



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, May 8, 2023**

**6:00 PM**

**Hybrid Meeting / Council  
Chambers**

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This meeting is being conducted both in-person and remotely and allows remote attendance by the governing body, when requested. Interested persons may attend the meeting in Council Chambers or view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net). If attending the meeting remotely, public comment and testimony may be provided during the meeting via Zoom. Remote attendees must pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting using this link <https://www.cityofsalem.net/comment-at-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**

##### **Roll Call**

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

#### **1.2 COUNCIL AND CITY MANAGER COMMENT**

#### **1.3 PROCLAMATIONS**

##### **1.3 a. [23-167](#)**

Fill The Boot Days Proclamation  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:**

Information Only.

**Attachments:** [Fill the Boot Days Proclamation 2023](#)

- 1.3 b.** [23-186](#) Police Week Proclamation  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:**

Information Only.

**Attachments:** [Police Week Proclamation](#)

**1.4 PRESENTATIONS****2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)****3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)****3.1 MINUTES**

- 3.1 a.** [23-179](#) April 24, 2023 Draft City Council Minutes

**Attachments:** [4-24-23 Draft Council Minutes.pdf](#)

**3.2 RESOLUTIONS**

- 3.2 a.** [23-133](#) Transfer of appropriations within the City's Fiscal Year 2023 Budget for the replacement of the Salem Public Library Main entry doors.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

**Recommendation:**

Adopt Resolution No. 2023-14 authorizing a transfer of appropriations within the City's Fiscal Year 2023 budget for the replacement of the Salem Public Library Main entry doors.

**Summary:**

During the seismic renovation of the Salem Public Library, the entrance doors were replaced with a swing-out door style system

rather than the original slide door system. Since the replacement, there have been numerous operational and mechanical failures with the new doors and system. Although these doors are covered under warranty, due to the swing-out style of door, there will continue to be operational and mechanical failures due to frequency of use and design. A transfer from Facilities personnel savings to the construction fund will allow for replacement of a doors with a more operationally advantageous system.

***Attachments:*** [Resolution No. 2023-14](#)

### 3.3 ACTION ITEMS

- 3.3 a. [23-163](#) Lease with Swift Mountain, LLC for City-occupied space at 960 Liberty Street SE housing the City of Salem Employee Health Hub.

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): SCAN  
Result Area(s): Good Governance

***Recommendation:***

Authorize the City Manager to execute the attached lease with Swift Mountain, LLC.

***Summary:***

The City currently leases space for its Employee Health Hub at 960 Liberty Street SE. The current lease is set to expire on July 31, 2023, and it is necessary to complete a new lease.

***Attachments:*** [Lease with Swift Mountain, LLC](#)

- 3.3 b. [23-169](#) Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Pedestrian Safety Improved Crossings Project

Ward(s): Ward 1, 2, 5, 6  
Councilor(s): Gonzalez, Hoy, Nishioka, Stapleton  
Neighborhood(s): ELNA, Highland, NEN, NESCA  
Result Area(s): Safe, Reliable, and Efficient Infrastructure

***Recommendation:***

Authorize the City Manager to execute the attached Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the Pedestrian Safety Improved Crossings project (Attachment 1).

***Summary:***

The Intergovernmental Agreement specifies City and Oregon Department of Transportation responsibilities to acquire right-of-way for the Pedestrian Safety Improved Crossings Project.

**Attachments:** [Intergovernmental Agreement](#)[Project Location Map](#)**3.3 c. [23-170](#)**

Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement Project.

Ward(s): Ward 8

Councilor(s): Councilor Varney

Neighborhood(s): West Salem

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

**Recommendation:**

Authorize the City Manager to execute the attached Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement project (Attachment 1).

**Summary:**

The Intergovernmental Agreement specifies City and Oregon Department of Transportation responsibilities to acquire right-of-way for the Orchard Heights Road NW: Snowbird Drive NW to Westhaven Avenue NW Street Improvement Project.

**Attachments:** [Intergovernmental Agreement](#)[Project Location Map](#)**4. PUBLIC HEARINGS****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. [23-184](#)**

Motion from Councilor Micki Varney regarding a letter of support for the Glenn-Gibson Watershed Council's development of a Floodplain Species Assessment and Natural Floodplain Functions Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Draft Letter of Support](#)

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

6. a. [23-165](#) Purchases approved administratively from March 1, 2023 through March 31, 2023.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance

**Recommendation:**

Information only.

**Summary:**

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of March. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

**Attachments:** [Purchases approved administratively March 2023.pdf](#)

6. b. [23-176](#) Hearings Officer Decision - A new oil-change facility and residential units in the Retail Commercial zone. - Approved.

Conditional Use / Class 3 Site Plan Review Case No. CU-SPR23-02 - Talwinder and Inderjit Dhaliwal - 3997 Carson Dr SE and 4005 Hagers Grove Rd SE.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision CU-SPR23-02](#)

6. c. [23-177](#) Hearings Officer Decision - Development of four buildings containing 42 dwelling units - Approved.

Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. CU-SPR\_ADJ-DR23-04 - Kiril Ivanov, Patricia Jones - 4900 Block of State St.

Ward(s): 6  
Councilor(s): Hoy  
Neighborhood(s): ELNA

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision CU-SPR-ADJ-DR23-04](#)

6. d. [23-183](#) Planning Administrator Decision - A replat to consolidate seven existing properties into two lots. - Approved.

Replat Case No. REP23-01 - Joel Smallwood on behalf of Salem Keizer School District 24J and Samuel Marr - 1075 8th St NW and 1230 Glenview Way NW.

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): WSNA

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision REP23-01](#)

**7. ORDINANCES****7.1 FIRST READING:**

- 7.1 a. [23-182](#) First reading of Ordinance Bill No. 9-23. Revising City regulations concerning camping on public property in compliance with House Bills 3115 and 3124, codified as Oregon Revised Statutes 195.500.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Natural Environment  
Stewardship; Safe Community; Welcoming and Livable Community.

**Recommendation:**

Advance Ordinance Bill No. 9-23 to second reading for enactment.

Alternatively, Council may direct that a public hearing be scheduled and for second reading to occur at a date after the public hearing.

**Summary:**

In 2021 the Oregon Legislature passed House Bills 3115 and 3124. The bills were intended to codify (put into written law) recent federal court decisions; [Blake v. City of Grants Pass](#) and [Martin v. Boise](#). The bills impose restrictions on cities and counties that have regulations that restrict human habitation on public property. Ordinance Bill No. 9-23 complies with the bills by amending the City's camping restrictions (SRC 95.720), repealing the City's regulation of leaving personal property unattended on a sidewalk

(SRC 95.730) and the City's regulation of sitting and laying on a sidewalk (Ordinance 6-20).

**Attachments:** [Ordinance Bill No. 9-23.docx](#)

[Public Property camping restrictions ordinance Exhibit A 050323.docx](#)

[Public Comments received by 2:30 p.m., May 8, 2023.pdf](#)

*Add - Written Testimony.*

## **7.2 SECOND READING:**

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

## **9. ADJOURNMENT**

**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](mailto:cityrecorder@cityofsalem.net) at least two business days in advance.**

**Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.**

**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS**

- a. [23-181](#) Unless otherwise noted, all meetings, public hearings, and work sessions will be conducted in Council Chambers, located at City Hall, 555 Liberty Street SE, Room 240, with the option for remote attendance. Please see the meeting agenda header for more details on remote attendance. The meetings are also available to watch in real-time online at CC:Media YouTube Channel, as well as Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

Annexation of Territory located at the 4800 Block of Macleay Road and Land Adjacent (Annexation Case No. C-754)  
Monday, June 12, 2023 at 6:00 p.m.

FY 2024 Recommended Budget  
Monday, June 12, 2023 at 6:00 p.m.

State Revenue Sharing  
Monday, June 12, 2023 at 6:00 p.m.

Repealing Overlay Zones on Commercial Street SE (Ordinance Bill No. 5-23)  
Monday, June 26, 2023 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

FY 2024 Recommended Budget  
Monday, June 12, 2023 at 6:00 p.m.

CITY COUNCIL WORK SESSIONS:

Revenue Options for Sustainable City Services  
Monday, May 15, 2023 at 6:00 p.m.  
Meeting location: Council Chambers, 555 Liberty Street SE  
(This discussion will include recent comparative analysis from other cities and findings from focus groups)

BUDGET COMMITTEE MEETINGS

Budget Committee Recommends FY 2024 Budget to City Council /  
Urban Renewal Agency

Wednesday, May 10, 2023 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Time - Councilor  
Morningside May 10, 2023 6:30 p.m. - Councilors Nishioka, Phillips  
ELNA Jun 1, 2023 7:00 p.m. - Councilor Hoy  
SCAN June 14, 2023 6:30 p.m. - Councilors Nishioka, Nordyke  
Grant July 6, 2023 6:15 p.m. - Councilor Stapleton  
Highland August 10, 2023 7:00 p.m. - Councilors Gonzalez,  
Stapleton  
Faye Wright August 10, 2023 7:00 p.m. - Councilors Nordyke,  
Phillips  
Northgate September 21, 2023 6:00 p.m. - Councilor Gonzalez  
West Salem October 4, 2023 7:00 p.m. - Councilors Stapleton,  
Varney  
NOLA October 4, 2023 6:30 p.m. - Councilors Hoy, Gonzalez  
NESCA October 17, 2023 7:00 p.m. - Councilors Hoy, Nishioka,  
Stapleton  
CANDO October 17, 2023 6:00 p.m. - Councilors Nishioka,  
Stapleton  
Sunnyslope October 19, 2023 7:00 p.m. - Councilors Nordyke,  
Gwyn  
SWAN November 7, 2023 6:30 p.m. - Councilors Nishioka, Nordyke  
NEN November 14, 2023 6:30 p.m. - Councilors Nishioka,  
Stapleton  
SESNA November 28, 2023 7:00 p.m. - Councilor Nishioka

**MEETING PROCEDURES**

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:  
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

**THE CONSENT CALENDAR**

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

**PUBLIC COMMENT**

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

**HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA**

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:  
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: [manager@cityofsalem.net](mailto:manager@cityofsalem.net).

**PUBLIC HEARINGS**

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: [lmanderson@cityofsalem.net](mailto:lmanderson@cityofsalem.net).

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

