

# **CITY OF SALEM**

555 Liberty St SE Salem, OR 97301

# Meeting Agenda City Council

**Monday, March 14, 2022** 

6:00 PM

**Virtual Meeting** 

\*\*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 You Tube 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. 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 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.** 22-127 Proclamation recognizing Women's History Month.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: Proclamation - Women's History Month

Add - New Report Added.

#### 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.** 22-52 February 28, 2022 Draft City Council Minutes

Attachments: 2-28-22 Draft Council Minutes.pdf

#### 3.2 RESOLUTIONS

**3.2a.** 22-55 Modification, elimination, and addition of Community Development

Department fees.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe, Reliable and Efficient

Infrastructure; Welcoming and Livable Community.

#### Recommendation:

Adopt Resolution No. 2022-5 modifying, eliminating, or adding specific fees and charges for the Community Development Department.

#### Summary:

Specific Community Development Department fees adopted in the Master Fee Schedule in June 2021 need to be modified, eliminated, or added due to operational needs. Adoption of this resolution will impact a total of seventeen fees. The other fees adopted in the Master Fee Schedule in June 2021 and first altered in October 2021 will remain unchanged with the adoption of this resolution.

**Attachments:** Resolution No. 2022-5

Resolution 2022-5, Exhibit A

**3.2b.** 22-72 Dedication of City Property as Public Right-Of-Way for the

Construction of Logistics Street SE.

Ward(s): 3

Councilor(s):Phillips

Neighborhood(s): SEMCA

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

**Recommendation:** 

Adopt Resolution No. 2022-8 dedicating City property as public

right-of-way for the construction of Logistics Street SE.

<u>Summary:</u>

Notice of Decision Case No. SUB08-05MOD2 issued for the Mill Creek Corporate Center Development requires the construction of Logistics Street SE. A portion of the proposed street improvement at the intersection with Turner Road SE is over land owned by the

City of Salem. It is necessary to dedicate a portion of the City property as public right-of-way for the proposed street

improvement.

**Attachments:** Resolution 2022-8

Exhibits A and B

**3.2c.** 22-86 Brown Road Park development grant application to Oregon Parks

and Recreation Department Local Government Grant Program

Ward(s): WARD 6

Councilor(s): Councilor Hoy Neighborhood(s): NOLA

Result Area(s): Welcoming and Livable Community

**Recommendation:** 

Adopt Resolution 2022-13, authorizing the City Manager to apply for and, if successful, accept an Oregon Parks and Recreation Department Local Government Grant to provide funding for

constructing the first phase of Brown Road Park.

Summary:

Brown Road Park is a four-acre neighborhood park located in northeast Salem (Attachment 1, Location Map). The City is applying for funds for a first phase of development that includes a dual zoned playground, ADA accessible picnic shelter, hard surface paths, accessible community garden beds, drinking fountain, bike rack, entrance area, and benches. A City Council Resolution is required as part of the Oregon Parks and Recreation Department (OPRD) application process (Attachment 2).

**Attachments:** Brown Road Location Map

Resolution 2022-13

Brown Road Park Phase One concept

Final Brown Road Grant SPRAB Action Sheet.pdf

Addition - Salem Parks and Recreation Advisory Board Action Sheet added as an

attachment to the report.

**3.2d.** 22-90 Acquisition of property for the 2nd Street NW (Gerth Avenue NW to

Wallace Road NW) Improvement Project.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): West Salem

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

#### Recommendation:

Adopt Resolution No. 2022-14, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and easements for the 2nd Street NW Improvement Project.

#### Summary:

The 2nd Street NW Improvement Project between Gerth Avenue NW and Wallace Road NW will construct new curbs, sidewalks, lighting, stormwater facilities, and water and sewer system upgrades (Attachment 1, Project Location Map). The design has progressed to the point where it is necessary to begin the right-of-way acquisition process.

### Attachments: Project Location Map

Resolution 2022-14

Resolution 2022-14, Exhibit 1, Identified Properties
Resolution 2022-14, Exhibit 2, Property Owners.pdf

**3.2e.** 22-92 Acquisition of Property for the Hilfiker Lane SE at Commercial Street

SE Improvement Project.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Faye Wright, Morningside

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

#### **Recommendation:**

Adopt Resolution Nos. 2022-15 through 2022-21 (Attachments 4-17) declaring a public need to acquire; the City of Salem's intent to negotiate; and if necessary, authorizing the City Attorney to commence eminent domain proceedings for the acquisition of

right-of-way and easements for the Hilfiker Lane SE at Commercial Street SE Project.

#### **Summary:**

The Hilfiker Lane SE at Commercial Street SE Improvement Project will construct bike lanes and left-turn lanes on Hilfiker Lane SE and replace the traffic signal to enhance safety and operational efficiency at the intersection. Design has progressed to the point where it is now necessary to begin the right-of-way acquisition process.

#### **Attachments:** Project Location Map

Identified Properties

Property Ownership Summary

Resolution 2022-15

Resolution 2022-15 Exhibits

Resolution 2022-16

Resolution 2022-16 Exhibits

Resolution 2022-17

Resolution 2022-17 Exhibits

Resolution 2022-18

Resolution 2022-18 Exhibits

Resolution 2022-19

Resolution 2022-19 Exhibits

Resolution 2022-20

Resolution 2022-20 Exhibits

Resolution 2022-21

Resolution 2022-21 Exhibits

### 3.3 ACTION ITEMS

#### **3.3a.** 22-83

Lease amendment with Salem Cryo LLC for retail space at Liberty Parkade

Ward(s): 1

Councilor(s): Andersen Neighborhood(s): CANDO

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 Salem Cryo LLC to increase its square footage at Liberty Parkade.

#### Summary:

Salem Cryo LLC (Tanah Lines, Member) dba Capitol Cryo (Lessee),

currently leases space in the Liberty Parkade located at 365 Ferry Street SE, Suite A. Lessee desires to amend its lease to increase its square footage and expand its business.

Attachments: Lease

**Amendment** 

**3.3b.** 22-91 Intergovernmental Agreement with the Oregon Department of

Transportation for Right-of-Way Services for the Hilfiker Lane SE at

Commercial Street SE Improvement Project.

Ward(s): 3

Councilor(s):Phillips

Neighborhood(s): Faye Wright, Morningside

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

**Recommendation:** 

Authorize the City Manager to execute the attached Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the Hilfiker Lane SE at Commercial Street SE Improvement Project.

Summary:

The Hilfiker Lane SE at Commercial Street SE Improvement Project will construct bike lanes and left-turn lanes on Hilfiker Lane SE and replace the traffic signal to enhance safety and efficiency at the intersection. Design has progressed to the point where it is now necessary to begin the right-of-way acquisition process. The Intergovernmental Agreement specifies City and Oregon Department of Transportation responsibilities to acquire right-of-way for the project

**Attachments:** Intergovernmental Agreement for Right-of-Way Services (IGA #34465)

Project Location Map

**3.3c.** 22-100 2022 City Council Policy Agenda priorities.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

and Livable Community.

**Recommendation:** 

Adopt the 2022 City Council Policy Agenda.

Summary:

Through its annual City Council Policy Agenda, City Council makes

its initial priorities for action clear to staff and the community and provides direction on aligning resources towards the Strategic Plan Policy areas through the City's budgeting process. Each fall, City Council develops a framework for its policy priorities. In its November 15, 2021 Work Session, Council considered progress achieved on 2021 Policy Agenda priorities, community feedback from the 2021 Community Satisfaction Survey, and updates on major initiatives in the 2021 Community Report. Council further discussed priorities for 2022 at a January 18, 2022 Work Session when staff returned with proposals for how to achieve City Council priorities, and at the February 14, 2022 regular meeting.

Priorities for 2022 are concentrated in four areas: (1) responding to our sheltering crisis; (2) planning for our future; (3) engaging our community; and (4) sustaining infrastructure and services. In April, the City's budgeting process begins, with final City Council action taken in June.

**Attachments:** City Council's 2022 Policy Agenda

Public Comments received by 5:00 p.m., 3-14-22.pdf

Add - Written Testimony.

## 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. 22-88 Motion from Councilor Vanessa Nordyke regarding a fee waiver for the 2021 use of the Gerry Frank - Salem Rotary Amphitheater by Indigenous Now

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

**Attachments:** Fee Waiver Council Policy X-5

5.b. 22-89 Motion from Councilor Jose Gonzalez directing staff to create a

separate process to allow Salem residents to obtain speed humps if

certain criteria are met.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: Public Comments received by 5:00 p.m., 3-14-22.pdf

Add- Written Testimony.

5.c. 22-103 City service and investment in response to the homelessness

emergency

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community; Welcoming and Livable

Community.

#### Recommendation:

Approve allocation of \$475,000 from the State sheltering grant for a City-staffed team to respond to unmanaged sheltering locations, and for a grant to a nonprofit-managed program to operate through June 30, 2022, and have staff return with the necessary budget

amendments on March 28, 2022.

#### **Summary:**

The City expends resources to provide managed sheltering options, such as micro-shelters and safe park alternatives, as well as adding housing and support services to end homelessness. Additional dedicated resources are needed to reform the City's response to managing public spaces and reduce the impacts of unmanaged sheltering.

#### **Attachments:** Letter to the City Councilors of 2.25.2022.pdf

Public Comments received by 5:00 p.m., 3-14-22.pdf

Add - Written Testimony.

#### 5.d. 22-105 Grant to the Center for Hope and Safety to provide kitchenettes in

shelter units at the Center for Hope and Safety's Mosaic Motel

shelter project.

Ward(s): All Wards

Councilor(s): All Councilors Neighborhood(s): CANDO, SCAN

Result Area(s): Safe Community; Welcoming and Livable

Community.

#### Recommendation:

Approve an allocation of \$230,000 in ARPA funds to construct kitchenettes within shelter rooms at the Mosaic Motel.

#### Summary:

The City recognizes the urgent need for expanded shelter options. The Center for Hope and Safety's Mosaic Motel shelter project serves people who experience domestic violence, sexual assault, stalking, and human trafficking. The Mosaic Motel uses hotel rooms to provide shelter for people. For the hotel rooms to function effectively and sustainably, small kitchenettes are needed for food preparation.

**5.e.** 22-107

Consideration of a modified application in Phased Subdivision Tentative Plan Case No. SUB21-09.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association Result Area(s): Welcoming and Livable Community

#### **Recommendation:**

Reopen the record in the proceeding to allow the public an opportunity to review and comment on the modified application in Phase Subdivision Tentative Plan Case No. SUB21-09 and conduct deliberations on the application on March 28, 2022.

#### Summary:

On February 28, 2022, the City Council conducted deliberations and voted to deny the application for a phased subdivision tentative plan to divide approximately 29.68 acres into 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development for property located at 4540 Pringle Road SE (Attachment 1) (Phased Subdivision Tentative Plan Case No. SUB21-09). The applicant has modified the proposal in light of City Council's vote and City Council is required by ORS 197.522 to consider the modified application.

### Attachments: Vicinity Map

SUB21-09 Decision

Applicant's Revised Plans and Written Statement

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

**6.a.** <u>22-99</u>

Lease with PNC Equipment Finance, LLC for the Procurement of one Fire Engine and one Ladder Truck.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Safe Community

#### Recommendation:

**Information Only** 

#### Summary:

The City (Lessee) has leased two new fire apparatus, one Pierce Arrow XT 100' Aerial Platform (ladder truck) and one Enforcer Pumper (fire engine) from PNC Equipment Finance (Lessor). The new apparatus will be an addition to the current fleet and will be placed in service once received and fully equipped, which is estimated to be 9-12 months after ordered.

#### 6.b. 22-101

Exploring a civilian-led mobile crisis unit pilot project to respond to calls for service involving persons experiencing homelessness or behavioral health crisis, within the context of the existing services available in Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Welcoming

and Livable Community.

#### **Recommendation:**

Information only.

#### Summary:

In response to a January 10, 2022 City Council request for information, the purpose of this report is to define what mobile crisis response is and how it works in most communities, summarize available resources here in Salem, identify gaps in the system and impacts of cost to cure those gaps.

**Attachments:** Salem Response: behavioral health emergency

Central Lane County Dispatch 911 Process

Portland Street Response Frequently Asked Questions

#### 6.c. 22-106

Salem Public Library Updated Meeting Room and Study Room

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

#### **Recommendation:**

Information item and subsequent changes to the proposed fee structure beginning March 14th.

#### Summary:

The Salem Public Library offers several event spaces, conference rooms, and study rooms for programming, community, and City use. The current meeting room policy has not been revised since 2007. The proposed draft establishes guidelines for use, includes the new spaces added in the 2020/2021 seismic renovation, and simplifies the reservation system to ensure fair access to all.

**Attachments:** Notice of Proposed Administrative Rulemaking Rule 101-03

Proposed Salem Public Library Meeting and Study Room Policy

#### 7. ORDINANCES

**City Council** 

- 7.1 FIRST READING:
- 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.** 22-95

Due to COVID-19, 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 YouTube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

#### CITY COUNCIL PUBLIC HEARINGS:

Petitioner-Initiated Annexation of Territory Located at 2490 Michigan City Lane NW (Annexation Case No. C-743) Monday, March 28, 2022 at 6:00 p.m.

Petitioner-Initiated Annexation of Territory Located at 4255 Cordon Road NE (Annexation Case No. C-744) Monday, March 28, 2022 at 6:00 p.m.

Appeal of the Planning Commission's Decision approving a Comprehensive Plan Map designation and zoning from "Single Family Residential" with RA (Residential Agriculture) zoning to "Commercial" with CR (Retail Commercial) zoning. The subject property is located at the southwest corner of the intersection of Kuebler Boulevard and I-5 - Case No. CPC-ZC21-04 Monday, March 28, 2022 at 6:00 p.m.

Council Review of the Planning Commission's decision approving a Comprehensive Plan Map Amendment and Zone Change from RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential), for approximately 24.84 acres of the northern portion of a 36.86 acre parcel, located at the 2100 Block of Doaks Ferry Rd NW

Monday, April 11, 2022 at 6:00 p.m.

2022 Community Development Block Grant/HOME Investment Partnership Grant Annual Action Plan and 2021 HOME Investment Partnership Grant (American Rescue Plan) Annual Action Plan Amendment

Monday, April 25, 2022 at 6:00 p.m.

FY 2023 Recommended City of Salem Budget Monday, June 13, 2022 at 6:00 p.m.

State Revenue Sharing Funds Monday, June 13, 2022 at 6:00 p.m. SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

**URBAN RENEWAL AGENCY PUBLIC HEARINGS:** 

FY 2023 Recommended Urban Renewal Agency Budget Monday, June 13, 2022 At 6:00 p.m.

WORK SESSIONS:

City Council Work Session Community Feedback for Infrastructure Bond Priorities Monday, April 4, 2022 at 6:00 p.m.

**BUDGET COMMITTEE MEETINGS** 

City Manager Presents Proposed FY 2023 Budget to Budget Committee Wednesday, April 20, 2022 at 6:00 p.m. Budget Committee Review Wednesday, April 27, 2022 at 6:00 p.m.

Budget Committee Review Wednesday, May 4, 2022 at 6:00 p.m.

Budget Committee Recommends FY 2023 Budget to City Council and Urban Renewal Agency Wednesday, May 11, 2022 at 6:00 p.m.

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 Lansing - April 26, 2022 - Gonzalez

#### **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 refer to Council Rule 6: Communications:

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

#### **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.

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.

