



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Tuesday, May 29, 2018

6:00 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

1.4a. [18-147](#) 2017 Polk County Policing Year in Review - Sheriff Mark Garton

Attachments: [2017 Year in Review](#)

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. [18-242](#) May 14, 2018 Draft City Council Minutes

Attachments: [5-14-18 Draft Council Minutes](#)

3.2 RESOLUTIONS

- 3.2a. [18-210](#) Authorizing a transfer of appropriation authority in the City's Trust Funds to the Telephone System Replacement Trust Fund to complete an unanticipated transfer.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Adopt Resolution No. 2018-20 transferring a total of \$600,000 of appropriation authority from the Trust and Agency Unanticipated Trust Fund, the Enterprise Zone Trust Fund, and the Railroad Bridge Trust Fund to the Telephone System Replacement Trust Fund for the purpose of completing an unanticipated transfer necessary for the replacement of the City's telecommunication system.

Attachments: [Resolution No. 2018-20](#)

- 3.2b. [18-230](#) Authorizing a transfer of appropriation authority in the General Fund for City Hall waterline replacement.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Adopt Resolution No. 2018-23 transferring \$350,000 of appropriation authority from General Fund, Non-Departmental materials and services to General Fund, Non-Departmental, interfund transfers for the purpose of funding replacement of the domestic waterlines at City Hall.

Attachments: [Resolution No. 2018-23, Domestic Waterlines Replacement Project](#)

- 3.2c. [18-231](#) Amending the Lone Oak Road Reimbursement District.

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Recommendation: Adopt Resolution No. 2018-24 to amend 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: [Resolution 2018-24 FINAL.docx](#)
[EXHIBIT A-District Properties Table](#)
[EXHIBIT B-Updated Tax Lots by Area -District Properties Table](#)
[EXHIBIT C-Updated Reimbursement District Map](#)
[Original Exhibit Map](#)
[Testimony Received through 5:00 p.m. 5-23-2018](#)
[5-29-18 Written Testimony 1](#)

3.3 ACTION ITEMS

- 3.3a. [18-218](#)** Intergovernmental Agreement with Marion County for Communication and Dispatch Services for the 2018 St. Paul Rodeo
- Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
- Recommendation:** Authorize the City Manager to execute an IGA with Marion County for communication and dispatch services for the 2018 St. Paul Rodeo.
- Attachments:** [2018 St. Paul Rodeo Assist IGA.pdf](#)
- 3.3b. [18-223](#)** Application for project funding under the Oregon Department of Transportation "All Roads Transportation Safety" Program (ARTS).
- Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
- Recommendation:** Authorize the City Manager to apply for project funding under the "All Roads Transportation Safety" (ARTS) program and, if successful, incorporate projects into a future Capital Improvement Plan and authorize the City Manager to enter into an agreement with the Oregon Department of Transportation to accept the funds.
- Attachments:** [ARTS Program Description](#)
- 3.3c. [18-226](#)** Intergovernmental Agreement with the State of Oregon, Department of Transportation for use of Microwave Radio Bandwidth to establish a microwave link between the Willamette Valley Communications Center and the 9-1-1 backup center.
- Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
- Recommendation:** Authorize the City Manager to execute an IGA with the State for use of two Megabits per second of Microwave Radio Bandwidth to establish a microwave link between the WVCC and the 9-1-1 backup facility.
- Attachments:** [Eagle Crest to Whipper IGA.pdf](#)

3.3d. [18-240](#)

Removal of Church Street SE, between Mission Street SE and the south end of the Pringle Creek Bridge, from the Paid Parking Plan.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SCAN

Recommendation:

Remove both sides of Church Street SE, between Mission Street SE and the south end of the Pringle Creek Bridge, from the adopted Capitol Mall Parking Technology Project, and cease the planned installation of the parking meters in this area.

Attachments: [Site Map - Church Street SE](#)**3.3e. [18-249](#)**

Order for the appeal of the Hearings Officer's decision for 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:

Adopt the order to affirm and modify the decision of the Hearings Officer for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14.

Attachments: [CU-ZC17-14 CC Order \(5-17-18\)](#)

[Exhibit A February 9 2018, Hearings Officer's Decision](#)

[Exhibit B Supplemental Findings](#)

[May 21, 2018 Letter from Phil Grillo to City Council](#)

4. PUBLIC HEARINGS**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. [18-222](#)**

Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR18-03 -Approved - Eric Buckner, Medirec DBA Albion Farms - 2979-2999 19th Street SE - Conditional Use and site plan review for a facility processing cannabis concentrates and extracts and growing cannabis.

Ward(s): Ward 2
Councilor(s): Andersen
Neighborhood(s): Southeast Salem N.A.

Recommendation: Information Only.

Attachments: [Land Use Decision CU-SPR18-03](#)

- 6.b. [18-227](#) Hearings Officer Decision - Conditional Use Case No. CU18-02 - Approved - James Smith - 2465 Salem Dallas Highway NW - A conditional use application to add a recreational marijuana growing operation to an existing medical marijuana growing operation.

Ward(s): Ward 8
Councilor(s): Lewis
Neighborhood(s): West Salem

Recommendation: Information Only.

Attachments: [Land Use Decision CU18-02](#)

- 6.c. [18-243](#) Appointment to the Center 50+ Advisory Commission

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

Recommendation: Information only

Attachments: [Billie Larson Application - redacted.pdf](#)

7. ORDINANCES

7.1 FIRST READING:

- 7.1a. [18-219](#) Vacation of Vacation Lane SE

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

Recommendation: Conduct first reading of Ordinance Bill No. 8-18 (Attachment 1), which vacates 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; and
2. Payment of an assessment of special benefit in the amount of \$40,369.30.

Attachments: [Ordinance No. 8-18 \(Vacation Lane SE\)](#)

[Vacation Lane SE Vicinity Map](#)

- 7.1b. [18-251](#) Proposed changes to Salem Revised Code Chapter 94 to allow sales

of alcoholic beverages with 14 percent or more alcohol by volume at Riverfront Park and Bush's Pasture Park.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Conduct first reading of Ordinance Bill No. 9-18, which amends Salem Revised Code Chapter 94 to allow sales of alcoholic beverages with 14 percent or more alcohol by volume at Riverfront Park and Bush's Pasture Park if the alcoholic beverage is purchased from a concessionaire that is operating pursuant to a permit issued by the Director of Public Works and licensed by the Oregon Liquor Control Commission.

Attachments: [Ordinance Bill No. 9-18](#)

[5-29-18 -Written Testimony 1](#)

[5-29-18 Written Testimony 2](#)

Add - Written Testimony.

7.2 SECOND READING:

7.2a. [18-244](#)

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 conduct second reading for enactment of 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](#)

7.2b. [18-245](#)

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 conduct second reading for enactment of 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).

Attachments: [Ordinance Bill No. 6-18](#)

[Ord. No. 6-18 Exhibit \(ROW Use Agreement\)](#)

7.2c. [18-247](#)

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 conduct second reading for enactment 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).

Attachments:

[Ordinance Bill No. 7-18](#)

[Ord. No. 7-18 Exhibit \(ROW Use Agreement\)](#)

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. [18-238](#) 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.

Fiscal Year 2019 Recommended Budget
Monday, June 11, 2018 at 6:00 p.m.

State Revenue Sharing
Monday, June 11, 2018 at 6:00 p.m.

Hilfiker Park Master Plan Proposal
Monday, June 25, 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

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor
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.

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.

