

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, December 9, 2019

6:00 PM

Council Chambers

City Council

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

6:10 p.m.

Roll Call

Present: 8 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

Absent: 1 - Councilor Ausec

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

There were two additions to the agenda relating to the Management Report, item 5.b., which included the management report and the revised table. No motion was made.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Andersen, Kaser, Lewis, Leung, Mayor Bennett, and Peter Fernandez, Public Works Director.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [19-573](#)

Salem Public Art Commission Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

Information only.**Presentation by Christine T D'arcy, Chair, Salem Public Art Commission.****Questions or Comments by: Councilors Andersen, Lewis, Nordyke, and Mayor Bennett.****2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)****Appearances by:****Michael Pfenning, 4270 Templar Way NE, Item 5.b, File 19-599****Lynelle Wilcox, 1785 Norway Street NE, Items 5.a. and 5.b., Files 19-600 and 19-599****Scott Russell, 5115 River Road # 18, Item 5.b, File 19-599****Angel Villamor, 1920 Broadway Street, Items 5.a. and 5.b., Files 19-600 and 19-599****Daniel Rouslin, 606 Wilbur Street SE, Items 5.a. and 5.b., Files 19-600 and 19-599****Ross Swartzendruber, Items 5.a. and 5.b., Files 19-600 and 19-599****Anglina Lockhart, 2499 Hyde Street SE, Items 5.a. and 5.b., Files 19-600 and 19-599****Ron Sterba, Board Member, SEMCA, Item 5.b, File 19-599****Sara Parkison, Item 5.b, File 19-599****Pamela Lyons-Nelson, Items 5.a. and 5.b., Files 19-600 and 19-599****David Messara, Church of the Park, Items 5.a. and 5.b., Files 19-600 and 19-599****Questions or Comments by: Councilors Lewis, Leung, Nordyke, and Kristin Retherford, Urban Development Director.****3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)****A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the consent calendar with the pulls of item 3.3a by Councilor Nanke, 3.3b by Councilor Andersen, and 3.3c by Councilor Lewis.****Comments by Councilor Hoy.****The motion CARRIED by the following vote:****Aye:** 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

3.1 MINUTES

3.1a. [19-595](#) November 25, 2019 Draft City Council Minutes

Action: Approved.

3.1b. [19-571](#) December 2, 2019 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

3.3a. [19-555](#) Federal Emergency Management Agency Performance Grant

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Pulled by Councilor Nanke - See item 5.b.

3.3b. [19-578](#) Amendment to the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for Right-of-Way Services for the McGilchrist Street SE Corridor Improvement Project.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Pulled by Councilor Andersen - See item 5.c.

3.3c. [19-580](#)

Policy statements for the interim and 2020 Oregon Legislative Session.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Pulled by Councilor Lewis - See item 5.d.

3.3d. [19-582](#)

Subordination of Two HOME Investment Partnership Act Loans

Ward(s): Ward 5

Councilor(s): Councilor Ausec

Neighborhood(s): Northgate

Result Area(s): Welcoming and Livable Community

Authorized the subordination of two HOME Investment Partnership Act rehabilitation deferred payment forgivable loans for Community Resource Trust, located at 2540 Rose Garden Street NE.

4. PUBLIC HEARINGS

4.a. [19-554](#)

Petitioner-Initiated Annexation of Territory Located at 4696 Center Street NE and 592 Hile Lane NE - 97301 (Annexation Case No. C-736)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Persons Testifying:

Michael Robinson, Applicant's Representative, 1211 SW 5th, Suite 1900, Portland, OR

Patricia Mick, 619 Royalty Circle NE

Questions or Comments by: Councilors Nordyke and Hoy.

Organizations Testifying:

Susann Kaltwasser, Chair, East Lancaster Neighborhood Association (ELNA)

Rebuttal by Michael Robinson, Applicant's Representative.

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

A motion was made by Councilor Hoy, seconded by Councilor Lewis to approve staff recommendation 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 Annexation Case No. ANXC-736 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-16 ANX (Attachment 2);

3. Change the Salem Area Comprehensive Plan (SACP) map designation of the southern part of the Territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot 072W29BC03801) from "Developing Residential" to "Multi- Family Residential";

4. Change the zoning of the Territory from Marion County UD (Urban Development) to City of Salem RM-II (Multiple Family Residential II); and

5. Withdraw the Territory from Marion County Fire District #1 and the East Salem Sewer and Drainage District; and add an additional requirement to:

6. Require a wetland delineation study be completed prior to any development.

Comments by: Councilors Nanke, Hoy, and Mayor Bennett.

The motion CARRIED by the following vote:**Aye:** 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke**Nay:** 0**Absent:** 1 - Ausec**Abstain:** 0**4.b.** [19-572](#)

Fiscal Year 2020 Supplemental Budget 2 for creation of Special Revenue Fund 177 to receive and expend funds collected for the Tourism Promotion Area

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

Staff presentation by Robert Barron, Chief Financial Officer.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Nanke to adopt Resolution No. 2019-86, adopting FY 2020 Supplemental Budget 2 amending the adopted budget for the creation of an unanticipated Special Revenue Fund 177 to receive and expend funds collected for the Tourism Promotion Area.

The motion CARRIED by the following vote:**Aye:** 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke**Nay:** 0**Absent:** 1 - Ausec**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)

5.a. [19-600](#)

Motion from Councilor Hoy regarding organized car camping.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Hoy, seconded by Councilor Andersen to direct staff to present a report for Council's consideration regarding organized car camping.

Comments by: Councilors Hoy, Andersen, Nanke, and Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

5.b. [19-599](#)

**(Reordered
to
follow
item
6.e.**

Temporary permitted overnight emergency camping sites

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Mayor Bennett reordered this item to follow item 6.e.

**5.b. [19-555](#)
(3.3a)**

Federal Emergency Management Agency Performance Grant

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

A motion was made by Councilor Nanke, seconded by Councilor Hoy to authorize the City Manager to accept the Federal Emergency Management Agency Performance Grant to support the City's emergency management program for Fiscal Year 2019 / 2020.

Questions or Comments by: Councilors Nanke, Leung, Mayor Bennett.

Gregory Walsh, Program Manager, Fire Emergency Management, provided an update on the Awareness Goal Adjustment for the Mayor's Resiliency Task Force.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

**5.c. [19-578](#)
(3.3b)**

Amendment to the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for Right-of-Way Services for the McGilchrist Street SE Corridor Improvement Project.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Result Area(s): Safe, Reliable, and Efficient Infrastructure

A motion was made by Councilor Andersen, seconded by Councilor Hoy to authorize the City Manager to execute Amendment Number 1 to the Intergovernmental Agreement with ODOT for Right-of-Way Services for the McGilchrist Street SE Corridor Improvement Project.

Comments by Councilor Andersen.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

**5.d. [19-580](#)
(3.3c)**

Policy statements for the interim and 2020 Oregon Legislative Session.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

- 1. Approve the attached legislative policy statements as policy direction for the interim and 2020 Oregon Legislative Session, and**
- 2. Authorize the City Council Legislative Committee to act on behalf of the Council during the 2020 Legislative Session in adopting positions on bills outside the scope of the policy statements, and**
- 3. Direct staff to report back to Council at every council meeting starting January 27, 2020 to the end of the session, including March 23, 2020, with an information report that provides updates on the 2020 Legislative Session.**

Questions or Comments by: Councilor Lewis, Nanke, Hoy, and City Manager Powers.

Councilor Nanke registered a "no" vote on the Carbon Reduction Framework listed under the Environment section of the 2020 Legislative Policy Statements.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

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

6.a. [19-574](#)

Drinking Water and the 2019 algal bloom season.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable and Efficient Infrastructure

This Informational Report was received and filed.

Questions or Comments by: Councilors Andersen and Nanke, Mayor Bennett, and Peter Fernandez, Public Works Director.

6.b. [19-577](#)

Planning Administrator Decision - A consolidated application to create 212-lots for single family development (Coburn Grand View Estates) - Approved

Tentative Subdivision Plan / Class 2 Adjustment / Urban Growth Preliminary Declaration Modification Case No. SUB-ADJ19-08 & UGA17-03MOD1 - Brandie Dalton, MultiTech Engineering, on behalf of Westwood Homes, LLC (Todd Boyce, Bill Wagoner) - 4700 Battle Creek Rd SE

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

A motion was made by Councilor Andersen, seconded by Councilor Hoy to hold a public hearing for City Council review at a future meeting.

Comments by: Councilors Andersen and Nanke.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

6.c. [19-581](#)

Planning Administrator Decision - A proposal to lawfully establish a unit of land that was created by sale through the recording of a deed in 1980 - Approved

Validation of Units of Land Case No. VUL19-07 - Investor Brokerage Inc. - 2920 Cherry Ave NE / 97301

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

This Informational Report was received and filed.

6.d. [19-587](#)

Planning Administrator Decision - A partition to create two parcels - Approved.

Partition Case No. PAR19-13 Dura Built Construction, LLC (Zachary Zeek) - 1195 Park Ave NE

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): NESCA

This Informational Report was received and filed.

6.e. [19-596](#)

Hearings Officer Decision - A request for a Conditional Use Permit and Site Plan Review to allow a marijuana extraction use, classified as heavy manufacturing, within an existing building - Approved

Conditional Use / Class 3 Site Plan Review - Daniel Grimm, G & G Investments Enterprises, LLC (Daniel Grimm, Nathan Martinez, and Jessica Martinez) - 2805 Valpak Rd NE

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

This Informational Report was received and filed.

5.b. [19-599](#)

Temporary permitted overnight emergency camping sites

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

This item was reordered from agenda item 5.

City Manager Powers provided an overview of the staff report.

Questions or Comments by: Mayor Bennett, City Manager Powers, Peter Fernandez, Public Works Director, City Attorney Atchison, Councilors Andersen, Hoy, Kaser, Leung, Lewis, Nordyke, Police Chief Moore, Jimmy Jones, Executive Director, Mid-Willamette Valley Community Action Agency / ARCHES; Nicole Utz, Salem Housing Authority Administrator; Kristin Retherford, Urban Development Director, and Ashley Hamilton, Program Manager, ARCHES.

A motion was made by Councilor Andersen, seconded by Councilor Nordyke to direct staff to move forward with all possible speed, using contingency funds, to develop a designated overnight twelve hour model temporary-staffed camping area at Wallace Marine Park, the term of the camp will be effective until May 15, 2020, with a City Council review at its first meeting in April 2020.

Questions or Comments by: Councilors Andersen, Leung, Hoy, Kaser, Lewis, Mayor Bennett, and Jimmy Jones, ARCHES.

A substitute motion was made by Councilor Hoy, seconded by Councilor Kaser to authorize the city manager to enter into an agreement with ARCHES to provide expanded low barrier shelter operations on a nightly basis, and authorize the city manager to expend funds not to exceed \$213,000, to do so.

Questions or Comments by: Councilors Hoy, Nordyke, Andersen, Police Chief Moore, and City Attorney Atchison.

An amendment to the substitute motion was made by Councilor Andersen to change the date to as soon as possible but no later than January 1, 2020, and change the amount of money up to \$250,000.

The motion to amend died for lack of a second.

Questions or Comments by: Councilors Lewis, Nanke, Andersen, Leung, Mayor Bennett, City Attorney Atchison, City Manager Powers, and Jimmy Jones and Ashley Hamilton, ARCHES.

The motion to authorize the city manager to enter into an agreement with ARCHES to provide expanded low barrier shelter operations on a nightly basis, and authorize the city manager to expend funds not to exceed \$213,000, to do so, CARRIED by the following vote:

Aye: 7 - Kaser, Andersen, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 1 - Nanke

Absent: 1 - Ausec

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

7.2a. [19-583](#) Repealing Salem Revised Code chapter 48, relating to plastic carryout bags

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship;
Welcoming and Livable Community.

Conducted second reading of Ordinance Bill No. 13-19, repealing Salem Revised Code chapter 48 - Plastic Carryout Bags.

Ordinance Bill No. 13-19 was APPROVED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

7.2b. [19-586](#)

Oregon State Hospital National Register Historic District Boundary
Revision

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable
Community

Conducted second reading of Ordinance Bill No. 15-19, amending Salem Revised Code (SRC) Chapter 230 to reflect approved changes to the boundary of the Oregon State Hospital National Register Historic District and removing the historic district from that portion of property located at 2575 Center Street NE consistent with the approved boundary revision.

Ordinance Bill No. 13-19 was APPROVED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Absent: 1 - Ausec

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

Appearances by:

**Delana Beaton, President, Homemade Shelters of Salem, Non profit
organizations**

Ron Sterba, Distracted Driving

9. ADJOURNMENT

9:52 p.m.