



# CITY OF SALEM

## Meeting Agenda

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, May 22, 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**

**1.3a.** [23-216](#) Public Works Week Proclamation  
Ward(s): All Wards

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

**Recommendation:**

Information Only.

**Attachments:** [Public Works Week Proclamation](#)

- 1.3b. [23-217](#) Gun Violence Awareness Proclamation  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:**

Information Only.

**Attachments:** [Gun Violence Awareness Proclamation](#)

- 1.3c. [23-218](#) Memorial Day Proclamation  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:**

Information Only.

**Attachments:** [Memorial Day Proclamation](#)

- 1.3d. [23-219](#) Pride Month Proclamation  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Recommendation:**

Information Only.

**Attachments:** [Pride Month 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**

- 3.1a. [23-203](#) May 8, 2023 Draft City Council Minutes

**Attachments:** [5-8-23 Draft Council Minutes.pdf](#)

- 3.1b. [23-214](#) May 15, 2023 Draft City Council Work Session Minutes

**Attachments:** [5-15-23 Draft Council Work Session Minutes.pdf](#)

## 3.2 RESOLUTIONS

## 3.3 ACTION ITEMS

- 3.3a. [23-171](#) Request to create a mid-year project and submit an Energy Trust of Oregon incentive application to replace a centrifugal blower with a turbo blower at the Willow Lake Water Pollution Control Facility.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Recommendation:**

Authorize the creation of a new wastewater project "Willow Lake Blower Replacement" in the FY 2022-23 Wastewater Non-Assessed Construction Fund 255, funded with Utility Rates, and apply for and, if granted, accept up to \$300,000 in incentive funding from Energy Trust of Oregon to offset project costs.

**Summary:**

The Willow Lake Water Pollution Control Facility previously operated on four 400-horsepower centrifugal blowers that provided the air to the aeration basin. In 2017, one centrifugal blower was replaced with a 200-horsepower turbo blower that is more energy efficient. Recently, staff requested a preliminary study from Energy Trust of Oregon to replace another centrifugal blower with a turbo blower.

- 3.3b. [23-175](#) Municipal Judicial Compensation.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**Recommendation:**

Adopt the Judicial Compensation Review Commission's recommendation to maintain the current rate of pay for Judges Pro Tempore of \$79.00 per hour, maintain the current total compensation rate for the Municipal Court Judge, and authorize the Municipal Court Judge to receive the same cost-of-living adjustment as the non-represented classifications effective July 1, 2023?

**Summary:**

The Judicial Compensation Review Commission (Commission) reviewed the compensation of the elected Municipal Judge and appointed Judges Pro Tempore. The Commission is charged with reviewing and making recommendations for changes to compensation biennially for the Municipal Judge and Judges Pro Tempore per SRC 4.035.

**3.3c. [23-190](#)**

Application for a grant with the USDA Forest Service Urban & Community Forestry Grants Program to build a more resilient and equitable tree canopy in Salem.

Ward(s): 1, 2, 3, 5, 6

Councilor(s): Stapleton, Nishioka, Phillips, Gonzalez, Hoy

Neighborhood(s): Northgate, Highland, NOLA, ELNA, NESCA, NEN, Grant, SESNA, Morningside, SEMCA, West Salem

Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community

**Recommendation:**

Authorize the City Manager to apply for and, if successful, enter into agreements with USDA Forest Service and accept an Urban and Community Forestry Grant for an amount up to \$9,000,000 to develop programs that help to build a more resilient and equitable tree canopy in Salem.

**Summary:**

The USDA Forest Service is providing up to \$1 billion in grant funding to urban communities to provide multiyear, programmatic, competitive grants for tree planting and related activities. Staff are developing a grant proposal to fund a tree equity and resilience program with two interrelated program components that collectively serve to support and enhance existing plans and programs. These program components include: 1) a community institution and school planting program, and 2) an urban and community forestry (UCF) apprenticeship program. Staff further propose that these programs will be focused 100 percent in disadvantaged communities, as mapped using specified tools in the grant guidance documents, which would qualify the proposal for a full waiver of match requirements.

**3.3 d 23-197 Application for project funding under the Charging and Fueling Infrastructure Discretionary grant program issued by the U.S. Department of Transportation (USDOT) was removed from the agenda****3.3e. [23-202](#)**

Intergovernmental Agreement (IGA) for the exchange of services between the City of Salem Fire Department and the Oregon State Fire

Marshall's Office (OSFM).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

**Recommendation:**

Authorize the City Manager to sign the IGA between the City of Salem and the OSFM office to establish the terms and conditions under which the OSFM provides the City of Salem with an outreach investment to emphasize education methods of prevention for wildfire risk, defensible space, and community preparedness for wildfires.

**Summary:**

The IGA between the City of Salem and OSFM establishes the terms and conditions under which the OSFM provides the City of Salem with an outreach investment to emphasize education methods of prevention for wildfire risk, defensible space, and community preparedness for wildfires.

**Attachments:** [IGA WITH CITY OF SALEM AND OSFM OFFICE \(IGA\)](#)

## 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)**

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

6.a. [23-187](#) Planning Administrator Decision - A replat to consolidate four existing properties into one lot approximately 26,136 square feet in size. - Approved.

Replat Case No. REP23-02 - Britany Randall, Brand Land Use on behalf of Clutch Industries - 2300 Block of Front Street NE.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): Highland

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision REP23-02](#)

- 6.b. [23-188](#) Planning Administrator Decision - A replat to consolidate four existing properties into one lot approximately 19,484 square feet in size. - Approved.

Replat Case No. REP23-03 - Britany Randall, Brand Land Use on behalf of Clutch Industries - 102 Pine St NE

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision REP23-03](#)

- 6.c. [23-189](#) Planning Administrator Decision - To develop a retaining wall and landscaping to create an outdoor dining space on the Edgewater Parkway - Approved.

Class 1 Willamette Greenway Development Permit Case No. WGP23-01 - On Any Sundae - 1112 Edgewater St NW

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision WGP23-01](#)

- 6.d. [23-193](#) Purchases approved administratively from April 1, 2023 through April 30, 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

April. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

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

- 6.e. [23-204](#) Planning Administrator Decision - A proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments. - Approved.

Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 - Multi-Tech Engineering Services Inc. on behalf of Titan Hill Property LLC (Kelly Hamilton) - 2100 Block of Doaks Ferry Road NW

Ward(s): 8  
Councilor(s): Varney  
Neighborhood(s): WSNA

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision SUB-UGA-SPR-ADJ-TRV-DR23-02](#)

- 6.f. [23-208](#) Planning Administrator Decision - To divide a 0.28 acre property in two - Approved.

Tentative Partition / Class 2 Adjustment Case No PAR-ADJ23-03 - Brendan and Kieran McMullen - 4151 Gardner Rd SE.

Ward(s): 3  
Councilor(s): Phillips  
Neighborhood(s): Faye Wright

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision PAR-ADJ23-03](#)

- 6.g. [23-209](#) Planning Administrator Decision - A four-lot subdivision - Approved.

Subdivision / Class 1 Adjustment Case No. SUB-ADJ23-05 - Terry Kelly and Larry Tokarski - 900 Block of Creekside Dr SE.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision SUB-ADJ23-05](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a. [23-172](#) Proposed amendments to Salem Revised Code Chapter 15 (Public Art) to add new definitions of “building” and “public mural.” Ordinance No. 8-23.

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

**Recommendation:**

Advance Ordinance Bill 8-23 amending SRC Chapter 15 to second reading for enactment.

**Summary:**

Ordinance Bill No. 8-23 (Attachment 1) amends Chapter 15 of *Salem Revised Code* (SRC) to add the definition of “building” and clarify the definition of “public mural.”

**Attachments:** [Ordinance Bill No. 8-23](#)  
[Exhibit A - Code Revisions](#)  
[Exhibit B - SPAC Adopted Minutes April 2023](#)

### 7.2 SECOND READING:

- 7.2a. [23-200](#) Second 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:**

Pass Ordinance Bill No. 9-23.

**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](#)

[Complying with new State rules about camping on public property 5.9.23.pdf](#)

[Public Comments received after 5:00 p.m., May 8, 2023](#)

[Written Testimony 1](#)

[Written Testimony 2](#)

*Add - Written Testimony*

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

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

**FUTURE AGENDA ITEMS****To appear on the June 12, 2023 agenda**

- a. [23-207](#) Proposed FY 2024 Fee Schedule

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

**Recommendation:**

Adopt Resolution No. 2023-15, setting fees and charges for the City of Salem as set forth in Exhibit A to Resolution No. 2023-15.

**Summary:**

Every year, the City of Salem produces a fee schedule for easy accessibility to the community where various departmental fees are located in one document. Departments work with the Finance Department to produce this document and it is adopted annually in June prior to the new fiscal year.

**Attachments:** [Resolution No. 2023-15](#)  
[Resolution No. 2023-15, Exhibit A](#)

**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS**

- b. [23-199](#) 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:

BUDGET COMMITTEE MEETINGS

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Time - Councilor

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.cityofsaalem.net/Pages/council rules.aspx](http://www.cityofsaalem.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.cityofsaalem.net/Pages/council rules.aspx](https://www.cityofsaalem.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: [Imanderson@cityofsalem.net](mailto:Imanderson@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.

