

CITY OF SALEM

555 Liberty St SE Salem, OR 97301

Meeting Agenda City Council

Monday, March 13, 2023

6:00 PM

Hybrid Meeting / Council Chambers

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 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

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.3a. 23-88 Proclamation recognizing April as Child Abuse Prevention Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: Child Abuse Prevention Month Proclamation.pdf

Revised - The proclamation was replaced with a revised version.

1.3b. 23-90 Proclamation recognizing April as Arbor Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: Arbor Month Proclamation.pdf

Revised - The proclamation was replaced with a revised version.

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

3.1a. 23-106 February 27, 2023 Draft City Council Minutes

Attachments: 2-27-23 Draft Council Minutes.pdf

3.2 RESOLUTIONS

3.2a. 23-80 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.

Recommendation:

Adopt 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.

Summary:

The 27th Avenue SE acquisition includes purchasing right-of-way and temporary construction easements along the west side of 27th Avenue SE in an area where the City currently has street culverts and roadside ditches outside the City right-of-way (Attachment 1, Project Location map).

Attachments: Project Location Map

Resolution No. 2023-8

Identified Properties (Exhibit 1 to Resolution)

3.2b. 23-83

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.

Recommendation:

Adopt 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.

Summary:

A resolution to begin the process of eliminating five overlay zones: The Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones. The proposal responds to a motion from City Council during their November 14, 2022 meeting.

Attachments: Resolution 2023-9

Map of Overlays Proposed to be Eliminated

Properties within Overlays Proposed Code Changes

3.2c. 23-101

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

Recommendation:

Adopt 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.

Summary:

The Crestview Waterline Project will allow for improved water distribution and the abandonment of an aging public waterline located under an apartment complex in south Salem. The project includes construction of an 18-inch waterline in the vicinity of Boice Street S, Alvarado Terrace S, Bolton Terrace S, Coburn Street S, and Crestview Drive S (Attachment 1, Project Location Map). The design has progressed to the point where it is necessary to begin acquiring easements for the proposed improvements.

Attachments: Project Location Map

Resolution No. 2023-10

Identified Property and Property Ownership Summary (Exhibit 1 to Resolution)

3.3 ACTION ITEMS

3.3a. 23-95

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.

Recommendation:

Approve positions on specific bills for the 2023 Oregon Legislative Session.

Summary:

The 2023 Oregon Legislative Session began on January 17, 2023. In September 2022, the City Council approved a set of priorities to pursue during the session and policy statements to guide Salem's response to draft legislation. When the subject of proposed legislation is outside the scope of the policy statements, the City Council's Legislative Committee reviews bills identified as critical by City staff and recommends to City Council the position the City

should take on critical bills.

Attachments: Legislative Committee Reviewed Bills 2.17.23

Legislative Committee Reviewed Bills 3.3.23

3.3b. 23-96 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.

Recommendation:

Ratify the City Manager's execution of the attached agreement with

UPRR to extinguish the easement.

Summary:

The 2nd Street NW Improvement Project (Project), located between Gerth Avenue NW and Wallace Road NW, will construct new curbs, sidewalks, lighting, stormwater facilities, and water and sewer system upgrades (Attachment 1). Union Pacific Railroad Company (UPRR) holds an easement interest over a portion of the Project area which needs to be extinguished to clear title as well as remove a sub-tenant's interest to locate a billboard in the Project area. In order to avoid a delay in the project, the City Manager has already executed the agreement. City Council is being asked to ratify the City Manager's execution of the agreement.

Attachments: Project Location Map

<u>Agreement</u>

3.3c. 23-97 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

Recommendation:

Authorize the City Manager to execute the attached lease amendment with Avis Budget Car Rental, LLC.

Summary:

Avis Budget Car Rental, LLC (Lessee) is a current tenant at the Salem Municipal Airport, and in October 2022, completed a new

lease (Lease) (Attachment 1) for terminal space. The Lease includes a right of first refusal on adjacent, vacant counter space in the terminal and Lessee desires to execute that right and expand its lease premises.

Attachments: Lease

Lease Amendment Avis Budget 2023.doc

3.3d. 23-104 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.

Recommendation:

Authorize 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.

Summary:

Authorize the City of Salem to accept a Navigation Center grant from the State of Oregon. Funds would be used for renovations, behavioral health services and administrative costs.

Attachments: Navigation Center State Grant Agreement.pdf

4. PUBLIC HEARINGS

4.a. <u>23-105</u> 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

Recommendation:

Advance Ordinance Bill No. 3-23 to second reading for enactment, designating the Salem Civic Center as a local historic resource.

Summary:

The Salem Civic Center is eligible for listing as a local historic resource due to its significance as an excellent local example of Brutalist architecture. The Civic Center meets the applicable criteria in SRC 230.010 for age, integrity and significance, especially for its association with Salem's community planning efforts in the late 1960s and early 1970s.

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

Add- Written Testimony.

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

Add - Written Testimony.

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

6.a. <u>23-102</u> 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

<u>Recommendation:</u>

Information Only.

Attachments: Land Use Decision SUB-UGA-ADJ22-12

6.b. 23-108

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

Recommendation:

Information Only.

Attachments: Land Use Decision CPC-NPC-ZC22-07

6.c. 23-110

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

Recommendation:

Information Only.

Attachments: Land Use Decision SUB-UGA22-11

7. ORDINANCES

7.1 FIRST READING:

7.1a. 23-76 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

Recommendation:

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.

Summary:

The proposed code amendment updates the Unified Development Code (UDC) to eliminate minimum off-street parking requirements citywide in response to new State Climate-Friendly and Equitable Communities rules.

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

Add - Written Testimony.

7.1b. 23-85

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.

Recommendation:

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.

Summary:

Proposal to eliminate five overlay zones: The Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones. The proposal responds to a motion from City Council during their November 14, 2022 meeting.

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

7.1c. 23-98 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.

Recommendation:

Advance Ordinance Bill No. 6-23 to amend SRC Chapter 102 related

to parking to second reading.

Summary:

The proposed code amendments updates SRC Chapter 102 -Parking - to align the code with state law for the disposition of unclaimed vehicles. Changes also will allow the Salem Municipal Court to adopt rules for virtual appearances of person charged with

violations of Chapter 102 designated as an infraction.

Attachments: Ordinance Bill No. 6-23.docx

Exhibit A to Ordinance Bill No. 6-23.docx

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 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. 23-100

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:

Vacation of Right-of-Way for 1st Street NW Monday, March 27, 2023 at 6:00 p.m.

2023 Annual Action Plan and Notice of Funding Available (NOFA) 2023 Subrecipients

Monday, April 10, 2023 at 6:00 p.m.

Eliminating Minimum Off-Street Parking Requirements Citywide (Ordinance Bill No. 4-23) Monday, April 10, 2023 at 6:00 p.m.

Repealing Overlay Zones on Commercial Street SE (Ordinance Bill No. 5-23)

Monday, April 24, 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.

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:

2023 New State Rules on Sheltering in Public Spaces, Continued Monday, March 20, 2023 at 6:00 p.m.

Work Session)

Meeting location: Main Library, Anderson Rooms, 585 Liberty St SE, Plaza Level (This is a follow-up work session to the January 17, 2023 City Council

Revenue Options for Sustainable City Services, Continued Wednesday, April 5, 2023 at 6:00 p.m.

Meeting location: Main Library, Anderson Rooms, 585 Liberty St SE, Plaza Level
(This is a follow-up work session to the February 21, 2023 City Council Work Session)

BUDGET COMMITTEE MEETINGS

City Manager Presents Proposed FY 2024 Budget to Budget Committee Result Areas Reviewed: Welcoming and Livable Community, Natural Environment Stewardship Wednesday, April 19, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Strong and Diverse Economy, Urban Renewal Agency, Safe Reliable and Efficient Infrastructure, and CIP Public Hearing Wednesday, April 26, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Safe Community, Good Governance Wednesday, May 3, 2023 at 6:00 p.m.

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. - Councilors 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.

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

https://www.cityofsalem.net/Pages/council rules.aspx.

refer to Council Rule 6: Communications:

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.

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.

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.

