

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, March 27, 2017

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

City Council:

5:30 p.m. - City Manager Conference Room

Current litigation or litigation likely to be filed ORS 192.660(2)(h)

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

6:05 p.m.

Roll Call

Present: 7 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, and Mayor Bennett

Absent: 1 - Councilor Lewis

Other attendees were: Guest Councilor Christopher Hoy for Ward 6 and Guest Councilor Jeff Miller for Ward 8.

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 Cook to approve the additions and deletions to the agenda.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett

Nay: 0

Absent: 1 - Lewis

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Questions or Comments by: Councilor Andersen, City Manager Powers, and Mayor Bennett.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. Travel Salem 2017-2020 Strategic Plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [2017-2020 Strategic Plan](#)

Information only.

Questions or Comments by: Councilors McCoid and Andersen.

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

Agenda Item 8 also heard at this time.

Appearances by:

Cyndi Leinassar, Deputy Director, Community Action Agency, 2475 Center Street NE, Emergency Warming Centers, Item 6c., File 17-140

Hazel Patton, 1363 Court Street NE, Salem Main Street Association

John Hawkins, 5539 Bellflower Court SE, Salem Main Street Association

Rich Fry, 777 Sahalee Drive SE, Creekside access routes

Don Wildfang, President, Creekside Homeowner's Association, 6025 Lone Oak Drive SE, Creekside access routes

Ryan McGanty, Ward 4, Trees

Mark Knecht, 200 25th Street, Neighborhood meeting

Questions or Comments by: Councilors Kaser, Nanke, McCoid, Andersen, Cook, and Mayor Bennett.

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 3.3f by Councilor Andersen.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett

Nay: 0

Absent: 1 - Lewis

Abstain: 0

3.1 MINUTES

3.1a. March 6, 2017 Council Work Session Minutes

Attachments: [3-6-17 Draft Council Work Session Minutes](#)

Action: Approved.

3.1b. March 13, 2017 Council Minutes

Attachments: [3-13-17 Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

3.2a. Transfer of Appropriations for Utility Fund Debt Prepayment

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Resolution No. 2017-25 - OECD Loan Prepayment](#)

Adopted Resolution No. 2017-25, authorizing the transfer of \$4,800,000 in appropriations within the Utility Fund from contingencies to debt service for the purpose of debt prepayment.

3.2b. Authorizing a transfer of appropriation authority for the purpose of expanding the plan development and community engagement activities of the City's current strategic planning initiative.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Resolution No. 2017-26](#)
[Resolution No. 2017-26, Exhibit A, Contingency Status](#)

Adopted Resolution No. 2017-26 to transfer \$37,500 of appropriation authority within General Fund, Non Departmental from contingencies to materials and services for the purpose of expanding the plan development

and community engagement activities of the City's current strategic planning initiative.

3.3 ACTION ITEMS

- 3.3a.** Intergovernmental agreement with the City of Lafayette to accept wastewater treatment sludge.

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

Attachments: [IGA City of Lafayette Signed](#)
[City of Salem Retail Water Utility Service Fees Schedule](#)

Authorized the City Manager to execute the attached Intergovernmental Agreement with the City of Lafayette to accept wastewater treatment sludge.

- 3.3b.** Intergovernmental Agreement with the Oregon Department of Transportation for the Motor Carrier Safety Action Plan

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

Attachments: [IGA with ODOT](#)

Authorized the City Manager to execute the attached IGA with ODOT that would provide up to \$5,000 in reimbursement funds to the City through the Motor Carrier Safety Action Plan during Federal Fiscal Year 2016-17.

- 3.3c.** Preserving an area in Riverfront Park for a performance facility

Ward(s): Ward 1
Councilor(s): Councilor Kaser
Neighborhood(s): CAN DO

Attachments: [Attachment 1 Riverfront Park Master Planning-Area to be Preserved for Performance Facility](#)
[Attachment 2 Early Draft Conceptual Designs for Enhanced Performance Facility](#)

Authorized reservation of the footprint (Attachment 1) for a new and enhanced performance facility, situated at the current location of the amphitheater, in advance of completing a full master planning process for the Riverfront Park.

- 3.3d.** Cable Television Franchise Extension.

Ward(s): All Wards

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

Attachments: [Cable Television Franchise Extension Agreement](#)
[Mid-Willamette Valley Cable Regulatory Commission Resolution No. 17-01](#)

Authorized the City Manager to execute the cable television franchise extension agreement with Comcast of Oregon I, Inc. (Attachment 1) to allow staff, together with Marion County, to finalize the negotiation of a franchise renewal during the extension period.

- 3.3e.** Purchase and Sale Agreement with Pons Family Trust, William J. Pons and Sarah McCabe Pons, Trustees, for the Purchase of 1700 and 1770 Water Street NE.

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

Attachments: [Purchase and Sale Agreement](#)
[Sales Listing \(including property description, photos, and map\)](#)
[Appraisal Report](#)

Approved the attached Purchase and Sale Agreement with Pons Family Trust, William J. Pons and Sarah McCabe Pons, Trustees, for the purchase of 1700 and 1770 Water Street NE, Salem, Oregon for use by Capital Community Television.

- 3.3f.** Legislative Priority Bills

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

Attachments: [Positions approved by the Legislative Committee on March 17, 2017](#)

Pulled by Councilor Andersen - See File No. 17-132, Agenda Item 5, Special Orders of Business.

- 3.3g.** Position on Legislative Priority Bill

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

Attachments: [Legislative position on House Bill 3245](#)
[HB3245 Attachment 2](#)

Approved the attached legislative position on House Bill 3245.

4. PUBLIC HEARINGS

- 4.a.** Public hearing regarding vacation of a public right-of-way located south of Aumsville Highway SE and east of Kuebler Boulevard SE

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

Attachments: [Attachment 1 - Legal Description and Exhibit Notice of Public Hearing](#)
[ROW Vacation Valuation](#)
[Written Testimony - 1](#)

Persons Testifying:

Staff presentation by: Anthony Gamallo, Public Works

Support:

Applicant: Darrin Brightman, Real Estate Project Manager for Oregon Department of Administrative Services, 1225 Ferry Street SE

Oppose: None.

Neutral: None.

A motion was made by Councilor Nanke, seconded by Councilor Cook to approve the vacation of a public right-of-way located south of Aumsville Highway SE and east of Kuebler Boulevard SE, subject to the condition that the petitioner, State of Oregon, Department of Administrative Services, and to waive the Assessment of Special Benefit in the amount of \$50,960.

Questions or Comments by: Mayor Bennett, Councilors Andersen, Nanke, and Cook.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett

Nay: 0

Absent: 1 - Lewis

Abstain: 0

- 4.b.** 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

Attachments: [Vicinity Map](#)[Attachment 2 -Order No. 2017-01-ANX Adopting the Final Decision and Findings of Compliance](#)[Annexation Petition \(Hallie Wolf and Prentice Wolf\)](#)[Public Works Department Parks Comments](#)[Fire Department Comments](#)[Public Works Department Development Services Section Comments](#)[Finance Division Comments](#)[Salem-Keizer School District Comments](#)**Deliberations only.**

A motion was made by Councilor Andersen, seconded by Councilor McCoid to:

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. 2017-01-ANX (Attachment 2);
3. Apply the City of Salem RS (Single Family Residential) zone to the Territory from Marion County RS (Single Family Residential); and
4. Withdraw the Territory from Marion County Fire District #1, the East Salem Service District, and the Suburban East Salem Water District.

Questions or Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett

Nay: 0

Absent: 1 - Lewis

Abstain: 0

Item 4.b - Note: Deliberations only. The public hearing was held and closed on February 27, 2017. No further testimony will be taken.

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)

Legislative Priority Bills

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

Attachments: [Positions approved by the Legislative Committee on March 17, 2017](#)

A motion was made by Councilor Andersen, seconded by Councilor McCoid to approve the legislative positions and priorities recommended by the Council Legislative Committee.

Questions or Comments by: Mayor Bennett, Councilors Andersen, Nanke, Kaser, Cook, Ausec, and McCoid.

Note: "No" votes were registered by the following members:
Councilor Nanke registered no votes on HB 2126, HB 2597, and HB 3246.
Councilor McCoid registered a no vote on HB 3246.
Councilor Andersen registered a no vote on HB 2240.
Councilor Kaser registered a no vote on HB 2240.
Councilor Ausec registered a no vote on HB 2240.
Councilor Cook registered a no vote on HB 2240.

A substitute motion was made by Councilor Andersen, seconded by Councilor Kaser to approve the legislative positions and priorities recommended by the Council Legislative Committee, with the noted exceptions, and to change the "opposition" on HB 2240 to "monitor."

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett

Nay: 0

Absent: 1 - Lewis

Abstain: 0

5.a.

Councilor Item: City sponsorship of event featuring nationally recognized speaker and facilitator Dan Burden.

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

A motion was made by Councilor Cook, seconded by Councilor Nanke that the City of Salem offer its endorsement and financial support to an event featuring nationally recognized speaker and facilitator Dan Burden to further work on bike and pedestrian access, safe routes within the city, livability issues in regards to planning and transportation and age-friendly and all-age communities.

Questions or Comments by: Councilors Cook, Nanke, Kaser, Andersen, and Mayor Bennett.

The motion carried by the following vote:**Aye:** 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett**Nay:** 0**Absent:** 1 - Lewis**Abstain:** 0**6. INFORMATION REPORTS: (Items that require no Council action)****6.a.** Capital Improvement Plan for FY 2018 through FY 2022

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proposed Capital Improvement Plan for FY 2018 through FY 2022](#)**This Informational Report was received and filed.****6.b.** Planning Commission Decision - Zone Change No. CPC-NPC-ZC17-01 - Approved - City-initiated - 4220, 4230, and 4240 Sunnyview Road NE - A City-Initiated Change of Comprehensive Plan Map designation from Single Family Residential to Multi-Family Residential, A Neighborhood Plan Map designation from Single Family to Multi-Family, and zone change from Residential Agriculture (RA) to Multiple Family Residential (RM2).

Ward(s): 6

Councilor(s): Vacant

Neighborhood(s): East Lancaster and North Lancaster

Attachments: [Attachment 1 - Land Use Decision CPC-NPC-ZC17-01](#)**This Informational Report was received and filed.****6.c.** Emergency Warming Centers Report (2016-2017 Season)

Ward(s): All Wards

Councilor(s): Councilors Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Lewis

Neighborhood(s): All Neighborhoods

Attachments: [Final Report Cumulative 12-14-16 through 1-15-17.pdf](#)**This Informational Report was received and filed.**

7. ORDINANCES

7.1 FIRST READING:

- 7.1a.** City-Initiated Change of Comprehensive Plan Map designation from Single Family Residential to Multi-Family Residential and change of Neighborhood Plan Map designation from Single Family to Multi-Family for a 1.28-acre property located at 4220, 4230, and 4240 Sunnyview Road NE.

Ward(s): 6
Councilor(s): Vacant
Neighborhood(s): East Lancaster

Attachments: [Attachment 1 - Vicinity Map](#)
[Attachment 2 - Planning Commission Recommendation](#)
[Attachment 3 - Ordinance](#)
[Attachment 4 - Ordinance Exhibit 1, Findings](#)
[Attachment 5 - Ordinance Exhibit 2, Legal Description](#)

Conducted first reading of Ordinance Bill No. 4-17 changing the Comprehensive Plan Map designation from Single Family Residential to Multi-Family Residential and changing the Neighborhood Plan Map designation from Single Family to Multi-Family for a 1.28-acre property located at 4220, 4230, and 4240 Sunnyview Road NE and proceed to second reading.

Questions or Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, and Bennett

Nay: 0

Absent: 1 - Lewis

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

See Agenda Item 2.

9. ADJOURNMENT

7:46 p.m.

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.