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DRAFT

EXECUTIVE SESSION:

Labor Negotiations – ORS 192.660 (2)(d)

6:10 p.m.

City Manager's Conference Room

FINAL ACTION AGENDA/MINUTES

**SALEM CITY COUNCIL
CITY OF SALEM, OREGON**

October 26, 2009

6:30 p.m.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations)

Call to Order: 6:32 P.M.

Roll Call

Present: Mayor Taylor and Councilors Bennett, Tesler, Nanke, Sullivan, Rogers, Cannon, Clem, and Guest Councilor Lee Ann Reed. Absent: Councilor Dickey.

Pledge of Allegiance

Led by Guest Councilor Lee Ann Reed

1.1 PROCLAMATIONS AND PRESENTATIONS:

None.

2. REPORTS OF BOARDS, COMMISSIONS, COMMITTEES AND PRESENTATIONS BY OUTSIDE AGENCIES: (Includes city boards and commissions, non-profit agencies and neighborhood associations)

- (a) Salem Social Service Contractor Presentation: Mid-Valley Women's Crisis Service

Appearances by:

Jerri Nisbett Lance, 992 Cottage Street NE

Jayne Downing, Executive Director of Mid-Valley Women's Crisis Service

Questions or Comments by: Mayor Taylor.

- (b) American Reinvestment and Recovery Act (ARRA) Funded Energy Efficiency and Conservation Grant (Economic Stimulus Subcommittee)

Questions or Comments by: Councilor Clem.

Motion: Move to approve the work plan for the American Reinvestment and Recovery Act (ARRA) Funded Energy Efficiency and Conservation Strategy and related activities.

Motion by: Councilor Rogers

Seconded by: Councilor Clem

Action: Approved the work plan for the American Reinvestment and Recovery Act (ARRA) Funded Energy Efficiency and Conservation Strategy and related activities.

Vote:

Aye: Councilors Bennett, Tesler, Sullivan, Rogers, Cannon, Clem, and Mayor Taylor

Nay: Councilor Nanke

Abstentions:

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

Appearances by:

Jeffery Knapp, 1380 Century Drive SE

Barbara Palermo, Ward 8

Deb Vaughn, Ward 3

Chuck Taylor, Ward 3

JoAnne Manson, Ward 8

Thomas Smith, 1105 Savage Road SE

Nancy Baker-Kroft, Ward 1

Peter Fry, 2153 SW Main Street, Portland

Bill Ruff, 720 NW Davis Street, Portland

Agenda Item:

9.1(b)

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9.1(a)

9.1(a)

Questions or Comments by: Mayor Taylor and Councilor Clem.

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

Motion: Move to adopt the Consent Calendar with Additions, minus pulled items 4.3 (a) – Councilor Cannon and 4.3 (e) – Mayor Taylor.

Motion by: Councilor Rogers
Seconded by: Councilor Sullivan

Action: Adopted the Consent Calendar with Additions, minus pulled items 4.3 (a) – Councilor Cannon and 4.3 (e) – Mayor Taylor.

Vote:
Aye: Unanimous
Nay:
Abstentions:

4.1 MINUTES:

(a) October 12, 2009

Action: Approved.

4.2 RESOLUTIONS:

(a) Resolution No. 2009-92 Declaring Intent to Negotiate for Acquisition of Right-of-way and Easements for the Construction of the Kuebler Boulevard SE Improvements from west of Commercial Street SE to west of Lone Oak Road SE – Ward 4 – Councilor Sullivan – Faye Wright and South Gateway (PW)

Action: Approved.

(b) Resolution No. 2009-93 Dedicating Property Located at the east side of 12th Street, west of Spears Avenue SE and Weber Street SE for Street and Right-of-Way – Ward 3 – Councilor Nanke - Morningside (PW)

Action: Approved.

(c) Resolution No. 2009-94 Dedicating Property Located at Hollywood Drive NE to Sunnyview Road NE for Street and Right-of-Way – Ward 1 – Councilor Bennett - NOLA (PW)

Action: Approved.

4.3 ACTION ITEMS:

- (a) Proposed Increase in Rates for Infectious Waste Services, Establishment of Rates for Infectious Waste Supplies, and Modification to the Definitions of Low Volume Generator and High Volume Generator (AS)

Action: Pulled by Councilor Cannon – see agenda item 6 (a).

- (b) Intergovernmental Agreement between Salem-Keizer School District and City of Salem (CD)

Action: Authorized the City Manager to execute the intergovernmental agreement with Salem-Keizer School District related to presenting after school programs and collaboration on related issues.

- (c) DLCD 2009-2011 General Fund Grant for Technical Assistance and Periodic Review (CD)

Action: Authorized staff to apply for and execute two grant contracts with the Department of Land Conservation and Development for two Technical Assistance grants.

- (d) Memorandum of Understanding with the Fostering Hope Initiative (CD)

Action: Authorized the City Manager to execute the Memorandum of Understanding in support of programs and collaboration with the Fostering Hope Initiative, and related issues.

- (e) Amendments to City Council Rules (Legal)

Action: Pulled by Mayor Taylor – see agenda item 6 (b).

- (f) DUII Grant Renewal and New Grant Request (PD)

Action: Authorized the City Manager to apply for, and accept, both the Driving Under the Influence of Intoxicants Enforcement grant and the High Visibility Enforcement grant in the amount of up to \$20,000.

- (g) Set Public Hearing for Petition-Initiated Vacation of a Portion of 5th Street NE Right-of-Way Between Gaines and Hood Streets NE - Ward 1 - Councilor Bennett - Grant (PW)

Action: Directed the City Manager to set a public hearing to receive input on the petition-initiated vacation of a portion of 5th Street NE right-of-way between Gaines and Hood Streets NE.

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

- (a) Administrative Decision - Administrative Conditional Use No. 09-2 - Dan Dutton for Lonnie Guin, Clearwire LLC / ECO Franklin LLC (Charles A (Chuck) Sides and John Batzer, Trustee / Fuller Trust - 495 State Street - Ward 2 - Councilor Tesler - CANDO (CD)
- (b) Administrative Decision - Partition 09-7 - Alexander Ovchinnikoff - 583 Delmar Avenue N - Ward 5 - Councilor Dickey - Highland (CD)
- (c) Hearings Officer Decision - Variance Case No. VAR09-4-Amended - Dale Kennedy; Ron Ped, Architect - 847 Saginaw Street S - Ward 7 - Councilor Cannon - SCAN (CD)
- (d) Planning Commission Decision – Design Review 09-6 – Lee Gwyn, Deffenbaugh and Associates for Northwest Human Services, Inc. – 1233 Edgewater Street NW – Ward 8 – Councilor Clem – West Salem (CD)

6. 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)

- (a) 4.3 (a) Proposed Increase in Rates for Infectious Waste Services, Establishment of Rates for Infectious Waste Supplies, and Modification to the Definitions of Low Volume Generator and High Volume Generator (AS)

Motion: Move to adopt staff recommendation to approve scheduling a public hearing on November 9, 2009, to receive evidence and testimony regarding the City Manager's recommendation to allow a rate increase of 11.2% for infectious waste collection services provided to low volume commercial generators, to establish rates for infectious waste supplies, and to allow a modification to the definitions in the rate schedule of low volume generator and high volume generator. Further, that staff be directed to include a review of county solid waste disposal charges.

Motion by: Councilor Cannon
Seconded by: Councilor Sullivan

Questions or Comments by: Councilors Cannon and Clem.

Action:

Vote:

Aye: Unanimous

Nay:

Abstentions:

Action: Approved scheduling a public hearing on November 9, 2009, to receive evidence and testimony regarding the City Manager's recommendation to allow a rate increase of 11.2% for infectious waste collection services provided to low volume commercial generators, to establish rates for infectious waste supplies, and to allow a modification to the definitions in the rate schedule of low volume generator and high volume generator. Directed staff to include a review of county solid waste disposal charges.

(b) 4.3(e) Amendments to City Council Rules (Legal)

Motion: Move to adopt staff recommendation that City Council place Resolution No. 2009-95, amending the Council Rules by rescinding Rule 17, "Liquor Application Investigation Board," and making certain housekeeping changes and amendments to conform to practice to Rule 5, "Order of Business and Agenda," at the November 9, 2009 regular Council meeting for adoption; but refer Rule 18 "Procedure for Filling Vacancies on the Council, Planning Commission and Budget Committee" to the Boards and Commissions Committee for their input.

Motion by: Mayor Taylor

Seconded by: Councilor Sullivan

Action: Resolution No. 2009-95, amending the Council Rules by rescinding Rule 17, "Liquor Application Investigation Board," and making certain housekeeping changes and amendments to conform to practice to Rule 5, "Order of Business and Agenda," will be placed at the November 9, 2009 regular Council meeting for adoption. Rule 18 "Procedure for Filling Vacancies on the Council, Planning Commission and Budget Committee" will be referred to the Boards and Commissions Committee for their input.

Vote:

Aye: Unanimous

Nay:

Abstentions:

7. **UNFINISHED BUSINESS:** (Any business held over from a previous meeting, other than public hearings and ordinances, which are placed under public hearings and ordinances)

None.

8. **PUBLIC HEARINGS:** (Includes deliberations, and deliberations from hearings held over from previous meetings)

- (a) City-Initiated Vacation of a Portion of Pringle Parkway SE Right-of-Way - Ward 2 - Councilor Tesler - CANDO (PW)

Persons Testifying:

Support: Mark Shipman, 250 Church Street SE

Oppose:

Neutral:

Organizations: None.

Support:

Oppose:

Neutral:

Evidence Received From:

Support: Mark Shipman, 250 Church Street SE

Oppose:

Neutral:

Questions or Comments by: Mayor Taylor and Councilors Sullivan, Clem, and Tesler.

Motion: Move to adopt staff recommendation that City Council approve the City-initiated vacation of a portion of the Pringle Parkway SE right-of-way as shown in Attachment 1 of the staff report, subject to the following conditions: 1) Retention of a public utility easement for existing utilities, and 2) No new driveways to be allowed to or from the vacated area on either the eastbound or westbound legs of Pringle Parkway SE.

Motion by: Councilor Tesler

Seconded by: Councilor Nanke

Action: Approved the City-initiated vacation of a portion of the Pringle Parkway SE right-of-way as shown in Attachment 1 of the staff report, subject to the following conditions: 1) Retention of a public utility easement for existing utilities, and 2) No new driveways to be allowed to or from the vacated area on either the eastbound or westbound legs of Pringle Parkway SE.

Vote:

Aye: Unanimous

Nay:

Abstentions:

9. **ORDINANCES:**

9.1 **FIRST READING:**

- (a) Ordinance Bill No. 53-09 Relating to the Allowance of Residential Care Facilities including Drug and Alcohol Treatment and Minor Dependents of Residents of the Facility as Specific Conditional Uses within the RA and RS Zone Districts; Amending SRC 145.040, SRC 146.040, SRC 118.190, and SRC 133, Table 133-1 (CD)

Motion: Move to adopt staff recommendation that City Council hold a public hearing on Ordinance Bill No. 53-09, amending SRC Chapters 145, 146, 118, and 133 to allow residential care facilities including drug and alcohol treatment and minor dependents of residents of the facility as Specific Conditional Uses within the RA and RS zone districts; clarify the development standards applicable to residential care and nursing and personal care facilities under SRC Chapter 118 (Specific Conditional Uses); and establish a minimum off-street parking requirement for residential care facilities and other social service uses.

Motion by: Councilor Tesler

Seconded by: Councilor Sullivan

Questions or Comments by: Mayor Taylor and Councilors Tesler and Clem.

Action: City Council will hold a public hearing on Ordinance Bill No. 53-09, amending SRC Chapters 145, 146, 118, and 133 to allow residential care facilities including drug and alcohol treatment and minor dependents of residents of the facility as Specific Conditional Uses within the RA and RS zone districts; clarify the development standards applicable to residential care and nursing and personal care facilities under SRC Chapter 118 (Specific Conditional Uses); and establish a minimum off-street parking requirement for residential care facilities and other social service uses.

Vote:

Aye: Unanimous

Nay:

Abstentions:

(b) (1) Ordinance Bill No. 55-09 Relating to the Definition of Livestock; Amending SRC 111.130 (CD)

Motion: Move to adopt staff recommendation that City Council advance Ordinance Bill No. 55-09 to second reading for enactment.

Motion by: Councilor Rogers
Seconded by: Councilor Nanke

Questions or Comments by: Councilors Sullivan, Rogers, Nanke, Bennett, Tesler, and Mayor Taylor.

Action: Motion failed.

Vote:

Aye: Councilors Tesler, Nanke, and Sullivan

Nay: Councilors Bennett, Rogers, Cannon, Clem, and Mayor Taylor

Abstentions:

(2) Ordinance Bill No. 56-09 Relating to Chickens; and Making Provisions Therefor (CD)

Motion: Move that City Council advance Ordinance Bill No. 56-09 to second reading for enactment.

Motion by: Councilor Rogers
Seconded by: Councilor Cannon

Questions or Comments by: Councilor Clem.

Action: Motion failed.

Vote:

Aye: Councilors Tesler, Nanke, and Sullivan

Nay: Councilors Bennett, Rogers, Cannon, Clem, and Mayor Taylor

Abstentions:

(3) Ordinance Bill No. 57-09 Relating to Chickens; and Making Provisions Therefor (CD)

Motion: Move to adopt staff recommendation that City Council advance Ordinance Bill No. 57-09 to second reading for enactment.

Motion by: Councilor Rogers
Seconded by: Councilor Cannon

Questions or Comments by: Councilor Sullivan.

Action: Motion failed.

Vote:

Aye: Councilor Tesler

Nay: Councilors Bennett, Nanke, Sullivan, Rogers, Cannon, Clem, and
Mayor Taylor

Abstentions:

9.2 SECOND READING:

None.

10. PUBLIC COMMENT: (Other than agenda items)

None.

11. NEW BUSINESS:

11.1 MAYOR'S ITEMS:

None.

11.2 COUNCILOR'S ITEMS:

None.

12. ADJOURNMENT: 7:57 P.M.

Melanie White, Legal Assistant