

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, September 13, 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@cityofsaalem.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.cityofsaalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.**

EXECUTIVE SESSION

City Council

5:30 p.m.

ORS 192.660(2)(h) Current/Pending Litigation

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

6:19 p.m.

Roll Call

Present: 8 - Councilor Andersen, Councilor Hoy, Mayor Bennett, Councilor Leung, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez

Absent: 1 - Councilor Lewis

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

At this time, a motion was made by Councilor Hoy, seconded by Councilor Stapleton to reorder the agenda to move item 5.a., Presentation from Portland General Electric (PGE), directly after item 2, Public Comment.

The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Hoy, Mayor Bennett, Councilors Phillips, Nordyke, Leung, Andersen, Gonzalez, and Stapleton.

1.3 PROCLAMATIONS

1.3a. [21-406](#) Proclamation recognizing 9/11 Remembrance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Information Only.

Mayor Bennett read the proclamation.

1.3b. [21-412](#) Proclamation recognizing Constitution Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Information Only.

Mayor Bennett read the proclamation.

1.4 PRESENTATIONS

None.

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

None.

2.1 (Formerly 5.a) Presentation from Portland General Electric (PGE).

A presentation was made regarding PGE's preparation for and response to the Covid-19 pandemic, wildfires, ice storm, and cybersecurity.

Presenters included: Local Government Affairs Manager Wendy Veliz; President and CEO Maria Pope; Senior Director of Transmission and Distribution Operations Tom Yost; and Director of Wildfire Mitigation and Resiliency Bill Messner.

Questions or Comments by: Councilor Nordyke, Maria Pope, Councilor Stapleton, Councilor Hoy, Tom Yost, Councilor Phillips, Wendy Veliz, and Mayor Bennett.

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 Gonzalez to approve the consent calendar with the pulls of items 3.3c and 3.3d by Councilor Phillips and item 3.3f by Councilor Andersen.

Comments by Councilor Hoy.

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

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

3.1 MINUTES

3.1a. [21-386](#) August 23, 2021 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [21-396](#)

Resolution to initiate vacation of public right-of-way located on the northeast corner of the intersection of Liberty Road S and Pembroke Street SE.

Ward(s): 7
Councilor(s): Nordyke
Neighborhood(s): Faye-Wright
Result Area(s): Good Governance

Adopted Resolution No. 2021-34, which initiates vacation of the right-of-way located at the site of former Fire Station Number 7.

3.2b. [21-399](#)

General Fund Supplemental Budget for unanticipated City expenses caused by the winter storm event.

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

Adopted Resolution No. 2021-35, Fiscal Year 2022 Supplemental Budget one (1), increasing General Fund expenditure appropriation authority in the amount of \$480,000 for unanticipated expenses caused by the winter storm event.

3.3 ACTION ITEMS

3.3a. [21-362](#)

Critical Oregon Airport Relief (COAR) Grant Application

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SEMCA
Result Area(s): Reliable and Efficient Infrastructure; Strong and Diverse Economy

Authorized the City Manager to apply for and accept a Critical Oregon Airport Relief (COAR) grant to support a master plan update at the Salem Municipal Airport.

3.3b. [21-366](#)

Collective Bargaining Agreement between the City and American Federation of State, County and Municipal Employees (AFSCME).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Approved a three-year collective bargaining agreement between the City and American Federation of State, County and Municipal Employees (AFSCME), for a period from July 1, 2021, through June 30, 2024.

3.3c. [21-378](#)

Intergovernmental Agreement with the Drug Enforcement Administration for Narcotics Task Force Operations.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community .

Pulled by Councilor Phillips - See Item 5.b.

3.3d. [21-394](#)

Reimburse a Portion of the Street, Sidewalk, and Storm Improvement Costs to the Developer Constructing Reed Road SE

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

Pulled by Councilor Phillips - See Item 5.c.

3.3e. [21-395](#)

Providing sewer and water service beyond City limits for property located at 3480 Blossom Drive NE.

Ward(s): Currently outside City Limits, Ward 5 (upon annexation)

Councilor(s): All Councilors

Neighborhood(s): Northgate Neighborhood Association (upon annexation)

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

Authorized sewer and water service connections to an existing single-family residence on a parcel that is outside of, but contiguous to, the current City limits (Attachment 2), conditioned on the property owner paying all usual and customary fees and service charges.

3.3f. [21-398](#)

Priority Based Budgeting result area descriptions and definitions

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.

Pulled by Councilor Andersen - See Item 5.d.

3.3g. [21-402](#)

Recommended appointments to the Citizen Budget Committee, Community Police Review Board, and Salem Planning Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Appointed the applicants listed in the Facts and Findings section to the Citizen Budget Committee, Community Police Review Board, and Salem Planning Commission as follows:

Citizen Budget Committee: Appointed Stacey N. Vieyra-Braendle to a partial term as the at-large representative expiring on June 30, 2022.

Community Police Review Board: Appointed Erin Hull to a term #1 expiring January 1, 2023 (currently serving as alternate #2); appointed David Rheinholdt to a term #1 expiring January 1, 2023; appointed Carlos Flores to a partial term expiring January 1, 2022; appointed Lori Lassen to a partial term expiring January 1, 2022; appointed Oni Marchbanks to the alternate #2 position (no term limit/no term expiration).

Salem Planning Commission: Appointed Daisy Goebel to a term #1 expiring December 31, 2024.

4. PUBLIC HEARINGS

4.a. [21-391](#)

Petitioner-Initiated Annexation of Territory Located at 681 Rees Hill Road SE - 97306 (Annexation Case No. C-739)

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

Remarks by Pamela Cole, Planner, Community Development Planning Services, Mayor Bennett, and Dan Atchison, City Attorney.

Persons Testifying: Toni Whitler, Public Works Park Planner and Applicant, on behalf of City of Salem.

Questions or Comments by Mayor Bennett and Toni Whitler.

Other Persons Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Phillips to approve the following staff recommendations:

- 1. Find that the Petitioner (City) has signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;**
- 2. Determine that Annexation Case No. ANXC-739 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2021-3 ANX (Attachment 2);**
- 3. Change the Salem Area Comprehensive Plan (SACP) map designation of the portion of the Territory east of the centerline of the proposed extension of Lone Oak Road SE from "Developing Residential" to "Parks, Open Space, and Outdoor Recreation";**
- 4. Change the zoning of the area of the Territory east of the centerline of the proposed extension of Lone Oak Road SE from Marion County UT-10 (Urban Transition - 10 Acre) to City of Salem PA (Public Amusement), subject to the following condition:
Condition 1: The proposed legal description of the boundary between the PA (Public Amusement) zone and RA (Residential Agriculture) zone, and the corresponding boundary between the "Parks, Open Space, and Outdoor Recreation" Salem Comprehensive Plan Map designation and "Developing Residential" Salem Comprehensive Plan Map designation, shall be submitted to the Planning Administrator for review and approval within one year of the effective date of the annexation or at the time of final approval of public construction plans for the extension of Lone Oak Road SE, whichever is later;**
- 5. Apply City of Salem RA (Residential Agriculture) zoning from Marion County UT-10 (Urban Transition - 10 Acre) zoning to the portion of the Territory west of the centerline of the proposed extension of Lone Oak Road SE; and**
- 6. Withdraw the Territory from Salem Suburban Rural Fire Protection District.**

The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

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. Presentation from Portland General Electric.

This presentation was reordered - See Item 2.1.

**5. b. [21-378](#)
(3.3.c)**

Intergovernmental Agreement with the Drug Enforcement Administration for Narcotics Task Force Operations.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community .

A motion was made by Councilor Phillips, seconded by Councilor Hoy to authorize the City Manager to execute the attached IGA between the DEA and the City of Salem for the operation of a narcotics task force in FY 21/22.

Questions or Comments by: Councilor Phillips, Police Chief Womack, and Councilors Stapleton and Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

At this time, Mayor Bennett provided an opportunity for City Manager Powers and Fire Chief Niblock to make any comments that would ordinarily have been made under item 1.2, Council and City Manager Comment.

Comments by: City Manager Powers, Mayor Bennett and Fire Chief Niblock.

Questions or Comments by: Councilor Nordyke and Mayor Bennett.

Item 5.c immediately followed.

**5. c. [21-394](#)
(3.3.d)**

Reimburse a Portion of the Street, Sidewalk, and Storm Improvement Costs to the Developer Constructing Reed Road SE

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

A motion was made by Councilor Phillips, seconded by Councilor Andersen to authorize the creation of a new street project - "Reed Road SE Street Improvements - Developer Reimbursement" in the FY 2021-22 Fairview Development District to be funded with Development District Infrastructure Fees.

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

The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

**5. d. [21-398](#)
(3.3.f)**

Priority Based Budgeting result area descriptions and definitions

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.

**Questions or Comments by Councilor Andersen, Dan Atchison, City Attorney,
and Mayor Bennett.**

**A motion was made by Councilor Hoy, seconded by Councilor Phillips to adopt
the updated result area descriptions and definitions as recommended by the
Finance Committee.**

Questions or Comments by: Mayor Bennett, Councilors Hoy, Andersen

**An amended motion was made by Councilor Andersen, seconded by Councilor
Stapleton that the result areas in Natural Environment Stewardship, the first
sub area, be amended to read "Reduces the carbon footprint of the City and
its operation in line with the City's climate goals and conserves energy and
natural resources" and further moved to revise the third sub area to read
"Plans and designs the City's growth to achieve the City's climate goals and
minimize emissions, address climate change and other harmful environmental
impacts."**

**Questions or Comments by: Councilor Andersen, Mayor Bennett, and Councilor
Hoy.**

The motion to amend CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

The main motion, as amended, CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

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

- 6.a.** [21-380](#) Planning Administrator Decision - To validate a unit of land created in 1975 through deed - Approved.

Validation of Unit of Land Case No. VUL21-03 - Terrence Hsu - 539 Carla Ct SE.

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

This Informational Report was received and filed.

- 6.b.** [21-381](#) Planning Commission Decision - For the development of a three-story mixed-use building with retail and office uses, and 20 units of multi-family housing. - Approved.

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.: DR-SPR-ADJ-DAP21-03 - John Shirley and James Robinson, Anderson Shirley Architects Inc., on behalf of Hope Plaza LLC (Jayne Downing, Sara Brennan) - 454 Church Street NE.

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

This Informational Report was received and filed.

Comments by Councilor Andersen.

- 6.c.** [21-388](#) Annual evaluation of the City of Salem Floodplain Management Plan.

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

This Informational Report was received and filed.

Questions or Comments by Councilor Andersen and Peter Fernandez, Public Works Director.

6.d. [21-393](#)

Planning Administrator Decision - A second modification to the East Park Estates Subdivision - Approved.

Modification of Tentative Phased Subdivision Case No.
CPC-ZC-PUD-SUB-ADJ19-08MOD2 - Kiril Ivanov - 255 Cordon Rd NE.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): ELNA

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:20 p.m.