



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, October 22, 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

1.3 a. [18-483](#) Proclamation recognizing National Code Compliance Month
Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [Proclamation - National Code Compliance Month](#)

1.3 b. [18-484](#) Proclamation recognizing Veterans Day

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

Recommendation: Information Only.

Attachments: [Proclamation - Veterans Day](#)

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

3.1 a. [18-492](#) October 8, 2018 Draft City Council Minutes

Attachments: [10-8-18 Draft Council Minutes](#)

3.2 RESOLUTIONS

3.2 a. [18-471](#) Enterprise Zone property tax abatement time extension for Pacific Cast Technologies/ATI Cast Products

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

Recommendation: Adopt Resolution No. 2018-80 (Attachment 1) authorizing the City Manager to execute the Salem Enterprise Zone Extended Abatement Agreement to extend the property tax abatement benefit time period for Pacific Cast Technologies/ATI Cast Products from three years to five years.

Attachments: [Resolution 2018-80](#)
[Resolution Exhibit 1 ATI EZ Application](#)
[Resolution Exhibit 2 Salem Enterprise Zone Extended Abatement Agreement](#)
[ATI EZ SEDCOR Letter](#)

3.3 ACTION ITEMS

3.3 a. [18-446](#) Adoption of Brown Road Park Master Plan.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): North Lancaster

Recommendation: Adopt the Brown Road Park Master Plan.

Attachments: [Brown Road Park Draft Master Plan](#)[Overview of Proposed Brown Road Park Elements](#)[Compiled Comments Received by Email](#)[NOLA Letter](#)[SPRAB Action](#)**3.3 b. [18-464](#)**

Lease with Glamour! LLC for retail space located at 195 Liberty Street SE

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Recommendation: Authorize the City Manager to execute the attached lease with Glamour! LLC.

Attachments: [Proposed Lease](#)**3.3 c. [18-465](#)**

Retail lease with Create A Memory Contemporary Ceramic Studio, Inc.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Recommendation: Authorize the City Manager to execute the attached lease.

Attachments: [Proposed Lease](#)**3.3 d. [18-468](#)**

Amendment One to Purchase and Sale Agreement with Dogwood Heights LLC for the acquisition of real property

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

Recommendation: Authorize the City Manager to execute the attached amendment to the Purchase and Sale Agreement with Dogwood Heights LLC for the acquisition of real property identified as a portion of tax lots 083W04C00100 and 083W04C00200.

Attachments: [Agreement](#)[Proposed Amendment](#)**3.3 e. [18-469](#)**

Purchase and Sale Agreement with Krishna Bhattarai, for the Purchase of property located at 575 Trade Street SE, Units C-1 & C-2 and License Agreement with Capital Community Television, Inc.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Recommendation: Authorize the City Manager to execute the attached Purchase and Sale Agreement with Krishna Bhattarai for the purchase of real property located at 575 Trade Street SE, Units C-1 & C-2 and License Agreement with Capital Community Television, Inc.

Attachments: [Proposed Agreement](#)
[License Agreement](#)

- 3.3 f. [18-470](#) Order for Appeal of Planning Commission's Decision Amending Comprehensive Plan Change/Zone Change/Urban Growth Preliminary Declaration Case No. 18-04, 4195 Aumsville Highway SE

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

Recommendation: Staff recommends that the City Council adopt the order to amend the decision of the Planning Commission for Comprehensive Plan Change/Zone Change/Urban Growth Preliminary Declaration Case No. 18-04.

Attachments: [Vicinity Map](#)
[July 19 2018 Decision of the Planning Commission](#)
[Order No 2018-07 CPC-ZC-UGA18-04](#)

- 3.3 g. [18-474](#) Public Works Accreditation

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

Recommendation: Approve submittal of the Public Works Department application for voluntary accreditation through the American Public Works Association.

Attachments: [Application](#)
[Draft Letter of Support](#)
[Accreditation Agreement](#)

- 3.3 h. [18-478](#) 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 ABIS.

Attachments: [WIN ABIS IGA](#)
[Attachment 1 - User Fee](#)

- 3.3 i. [18-479](#) Exception to City Council Meeting Start Time

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

Recommendation: Approve an exception to City Council rules for a 6:30 pm start time on December 10, 2018, to accommodate a Budget Committee meeting from 5:30 pm to 6:30 pm.

3.3 j. [18-493](#)

Collective Bargaining Agreement between the City and American Federation of State, County and Municipal Employees (AFSCME).

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

Recommendation: Approve a three-year collective bargaining agreement between the City and American Federation of State, County and Municipal Employees (AFSCME), for a period from July 1, 2018, through June 30, 2021.

4. PUBLIC HEARINGS

4. a. [18-475](#)

Petitioner-Initiated Annexation of Territory Located at 5826 Battle Creek Road SE - 97306 (Annexation Case No. C-726)

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

Recommendation:

1. Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;
2. Determine that the Petition satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2018-08-ANX (Attachment 2);
3. Apply the City of Salem RS (Residential Agriculture) zone to the Territory from Marion County UT-10 (Urban Transition 10 Acres); and
4. Withdraw the Territory from Salem Suburban Rural Fire Protection District.

Attachments: [Vicinity Map](#)
[Order No. 2018-08-ANX Adopting the Final Decision and Findings of Compliance](#)
[Public Works Department Parks Comments](#)
[Fire Department Comments](#)
[Public Works Department Development Services Section Comments](#)
[Finance Division Comments](#)
[Salem-Keizer School District Comments](#)

4. b. [18-476](#)

Continuation of public hearing on Ordinance Bill No. 20-18, restricting use of plastic carryout bags

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

Neighborhood(s): All Neighborhoods

Recommendation:

Engross Ordinance Bill No. 20-18, restricting use of plastic carryout bags, and advance the ordinance to second reading for enactment.

Attachments: [Ordinance Bill No. 20-18](#)

[Ordinance Bill No. 20-18, Exhibit A](#)

[Business Outreach Letter](#)

[Engrossed Ordinance Bill No. 20-18](#)

[Engrossed Ordinance Bill No. 20-18, Exhibit A](#)

[Public Comment Received through September 10](#)

[Public Comment Received after the September 10 Public Hearing](#)

[Public Comment Received through October 17, 2018](#)

[Public Comment Received after October 17, 2018](#)

Add - Written Testimony.

4. c. [18-480](#)

Continued Hearing for City Council review of the Planning Administrator's decision denying a Tentative Subdivision Review and approving an Urban Growth Declaration for Permit Case No. SUB-UGA18-01 for property located at 1395 Boone Road SE - 97306.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Morningside

Recommendation:

Staff recommends that the City Council AMEND the decision to approve the subdivision, with conditions, as contained in Attachment 4.

Attachments: [Vicinity Map](#)

[Tentative Subdivision Plan](#)

[Planning Administrator's Decision](#)

[Approval Findings](#)

[USA Vicinity Map](#)

[Parks Master Plan Map](#)

[Boone Road Sidewalks Map](#)

[Public Works Memo](#)

[Additional Supplemental Findings from Applicant Received 10/22/18](#)

Add - Supplemental Findings from Applicant.

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)

5. a. [18-488](#) Motion from Councilor Kaser requiring all television monitors available to the public to use closed captioning.

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

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

6. a. [18-455](#) Purchases approved administratively - September 1, 2018 through September 30, 2018.

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

Recommendation: Information only.

Attachments: [Purchases approved administratively Sept 2018](#)

6. b. [18-485](#) Planning Administrator Decision - Partition Case No. PAR18-07 - Approved - Greystone Construction, LLC (Elya Tipikin) - 3458 Peck Avenue SE - A proposed partition to divide two lots along the easterly side of Peck Avenue SE into two parcels.

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

Recommendation: Information Only.

Attachments: [Land Use Decision PAR18-07](#)

7. ORDINANCES

7.1 FIRST READING:

- 7.1 a. [18-481](#) Abatement of public nuisance property

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

Recommendation: Conduct first reading of Ordinance Bill 21-18, which amends Salem Revised Code (SRC) Chapter 98 regarding public nuisance properties, and advance to Second Reading

Attachments: [Ordinance Bill 21-18](#)
[Exhibit A to Ordinance Bill 21-18](#)

7.2 SECOND READING:**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. [18-487](#)****CITY COUNCIL PUBLIC HEARINGS**

Held in the Council Chambers unless otherwise noted

Petitioner-Initiated Annexation of Territory Located at 4741-4753
Lancaster Drive NE (Annexation Case No. C-727)
Monday, November 13, 2018 at 6:00 p.m.

Proposed Solid Waste Collection Service Rates
Tuesday, November 13, 2018 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS**URBAN RENEWAL AGENCY PUBLIC HEARINGS****WORK SESSIONS Held in the Council Chambers unless otherwise noted**

Results of the Congestion Relief Task Force
Monday, November 5, 2018 at 6:00 p.m.

Council Policy Agenda
Monday, November 19, 2018 at 6:00 p.m.

Council Policy Agenda
Wednesday, January 23, 2019 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

Held in the Council Chambers unless otherwise noted

Fiscal Year 2020-2024 Five Year Forecasts
Monday, December 10, 2018 at 5:30 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor
SWAN - November 6 - Cook
NEN - December 4 - Kaser, Andersen

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 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications: <https://www.cityofsalem.net/Pages/council-rules.aspx>.

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 220, 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.

