

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, April 22, 2024

6:00 PM

Council Chambers / Hybrid Meeting

City Council

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. 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 4:00 p.m. on the day of the meeting using this link: <https://www.cityofsalem.net/comment-at-council>

EXECUTIVE SESSION

City Council

5:00 p.m. - City Manager's Conference Room

ORS 192.660(2)(i) - Relating to the City Manager's performance evaluation process

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

6:14 p.m.

Roll Call

Councilor Gonzalez attended the meeting remotely.

Present: 8 - Councilor Hoy, Councilor Phillips, Councilor Stapleton, Councilor Gonzalez, Councilor Varney, Councilor Nishioka, Mayor Hoy, and Councilor Gwyn

Absent: 1 - Councilor Nordyke

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the revision to the agenda.

The revision, file 24-144 , Application for funding under the Community Renewable Energy Grant Program (formerly numbered item 6.c) was moved from Information Reports to Action Items and renumbered as item 3.3e, due to it was an Action item and not an Information item.

Questions or Comments by: Councilors Stapleton and Gwyn and City

Attorney Dan Atchison.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Phillips, Varney, Hoy, and Stapleton, and Mayor Hoy.

1.3 PROCLAMATIONS

1.3a. Proclamation - End the Sale of Flavored Nicotine Products

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

Attachments: [Proclamation - Flavored Nicotine](#)
[Public Comments received by 3:00 p.m., April 22, 20204](#)

Council President Stapleton read the proclamation into the record.

Lillie Manvel with Flavors Hook Oregon Kids, and Kathy Ottele of the American Cancer Society Action Network, accepted the proclamation, along with other volunteers from the American Cancer Society.

Comments by: Lillie Manvel and Kathy Ottele.

1.3b. Proclamation - Earth Day

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

Attachments: [Proclamation - Earth Day](#)

Councilor Varney read the proclamation into the record.

Members of the Baha'i Community of Salem including Pamela Volk, Anisa Rodriguez and daughter, Joshua Wolff, Miranda Hennan, and Soha Badiei, accepted the proclamation.

Comments by: Anisa Rodriguez and Miranda Hennan.

1.3c. Proclamation - National Therapy Animal Day

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

Attachments: [Proclamation - National Therapy Animal Day](#)

Councilor Nishioka read the proclamation into the record.

Rhonda Herbert and her therapy dog, Daphne, accepted the proclamation.

Comments by Rhonda Herbert.

Immediately following this item, Mayor Hoy recognized "Workers Memorial Day" an off-agenda proclamation.

Tina Turner-Morfitt accepted the proclamation.

1.4 PRESENTATIONS

None.

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

The following individuals provided comments:
Benjamin Fryback, Ward 2, item 3.3d, file 24-159
Don Stover, Western States Regional Council of Carpenters of Oregon Chapter, Ward 5, item 3.2a, file 24-114
Tino Juarez, Ward 6, item 3.2a, file 24-114
Trampas Simmons, Western States Regional Council of Carpenters of Oregon Chapter, Ward 6, item 3.2a, file 24-114
Steve Deacon, Deacon Development, No address provided, item 3.2a, file 24-114

Questions or Comments by: Mayor Hoy, Steve Deacon, Councilors Gonzalez, Gwyn, and Stapleton, Community and Planning Development Director Kristin Retherford, Councilor Phillips, Ian Lewellyn/Deacon Development, and Councilors Nishioka and Varney.

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

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the consent calendar with the pulls of item 3.2a by Councilor Varney and items 3.3a and 3.3b by Councilor Hoy.

Comments by Councilor Stapleton.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

3.1 MINUTES

3.1a. April 8, 2024 Draft City Council Minutes

Attachments: [4-8-24 Draft Council Minutes.pdf](#)

Action: Approved.

3.1b. April 15, 2024 Draft City Council Work Session Minutes

Attachments: [4-15-24 Draft Council Work Session Minutes.pdf](#)

Action: Approved.

3.2 RESOLUTIONS

3.2a. Multiple Unit Housing Tax Incentive Program application by Deacon Development, LLC seeking a 10-year property tax exemption for a 105-unit apartment development located at 277 High Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

Attachments: [Resolution 2024-15](#)
[Exhibit A to Resolution 2024-15](#)
[Exhibit B to Resolution 2024-15](#)
[Core Area Map](#)
[Public Comment received by 3:00 p.m., April 22, 2024](#)
[Written Testimony](#)

Pulled by Councilor Varney - See item 5.e.

3.2b. Transfer of appropriations within the City’s Fiscal Year (FY) 2024 Budget to fund a repair to the Library parking structure.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Safe, Reliable and Efficient
Infrastructure.

Attachments: [Resolution No. 2024-16](#)

Adopted Resolution No. 2024-16, authorizing a transfer of \$150,000 in appropriations within the City's FY 2024 budget for unanticipated charges.

3.3 ACTION ITEMS

3.3a. Oregon Watershed Enhancement Board Restoration Grant Application for continuing restoration work in Minto Island Conservation Area.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship

Attachments: [Attachment 1 - OWEB Notice of Funding Opportunity.pdf](#)
[Attachment 2 - MICA Restoration Phases Map.pdf](#)

Pulled by Councilor Hoy - See item 5.f.

3.3b. Oregon Watershed Enhancement Board Technical Assistance Grant Application for Fish Passage Barrier Prioritization Study.

Ward(s): 1, 2, 3, 4, 6, 7, and 8.
Councilor(s): Stapleton, Nishioka, Phillips, Gwyn, Hoy, Nordyke, Varney
Neighborhood(s): South Gateway, SEMCA, Morningside, Faye Wright, Sunnyslope, SWAN, SCAN, SESNA, NESCA, NEN, CAN-DO, Grant, West Salem
Result Area(s): Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

Attachments: [Attachment 1 - OWEB Notice of Funding Opportunity.pdf](#)
[Attachment 2 - Fish Passage Focal Watersheds.pdf](#)

Pulled by Councilor Hoy - See item 5.g.

3.3c. Claim settlement authorization

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): Good Governance.

Authorized the City Manager to resolve this matter with a payment not to exceed \$195,000 and execution of a release agreement.

3.3d. Authorization of the use of bond premium funding to complete the 2024 Pavement Rehabilitation and Replacement project

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

Authorized the use of \$660,000 of the Safety and Livability bond premium to award the 2024 Pavement Rehabilitation and Replacement project.

3.3e. Application for funding under the Community Renewable Energy Grant Program issued by the Oregon Department of Energy (ODOE).

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure.

Authorized the City Manager to submit an application to the Community Renewable Energy Grant Program and, if successful, enter into an agreement with Oregon Department of Energy (ODOE) to accept the funds.

4. PUBLIC HEARINGS

4.a. 2024 Annual Action Plan (AAP) for CDBG and HOME Funds and 2022 Consolidated Annual Performance and Evaluation Report (CAPER)

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Safe and Healthy Community; Welcoming and Livable Community.

Attachments: [Final draft 2024 AAPcouncil.docx](#)
[DRAFT 2022 CAPER.docx](#)

Staff presentation by Tiffany Ottis, Federal Programs Manager.

Mayor Hoy declared a potential conflict of interest because he received a political contribution in excess of \$1,000 from Jackie Leung's political action committee (PAC) and in discovering that Jackie Leung was signed up to testify at this hearing, Mayor Hoy recused himself from participating in the hearing.

Individuals Testifying:

Roy McClain, Director, Westcare (VetCare) Foundation, 2933 Center Street

Questions or Comments by: Council President Stapleton and Councilor Phillips.

Jackie Leung, Executive Director, Micronesia Island Community, 2744 12th Street SE
Kapiolnai Mizley, 2744 12th Street SE

Comments by: City Attorney Dan Atchison.

Questions for staff: Councilor Phillips, Tiffany Ottis, Councilors Nishioka and Gwyn, Council President Stapleton, and Community Planning and Development Director Kristin Retherford.

A motion was made by Councilor Phillips, seconded by Councilor Hoy to adopt the 2024 Annual Action Plan (AAP) and 2022 Consolidated Annual Performance and Evaluation Report (CAPER) and direct staff to submit the required forms to the U.S. Department of Housing and Urban Development.

Comments by: Councilor Phillips and Council President Stapleton.

The motion CARRIED by the following vote:

Aye: 7 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, and Gwyn

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

Recused: 1 - Hoy

4.b. An Annexation of an approximately 1.32-acre territory located at 4785 and 4815 Auburn Road NE (ANXC-757).

Ward(s): Ward 6
Councilor(s): Hoy
Neighborhood(s): ELNA
Result Area(s): Welcoming and Livable Community

- Attachments:** [Vicinity Map](#)
[Territory Legal Description and Map](#)
[Development Services Memo](#)
[Finance Memo](#)
[Salem-Keizer Public Schools Memo](#)
[Public Comment received by 3:00 p.m., April 22, 2024](#)

At 7:58 p.m., prior to item 4.b, Council President called for a recess; the meeting reconvened at 8:07 p.m.

Item 4.b:

Staff presentation by Aaron Panko, Planner, Community and Planning Development.

Individuals Testifying:

Jamie Tenorio, Applicant, 4815 Auburn Road NE

Questions or Comments by: Councilor Stapleton, Jamie Tenorio, Mayor Hoy, and Councilor Hoy.

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the annexation of the territory located at 4785 and 4815 Auburn Road NE, including the withdrawal from the Marion County Fire District #1 and the East Salem Sewer and Drainage District and the application of RA (Residential Agriculture) zoning and forward to first reading.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Nordyke

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. Council Call-Ups as recommended by the Council Rules Committee.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Attachments: [Council Call Up Table](#)

[Public Comments received by 3:00 p.m., April 22, 2024](#)

Staff presentation by City Attorney Dan Atchison.

Questions or Comments: Mayor Hoy, City Attorney Atchison, and Councilor Gwyn.

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to direct staff to initiate an amendment to the Unified Development Code (UDC) to restrict Council Call-Up of certain types of land use decisions as

outlined in this report.

Additional Questions or Comments: Councilor Stapleton, Mayor Hoy, Councilors Gwyn and Phillips, City Attorney Atchison, Councilor Hoy, Community and Planning Development Director Kristin Retherford, Community and Planning Development Deputy Director Lisa Anderson-Ogilvie, and Councilor Nishioka.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

5.b. Center 50+ Advisory Commission 2023 Annual Report

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

Attachments: [Salem Center 50+ Advisory Commission 2023 Annual Report.pdf](#)
[Age Friendly Salem Action Plan 2023.pdf](#)
[Age Friendly Salem Assessment Report 2018.pdf](#)

Presentation by Ron Rubel, Center 50+ Advisory Commission Chair, and Marilyn Dailey-Blair, Center 50+ Manager.

Questions or Comments by: Councilor Varney, Marilyn Dailey-Blair, Councilor Phillips, and Mayor Hoy.

This presentation was received and filed.

5.c. The Planning Commission’s 2023 Annual Report.

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

Attachments: [2023 Planning Commission Annual Report](#)

This Information Report was received and filed.

5.d. Travel Salem FY 2022-2023 Annual Report

Ward(s): All Wards

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

Attachments: [24-156 - Attch 1 - 2022-2023 TRAVEL SALEM ANNUAL REPORT.pdf](#)

Presentation by Angie Villery, President and CEO, Travel Salem.

Questions or Comments by: Mayor Hoy, Councilor Nishioka, and Angie Villery.

This Presentation was received and filed.

**5.e.
(3.2a.)**

Multiple Unit Housing Tax Incentive Program application by Deacon Development, LLC seeking a 10-year property tax exemption for a 105-unit apartment development located at 277 High Street NE.

Ward(s): Ward 1
Councilor(s): Stapleton
Neighborhood(s): CANDO
Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

Attachments: [Resolution 2024-15](#)
[Exhibit A to Resolution 2024-15](#)
[Exhibit B to Resolution 2024-15](#)
[Core Area Map](#)
[Public Comment received by 3:00 p.m., April 22, 2024](#)
[Written Testimony](#)

A motion was made by Councilor Varney, seconded by Councilor Stapleton that City Council table the decision on Resolution No. 2024-15, an application from Deacon Development LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program, until May 13, 2024.

Questions or Comments by: Councilors Varney and Stapleton, Mayor Hoy, and Councilors Phillips, Gonzalez, and Nishioka.

The motion CARRIED by the following vote:

Aye: 7 - Hoy, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 1 - Gonzalez

Absent: 1 - Nordyke

Abstain: 0

**5.f.
(3.3a.)**

Oregon Watershed Enhancement Board Restoration Grant Application for continuing restoration work in Minto Island Conservation Area.

Ward(s): All Wards

Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship

Attachments: [Attachment 1 - OWEB Notice of Funding Opportunity.pdf](#)
[Attachment 2 - MICA Restoration Phases Map.pdf](#)

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to authorize the City Manager to apply for the Oregon Watershed Enhancement Board (OWEB) Restoration Grant and, if successful, enter into an agreement with OWEB to accept the grant funds.

Questions or Comments by: Councilor Hoy, Assistant Public Works Director Robert Chandler, and Councilor Nishioka.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

**5.g.
(3.3b.)**

Oregon Watershed Enhancement Board Technical Assistance Grant Application for Fish Passage Barrier Prioritization Study.

Ward(s): 1, 2, 3, 4, 6, 7, and 8.

Councilor(s): Stapleton, Nishioka, Phillips, Gwyn, Hoy, Nordyke, Varney

Neighborhood(s): South Gateway, SEMCA, Morningside, Faye Wright, Sunnyslope, SWAN, SCAN, SESNA, NESCA, NEN, CAN-DO, Grant, West Salem

Result Area(s): Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

Attachments: [Attachment 1 - OWEB Notice of Funding Opportunity.pdf](#)
[Attachment 2 - Fish Passage Focal Watersheds.pdf](#)

Prior to item 5.g (3.3b), a motion was made by Councilor Stapleton, seconded by Councilor Phillips to extend the meeting to 10:30 p.m.

Comments by Mayor Hoy.

The motion CARRIED by a unanimous vote.

Item 5.g (3.3b):

A motion was made by Councilor Hoy, seconded by Councilor Phillips to authorize the City Manager to apply for the Oregon Watershed Enhancement Board (OWEB) Technical Assistance Grant and, if successful, enter into an agreement with OWEB to accept the grant funds.

Questions or Comments by: Councilor Hoy, Assistant Public Works Director Robert Chandler, and Councilors Nishioka, Phillips, and Varney.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

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

6.a. Planning Administrator Decision - Proposed development of a new 186-unit multi-family residential development containing nine residential buildings and a clubhouse/amenity space - Approved.

Urban Growth Area Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Tree and Vegetation Removal Permit Case No. UGA-SPR-ADJ-DAP-TRP24-02 - Hans Christiansen - 2916 Orchard Heights Rd NW.

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

Attachments: [Land Use Decision UGA-SPR-ADJ-DAP-TRP24-02](#)

Questions or Comments by: Councilor Varney, Assistant Public Works Director Robert Chandler, and Mayor Hoy.

This Informational Report was received and filed.

6.b. Appointment to Advisory Committee for the Regional Scenario Plan.

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

This Informational Report was received and filed.

6.c. (24-144) This report was moved to Action Items, See item 3.3 e.

6.d. Economic development quarterly report.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Strong and Diverse Economy.

Attachments: [Attachment A - URA Grant Locations.pdf](#)
[Attachment B - Project Photos.pdf](#)

This Informational Report was received and filed.

6.e. Purchases approved administratively from March 1, 2024 through March 31, 2024.

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

Attachments: [Purchases approved administratively March 2024.pdf](#)

Questions or Comments by: Councilor Hoy, Chief Financial Officer Josh Eggleston, Mayor Hoy, and Councilor Phillips.

This Informational Report was received and filed.

6.f. Planning Administrator Decision - An application for the second modification of the tentative phased subdivision approval for Coburn Grand View Estates (Case No. SUB-ADJ21-06 & UGA17-03MOD1) - Approved.

Modification of Phased Subdivision Tentative Plan Case No. SUB-ADJ21-06MOD2 - Brandie Dalton - 4400 Block of Battle Creek Rd SE

Ward(s): 3
Councilor(s): Phillips
Neighborhood(s): Morningside

Attachments: [Land Use Revised Decision SUB-ADJ21-06MOD2](#)

Questions or Comments by: Councilor Phillips, Mayor Hoy, and Community Planning and Development Deputy Director Lisa Anderson-Ogilvie.

This Informational Report was received and filed.

6.g. Planning Administrator Decision - A partition to divide a property

into two parcels with adjustments to reduce vehicle use area setbacks
- Approved.

Partition Tentative Plan / Class 2 Adjustment Case No.
PAR-ADJ24-06 - Mark Buehler - 4080 Fairview Industrial Dr SE.

Ward(s): 3
Councilor(s): Phillips
Neighborhood(s): Morningside, SEMCA

Attachments: [Land Use Decision PAR-ADJ24-06](#)

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)

The following individuals provided comments:

**Tina Turner-Morfitt, Marion-Polk Yamhill Central Labor Council, 748
Meadowlawn Drive, Workers Memorial Day**

Comments by Mayor Hoy.

**Bob Rossi, Marion-Polk Yamhill Central Labor Council, Ward 1, Workers
Memorial Day**

Comments by Mayor Hoy.

Ekco Dunn, Ward 3, Parental Alienation

Comments by Mayor Hoy.

9. ADJOURNMENT

10:10 p.m.