

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, March 13, 2023**

**6:00 PM**

**Hybrid Meeting / Council Chambers**

**City Council**

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://bit.ly/COScomment>.

## **EXECUTIVE SESSIONS**

**The following executive sessions will be held in the City Manager's Conference Room, 555 Liberty Street SE, Room 220:**

**5:00 p.m. - 5:15 p.m. - City Council  
ORS 192.660(2)(e) - Real Property Transactions**

**5:15 p.m. - 5:45 p.m. - City Council  
ORS 192.660(2)(e) - Real Property Transactions**

## **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**

**Councilor Nishioka attended the meeting remotely, and Councilor Nordyke joined the meeting at 6:21 p.m.**

**Present:** 9 - Councilor Hoy, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Gonzalez, Councilor Varney, Councilor Nishioka, Mayor Hoy, and Councilor Gwyn

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

**A motion was made by Councilor Stapleton, seconded by Councilor Gwyn to approve the additions to the agenda.**

**Comments by Councilor Stapleton. The additions were revised**

proclamations for Items 1.3a. and 1.3b.

The motion CARRIED by the following vote:

**Aye:** 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Absent:** 1 - Nordyke

**Abstain:** 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Stapleton, Mayor Hoy, and Councilor Hoy.

## 1.3 PROCLAMATIONS

**1.3a.** Proclamation recognizing April as Child Abuse Prevention Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Child Abuse Prevention Month Proclamation.pdf](#)

Mayor Hoy read the proclamation into the record and presented it to Alison Kelley, CEO, Liberty House, and Kyle Tarr, Prevention Program Director, Liberty House.

Comments by: Alison Kelley and Mayor Hoy.

**1.3b.** Proclamation recognizing April as Arbor Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Arbor Month Proclamation.pdf](#)

Mayor Hoy read the proclamation into the record and presented it to Milan Davis, Urban Forester for City of Salem.

Comments by Milan Davis.

## 1.4 PRESENTATIONS

None.

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

The following individuals provided comments in person:

Eli Brody, Parks Chair, NESCA, 1545 23rd Street NE, Item 5.a, File 23-112

Deanna Garcia, Chair, North Lancaster Neighborhood Association, Ward 6, Item 5.a, File 23-112

Susan Kaltwasser, Co-President, East Lancaster Neighborhood Association, Ward 8, Item 5.a, File 23-112

Comments by Mayor Hoy.

Evan West, SCAN Board Member, Ward 7, Item 5.a, File 23-112

Frank Lemmon, Ward 5, Item 7.1a., File 23-76

The following individuals provided comments via remote video:

Kaethe Mentrum, Secretary, Northgate Neighborhood Association, Ward 5, Item 5.a, File 23-112

Bayard Mentrum, Chair, Northgate Neighborhood Association, Ward 5, Item 5.a, File 23-112

Ted Burney, Chair, SWAN, Ward 7, Item 5.a, File 23-112

Randall Ray, Ward 5, Item 5.a, File 23-112

One additional public comment was heard (via remote video) at 6:40 p.m., prior to Item 4, Public Hearing:

Leslie Polson, 930 Garnet Street NE, Item 5.a, File 23-112

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

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the consent calendar with the pull of item 3.3c by Councilor Varney.

Comments by Councilor Stapleton.

The motion CARRIED by the following vote.

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Abstain:** 0

**3.1 MINUTES**

3.1a. February 27, 2023 Draft City Council Minutes

**Attachments:** [2-27-23 Draft Council Minutes.pdf](#)

**Action: Approved.**

### 3.2 RESOLUTIONS

3.2a. Acquisition of Property for Existing Street and Drainage Improvements on 27th Avenue SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association

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

**Attachments:** [Project Location Map](#)  
[Resolution No. 2023-8](#)  
[Identified Properties \(Exhibit 1 to Resolution\)](#)

**Adopted Resolution No. 2023-8, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and easements along the west side of 27th Avenue SE.**

3.2b. Initiate Legislative Zone Change and Code Amendment to Repeal Overlay Zones in the SCAN Neighborhood

Ward(s): Ward 2

Councilor(s): Councilor Nishioka

Neighborhood(s): South Central Association of Neighbors (SCAN)

Result Area(s): Natural Environment Stewardship; Strong and

Diverse Economy; Welcoming and Livable Community.

**Attachments:** [Resolution 2023-9](#)  
[Map of Overlays Proposed to be Eliminated](#)  
[Properties within Overlays](#)  
[Proposed Code Changes](#)

**Adopted Resolution No. 2023-9, to initiate the adoption process to eliminate the Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones.**

3.2c. Acquisition of easements for the Crestview Waterline Project

Ward(s): Ward 7

Councilor(s): Nordyke

Neighborhood(s): Southwest Association of Neighbors (SWAN)

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

**Attachments:** [Project Location Map](#)  
[Resolution No. 2023-10](#)  
[Identified Property and Property Ownership Summary \(Exhibit 1 to Resolution\)](#)

**Adopted Resolution No. 2023-10, declaring a public need to acquire, and the City of Salem's intent to negotiate for the acquisition of easements for the Crestview Waterline Project.**

### 3.3 ACTION ITEMS

**3.3a.** Recommended positions on specific priority bills for 2023 Oregon Legislative Session.

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

**Attachments:** [Legislative Committee Reviewed Bills 2.17.23](#)  
[Legislative Committee Reviewed Bills 3.3.23](#)

**Approved positions on specific bills for the 2023 Oregon Legislative Session.**

**3.3b.** Extinguishment of railroad easement within the 2nd Street NW Improvement Project area.

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): West Salem  
Result Area(s): Safe, Reliable, and Efficient Infrastructure.

**Attachments:** [Project Location Map](#)  
[Agreement](#)

**Ratified the City Manager's execution of the agreement with Union Pacific Rail Road (UPRR) to extinguish the easement within the 2nd Street NW Improvement Project area.**

**3.3c.** Amendment to lease with Avis Budget Car Rental, LLC

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): SEMCA  
Result Area(s): Good Governance; Strong and Diverse Economy; Welcoming and Livable Community

**Attachments:** [Lease](#)  
[Lease Amendment Avis Budget 2023.doc](#)

**Pulled by Councilor Varney - See Item 5.b.**

**3.3d.** Accept Navigation Center grant award for \$1,344,661.00 from State of Oregon.

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

**Attachments:** [Navigation Center State Grant Agreement.pdf](#)

**Authorized the City Manager to execute a grant agreement to accept a Navigation Center grant award for \$1,344,661.00 from the State of Oregon.**

#### **4. PUBLIC HEARINGS**

**4.a.** Designation of the Civic Center as a Salem Local Historic Resource

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): Central Area Neighborhood Development Organization (CANDO)  
Result Area(s): Welcoming and Livable Community

**Attachments:** [Ordinance Bill No. 3-23](#)  
[Exhibit A -January 19, 2023 Staff Report](#)  
[Exhibit B - HLC Recommendation](#)  
[Exhibit C- Vicinity Map](#)  
[Public Comments received 3-8-2023.pdf](#)  
[Public Comments received by 1:00 p.m., 3-13-2023](#)

**Staff representation by Kimberli Fitzgerald, Historic Preservation Program Manager, City of Salem.**

**Persons testifying: None.**

**Questions or Comments by: Councilor Nordyke, Kimberli Fitzgerald, and Mayor Hoy.**

**A motion was made by Councilor Stapleton, seconded by Councilor Nordyke to advance Ordinance Bill No. 3-23 to second reading for enactment, designating the Salem Civic Center as a local historic resource.**

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

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**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.** Motion from Councilor Julie Hoy regarding limiting the terms of neighborhood association board positions.

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

**Attachments:** [Public Comments received by 1:00 p.m., 3-13-2023](#)  
[Additional Public Comments received by 5:00 p.m., 3-13-2023](#)

**A motion was made by Councilor Hoy, seconded by Councilor Gwyn that City Council direct staff to prepare a code amendment for City Council’s consideration to limit the consecutive terms for the chair and vice-chair (or equivalent) neighborhood association board positions.**

**Questions or Comments by: Councilors Hoy, Phillips, Nordyke, Mayor Hoy, Councilor Stapleton, City Attorney Dan Atchison, City Manager Keith Stahley, Councilors Nishioka, Varney, and Gonzalez.**

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

**Aye:** 3 - Hoy, Gonzalez, and Gwyn

**Nay:** 6 - Nordyke, Phillips, Stapleton, Varney, Nishioka, and Hoy

**Abstain:** 0

**5.b. (3.3c)** Amendment to lease with Avis Budget Car Rental, LLC

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): SEMCA  
Result Area(s): Good Governance; Strong and Diverse Economy; Welcoming and Livable Community

**Attachments:** [Lease](#)  
[Lease Amendment Avis Budget 2023.doc](#)

A motion was made by Councilor Varney, seconded by Councilor Stapleton to authorize the City Manager to execute the lease amendment with Avis Budget Car Rental, LLC.

Questions or Comments by: Councilor Varney, Mayor Hoy, City Manager Stahley, Acting Public Works Director Brian Martin, and Councilor Gonzalez.

The motion CARRIED by the following vote:

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Abstain:** 0

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

**6.a.** Planning Administrator Decision - To subdivide 3.1 acres into 15 residential lots. - Approved.

Tentative Subdivision Plan / Urban Growth Preliminary Declaration / Class 2 Adjustment Case No. SUB-UGA-ADJ22-12 - Dean Pickett - 4350 Hearth St NE.

Ward(s): 5  
Councilor(s): Gonzalez  
Neighborhood(s): Northgate

**Attachments:** [Land Use Decision SUB-UGA-ADJ22-12](#)

**Comments by: Councilor Varney and Mayor Hoy.**

**This Informational Report was received and filed.**

**6.b.** Planning Commission Decision - A Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change from IP (Industrial Park) to IC (Industrial Commercial) for the purpose of allowing a greater variety of commercial uses to be developed on the site. - Approved.

Minor Comprehensive Plan Map Amendment / Neighborhood Plan Map Amendment / Zone Change Case No. CPC-NPC-ZC22-07 - Steven Kay, Cascadia Planning and Development Services, on behalf of Doug Dittamore, Northwest Farm Credit Services - 380 Farm Credit Drive SE.

Ward(s): 2  
Councilor(s): Nishioka

Neighborhood(s): SESNA

**Attachments:** [Land Use Decision CPC-NPC-ZC22-07](#)

**This Informational Report was received and filed.**

**6.c.** Planning Administrator Decision - A tentative subdivision and urban growth preliminary declaration to create 40-lots. - Approved.

Subdivision Tentative Plan / Urban Growth Preliminary Declaration  
Case No. SUB-UGA22-11 - Saalfeld Griggs Lawyers on behalf of Oak Ridge Estates LLC (Craig Robinson, DC2Holdings LLC (David Hafner), TW Lone Oak LLC (Thomas Wheeler)) - 6600 Block of Lone Oak Road SE.

Ward(s): 4  
Councilor(s): Gwyn  
Neighborhood(s): SGNA

**Attachments:** [Land Use Decision SUB-UGA22-11](#)

**Comments by Councilor Varney.**

**This Informational Report was received and filed.**

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1a.** Initiate Code Amendment to Eliminate Minimum Parking Requirements Citywide.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community

**Attachments:** [Ordinance Bill No. 4-23](#)  
[Exhibit A to Ordinance Bill No. 4-23 Code Amendment](#)  
[Exhibit B to Ordinance Bill No. 4-23 Findings](#)  
[Parking Reform Overview](#)  
[Public Comments received by 1:30 p.m., 3-13-2023](#)  
[Additional Public Comment received by 5:00 p.m., 3-13-23](#)

**First reading of the ordinance was conducted, and a motion was made by Councilor Stapleton, seconded by Councilor Phillips to conduct a public hearing on Ordinance 4-23, for the purpose of amending the Unified**

**Development Code to eliminate minimum off-street parking requirements citywide in response to new State rules and advance to second reading.**

**Comments by: Councilor Stapleton, Mayor Hoy, and Councilor Nordyke.**

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

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Abstain:** 0

**7.1b.**

First reading of Legislative Zone Change and Code Amendment to repeal Overlay Zones in the SCAN Neighborhood.

Ward(s):Ward 2

Councilor(s): Councilor Nishioka

Neighborhood(s): South Central Association of Neighbors (SCAN)

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

**Attachments:** [Ordinance Bill No 5-23](#)

[Exhibit A to Ordinance Bill 5-23 - Map of Overlays Proposed to be Eliminated](#)

[Exhibit B to Ordinance Bill 5-23 - Proposed Code Changes](#)

[Exhibit C to Ordinance Bill 5-23 - Findings](#)

[Properties within Overlays](#)

**First reading of the ordinance was conducted, and a motion was made by Councilor Nishioka, seconded by Councilor Stapleton to conduct a public hearing on Ordinance Bill No. 5-23, for the purpose of eliminating the Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones and advance to second reading.**

**Comments by Councilor Nishioka.**

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

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Abstain:** 0

**7.1c.**

Amendment to SRC Chapter 102 - Parking.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure; and Welcoming and Livable Community.

**Attachments:** [Ordinance Bill No. 6-23.docx](#)  
[Exhibit A to Ordinance Bill No. 6-23.docx](#)

First reading of the ordinance was conducted, and a motion was made by Councilor Stapleton, seconded by Councilor Phillips to advance Ordinance Bill No. 6-23, amending SRC Chapter 102 related to parking, to second reading.

Comments by: Councilor Stapleton and Mayor Hoy.

The motion CARRIED by the following vote:

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Abstain:** 0

## 7.2 SECOND READING:

None.

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

None.

## 9. ADJOURNMENT

7:30 p.m.