

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, November 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. 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 4:00 p.m. on the day of the meeting using this link <https://www.cityofsalem.net/comment-at-council>.

EXECUTIVE SESSIONS

City Council

5:00 p.m. - 5:15 p.m. - City Manager's Conference Room
Current or Pending Litigation - ORS 192.660(2)(h)

City Council

5:15 p.m. - 5:30 p.m. - City Manager's Conference Room
Real Property Transactions - ORS 192.660(2)(e)

City Council

5:30 p.m. - 5:45 p.m. - City Manager's Conference Room
Real Property Transactions - ORS 192.660(2)(e)

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

6:00 p.m.

Roll Call

Councilor Varney attended the meeting remotely.

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

Pledge of Allegiance

Led by Mayor Hoy.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Gonzalez, Nordyke, Nishioka, Hoy, and Stapleton.

1.3 PROCLAMATIONS

1.3a. [23-402](#)

Proclamation - Native American Heritage Month 2023

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Hoy read the proclamation into the record. Delores Pigsley, Tribal Chairman of the Confederated Tribes of the Siletz Indians, accepted the proclamation.

Comments by Delores Pigsley.

1.3b. [23-404](#)

Proclamation - National Runaway Prevention Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Hoy read the proclamation into the record. Winter Chute and Paul Fairchild of Church of the Park, Shanta Frisbee of Northwest Human Services, and Mercedes Thorington of Mid-Willamette Valley Community Action Agency (MWVCAA), accepted the proclamation.

Comments by: Winter Chute, Shanta Frisbee, and Mercedes Thorington.

1.3c. [23-405](#)

Proclamation - Ruby Bridges Day 2023

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Hoy read the proclamation into the record. The following individuals accepted the proclamation:

Beth Schmidt, Program Coordinator, Salem-Keizer Safe Routes to School

Dr. Irvin Brown, Educational Chair, Salem-Keizer NAACP

Mike Jaffe, Transportation Planning Director, Mid-Willamette Valley Council of Governments

Tania Perfecto, Program Assistant, Salem-Keizer Safe Routes to School

Nubia Green, Principal, Washington Elementary

Erica Manzo, Principal, Lee Elementary

Comments by: Beth Schmidt.

1.4 PRESENTATIONS

None.

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

None.

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 3.3b by Councilor Hoy.

Questions or Comments by: Councilors Stapleton and Varney and Public Works Director Brian Martin.

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. [23-406](#)**

October 23, 2023 Draft City Council Minutes

Action: Approved.

- 3.1b. [23-423](#) October 25, 2023 Draft City Council Work Session Minutes

Action: Approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

- 3.3a. [23-355](#) Intergovernmental Agreement with the Oregon Department of Transportation for implementation of Climate Friendly and Equitable Communities Scenario Planning.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Authorized the City Manager to execute the Intergovernmental Agreement with ODOT to undertake the required regional scenario planning.

- 3.3b. [23-424](#) Recommended policy statements and priorities to guide Salem's Federal and State agenda, and Salem's response to proposed legislation during the 2024 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.

Pulled by Councilor Hoy - See item 5.c.

- 3.3c. [23-409](#) Claim Settlement Authorization

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Authorized the City Manager to resolve civil litigation brought by Jose Carmona-Perez with a payment not to exceed \$95,000.00 and other terms and conditions.

3.3d. [23-427](#)

Claim Settlement Authorization

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

Authorized the City Manager to resolve civil litigation brought by Tim McCloud with a payment not to exceed \$85,000.00 and other terms and conditions.

4. PUBLIC HEARINGS**4.a.** [23-382](#)

An Annexation of an approximately 48-acre territory located at 7006 Sunnyside Road SE and 7102 Cains Place SE.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): South Gateway

Result Area(s): Welcoming and Livable Community

Staff presentation by Lisa Anderson-Ogilvie, Deputy Community Development Director and Planning Administrator.

Persons testifying:

Jeremy Grenz, Applicant's representative, Multi-Tech Engineering, 1155 13th Street SE

Alex Kridera, 7066 Watson Creek Street SE

Questions for staff: Councilor Gwyn, Lisa Anderson-Ogilvie, Mayor Hoy, and Councilor Nishioka.

Rebuttal testimony by Jeremy Grenz.

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the annexation of the territory located at 7006 Sunnyside Road SE and 7102 Cains Place SE, including the withdrawal from the Salem Suburban Rural Fire Protection District and the application of RA (Residential Agriculture) zoning and forward to first reading.

Comments by: Councilors Stapleton and Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

4.b. [23-387](#)

Public Hearing of a Code Amendment to Implement the State's Climate Friendly and Equitable Communities Parking Lot Requirements and Allow Single-Room Occupancy Housing More Broadly

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

Staff presentation by Eunice Kim, Long Range Planning Manager, Community Development Planning Services.

Persons testifying:

Roger Bell, 1386 Rees Hill Road SE

Questions for staff: Councilor Stapleton, Eunice Kim, Mayor Hoy, Councilors Varney, Nishioka, and Gwyn.

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to advance Ordinance Bill No. 7-23 for the purpose of amending Salem Revised Code (SRC) to comply with the State's Climate Friendly and Equitable Communities rules related to parking lot regulations, allow single-room occupancy housing more broadly, and make other related code changes to second reading.

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

4.c. [23-412](#)

Resolution No. 2023-31 Establishing New Solid Waste Collection Rates and Charges.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe and Healthy Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Staff presentation by Ryan Zink, Franchise Administrator, Budget Office.

Persons testifying:

Phil Carver, 350 Salem OR, 1007 Newport Drive SE

Questions or Comments by: Councilor Nordyke and Phil Carver.

Questions for staff: Mayor Hoy, Ryan Zink, Councilors Nordyke, Stapleton, Gwyn, Nishioka. Gonzalez, Varney, and Phillips.

A motion was made by Councilor Stapleton, seconded by Councilor Nishioka to adopt Resolution No. 2023-31 establishing new solid waste collection rates effective January 1, 2024 and January 1, 2025, and rescinding Resolution No. 2022-47.

Comments by: Councilor Stapleton, Mayor Hoy, and Councilors Nordyke, Hoy, and Varney.

The motion CARRIED by the following vote:

Aye: 7 - Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 2 - Hoy, and Gonzalez

Abstain: 0

4.d. [23-416](#)

Continued Public Hearing. Proposed amendment to Salem Revised Code Chapter 900 (Sign Code) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community

At 8:05 p.m., prior to item 4.d, Mayor Hoy called a recess; the meeting resumed at 8:11 p.m.

Aaron Panko, Planner, Community Development Planning Services, provided a brief overview of the October 23, 2023 public hearing.

No individuals signed up to testify.

Questions for staff: None.

A motion was made by Councilor Phillips, seconded by Councilor Stapleton to advance Ordinance Bill No.16-23 to first reading and to increase the maximum allowance for signs attached to or painted on the interior of a window on building facades within thirty (30) feet of a public street from 20% to 50%, and clarify that the limitations shall apply to the total window area of a building facade, rather than per window.

Questions or Comments by: Councilors Philips, Gwyn, and Nishioka.

An amended motion was made by Councilor Nishioka, seconded by Councilor to advance Ordinance Bill No.16-23 to first reading and to increase the maximum allowance for signs attached to or painted on the interior of a window on building facades within thirty (30) feet of a public street from 20% to 50%, and clarify that the limitations shall apply to the total window area of a building facade, rather than per window, and to direct staff to bring back information at a later date exploring the implementation of a cap on the maximum number of outdoor advertising signs permitted in the city limits and how to make additional changes to address light pollution.

Questions or Comments by: Mayor Hoy, City Attorney Dan Atchison, Councilors Nishioka, Nordyke, Phillips, and Gonzalez, Planning Administrator Lisa Anderson-Ogilvie, and Councilors Hoy and Gwyn.

The amended motion CARRIED by a unanimous vote.

Comments by Mayor Hoy.

The main motion, as amended, 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. [23-426](#)

Update on the Emerging Issues Regarding Per- and Polyfluoroalkyl Substances (PFAS), also Known as Forever Chemicals

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe and Healthy Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Opening remarks and overview by Public Works Director Brian Martin.

Presentation by Jude Grounds, Vice President, Carrillo Engineering.

Questions or Comments by: Mayor Hoy, Director Brian Martin, Councilor Gonzalez, Jude Grounds, City Manager Keith Stahley, and Councilors Stapleton, Nishioka, and Phillips.

This Informational Report was received and filed.

5.b. [23-419](#)

Transformational Habitat Restoration and Coastal Resilience Grant

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable and Efficient Infrastructure; Good Governance, Natural Environment Stewardship

Opening remarks and overview by Public Works Director Brian Martin.**Presentation by James Winslow, Assistant City Engineer, Public Works.****Questions or Comments by: Councilor Gwyn, James Winslow, Councilor Nordyke, and Brian Martin.****A motion was made by Councilor Stapleton, seconded by Councilor Nordyke to authorize the City Manager to apply for the NOAA Transformational Restoration and Coastal Resilience Grant funds and, if successful, authorize the City Manager to enter into an agreement with NOAA to accept the funds.****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**5.c. [23-424](#)
(3.3b)**

Recommended policy statements and priorities to guide Salem's Federal and State agenda, and Salem's response to proposed legislation during the 2024 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.

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to table the recommended legislative policy statements and priorities.**Questions or Comments by: Councilor Hoy, Mayor Hoy, Strategic Initiatives Manager Courtney Knox Busch, and Councilors Nordyke, Stapleton, Gwyn, Phillips, and Nishioka.****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.** [23-400](#) Purchases approved administratively from September 1, 2023 through September 30, 2023.

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

Questions or Comments by: Councilor Hoy, Mayor Hoy, and Chief Financial Officer Josh Eggleston.

This Informational Report was received and filed.

- 6.b.** [23-410](#) Planning Administrator Decision - A replat to consolidate five existing properties into one lot - Approved.

Replat Tentative Plan Case No. REP23-05 - Britany Randall - 1710, 1720, 1704 13th St SE and the 1300 block of Rural Ave SE.

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

This Informational Report was received and filed.

- 6.c.** [23-425](#) Appointments to the Salem Cultural and Tourism Promotion Advisory Board, Center 50+ Advisory Commission, and Salem Human Rights Commission.

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

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:17 p.m.