commissions, and other administrative changes.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Adopt Resolution No. 2016-44, which will amend the Council Rules to;

- 1) Move the meeting time of Council meetings to 6:00 p.m. from 6:30 p.m., or immediately after a meeting of the Urban Renewal Agency or Housing Authority;
- 2) Move Mayor and Councilor items from "New Business" to "Special Orders of Business" on the agenda;
- 3) Require public hearings to begin at 7:30 p.m.;
- 4) Restrict members of Council from serving on City, Agency or Housing Authority "boards" or "commissions";
- 5) Allow the Presiding Officer to allow a member of the public, who wishes to speak on a topic, other than an agenda item, to speak during the first public comment period; and
- 6) Require members of Council, who wish to propose a Mayor or Councilor item, to submit the item to the City Manager by Tuesday the week preceding the Council meeting, instead of Wednesday, which is the current requirement.

Attachments: [Resolution No 2016-44 Council Rules Amendments](#)

[DRAFT Amendments to City Council Rules 090816](#)

[DRAFT Amendments to City Council Rules REDLINE 102416](#)

Revise - Revised Council Rules

3.2b. [16-302](#) 2016 Oregon Military Department State Homeland Security Program Grant - Joint State Bomb Teams Equipment/Training Regional Projects Phase 6 and Authorizing a Transfer of Appropriation Authority

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

1. Authorize the City Manager to accept and execute all grant documents associated with the 2016 Oregon Military Department, OEM, State Homeland Security Program Grant for Joint State Bomb Team equipment and training, regional project - phase 6; and
2. Adopt Resolution No. 2016-48, transferring \$77,350 from General Fund Non Departmental contingency to General Fund Police Department materials and services for the purpose of increasing appropriation authority to expend the referenced OEM grant.

Attachments: [Resolution No. 2016-48](#)
[Exhibit A OEM Grant](#)

3.3 ACTION ITEMS

3.3a. [16-193](#)

Intergovernmental Agreement with the Oregon Department of State Police for Access to the Automated Biometric Identification System

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Authorize the City Manager to execute the attached IGA with OSP for access to the regional Automated Biometric Identification System (ABIS).

Attachments: [IGA with OSP FOR access to ABIS](#)
[Attachment 1 - User Fee](#)

3.3b. [16-252](#)

Revised Report - Proposed Changes to Council Policy A-6, Procedure for Reviewing Performance and Setting Salary of City Manager, and Approve Evaluation Criteria

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Amend Council Policy A-6 and approve evaluation criteria.

Attachments: [Proposed Changes to Council Policy A-6](#)
[City Manager Perf Review Evaluation Feedback Form](#)

Revise - Revised Council Policy A-6, Procedure for Reviewing Performance

3.3c. [16-284](#)

Amendment to Intergovernmental Agreement between State of Oregon Department of Human Services and City of Salem

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Authorize the City Manager to execute the attached Intergovernmental Agreement Amendment between the State of Oregon Department of Human Services and the City of Salem whereby the City will continue to provide Respite Care Services to DHS Medicaid Eligible clients at Center 50+.

Attachments: [IGA Amendment - DHS 2016-18](#)
[IGA Amendment - DHS 2014-16](#)
[IGA - State of Oregon - DHS 2012-14](#)

- 3.3d. [16-290](#)** Water service beyond corporate limits for property located at 2487 Robins Lane SE

Ward(s): Currently outside City Limits, Ward 4 (upon annexation)
Councilor(s): Steve McCoid (upon annexation)
Neighborhood(s): South Gateway (upon annexation)

Recommendation: Authorize a water service connection to an existing single family residence on a parcel that is outside of, but contiguous to, the current city limits, conditioned on the property owner filing a complete application for annexation, an annexation agreement, and paying all usual and customary fees and service charges.

Attachments: [VicinityMap 2487 Robins Ln SE](#)
[Request for Water Service 2487 Robins Ln SE](#)
[10-24-16 Council Written Testimony 1](#)

Add - Written Testimony

- 3.3e. [16-304](#)** Railroad quiet zone along the Portland and Western Railroad at Minto Island Road S, State Street, and Court Street NE.

Ward(s): 1, 7
Councilor(s): Bennett, Bednarz
Neighborhood(s): CAN-DO, SWAN

Recommendation: City Council approve the construction of, and funding for, improvements at the railroad crossings of Minto Island Road S, State Street, and Court Street NE to establish a railroad quiet zone along the Portland and Western Railroad (a.k.a. Burlington Northern Santa-Fe Railroad).

Attachments: [Attachment 1: Project Location Map](#)

- 3.3f. [16-291](#)** Intergovernmental Agreement with the City of Portland for Access to the Regional Automated Property Identification Database

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

Recommendation: Authorize the City Manager to execute the attached IGA and Amendment No. 1 to the IGA with the City of Portland for access to the Regional Automated Property Information Database (RAPID).

Attachments: [RAPID User Agreement](#)
[Amendment No.1 to RAPID](#)

3.3g. [16-263](#) Retail Leases - 3763-3769 Market Street NE

Ward(s): 6
Councilor(s): Benjamin
Neighborhood(s): NESCA

Recommendation: Authorize the City Manager to execute individual retail leases with Mitchell K. Davidson, Jennifer Kinler, and Action Auto Glass of Salem, Inc. in a city-owned building located at 3763-3769 Market Street NE.

Attachments: [Map](#)
[Proposed Lease - Davidson](#)
[Promissory Note - Davidson](#)
[Proposed Lease - Kinler](#)
[Proposed Lease - Action Auto Glass](#)

4. PUBLIC HEARINGS

4.a. [16-311](#) Appeal of Planning Commission's decision approving Design Review/Site Plan Review Case No. DR/SPR16-03 for property located at 152-172 Pembroke Street SE and 4752 Liberty Road S - 97302

Ward(s): Ward 7
Councilor(s): Bednarz
Neighborhood(s): Faye Wright

Recommendation: Staff recommends that the City Council AFFIRM the September 9, 2016 Planning Commission's Decision.

Attachments: [Vicinity Map](#)
[Approved Plans](#)
[Planning Commission Decision](#)
[Faye Wright Neighborhood Association Appeal Letter](#)
[ZC-CU15-03 City Council Decision](#)

5. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the Consent Calendar and any action item which requires a selection among options, consideration of matters of special importance to the Council, and management reports; formal presentations by city boards, city commissions, city committees and by outside agencies providing services or engaged in other activities with the City)

6. INFORMATION REPORTS: (Items that require no Council action)

- 6.a.** [16-266](#) Response to Comments on the 2015-2016 Consolidated Annual Performance and Evaluation Report

Ward(s): All
Councilor(s): All
Neighborhood(s): All

Recommendation: Information only.

Attachments: [Submitted Comments](#)
 [Response to Comments](#)

- 6.b.** [16-292](#) Purchases approved administratively - August 1, 2016, through August 31, 2016.

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

Recommendation: Information only.

Attachments: [Purchases approved administratively - August 2016](#)

- 6.c.** [16-305](#) Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / South Waterfront Mixed Use Zone Development Phasing Plan / Class 2 Adjustment No. DR-SPR-SWMUDPP-ADJ16-04 - Approved - Marquis Companies - 295 Commercial Street SE & 235 Front Street SE - A consolidated application for a proposed 52-bed, post-acute rehabilitation facility and an approximate 1,512 square-foot commercial retail space located at 295 Commercial Street SE.

Ward(s): 1
Councilor(s): Bennett

Neighborhood(s): CANDO

Recommendation:

Information Only.

Attachments: [DR-SPR-SWMUDPP-ADJ16-04 Decision](#)
[Project Rendering](#)

6.d. [16-306](#)

Planning Commission Decision - Zone Change No. CPC-ZC16-11 - Approved - Whispering Winds Estates LLC (George Suniga, Teresa Nordone, Franciel West, Stephanie Fry, Tamara Suniga) - 5991 Liberty Road S - A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 10-acre area from "Developing Residential" with RA (Residential Agriculture) zoning to "Multifamily Residential" with RM2 (Multiple Family Residential) zoning.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): Sunnyslope

Recommendation:

Information Only.

Attachments: [Land Use Decision CPC-ZC16-11](#)

7. ORDINANCES

7.1 FIRST READING:

7.1a. [16-307](#)

Proposed Comprehensive Plan Map Change - "Developing Residential" to "Multifamily Residential" for a 10-acre portion of 5991 Liberty Road S.

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): Sunnyslope

Recommendation:

Conduct first reading of Ordinance Bill No. 16-16 changing the Comprehensive Plan Map designation from "Developing Residential" to "Multifamily Residential" for a 10-acre portion of 5991 Liberty Road S and proceed to second reading.

Attachments: [Vicinity Map](#)
[Planning Commission Recommendation](#)
[Planning Commission Zone Change Approval](#)
[Ordinance 16-16](#)
[Ordinance 16-16 Exhibit 1](#)
[Ordinance 16-16 Exhibit 2](#)

7.1b. [16-308](#)

Proposed amendments to SRC Chapter 613 to change the boundaries of the Broadway/High Street Retail Overlay Zone to include three (3) additional parcels at 552-560 and 590 Willow

Street NE.

Ward(s): All

Councilor(s): All

Neighborhood(s): All

Recommendation:

Conduct first reading of Ordinance Bill No. 17-16 amending SRC Chapter 613 to change the boundaries of the Broadway/High Street Retail Overlay Zone to include three (3) additional parcels at 552-560 and 590 Willow Street NE.

Attachments: [Vicinity Map](#)

[Planning Commission Recommendation](#)

[Ordinance 17-16](#)

[Ordinance 17-16 Exhibit 1 - Map of Overlay Boundary](#)

[Ordinance 17-16 Exhibit 2 - Findings](#)

7.2 SECOND READING:

7.2a. [16-235](#)

Amending SRC Chapter 12 - Ethics, and assigning the duties to issue advisory opinions and interpretations to the Salem Hearings Officer.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Conduct second reading of Ordinance Bill No. 13-16, which amends SRC Chapter 12 - Ethics, to assign the duties to issue advisory opinions and interpretations regarding the City's Ethics Code to the Salem Hearings Officer, and disbands the Board of Ethics.

Attachments: [Ordinance bill no 13-16 SRC 12 board of ethics](#)

8. PUBLIC COMMENT: (Other than agenda items)

9. NEW BUSINESS

9.1 MAYOR'S ITEMS:

9.2 COUNCILOR'S ITEMS:

10. 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 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. [16-320](#) PUBLIC HEARINGS

None.

WORK SESSIONS - Held in the Council Chambers unless otherwise noted

Monday, November 21 at 5:30 p.m.

Joint City Council/Urban Renewal Agency/SEDCOR - Economic Development Update

Monday, November 21 at 6:30 p.m.

Urban Renewal Agency Work Session - Downtown Focus Group Update

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

Wednesday, November 16 at 6:00 p.m.

Budget Committee Meeting

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

SESNA - October 25 - Andersen

SWAN - November 3 - Bednarz

South Gateway - November 10 - McCoid

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:30 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: www.cityofsaalem.net/Departments/Legal/Pages/CouncilRules.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.

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.

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.

