

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, October 24, 2016**

**6:30 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**

7:04 p.m.

**Roll Call**

- Present:** 8 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Lewis, and Mayor Peterson
- Absent:** 1 - Councilor Bednarz

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

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the additions and deletions to the agenda.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

**Nay:** 0

**Absent:** 1 - Bednarz

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

Questions or Comments by: Councilors Andersen, Bennett, Mayor Peterson, and Deputy City Manager Duncan.

**1.3 PROCLAMATIONS**

None.

**1.4 PRESENTATIONS**

None.

**2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)**

Agenda Item 8 was heard at this time.

Appearance by:  
EM Easterly, 775 Fir Gardens Street NW - River Valley Subdivision

Questions or Comments by: Councilors McCoid, Nanke, and Andersen.

**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 Councilor Nanke to approve the consent calendar with the pull of item 3.2a by Councilor Dickey.

Questions or Comments by: Councilors McCoid, Andersen, and Bennett.

The motion carried by the following vote:

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

**Nay:** 0

**Absent:** 1 - Bednarz

**Abstain:** 0

**3.1 MINUTES**

**3.1a.** [16-321](#) 10-10-2016 Council Minutes

**Action:** approved.

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

**Action:** approved.

**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

**Pulled by Councilor Dickey - See Item 5.a.**

**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

- 1. Authorized 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. Adopted 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.**

### 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

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

- 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
- Amended Council Policy A-6 and approve evaluation criteria.**
- 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
- Authorized 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+.**
- 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)
- Authorized 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.**
- 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
- Approved 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).**

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

**Authorized 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).**

3.3g. [16-263](#)

Retail Leases - 3763-3769 Market Street NE

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

**Authorized 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.**

**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

**Appearances by:**  
**Mark Grenz, 1155 13th Street SE**  
**Fred Todd, 4769 Music Street SE**

**Questions or Comments by: Councilors Andersen, McCoid, Benjamin, Lewis, and Mayor Peterson.**

**A motion was made by Councilor McCoid, seconded by Councilor Lewis to affirm the September 9, 2016 Planning Commission’s Decision.**

**Questions or Comments by: Councilors Andersen, Nanke, and Mayor Peterson.**

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

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

**Nay:** 0

**Absent:** 1 - Bednarz

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Abstain: 0

**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)**

**5.a. [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

**A motion was made by Councilor Dickey, seconded by Councilor Lewis to 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, effective January 1, 2017;**
- 2) Move Mayor and Councilor items from "New Business" to "Special Orders of Business" on the agenda;**
- 3) Require public hearings to begin no later than 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.**

**Questions and Comments by: Councilor Dickey.**

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

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

Nay: 0

Absent: 1 - Bednarz

Abstain: 0

**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

**Information only.**

**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

**Information only.**

**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

**Information Only.**

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

**Information Only.**

**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

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

**Questions or Comments by: Councilors Andersen and McCoid.**

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

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

**Nay:** 0

**Absent:** 1 - Bednarz

**Abstain:** 0

**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

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

**Questions or Comments by: Councilor Andersen.**

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

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

**Nay:** 0

**Absent:** 1 - Bednarz

**Abstain:** 0

**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

**Conducted 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.**

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

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

**Nay:** 0

**Absent:** 1 - Bednarz

**Abstain:** 0

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

**Agenda Item 8 was heard under Agenda Item 2.**

**9. NEW BUSINESS**

None.

**9.1 MAYOR'S ITEMS:**

None.

**9.2 COUNCILOR'S ITEMS:**

None.

**10. ADJOURNMENT**

8:16 p.m.