



# **CITY OF SALEM**

## **Meeting Agenda**

### **City Council**

555 Liberty St SE  
Salem, OR 97301

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**Monday, July 12, 2021**

**6:00 PM**

**Virtual Meeting**

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**\*\*Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may view the meeting online at CC:Media YouTube Channel or watch on Comcast Cable 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). Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.**

### **EXECUTIVE SESSIONS**

**Joint City Council and Salem Housing Authority Commission**

**5:15 p.m.**

**ORS 192.660(2)(d) Labor Negotiations**

**City Council**

**5:45 p.m.**

**ORS 192.660(2)(e) Real Property Transactions**

**Urban Renewal Agency**

**Immediately following City Council session**

**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**

**Pledge of Allegiance****1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA****1.2 COUNCIL AND CITY MANAGER COMMENT****1.3 PROCLAMATIONS****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.** [21-318](#) June 28, 2021 Draft City Council Minutes

**Attachments:** [6-28-21 Draft Council Minutes](#)

**3.2 RESOLUTIONS**

**3.2 a.** [21-312](#) Adopting the FY 2021-22 budget and setting the parking tax for the Downtown Parking District

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): CANDO  
Result Area(s): Good Governance

**Recommendation:**

Adopt Resolution No. 2021-29 (Attachment 1) adopting the FY 2021-22 budget and setting the business-paid parking tax for the Downtown Parking District.

**Summary:**

The FY 2021-22 operating budget for the Downtown Parking Fund is \$1,299,380, which includes rates of \$159.28 per space and a \$442.16 minimum tax rate.

Salem Revised Code 7.110 requires that by June 30 of each year

City Council adopt, by resolution, a budget for the Downtown Parking District (District) and set the tax for each fiscal year. Resolution No. 2021-29 has a retroactive effective date of July 1 which is the start of the 2021-22 fiscal year. The District was established in 1976 to provide funding for economic promotion and public parking within the downtown core.

**Attachments:** [Resolution No. 2021-29](#)  
[Exhibit A](#)

### 3.3 ACTION ITEMS

**3.3 a. [21-300](#)**

Purchase and Sale Agreement with Dragonfist LLC for acquisition of a portion of the property located at 5669 Commercial Street SE to complete a stream restoration and stormwater remediation project.

Ward(s): 4  
Councilor(s): Leung  
Neighborhood(s): South Gateway  
Service Area(s): Natural Environment Stewardship

**Recommendation:**

Authorize the City Manager to execute the attached Purchase and Sale Agreement with Dragonfist LLC for the acquisition of a portion of property located at 5669 Commercial Street SE.

**Summary:**

Public Works staff has identified a need to complete stream restoration and stormwater remediation along a portion of Waln Creek in South Salem. To accomplish this, it is necessary to acquire a portion of the property located at 5669 Commercial Street SE (Property) adjacent to Waln Creek owned by Dragonfist LLC (Seller) (Cole Johnson, Member).

**Attachments:** [Agreement](#)  
[Exhibit E to Agreement](#)

**3.3 b. [21-301](#)**

Amendment to lease with Salem Cryo LLC for expansion of lease space located at 365 Ferry Street SE in the Liberty Parkade

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): CANDO  
Service Area(s): Strong and Diverse Economy; Good Governance

**Recommendation:**

Authorize the City Manager to execute the attached amendment to the lease with Salem Cryo LLC for additional square footage in the Liberty Parkade.

**Summary:**

Salem Cryo LLC (Lessee) (Tanah Lines, Member) currently leases space in the Liberty Parkade located at 365 Ferry Street SE, Suite A. Lessee desires to expand its business to the adjacent, vacant space in Suite B via a lease amendment.

**Attachments:** [Lease](#)  
[Amendment](#)

**3.3 c. [21-306](#)**

Approval of Telecommunications Franchise Agreement, granting Hunter Communications & Technologies (Hunter Communications) the non-exclusive right to construct, use, operate, and maintain a telecommunication system in the City's rights-of-way (ROW).

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Service Area(s): Strong and Diverse Economy; Safe and Reliable Infrastructure; Good Governance

**Recommendation:**

Authorize the City Manager to execute the Telecommunications Franchise Agreement between the City of Salem and Hunter Communications for the provision of telecommunication service in the City's ROW.

**Summary:**

The attached Telecommunications Franchise Agreement grants Hunter Communications the non-exclusive right to construct, use, operate, and maintain a telecommunication system in the City's ROW. The agreement will be effective August 1, 2021 through July 31, 2031, with one automatic five-year extension.

**Attachments:** [Telecommunications Franchise Agreement with Hunter Communications & Technologies](#)

**3.3 d. [21-310](#)**

Regional Traffic Control Center Intergovernmental Agreement with the Oregon Department of Transportation.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Service Area(s): Safe and Reliable Infrastructure

**Recommendation:**

Authorize the City Manager to execute the attached Intergovernmental Agreement with ODOT for the purposes of receiving federal funds and providing local matching funds to operate the Salem Regional Traffic Control Center, and further to authorize the City Manager to administer and modify the agreement as needed in the best interest of the City.

**Summary:**

The Salem Regional Traffic Control Center provides a focal point for the computerized control of traffic signals within the Urban Growth Boundary for the Salem-Keizer metropolitan area. The intergovernmental agreement between the City and the Oregon Department of Transportation (ODOT) provides funding for the facility.

**Attachments:** [IGA - Salem Regional Traffic Signal Control Center Operations](#)

#### **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. [21-229](#) Motion from Councilor Trevor Phillips regarding adoption of a resolution to declare healthcare a fundamental right

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Final Draft Resolution declaring healthcare a fundamental right 062921.docx](#)

[Public Comments received by 3:30 p.m. 7-12-21.pdf](#)

[Additional Public Comments received by 5:00 p.m. 7-12-21.pdf](#)

*Add - Written Testimony.*

5. b. [21-313](#) Motion from Councilor Vanessa Nordyke regarding an ordinance to regulate the sale and use of fireworks within the city of Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Public Comment received.pdf](#)

*Add- Written Testimony.*

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

6. a. [21-291](#) Purchases approved administratively from May 1, 2021 through May 31, 2021.

Ward(s): All Wards

Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Service Area(s): Good Governance

**Recommendation:**

Information only.

**Summary:**

The purpose of this report is to inform the Council of the specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of May. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

**Attachments:** [Purchases approved administratively May 2021](#)**6. b. [21-297](#)**

Feasibility study of temporarily closing portions of Union and Winter Streets NE on Saturdays between May and October to benefit area neighborhoods and the Salem Saturday Market.

Ward(s): Ward 1  
Councilor(s): Councilor Stapleton  
Neighborhood(s): CANDO  
Service Area(s): Welcome and Livable Neighborhood

**Recommendation:**

Information only.

**Summary:**

On April 26, 2021, City Council directed staff to provide a report regarding the feasibility of temporarily closing various streets on Saturdays between May and October to benefit area neighborhoods and the Salem Saturday Market. Staff developed two street closure options: Option #1 is a *Soft Closure*, in which signage and small barricades are used to discourage through-vehicle traffic on Union Street NE and Winter Street NE. Option #2 is a *Hard Closure* that employs large barricades and signs to prevent vehicles from entering closed street segments.

**Attachments:** [Type II and Type III Barricades](#)  
[Union between Cottage and Winter](#)  
[Union between Front and Liberty](#)  
[Union between High and Church](#)  
[Winter between Belmont and Market](#)  
[Winter between D and E](#)**6. c. [21-302](#)**

Planning Administrator Decision - To divide .63 acres into three parcels - Approved.

Partition Case No. PAR21-09 - Brendan McMullen - 2635 Gilbert St

S.

Ward(s): 7  
Councilor(s): Nordyke  
Neighborhood(s): SWAN

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision PAR21-09.pdf](#)

**6. d. [21-307](#)**

Planning Administrator Decision - A tentative partition to create two parcels. - Approved.

Partition Case No. PAR21-10 - Brad Harris, Barker Surveying on behalf of Kimberly Jenkins - 2872 Doaks Ferry Road NW.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision PAR21-10](#)  
[REVISED Land Use Decision PAR21-10.pdf](#)

*Revised - A revised Planning Administrator Decision has been added to the report. Revisions were made to the conditions of approval.*

## **7. ORDINANCES**

### **7.1 FIRST READING:**

### **7.2 SECOND READING:**

**7.2 a. [21-309](#)**

Repealing Ordinance No. 7-10 and rescinding the authorization to vacate a portion of Old Strong Road SE.

Ward(s): 3  
Councilor(s): Phillips  
Neighborhood(s): Morningside Neighborhood Association  
Service Area(s): Safe and Reliable Infrastructure

**Recommendation:**

Pass Ordinance Bill No. 7-21 (Attachment 2), which repeals Ordinance No. 7-10 (Attachment 3) and rescinds the authorization to vacate a portion of Old Strong Road SE.

**Summary:**

In 2010, City Council approved through the passage of Ordinance

No. 7-10 the vacation of a portion of Strong Road SE, now named Old Strong Road SE, subject to conditions. The vacation has not become effective because the conditions have not been fully satisfied. Portions of the area approved to be vacated are now needed for transportation purposes (see Attachment 1). Rescinding the vacation with passage of Ordinance Bill No. 7-21 allows these sections to continue to function for transportation purposes.

**Attachments:** [Vicinity Map - Old Strong Road SE Vacation](#)

[Ordinance Bill No. 7-21](#)

[Ordinance No. 7-10](#)

## **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. [21-311](#) Due to the COVID-19 Pandemic, and until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online at CC:Media You Tube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

## CITY COUNCIL PUBLIC HEARINGS:

Consideration of the creation of a new chapter of the Salem Revised Code regarding City real estate transactions  
Monday, July 26, 2021 at 6:00 p.m.

Consideration of Amendment #5 to the 2019 Annual Action Plan, Programming up to \$860,000 in CDBG CV Funding  
Monday, July 26, 2021 at 6:00 p.m.

Climate Action Plan  
Monday, December 6, 2021 at 6:00 p.m.

## SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

## URBAN RENEWAL AGENCY PUBLIC HEARINGS:

## WORK SESSIONS:

City Council  
Climate Action Plan  
Monday, September 20, 2021 at 6:00 p.m.

Joint City Council and Planning Commission  
Our Salem Project  
Monday, October 18, 2021 at 6:00 p.m.

## BUDGET COMMITTEE MEETINGS

## SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

\*Please check with the association to determine if the meeting will be held virtually or in-person.

Neighborhood - Annual Meeting Date - Councilor  
ELNA - September 2, 2021 - Hoy  
Northgate - September 16, 2021, - Gonzalez  
Sunnyslope - September 16, 2021 - Leung, Nordyke

**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: [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.

