

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Draft**

**Monday, October 14, 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](mailto: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 SESSIONS**

**City Council**  
**5:15 p.m. - 6:00 p.m. - City Manager's Conference Room**  
**ORS 192.660(2)(e) - Real Property Transactions**

**WORK SESSION**

**1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)**

**Call to Order**

6:11 p.m.

**Roll Call**

- Present:** 8 - Councilor Hoy, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Gonzalez, Councilor Varney, Councilor Nishioka, and Councilor Gwyn
- Absent:** 1 - Mayor Hoy

**1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

**A motion was made by Councilor Stapleton to approve the addition to the agenda. The motion was seconded by Councilor Phillips.**

**The addition was a correction to the employee's name listed in the staff report for item 3.3.c, file 24-404.**

**Comments by Councilor Stapleton.**

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

- Aye:** 8 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, and Gwyn
- Nay:** 0

Absent: 1 - Hoy

Abstain: 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Nordyke, Council President Nishioka, and Councilors Stapleton and Phillips.

## 1.3 PROCLAMATIONS

1.3a. [24-338](#) Proclamation - Indigenous Peoples' Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Councilor Varney read the proclamation into the record.**

**Deloris Pigsley, Tribal Chairwoman, Confederated Tribes of Siletz Indians, accepted the proclamation.**

**Comments by Deloris Pigsley.**

1.3b. [24-413](#) Proclamation - Hands and Words are not for Hurting 2024

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Councilor Phillips read the proclamation into the record.**

**Nicole Utz, Housing Administrator, Salem Housing Authority, accepted the proclamation on behalf of Ann Kelly, Founder and Executive Director, Hands and Words Are Not For Hurting Project.**

**Comments by: Nicole Utz.**

1.3c. [24-414](#) Proclamation - White Cane Safety Day 2024

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Councilor Hoy read the proclamation into the record.**

**Marja Byers, Executive Director, Blindskills, accepted the proclamation.**

**Comments by: Marja Byers.**

**1.4 PRESENTATIONS**

None.

**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)**

A motion was made by Councilor Stapleton to approve the consent calendar. The motion was seconded by Councilor Phillips.

Comments by Councilor Stapleton.

The motion CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Hoy

**Abstain:** 0

**3.1 MINUTES**

**3.1a.** [24-403](#) September 23, 2024 Draft City Council Minutes

**Action:** Approved.

**3.2 RESOLUTIONS**

None.

**3.3 ACTION ITEMS**

**3.3a.** [24-205](#) Purchase and Sale Agreement with Jorge Brambila, Sr. and Jorge Brambila, Jr. for sale of surplus City property located at the intersection of Moyer Lane NW and Bartell Drive NW.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): WSNA

Result Area(s): Good Governance; Strong and Diverse Economy;

Welcoming and Livable Community.

**Authorized the City Manager to execute the Purchase and Sale Agreement with Jorge Brambila Sr. and Jorge Brambila Jr.**

3.3b. [24-399](#)

Intergovernmental Agreement for the Oregon Department of Transportation Northwest Oregon 2024-2027 ADA Curb Ramps Project

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Authorized the City Manager to execute the Intergovernmental Agreement between the City of Salem and Oregon Department Of Transportation (ODOT) for the ADA Curb Ramps Project.**

3.3c. [24-404](#)

Purchasing from a Business Associated with a City Employee

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Authorized the City Manager to execute a contract with a City employee associated business, Phronesis Network, to provide consultant services for public participation, involvement, and relations related to watershed management.**

3.3d. [24-410](#)

Addition of .25 full time equivalent (FTE) positions and conversion of two limited duration positions in the Information Technology (IT) division of the Enterprise Services Department to support the Enterprise Resource Planning (ERP) software project.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**Approved the addition of .25 FTE and the transition of two limited duration programmer analyst positions to full time career positions for the purposes of ERP implementation, data transition, and ongoing management.**

3.3e. [24-420](#)

City of Salem’s comments to the Oregon Department of Environmental Quality on Marion County’s Three Basin Rule rulemaking petition.

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

**Ratified the Mayor's comments (attached to the staff report) to Department of Environmental Quality (DEQ) on the Three Basin Rule rulemaking petition from Marion County.**

**4. PUBLIC HEARINGS**

4.a. [24-371](#)

Substantial Amendment #1 to the 2024 Annual Action Plan (AAP) for CDBG Funds and 2023 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

**Staff presentation by Tiffany Ottis, Federal Programs Manager, Community Planning and Development.**

**Individuals testifying: None.**

**A motion was made by Councilor Stapleton to adopt the Substantial Amendment #1 to the 2024 Action Plan (AAP) and 2023 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. The motion was seconded by Councilor Phillips.**

**Comments by Council President Nishioka.**

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

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

**Nay:** 0

**Absent:** 1 - Hoy

**Abstain:** 0

**4.b.**     [24-405](#)

Appeal of the Planning Commission’s decision approving a proposed two-parcel Partition and Planned Unit Development-Subdivision creating 11 residential lots along with common open space (Case No. PUD-SUB-PAR-UGA-ADJ24-01) for property located in the 700 to 800 Block of Creekside Dr SE.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): South Gateway Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Councilor Hoy disclosed that she received campaign contributions from entities connected to this land use hearing and that she intends to participate in the hearing.**

**Councilor Gwyn disclosed that she received campaign contributions from entities connected to this land use hearing and that she intends to participate in the hearing.**

**Councilor Phillips disclosed a potential conflict of interest because one or more of his household members are members of the Creekside Golf Course, which is owned by the applicant connected to this land use hearing.**

**Staff presentation by Bryce Bishop, Planner, Community Planning and Development.**

**Questions or Comments by: Councilor Varney, Bryce Bishop, and Councilors Phillips, Gonzalez and Gwyn, and Council President Nishioka.**

**Individuals testifying:**

**Applicant's Representative: Margaret Gander-Vo, Saalfeld Griggs PC, 250 Church Street SE, Ste. 200**

**Questions or Comments by: Councilor Phillips, Margaret Gander-Vo, and Councilor Varney.**

**Questions for staff: Councilors Stapleton, Council President Nishioka, Councilor Hoy, and Bryce Bishop.**

**Comments by City Attorney Dan Atchison.**

**Applicants rebuttal comments by Margaret Gander-Vo.**

**Comments by: Councilors Gwyn and Stapleton.**

**At 7:31 p.m., Council President Nishioka called for a 5-minute recess. The meeting reconvened at 7:35 p.m.**

**A motion was made by Councilor Gwyn to affirm the Planning Commission's decision approving Planned Unit Development-Subdivision Tentative Plan,**

**Partition Tentative Plan, Urban Growth Preliminary Declaration, and Class 2 Adjustment Case No. PUD-SUB-PAR-UGA-ADJ24-01, with the removal of Condition No. 14. The motion was seconded by Councilor Nordyke.**

**Comments by Council President Nishioka, City Attorney Dan Atchison, and Councilors Gwyn, Nordyke, Phillips, Stapleton, Varney, Hoy, and Gonzalez.**

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

**Aye:** 6 - Hoy, Nordyke, Stapleton, Gonzalez, Nishioka, and Gwyn

**Nay:** 2 - Phillips, and Varney

**Absent:** 1 - Hoy

**Abstain:** 0

**4.c.**     [24-412](#)

Supplemental Budget 1 for unanticipated expenses in the General Fund, Equipment Replacement Reserve Fund, and Emergency Services Fund.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe and Healthy Community.

**Staff presentation by Josh Eggleston, Chief Financial Officer.**

**Questions or Comments by: Councilor Phillips and CFO Josh Eggleston.**

**Individuals testifying: None.**

**A motion was made by Councilor Stapleton to adopt Resolution No. 2024-44, Fiscal Year Supplemental Budget 1, increasing resource and expenditure appropriation authority in the General Fund and Equipment Replacement Reserve Fund and move authority to create a new budget category in the Emergency Services Fund. The motion was seconded by Councilor Phillips.**

**Questions or Comments by: Councilors Phillips and Nordyke.**

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

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

**Nay:** 0

**Absent:** 1 - Hoy

**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. [24-387](#)

Transfer of appropriations within the City’s Fiscal Year (FY) 2025 Budget, the addition of 60 full-time equivalent (FTE) positions for Emergency Medical Services, and 1 FTE position for the General Fund along with needed transfer authority in the Emergency Services Fund and General Fund.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Safe and Healthy Community.

**Joint overview and presentation by: Josh Eggleston, Chief Financial Officer, Fire Chief David Gerboth, and Deputy Fire Chief Brian Carrara.**

**Questions or Comments by: Council President Nishioka, Councilor Phillips, Deputy Fire Chief Carrara, CFO Josh Eggleston, and Councilors Stapleton and Hoy.**

**A motion was made by Councilor Stapleton to adopt Resolution No. 2024-42, authorizing a transfer of \$6,102,950 in appropriation within the City’s FY 2025 budget as well as adding 60 FTE positions in the Emergency Services Fund and 1 FTE position in the General Fund. The motion was seconded by Councilor Phillips.**

**Additional Comments by: Councilors Nordyke, Gwyn, Phillips, Stapleton, and Varney.**

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

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

**Nay:** 0

**Absent:** 1 - Hoy

**Abstain:** 0

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

6.a. [24-418](#)

Planning Administrator Decision - To consolidate five existing lots - Approved.

Replat Tentative Plan Case No. REP24-05 - Wayde Elliot, Larry Brant, Kurt Ruttum - 280 Church St NE.

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

**Councilor Nordyke declared a potential conflict of interest due to the non-profit that she is employed by is considering entering into a lease agreement at the property identified in the staff report for item 6.a.**

**This Informational Report was received and filed.**

6.b. [24-421](#)

Planning Administrator Decision - A partition of a property into a three parcel flag lot - Approved.

Partition/ Class 2 Adjustment Case No. PAR-ADJ24-11 - Steve Jaspersen - 2886 Brooks Ave NE.

Ward(s): 5  
Councilor(s): Gonzalez  
Neighborhood(s): Highland

**This Informational Report was received and filed.**

6.c. [24-397](#)

Hearings Officer Decision - Proposed Conditional Use Permit and Class 2 Adjustment to allow a residential care facility serving up to 15 persons - Approved.

Conditional Use Permit / Class 2 Adjustment Case No. CU-ADJ24-10 - BRAND Land Use - 215 Boone Rd SE

Ward(s): 7  
Councilor(s): Nordyke  
Neighborhood(s): Faye Wright

**This Informational Report was received and filed.**

6.d. [24-398](#)

Hearings Officer Decision - Proposed Conditional Use Permit and Property Line Adjustment to allow a residential care facility serving up to 15 persons - Approved.

Conditional Use Permit / Property Line Adjustment - BRAND Land Use - 211 and 215 Boone Rd SE.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Faye Wright

**This Informational Report was received and filed.**

6.e. [24-401](#)

Hearings Officer Decision - Proposed Conditional Use for a new industrial storage yard with gravel surfacing - Approved.

Conditional Use Permit / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit Case No. CU-SPR-ADJ-DAP24-08 - Vista Property Investments LLC (Richard Kreitzberg), Grid Property Management LLC (Steve Kreitzberg, Kohle Kreitzberg) - 1865 McGilchrist St SE.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SESNA

**This Informational Report was received and filed.**

6.f. [24-402](#)

Hearings Officer Decision - Conditional Use for motor vehicle services in the MU-III zone. Approved.

Conditional Use Permit Case No. CU24-05 - Oregon Alliance LLC (Adan Casas Angeles, Giovanna Casas Reyes, Patricia Reyes De Casas) - 3393 Silverton Rd NE.

Ward(s): 5  
Councilor(s): Gonzalez  
Neighborhood(s): Northgate

**A motion was made by Councilor Gwyn to call up this item for a public hearing before City Council. The motion was seconded by Councilor Gonzalez.**

**Questions or Comments by: Councilors Gwyn and Stapleton, Planning Administrator Lisa Anderson-Ogilvie, Councilor Phillips, Council President Nishioka, Councilor Hoy, and City Attorney Dan Atchison.**

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

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

**Nay:** 0

**Absent:** 1 - Hoy

**Abstain:** 0

6.g. [24-419](#)

Hearings Officer Decision - Development of the Truitt Brothers cannery site as a mixed-use neighborhood. - Approved.

Class 2 Willamette Greenway Permit / Subdivision Tentative Plan / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit, Case No. WGP-SUB-SPR-ADJ-DAP24-01 - Trent Michels, Peter Truitt, Lynda Truitt, and Luciana Truitt - 1100 to 1400 Block of Front St NE

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

**Comments by Councilor Stapleton.**

**This Informational Report was received and filed.**

6.h. [24-415](#)

Salem Police Foundation Donation to Help Fund Bomb Truck Replacement

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

**Comments by Councilor Gwyn.**

**This Informational Report was received and filed.**

6.i. [24-392](#)

Purchases approved administratively from August 1, 2024 through August 31, 2024.

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.j. [24-417](#)

Summary of recent activity and progress on 2022 voter-approved Safety and Livability Bond measure.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Comments by Councilor Phillips.**

**Additional comments by: Councilor Stapleton and Planning Administrator Lisa Anderson-Ogilvie.**

**This Informational Report was received and filed.**

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1a.** [24-395](#)

First Reading of Ordinance Bill No. 13-24 to amend SRC chapter 38 to modify the definition of “transient lodging” to exclude short term rentals and accessory short term rentals from the Tourism Promotion Area fee.

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

**First reading of Ordinance Bill No. 13-24 was conducted.**

**A motion was made by Councilor Stapleton to advance Ordinance Bill No. 13-24 to second reading. The motion was seconded by Councilor Phillips.**

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

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

**Nay:** 0

**Absent:** 1 - Hoy

**Abstain:** 0

**7.2 SECOND READING:**

**7.2a.** [24-407](#)

Annexation of a 4.1-acre territory for two properties located at 2355 Davis Road S and Land Adjacent (ANXC-758).

Ward(s): Ward 7  
Councilor(s): Nordyke  
Neighborhood(s): Sunnyslope  
Result Area(s): Welcoming and Livable Community

**Second reading of the ordinance was conducted, and Ordinance Bill No. 12-24, approving annexation, applying City Zoning, and approving withdrawal from the Salem Suburban Rural Fire Protection District, for a territory located at 2355 Davis Road S and Land Adjacent, PASSED, by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Hoy

**Abstain:** 0

**8. PUBLIC COMMENT: (Other than agenda items)**

None.

**9. ADJOURNMENT**

8:40 p.m.