

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Draft**

**Monday, May 14, 2018**

**6:00 PM**

**Council Chambers**

**City Council**

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

**Call to Order**

6:04 p.m.

**Roll Call**

**Present:** 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

**Pledge of Allegiance**

Led by Mayor Bennett

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

A motion was made by Councilor McCoid, seconded by Councilor Kaser to approve the additions to the agenda.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

Comments by: Councilor Andersen.

**1.3 PROCLAMATIONS**

**1.3a.** Proclamation recognizing National Salvation Army Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Mayor Bennet read the proclamation.

**1.3b.** Proclamation recognizing Memorial Day 2018

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

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

Mayor Bennett read the proclamation for Agenda Item 1.3b. before the proclamation for Agenda Item 1.3a.

## 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)

**Apperances by:**

Debbie Miller, 3855 Aberdeen Street S, Item 5.c, File 18-221  
Ken Bierly, 2308 Ptarmigan Street NW, Item 3.2a, File 18-194  
Ken Lyons, Cingular, Item 7.1c, File 18-215  
Rachel Fenton, Mobilitie, Item 7.1b, File 18-214  
Gaelen McAllister, 805 Breys, Item 4.b, File 18-178

**Questions or Comments by:** Councilor Andersen

2.a. 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](#)

A motion was made by Councilor McCoid, seconded by Councilor Andersen, to move Item No. 5.c. to be heard before the Consent Calendar. The motion carried by unanimous vote.

A motion was made by Councilor Andersen, seconded by Councilor Hoy, to direct staff to research and prepare an ordinance to ban single-use plastic bags in the City of Salem, including consideration of a "pass through fee" and an exemption for safeguarding public health and farmers' markets, to be scheduled for a public hearing before council.

Questions and Comments by: Councilors Andersen and Nanke.

The motion carried by the following vote:

**Aye:** 8 - Kaser, Andersen, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 1 - Nanke

**Abstain:** 0

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

A motion was made by Councilor McCoid, seconded by Counselor Andersen to approve the consent calendar.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

### **3.1 MINUTES**

**3.1a.** April 23, 2018 Draft City Council Minutes

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

**Action:** approved

### **3.2 RESOLUTIONS**

**3.2a.** Update to the City of Salem Floodplain Management Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Adopted Resolution No. 2018-19 updating the City of Salem Floodplain Management Plan.**

**3.2b.** Waiving certain sections of Cable Communications Franchise Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

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

### 3.3 ACTION ITEMS

- 3.3a.** Lease termination agreement with Harvey Loveall Hair Care Center, Inc.

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

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

**Authorized 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.**

- 3.3b.** Downtown Housing Parking Reservation Agreement

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

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

**Authorized 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.**

- 3.3c.** Purchase and Sale Agreement with Hazelgreen, LLC for purchase of real property for use as a City park.

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

**Authorized 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.**

- 3.3d.** 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

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

**Authorized 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.**

**3.3e.** Ambulance Service Area Mutual Aid Agreement

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

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

**Authorized 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.**

**3.3f.** Intergovernmental Agreement with Salem-Keizer School District 24J for Gilmore Field Water Level Monitoring

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

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

**Authorized the City Manager to execute the attached IGA with the District.**

## **4. PUBLIC HEARINGS**

**4.a.** Public hearing regarding vacation of Vacation Lane SE.

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

**Attachments:** [Legal & Map](#)  
[Vacation Lane SE Vicinity Map](#)  
[Real Estate Valuation Memo.pdf](#)  
[Written Testimony 1](#)

**Staff presentation by: Anthonly Gamallo, Transportation Planner with Public**

Works.

Persons testifying: Joey Shearer, AKS Engineering  
Harold Evenson, 610 Winding Way SE

A motion was made by Councilor Nanke, seconded by Councilor McCoid to 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.

Questions and Comments by: Councilors Andersen and Cook.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

**4.b.** 2018-2019 Housing and Community Development Annual Action Plan

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

**Attachments:** [2018-2019 Housing and Community Development Annual Action Plan Amendments to 2014, 2015, 2016, 2017 Action Plans](#)  
[Supplemental Report](#)  
[Written Testimony 1](#)

Mayor Bennett moved the order of the public hearings. Agenda Item 4.b was heard before Agenda Item 4.a.

Staff presentation made by: Shelly Ehenger, Program Manager for Urban Development.

Persons testifying: None.

Organizations testifying: Adam Kohler, Chair, Community Services and Housing Commission.

Mayor Bennett and Councilors Andersen and Hoy declare a conflict of interest.

A motion was made by Mayor Bennett, seconded by Councilor McCoid to 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.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

**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.** Deliberating the formation of the Lone Oak Road Reimbursement District.

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

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

**Staff Presentation by:** Glenn Davis, Chief Development Engineer with Public Works

**Comments and Questions by:** Councilors Nanke, Andersen, McCoid, Lewis, Cook, Ausec, Hoy and Mayor Bennett

**A motion was made by Councilor McCoid, seconded by Councilor Nanke to adopt the lowest revenue proposal, which removes Creekside from the District Boundary.**

**A substitute motion was made by Councilor Andersen, seconded by Councilor Hoy, to adopt Alternative #1, which removes the East Area from the District Boundary.**

**A substitute motion to the substitute motion was made by Councilor Hoy, seconded by Councilor Nanke, to adopt Alternative #3, which removes both the East Area and the Creekside area lots from the District Boundary.**

The motion carried by the following vote:

**Aye:** 5 - Nanke, McCoid, Cook, Hoy, and Bennett



**Nay:** 4 - Kaser, Andersen, Ausec, and Lewis

**Abstain:** 0

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

- 5.b.** 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

**Attachments:** [Testimony Received Prior to April 30, 2018](#)  
[2. Rebuttal Testimony Received Prior to May 7, 2018](#)  
[Written Testimony 1](#)

**Councilors Kaser and Cook declared ex parte contact.**

**Staff presentation by Bryce Bishop, Associate Planner with Community Development.**

**Questions and Comments by: Councilors Lewis, Kaser, Cook, Andersen, Nanke, Hoy and Mayor Bennett**

**A motion was made by Counselor Kaser, seconded by Councilor Ausec to accept staff recommendation as presented and 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, of which a minimum of 78 beds shall be committed for transitional housing.**

**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.**

**Condition 11: The shelter shall provide indoor restroom to be**

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available to men twenty-four hours a day..

**The motion carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

- 5.c.** 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](#)

**Moved before Consent Calendar by a motion by Councilor McCoid. See Agenda Item 2.a.**

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

- 6.a.** Purchases approved administratively - March 1, 2018 through March 31, 2018.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**This information report was received and filed.**

- 6.b.** Human Rights and Relations Advisory Commission Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**This information report was received and filed.**

- 6.c.** 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

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

**This information report was received and filed.**

- 6.d.** 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

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

**This information report was received and filed.**

- 6.e.** Salem Parks and Recreation Advisory Board Annual Report for 2017

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

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

**This information report was received and filed.**

## 7. ORDINANCES

**7.1 FIRST READING:**

- 7.1a.** 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

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

**A motion was made by Councilor McCoid, seconded by Councilor Hoy to 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.**

**The motion carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

- 7.1b.** Right-of-Way Use Agreement with Mobilitie, LLC.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**A motion was made by Councilor McCoid, seconded by Councilor Andersen to 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.**

**The motioned carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

Abstain: 0

**7.1c.** Right-of-Way Use Agreement with New Cingular Wireless, PCS, LLC.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Councilor McCoid, seconded by Councilor Hoy to 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.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

**7.2 SECOND READING:**

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

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

None.

**9. ADJOURNMENT**

8:28 p.m.