

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, July 26, 2021

6:00 PM

Virtual Meeting

City Council

****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. 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

6:23 p.m.

Roll Call

Present: 9 - Councilor Andersen, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the additions to the agenda. The additions consisted of a memo from Police Chief Womack was added to item 3.3c and an attachment, the July 12, 2021 Information Staff Report, was added to item 5.a.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett, Councilors Lewis, Nordyke, Leung, Andersen, Stapleton, Hoy, Gonzalez, Phillips, City Manager Powers, and City Attorney Atchison.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

The following individuals provided public comment via remote video:

Phil Carver, 350 Salem, 1007 Newport Road SE, Item 3.3a, File 21-198

Questions or Comments by: Councilor Phillips, Mayor Bennett, Councilors Nordyke and Lewis.

Laura Buhl, Ward 1, Item 3.3a, File 21-198

Questions or Comments by: Councilor Andersen.

Micki Varney, Vice Chair, Salem Parks and Recreation Board (SPRAB), Ward 8, Item 3.3a, File 21-198

Questions or Comments by: Mayor Bennett, Councilors Hoy, Lewis and Andersen.

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Hoy, seconded by Councilor Phillips to approve the consent calendar with the pulls of items 3.3a and 3.3b by Councilor Andersen, and item 3.3j by Councilor Stapleton.

Questions or Comments by: Councilors Hoy and Andersen, Peter Fernandez, Public Works Director.

The motion **CARRIED** by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

3.1 MINUTES

3.1 a. [21-341](#) July 12, 2021 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2 a. [21-322](#) Amendments to the Parks, Water, and Wastewater System
Development Charge Eligible Project Lists.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Reliable Infrastructure

**Adopted Resolution No. 2021-30, amending the Parks, Water, and
Wastewater System Development Charges Eligible Project Lists to establish
eligibility of funding for infrastructure projects.**

3.3 ACTION ITEMS

3.3 a. [21-198](#) Approval of the revised update to the Geer Park Master Plan.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): NESCA

Service Area(s): Welcome and Livable Neighborhood; Natural
Environment Stewardship

Pulled by Councilor Andersen - See Item 5.b.

3.3 b. [21-305](#) Approve the Bush's Pasture Park and Deepwood Estate Gardens
Cultural Landscape Management Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcome and Livable Neighborhood; Natural
Environment Stewardship

Pulled by Councilor Andersen - See Item 5.c.

3.3 c. [21-321](#)

Intergovernmental Agreement with Marion County for Mobile Crisis Response Team services.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Authorized the City Manager to execute the attached IGA with Marion County, and any amendments to the IGA, in order to provide Mobile Crisis Response Team services during Fiscal Year 2021-2022 and 2022-2023.

3.3 d. [21-328](#)

City lease of storage space in Turner, Oregon

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Authorized the City Manager to execute the attached lease with R&K Rentals LLC for the Premises located at 7167 3rd Street SE, Turner, OR.

3.3 e. [21-329](#)

Reappointment of Ronald Hellewell as Municipal Court Judge

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Reappointed Ronald Hellewell as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.

3.3 f. [21-330](#)

Local Agency Agreement with the Oregon Department of Transportation for Improvements at the State Street and 25th Street SE Intersection.

Ward(s): Ward 2

Councilor(s): Councilor Anderson

Neighborhood(s): NEN, SESNA

Result Area(s): Safe and Reliable Infrastructure

Authorized the City Manager to execute a Local Agency Agreement with the Oregon Department of Transportation to fund the design and construction of improvements at the State Street and 25th Street SE Intersection.

3.3 g. [21-331](#)

Project request to begin design activities for the replacement of a City waterline in Hayesville Drive NE from Nandale Drive NE to west of Happy Drive NE.

Ward(s): Ward 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

Result Area(s): Safe and Reliable Infrastructure

Authorized the creation of a new water project - "Hayesville Drive NE Waterline Replacement" in the FY 2021-22 Water Non-Assessed Construction Fund 255, funded with Utility Rates and System Development Charges.

3.3 h. [21-332](#)

Local Agency Agreement with the Oregon Department of Transportation for Traffic Signal Upgrades on Commercial Street SE between Madrona Avenue SE and Robins Lane SE

Ward(s): Wards 3, 4

Councilor(s): Leung, Phillips

Neighborhood(s): Faye Wright, Morningside, South Gateway

Result Area(s): Safe and Reliable Infrastructure

Authorized the City Manager to execute a Local Agency Agreement with the Oregon Department of Transportation to fund the design and construction of traffic signal upgrades on Commercial Street SE between Madrona Avenue SE and Robins Lane SE.

3.3 i. [21-333](#)

Local Agency Agreement with the Oregon Department of Transportation for Traffic Signal Improvements in the Downtown Area

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Safe and Reliable Infrastructure

Authorized the City Manager to execute a Local Agency Agreement with the Oregon Department of Transportation to fund the design and construction of Traffic Signal Improvements in the Downtown Area.

3.3 j. [21-336](#)

Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Union Street NE Family Friendly Bikeway Project.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CAN-DO

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

Neighborhood; Safe and Reliable Infrastructure

Pulled by Councilor Stapleton - See Item 5.d.

4. PUBLIC HEARINGS**4. a.** [21-316](#)

Creating a new chapter for the Salem Revised Code governing City real estate transactions (Ordinance No. 6-21).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

Staff presentation by Dan Atchison, City Attorney.

Persons Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to advance Ordinance Bill No. 6-21, establishing procedures for the City's acquisition and disposition of interests in land to second reading for enactment.

Questions or Comments by: Councilor Lewis.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

4. b. [21-325](#)

Amendment #5 to the 2019 Annual Action Plan for Community Development Block Grant Funds

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Safe Community; Welcome and Livable

Neighborhood; Good Governance

Staff presentation by Tiffany Ottis, Federal Programs Manager, Urban Development Department.

Persons Testifying: None.

Questions or Comments by: Councilor Lewis, Tiffany Ottis, Kristin Retherford, Urban Development Director, and Mayor Bennett.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to adopt Amendment #5 to the 2019 Annual Action Plan, and direct staff to submit required forms to the U.S. Department of Housing and Urban Development.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

At 7:46 p.m., the Mayor called for a five-minute recess. The meeting resumed at 7:51 p.m.

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. [21-338](#)

Motion from Councilor Virginia Stapleton regarding a temporary closure of portions of Union and Winter Streets on Saturdays through October to benefit area neighborhoods and the Salem Saturday Market.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

A motion was made by Councilor Stapleton, seconded by Councilor Andersen to direct staff to implement a hard closure of Union Street, NE and Winter Street, NE, consistent with "Option 2" as set forth in the July 12, 2021 Information Report on this subject.

Questions or Comments by: Councilor Stapleton, Mayor Bennett, Councilors Andersen, Lewis, Hoy, Peter Fernandez, Public Works Director, Councilors Nordyke, Gonzalez and Phillips.

Councilor Stapleton amended her original motion, seconded by Councilor Andersen to direct staff to implement a hard closure of Union Street, NE and Winter Street, NE, consistent with "Option 2" as set forth in the July 12, 2021 Information Report on this subject, and to direct staff to communicate with a letter to affected groups in the area.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 1 - Lewis

Abstain: 0

5.b [21-198](#)
(3.3.a)

Approval of the revised update to the Geer Park Master Plan.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): NESCA

Service Area(s): Welcome and Livable Neighborhood; Natural
Environment Stewardship

A motion was made by Councilor Andersen, seconded by Councilor Stapleton to approve the revised update to the Geer Park Master Plan with amendments to only add 40 parking spaces including ADA spaces and add enhanced public transportation facilities.

Questions or Comments by: Councilors Andersen and Hoy, Mayor Bennett, Peter Fernandez, Public Works Director, Rob Romanek, Parks Planner, Public Works Planning and Development, Councilors Nordyke, Stapleton and Lewis.

Councilor Andersen amended his motion to approve the revised update to the Geer Park Master Plan with the amendment to add only 40 new parking spaces to the plan.

Additional Comments or Questions: Councilor Andersen, Mayor Bennett, Councilors Stapleton and Phillips, and Rob Romanek.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 1 - Lewis

Abstain: 0

5.c. [21-305](#)
(3.3 b)

Approve the Bush's Pasture Park and Deepwood Estate Gardens
Cultural Landscape Management Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcome and Livable Neighborhood; Natural
Environment Stewardship

A motion was made by Councilor Andersen, seconded by Councilor Hoy to approve the Bush's Pasture Park and Deepwood Estate Gardens Cultural Landscape Management Plan.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and
Gonzalez

Nay: 0

Abstain: 0

**5.d. [21-336](#)
(3.3 j)**

Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Union Street NE Family Friendly Bikeway Project.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CAN-DO

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

Neighborhood; Safe and Reliable Infrastructure

A motion was made by Councilor Stapleton, seconded by Councilor Lewis to authorize the City Manager to execute the attached Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Union Street NE Family Friendly Bikeway Project between Commercial Street NE and 12th Street NE.

Questions or Comments by: Councilor Stapleton, Mayor Bennett, Councilor Andersen, and Peter Fernandez, Public Works Director.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

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

6. a. [21-304](#)

Information on the City Council ward reapportionment process.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Good Governance

This Informational Report was received and filed.

6. b. [21-339](#)

Updated 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): Stapleton

Neighborhood(s): CANDO

Service Area(s): Welcome and Livable Neighborhood

This Informational Report was received and filed.

6. c. [21-342](#)

Planning Administrator Decision - To develop 10 apartment units - Approved.

Class 3 Site Plan Review / Class 1 Adjustment / Class 1 Design Review Case No. SPR-ADJ-DR21-12 - Sam Lapray - 226 Salem Heights Avenue SE.

This case has been appealed by a neighbor (Attachment 2). If City Council does not assume jurisdiction, this appeal will be heard by the Hearings Officer.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Faye Wright

This Informational Report was received and filed.

6. d. [21-345](#)

Proposed changes to Council Rules to accommodate virtual participation at council meetings.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Good Governance

This Informational Report was received and filed.

7. ORDINANCES**7.1 FIRST READING:**

7.1 a. [21-314](#)

Vacation of a portion of an alley and a portion of an unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): Grant

Result Area(s): Safe and Reliable Infrastructure

A motion was made by Councilor Stapleton, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 8-21, which vacates an alley and a portion of an unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE, not waive the assessment of special benefit, and advance Ordinance Bill No. 8-21 to second reading for enactment.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

7.1 b. [21-315](#)

Vacation of a portion of an easement over previously vacated George Street NW.

Ward(s):8

Councilor(s): Lewis

Neighborhood(s): West Salem NA

Result Area(s): Safe and Reliable Infrastructure

A motion was made by Councilor Lewis, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 9-21, which vacates a portion of an easement over previously vacated George Street NW, waive the assessment of special benefit, and advance Ordinance Bill No. 9-21 to second reading for enactment.

The motion CARRIED by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

7.2 SECOND READING:

7.2 a. [21-317](#)

Creating a new chapter for the Salem Revised Code governing City real estate transactions (Ordinance No. 6-21).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

Conducted second reading of Ordinance Bill No. 6-21, establishing procedures for the City's acquisition and disposition of interests in land.

Ordinance Bill No 6-21 was approved by the following vote:

Aye: 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

The following individual provided comment via remote video:

Steve Anderson, Land Use Chair, West Salem Neighborhood Association, Ward 8, Topic: 2230 Doaks Ferry Rd NW.

Questions or Comments by: Councilor Lewis, City Attorney Atchison, and Mayor Bennett.

9. ADJOURNMENT

9:08 p.m.