

# **CITY OF SALEM**

555 Liberty St SE Salem, OR 97301

# **Meeting Agenda**

**City Council** 

Monday, June 12, 2017

6:00 PM

**Council Chambers** 

## **EXECUTIVE SESSION**

**City Council:** 

5:30 p.m. City Manager's Conference Room

To conduct deliberations with persons designated by the governing body to negotiate real property transactions ORS 192.660(2)(e).

### **WORK SESSION**

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.** <u>17-264</u> Proclamation recognizing Public Works Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only.

**Attachments:** Proclamation - Public Works Day.pdf

**1.3b.** 17-312 Proclamation of the Mayor and Canvass of Votes from the May 16,

2017 Special Election

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** Attachment A - Proclamation of the Mayor

Attachment B - Canvass of Votes

### 1.4 PRESENTATIONS

- 1.4a. Intergenerational Safe Streets Grant Stephen's Middle School
- 1.4b. Polk County Policing Sheriff Mark Garton
- 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.** <u>17-300</u> May 22, 2017 Council Work Session Minutes

**Attachments:** 5-22-17 Draft Council Work Session Minutes

**3.1b.** <u>17-301</u> May 22, 2017 Council Minutes

**Attachments:** 5-22-17 Draft Council Minutes

### 3.2 RESOLUTIONS

**3.2a.** <u>17-234</u> Initiating a Class 2 vacation of the southeasterly portion of Old

MacLeay Road SE.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

**Recommendation:** Adopt Resolution No. 2017-33 that initiates vacation of the southeasterly portion of

Old MacLeay Road SE.

Attachments: Resolution No. 2017-33

Partition Plat

Exhibit A, Resolution 2017-33 Exhibit B, Resolution 2017-33 **3.2b.** 17-267 Fire Department Fees and Charges for Pre-Hospital Emergency and

Non-Emergency Medical Treatment and Ambulance Transport

Services.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Adopt Resolution No. 2017-28 increasing fees and charges for prehospital

emergency and non-emergency medical treatment and ambulance transport

services provided by the Salem Fire Department by 2.58 percent.

Attachments: Resolution No. 2017-28

Resolution No. 2017-28 Exhibit 1 Fee Schedule

**3.2c.** 17-280 Proposed FY 2017-18 Public Works Fee Schedule

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Adopt Resolution No. 2017-30 setting fees for City of Salem Public Works.

Attachments: Resolution No. 2017-30

Exhibit 1 - Proposed FY 2017-18 Public Works Permit Charges and Service Fees

**3.2d.** <u>17-294</u> Transfer of appropriation authority to replace the cooling system at

the Civic Center.

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

Recommendation: Adopt Resolution No. 2017-32 to transfer \$954,400 of appropriation authority from

General Fund, Non Departmental, contingencies to Capital Improvements Fund, Non Department Construction, materials and services, to replace the cooling system at

the Civic Center.

**Attachments:** Resolution No. 2017-32

Resolution No. 2017-32, Exhibit A, Contingency Status

### 3.3 ACTION ITEMS

**3.3a.** 17-218 Avis Budget Car Rental, LLC Terminal Lease, Salem Municipal

Airport

Ward(s): 2

Councilor(s): Andersen Neighborhood(s): SEMCA

**Recommendation:** Find that the City-owned terminal space at the Salem Municipal Airport is not

needed for public use and authorize the City Manager to execute the attached lease with Avis Budget Car Rental, LLC from August 1, 2017, through July 31, 2022.

**Attachments:** Proposed Lease

**3.3b.** 17-223 Amendment to lease with Northwest Financial Advisors, LLC.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

**Recommendation:** Authorize the City Manager to execute the proposed lease amendment with

Northwest Financial Advisors, LLC.

**Attachments:** Lease (as amended)

Proposed Amendment No 3

**3.3c.** 17-225 Amendment to Intergovernmental Agreement with the State of

Oregon for the acquisition of real property in the 4100 block of

Fisher Road NE.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

**Recommendation:** Authorize the City Manager to execute the attached amendment to the

Intergovernmental Agreement with the State of Oregon for the acquisition of real

property in the 4100 block of Fisher Road NE.

**Attachments:** Agreement

Site Map

**Proposed Amendment** 

**3.3d.** 17-226 Amendment to Intergovernmental Agreement for transfer of real

property between the City of Salem and Salem-Keizer School District

24J

Ward(s): 1, 2, 3, 4, 5, 7, and 8

Councilor(s): Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis Neighborhood(s): Faye Wright, Grant, Highland, NEN, Northgate,

SCAN, SESNA, South Gateway, Sunnyslope, West Salem

**Recommendation:** Authorize the City Manager to execute the attached amendment to the

Intergovernmental Agreement with Salem-Keizer School District 24J transferring multiple properties between the City of Salem and Salem-Keizer School District 24J.

**Attachments:** Agreement

Proposed Amendment

**3.3e.** 17-233 Lease extension and amendment with Shires Properties, LLC to

secure proposed Salem Police Facility site.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

**Recommendation:** Authorize the City Manager to execute the attached lease amendment with Shires

Properties, LLC to secure the site of the proposed Police Facility.

**Attachments:** Site Map

**Current Lease** 

**Proposed Amendment** 

**3.3f.** 17-263 Reappointment of David W. Hittle as Municipal Judge Pro Tempore

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Reappoint David W. Hittle as a Municipal Judge Pro Tempore for the Salem

Municipal Court for a two-year term.

Attachments: Attachment 1: David W. Hittle Resume

**3.3g.** <u>17-282</u> Purchase and Sale Agreement with State of Oregon for property at

the former Oregon State Hospital.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): NEN, NESCA, Grant

**Recommendation:** Authorize the City Manager to execute the attached Purchase and Sale Agreement

(Attachment 1) with the State of Oregon for park property located at the former

Oregon State Hospital.

**Attachments:** Proposed Agreement

Site Map

Key Terms

Written Testimony - NESCA
Written Testimony - Lazarus
Written Testimony - Chilcote
Written Testimony - Marks
Written Testimony - Prichard

Written Testimony Packet 1

**3.3h.** 17-286 License Agreement with Capital Community Television for real

property located at 1700 -1770 Water Street NE.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Highland

**Recommendation:** Authorize the City Manager to execute the attached License Agreement (Attachment

1) with Capital Community Television.

**Attachments:** License Agreement

**Location Map** 

**3.3i.** 17-297 BSL Transport LLC ground lease, Salem Municipal Airport

Ward(s): 2

Councilor(s): Andersen Neighborhood(s): SEMCA

**Recommendation:** Authorize the City Manager to execute the attached ground lease with BSL Transport

LLC.

**Attachments:** Proposed Lease

**3.3j.** 17-299 Improvement and Reimbursement Agreement between the City of

Salem, Oregon Department of Administrative Services, and the Urban Renewal Agency for infrastructure at the Mill Creek Corporate

Center

Ward(s): Ward 3

Board Member(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

**Recommendation:** Authorize the City Manager to execute an Improvement and Reimbursement

Agreement with the Oregon Department of Administrative Services seeking reimbursement for up to \$1,100,000 in City Public Works construction funding for installation of approximately 3,500 feet of waterline between Aumsville Highway and

the Henningsen Cold Storage site along Kuebler Boulevard, in support of

development at the Mill Creek Corporate Center.

**Attachments:** Site map showing project locations

**Draft Improvement and Reimbursement Agreement** 

#### 4. PUBLIC HEARINGS

**4.b.** <u>17-291</u> Public hearing to receive state revenue sharing funds in FY 2017-18.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Hold a public hearing on the proposed uses of state revenue sharing funds and

adopt Resolution No. 2017-31 electing to receive a share of certain revenues from

the State of Oregon general fund.

Attachments: Resolution No 2017-31, State Revenue Sharing

(Formerly Agenda Item 4.a.)

**4.c.** 17-292 Public hearing on the FY 2017-18 City of Salem budget.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Hold a public hearing on the FY 2017-18 Budget Committee recommended City of

Salem budget; approve a budget amendment to increase appropriation authority in the Utility Fund budget by \$1,197,300 to provide for increased debt service

payments; and direct staff to return on June 26, 2017 with a resolution to adopt the

FY 2017-18 City of Salem budget.

Attachments: City of Salem Final Additions, Deletions, and Changes Recommended by the Budget Co

City of Salem Recommended Budget

Written Testimony 1
Written Testimony 2

Written Testimony Packet 1
Written Testimony Packet 2

(Formerly Agenda Item 4.b.)

**4.a.** <u>17-303</u> Proposed Amendments to the Salem Revised Code (SRC) to allow

multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone. (Ordinance No.

11-17; Case No. CA17-04)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Advance Ordinance No. 11-17 to second reading for enactment, for the purpose of

amending Salem Revised Code (SRC) Chapters 543 and 702 to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health

Services (PH) Zone.

Attachments: Attachment 1. Ordinance No. 11-17

Attachment 2. Exhibit to Ordinance No. 11-17

(Formerly Agenda Item 4.c.)

**4.d.** 17-285 Accessory dwelling units in all residential zones, most commercial

and industrial zones, and the neighborhood center mixed-use zone.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Advance Ordinance Bill No. 10-17, which amends the Salem Revised Code to allow

and establish standards for accessory dwelling units in all residential zones, most commercial and industrial zones, and the Neighborhood Center Mixed-Use Zone, to

second reading for enactment.

Attachments: Attachment 1 Ordinance Bill 10-17

Attachment 2 Planning Commission Recommendation to Council

**Attachment 3 Public Comments** 

Written Testimony -SCAN
Written Testimony Packet 1
Written Testimony Packet 2

Add - Add Written Testimony.

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)

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

**6.a.** <u>17-261</u> Purchases approved administratively - April 1, 2017, through April

30, 2017.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information only.

**Attachments:** Purchases approved administratively -April 2017

**6.b.** 17-270 Planning Administrator Decision - Urban Growth Area Preliminary

Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. UGA-SPR-ADJ-DAP17-01 - Approved - Mountain West Investment Corporation - 1940 Claxter Road NE - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of 4.88 acres and a Site Plan Review, Class 2 Adjustment, and Driveway Approach Permit for a mini-storage development located at the northeast corner of Hyacinth and Salem Parkway, and 1940 Claxter

Rd NE.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

**Recommendation:** Information Only.

Attachments: Land Use Decision UGA-SPR-ADJ-DAP17-01

**6.c.** 17-284 Neighborhood Partnership Program Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information only.

Attachments: Attachment 1 - CaPES Neighborhood Profile 2016

Attachment 2 - Edgewater Area Neighborhood Profile 2016

**6.d.** 17-287 Fiscal year 2016-2017 economic development update: urban

renewal efforts, business expansion, retention, and marketing.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information only.

**6.e.** 17-310 Hearings Officer Decision - Conditional Use Case No. 17-06 -

Approved - Rural Castle LLC (Bob Meyers, Alex Casebeer) - 900 Block of Auto Group Avenue NE - A proposed development of a

36,000 square foot gravel surface vehicle storage area.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Highland

**Recommendation:** Information Only.

**Attachments:** Land Use Decision CU17-06

**6.f.** 17-311 Hearings Officer Decision - Conditional Use / Class 3 Site Plan

Review Case No. 17-05 - Approved - Yak Inc. - 1215 Wilbur Street SE - Conversion of an existing medical marijuana grow site to a facility for production of recreational marijuana, a conditional use in

the IC (Industrial Commercial) zone.

Ward(s): 2

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

**Recommendation:** Information Only.

**Attachments:** Land Use Decision CU-SPR17-05

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1a.** 17-266 Petitioner-Initiated Annexation of Territory Located at 3652 and

3672 Maly Place SE (Annexation Case No. C-719)

Ward(s): 2

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

**Recommendation:** Conduct first reading of Ordinance Bill No. 18-17 annexing, applying the City of

Salem RS (Single Family Residential) zone, and withdrawing from the Marion County Fire District #1, the East Salem Service District, and the Suburban East Salem Water District, for a 0.28-acre property located at 3652 and 3672 Maly Place

SE.

**Attachments:** Attachment 1 - Vicinity Map

Attachment 2 - Ordinance Bill No. 18-17

Exhibit A - Territory Legal Description and Map

### 7.2 SECOND READING:

**7.2a.** 17-229 Proposed amendments to Salem Revised Code (SRC) Chapter 102

relating to parking and to SRC 78.240 relating to cafe seating areas

in sidewalks and alleys

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Engross Ordinance Bill No. 9-17, which amends SRC Chapter 102 to simplify

regulations and to reflect new parking technology, amends SRC Chapter 78 to add language that allows restaurants to have seating areas in alleys, and as engrossed,

conduct second reading.

**Attachments:** Engrossed Ordinance Bill No. 9-17

**7.2b.** <u>17-288</u> Short-term rental development standards and licensing

requirements

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Engross Ordinance Bill No. 5-17, which amends the SRC to establish development

standards and licensing requirements for short-term rentals and accessory

short-term rentals and allowing those uses in certain zones.

**Attachments:** Engrossed Ordinance Bill No 5-17

Attachment 2 - Exhibit A to Ordinance Bill No 5-17

**7.2c.** 17-307 Amending Utility Code

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Conduct second reading of Ordinance Bill No. 7-17, which amends Salem Revised

Code Chapters 70, 70A, 71, 72, and 73, and declares an emergency.

**Attachments:** Ordinance Bill No. 7-17

**7.2d.** 17-308 Proposed Comprehensive Plan Map Change and Neighborhood Plan

Change - "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D

Street NE.

Ward(s): Ward 6 Councilor(s): Hoy

Neighborhood(s): NESCA

**Recommendation:** Conduct second reading of Ordinance Bill No. 16-17 changing the Comprehensive

Plan Map designation from "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE.

**Attachments:** Attachment 1 - Vicinity Comprehensive Plan Map

Attachment 2 - Planning Commission Recommendation

Attachment 3 - Ordinance 16-17

Attachment 4 - Ordinance 16-17 Exhibit 1
Attachment 5 - Ordinance 16-17 Exhibit 2

**7.2e.** <u>17-309</u> Proposed Comprehensive Plan Map Change and Neighborhood Plan

Change - "Industrial" to "Industrial Commercial" for a 0.56-acre property at the southwest corner of 25th Street SE and McGilchrist

Street SE.

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

Recommendation: Conduct second reading of Ordinance Bill No. 15-17 changing the Comprehensive

Plan Map designation from "Industrial" to "Industrial Commercial" for a 0.56-acre property at the southwest corner of 25th Street SE and McGilchrist Street SE.

Attachments: Attachment 1 - Vicinity Map

Attachment 2 - Planning Commission Recommendation

Attachment 3 - Planning Commission Decision on Zone Change

Attachment 4 - Ordinance -15-17

Attachment 5 - Ordinance 15-17 Exhibit 1

Attachment 6 - Ordinance 15-17 Exhibit 2

# 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 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.** <u>17-283</u> PUBLIC HEARINGS - Held in the Council Chambers unless otherwise noted

Proposed Code Amendments to Allow Accessory Dwelling Units Monday, June 26, 2017 at 6:30 p.m.

Setting Land Use Fees and Charges for the Planning Division and the Public Works Department for Fiscal Year 2017-18 Monday, June 26, 2017 at 6:30 p.m.

WORK SESSIONS - Held in the Council Chambers unless otherwise noted

Allowance and Regulation of Accessory Dwelling Units; Creating New Provisions
Monday, June 26, 2017 at 5:30 p.m. - 6:30 p.m.

#### SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor SCAN - June 14 - Andersen, Cook Sunnyslope - June 15 - McCoid, Cook West Salem - October 16 - Kaser, Lewis SESNA - October 24 - Andersen South Gateway - November 9 - McCoid

#### **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.

#### **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: Imanderson@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.

