



Dallas City Council Agenda

Kenneth L. Woods, Jr., Presiding

Monday, November 6, 2023

7:00 PM

Dallas City Hall, 187 SE Court St. Dallas, OR 97338

COUNCIL

Mayor

Kenneth L Woods, Jr.

Council President

Michael Schilling

Councilor

Nancy Adams

Councilor

Carlos Barrientos

Councilor

Larry Briggs

Councilor

Kirsten Collins

Councilor

Kim Fitzgerald

Councilor

Micah Jantz

Councilor

David Shein

Councilor

Debbie Virden

CITY STAFF

City Manager

Brian Latta

Asst. City Manager

Emily Gagner

City Attorney

Lane Shetterly

Police Chief

Tom Simpson

Fire & EMS Chief

April Wallace

Economic &

Community

Development Director

Charlie Mitchell

Public Works Director

Gary Marks

Library Director

Mark Johnson

Finance Director

Cecilia Ward

City Recorder

Kim Herring

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically streamed and recorded via the City of Dallas YouTube Channel:

<https://www.dallasor.gov/community/page/dallasyoutube>

There has been discussion recently in the news and social media regarding the potential development of a homeless shelter on property in Dallas by Church @ the Park. The development that could be under consideration could require a conditional use permit to allow the shelter to be located in the industrial zone. A conditional use permit application, if filed, would be addressed through the land use process, which includes the opportunity for public comment and testimony at public hearings that would be held for that purpose, and all public comment and testimony concerning the project must be presented at those land use hearings. The city council will not receive public comment on the subject of the proposed project at this council meeting. Public comment on homelessness, in general, will be received, but comments on the particular project that may be the subject of a land use application must be reserved for public hearings on any application that may be filed.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL, PLEDGE OF ALLEGIANCE	
2. INTRODUCTIONS, RECOGNITIONS, PROCLAMATIONS a) Native American Heritage Month Proclamation p.4	
3. PUBLIC COMMENT (SEE PAGE 3 FOR MORE INFORMATION) <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings.</i> <u>To submit public comment by live telephone, please call:</u> +1 253 215 8782 MEETING ID: 213 855 0622 *We encourage you to be logged into the public comment queue by 7:00PM*	
4. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i> a) Approve October 16, 2023 Work Session Meeting Minutes p.5 b) Approve October 16, 2023 City Council Meeting Minutes p.6	MOTION

Our Motto: Come Thrive With Us, We Invest in People and Business



Dallas City Council Agenda
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7:00 pm

5.	ITEMS REMOVED FROM CONSENT AGENDA	
6.	REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
7.	REPORTS FROM CITY MANAGER AND STAFF	
	a) Letter of Support for Polk CDC	p.8
	b) Dangerous Building	p.11
		MOTION MOTION
8.	FIRST READING OF ORDINANCES	
	a) Ordinance No. 1888 Amending Dallas City Code Section 5.016 Relating to the Consumption of Alcohol and Controlled Substances in Public Places	p.28
9.	EXECUTIVE SESSION	
	a) Pursuant to ORS 192.660(2)(e) to discuss real property transactions	
10.	OTHER BUSINESS	
11.	ADJOURNMENT	

Dallas City Council Meeting
Monday, November 6, 2023
Page 2 of 30



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Watch a Dallas City Council Meeting or Planning Commission Meeting Live on Youtube

Visit: www.dallasor.gov/community/page/dallasyoutube

Submit public testimony at a Dallas City Council Meeting or Planning Commission Meeting by Phone

We encourage you to be logged into the public comment queue by 7:00PM to ensure your comments will be received

Step 1: Dial: **+1 (253) 215-8782**

Step 2: Enter Meeting ID: **213 855 0622**

Step 3: Press **#**. This will set your participant ID as your telephone number.

Helpful Tips:

- Make sure to call in before the meeting start time
- You will be asked to speak during the public comment portion of the meeting (See page 1 of the meeting agenda). You will be called upon by phone number once the public comment period begins. All testimony will be electronically recorded.
- Do not use your speakerphone when calling to submit public comments as it may affect call quality.
- Turn off the volume on YouTube if you choose to watch the video live on YouTube while simultaneously commenting via telephone, otherwise you may experience audio feedback.
- Press ***6** to unmute yourself when asked by the recording secretary or presiding officer.



City of Dallas, Polk County, Oregon
Native American Heritage Month

WHEREAS, *Native American Heritage Month is observed acknowledging the contributions of Native Americans long before the formation of the United States, which we recognize as inextricably woven into the history of this country; and*

WHEREAS, *in celebrating the traditions, cultures, and accomplishments of Native Americans, we also acknowledge our nation’s history of colonialism that has inflicted discrimination, deprivation, and genocide upon indigenous people; and*

WHEREAS, *we are aware of the historical importance of local and national tribes and the way Native Americans continue to enrich our heritage and add to all aspects of our society by sharing their customs and traditions, and*

WHEREAS, *we honor our native people, their ancestral homes, their religion, and recognize their contributions historically, today, and in the future of our community.*

NOW, THEREFORE, *I, Kenneth L. Woods, Jr., Mayor of the City of Dallas, do hereby proclaim November 2023 as Native American Heritage Month in the City of Dallas, a time to celebrate the rich cultures of indigenous people, honor their sacrifices, acknowledge the unique challenges Native Americans face, historically and present, and recognize their continued significance in our community, and I urge all citizens to join in this observance.*

Signed this 6th day of November, 2023

Kenneth L. Woods, Jr., Mayor



**MEETING MINUTES
DALLAS CITY COUNCIL WORK SESSION
187 SE COURT ST, DALLAS OR 97338**

Monday, October 16, 2023

1 Mayor Kenneth L. Woods, Jr. called the City Council Work Session to order on Monday, Octo-
2 ber 16, 2023 at 5:30 pm.

3 **ROLL CALL**

4 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor
5 Carlos Barrientos, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitzgerald,
6 Councilor Micah Jantz, and Councilor Debbie Virden

7 **Councilors Excused:** Councilor David Shein

8 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, Assistant City Manager
9 Emily Gagner, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire & EMS Chief
10 April Wallace, Finance Director Cecilia Ward, Public Works Director Gary Marks, Economic &
11 Community Development Director Charlie Mitchell, Library Director Mark Greenhalgh-Johnson
12 and City Recorder Kim Herring

13 **La Creole Node Master Plan Update**

14 Jon Legarza, from Healthy Sustainable Communities, and Matt Brinkley and Nikki Hart-
15 Brinkley, from Greentop Planning, gave a presentation providing the background and updates on
16 the project. Ms. Hart-Brinkley presented the web page that was built for this project which con-
17 tains a link to a survey. The web page may be accessed via the City's website.

18 **General Fund Roadshow Report**

19 Brian Latta presented a report as a follow up to the General Fund Roadshows that were presented
20 throughout the summer. The next steps would be for the council to provide guidance to staff re-
21 garding how to proceed with the recommended financial solution, including making incremental
22 increases in the public safety fee that is collected on the city bill, plus a deferral of select general
23 fund capital projects over the next eight fiscal years.

24 **ADJOURNMENT:** 7:01 pm



**MEETING MINUTES
DALLAS CITY COUNCIL
187 SE COURT ST, DALLAS, OR 97338**

Monday, October 16, 2023

1 Mayor Kenneth L. Woods, Jr. called the City Council meeting to order on Monday, October 16,
2 2023 at 7:08 pm and read the following statement:

3 *"There has been discussion recently in the news and social media regarding the potential develop-*
4 *ment of a homeless shelter on property in Dallas by Church @ the Park. The development that could*
5 *be under consideration could require a conditional use permit to allow the shelter to be located in the*
6 *industrial zone. A conditional use permit application, if filed, would be addressed through the land use*
7 *process, which includes the opportunity for public comment and testimony at public hearings that*
8 *would be held for that purpose, and all public comment and testimony concerning the project must be*
9 *presented at those land use hearings. The city council will not receive public comment on the subject*
10 *of the proposed project at this council meeting. Public comment on homelessness, in general, will be*
11 *received, but comments on the particular project that may be the subject of a land use application*
12 *must be reserved for public hearings on any application that may be filed."*

13 **ROLL CALL**

14 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor
15 Carlos Barrientos, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitzgerald,
16 Councilor Micah Jantz, and Councilor Debbie Virden

17 **Councilors Excused:** Councilor David Shein

18 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, Assistant City Manager
19 Emily Gagner, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire & EMS Chief
20 April Wallace, Finance Director Cecilia Ward, Public Works Director Gary Marks, Economic &
21 Community Development Director Charlie Mitchell, Library Director Mark Greenhalgh-Johnson
22 and City Recorder Kim Herring

23 **INTRODUCTIONS, RECOGNITION, PROCLAMATIONS**

24 Charlie Mitchell, Economic & Community Development Director, introduced Mikayla Slawosky
25 who is the RARE participant that is working with the City to help bring back the Farmers Mar-
26 ket.

27 **PUBLIC COMMENT**

28 Ann Hurd from the Friends of the Dallas Aquatic Center reported that the lift is now in place at
29 the therapy pool. They are also working on a website that will provide a way to make electronic
30 donations/payments.

31 **CONSENT AGENDA**

- 32 a) Approve October 2, 2023 Work Session Meeting Minutes
33 b) Approve October 2, 2023 City Council Meeting Minutes
34 c) September 2023 Financial Report

35 Councilor Briggs asked that Item c be removed from the consent agenda.

36 Councilor Schilling moved and Councilor Briggs seconded to approve the consent agenda items
37 a and b. The vote was taken and the motion passed with a vote of 8-0.

38 **ITEMS REMOVED FROM CONSENT AGENDA**

39 Councilor Briggs had questions regarding the payments for dispatch services. Chief Simpson re-
40 sponded that the payments to WVCC were quarterly. Councilor Briggs moved and Councilor
41 Fitzgerald seconded to approve Item c of the consent agenda. The vote was taken and the motion
42 passed with a vote of 8-0.

43 **REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

44 Councilor Virden reported that the Morrison Campus is currently doing a candy drive for the
45 Trick n Treat and are collecting donations of candy and money.

1 Councilor Briggs attended the 4H Open House at the fairgrounds.

2 Mayor Woods attended the League of Oregon Cities Annual Conference in Eugene. There were
3 session regarding Artificial Intelligence and Violence in the Council Chambers among others.

4 **REPORTS FROM CITY MANAGER AND STAFF**

5 Mr. Latta also attended the League of Oregon Cities Annual Conference in Eugene. Some of the
6 topics covered were Civics 101 and Homelessness. He took tours of the Eugene/Springfield Fire
7 Training Facility and Wetlands Banks.

8 **Republic Services Rate Discussion**

9 Mr. Latta presented a staff report regarding the proposed rate and service increases from Repub-
10 lic Services. Julie Jackson, Municipal and Community Relations Manager for Republic Services,
11 presented the proposed increases in services and rates. The increases would go into effect Janu-
12 ary 1, 2024. The increases include weekly pickup of both the recycling and yard waste contain-
13 ers. Councilor Adams moved and Councilor Collins seconded to direct the City Attorney to pre-
14 pare a resolution approving a 5.4% increase to the Republic Services Rates, and adjust the rates
15 to include weekly recycling and yard debris pickup effective January 1, 2024. The vote was tak-
16 en and the motion passed with a vote of 8-0.

17 **Public Works Shops Building Contract**

18 Gary Marks reviewed the staff report regarding the procurement of a Pre-engineered Metal
19 Building to be used as the new Public Works Facility. Pursuant to City Code 2.362(4), the City
20 Council must approve any city contract for the procurement of goods or services subject to ORS
21 279B that exceeds \$150,000 prior to award of the contract by the city manager. Council Presi-
22 dent Schilling moved and Councilor Briggs seconded to approve the contract with JH Kelly,
23 LLC, for the purchase of a pre-engineered metal building package in the amount of \$588,870,
24 with a bid alternate of \$59,160. The vote was taken and the motion passed with a vote of 8-0.

25 **SECOND READING OF ORDINANCES**

26 **Second Reading of Ordinance No. 1887 Amending Dallas City Code Sections 6.310, 6.320**
27 **and 6.325, Relating to Vehicle Parking**

28 Mr. Latta reviewed the staff report. Mayor Woods declared that the Ordinance passed its second
29 reading. A roll call vote was taken and Mayor Woods declared Ordinance #1887 to have passed
30 with Councilors Adams, Barrientos, Briggs, Fitzgerald, Jantz, Schilling and Virden voting yes.
31 Councilor Collins voted no.

32 **ADJOURNMENT: 7:59 pm**

33 **Read and approved this _____ day of _____ 2023.**

34

35 _____

36 **Mayor**


37

38 _____

39 **City Manager**



CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2023
AGENDA ITEM NO. 7.a
TOPIC: Polk Community Development Corporation Seeking Letter of Support for Grant Request
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Draft Letter of Support

RECOMMENDED ACTION:

Staff recommends the Council approve a motion supporting the Polk CDC Dallas Mill Station project grant application. A draft letter of support is included with this report as **Attachment A**.

BACKGROUND:

Polk Community Development Corporation (Polk CDC) is a nonprofit organization serving Dallas and other communities in Polk County. An area of emphasis for their organization is the development of affordable housing.

For many years, they have been working on an affordable housing project called Dallas Mill Station. It would be located at the southeast corner of the intersection of Washington and Church Streets. They are ready to seek out major funding for this project and are asking the City Council to provide a letter of support for this project.

Polk CDC staff will be at the meeting to present and share more about this project.

SUMMARY TIMELINE:

November 6, 2023 – Polk CDC staff presents project and requests letter of support from the City Council.

FISCAL IMPACT:

No immediate impact.

RECOMMENDED MOTION:

I move to approve the letter of support, included with this report as **Attachment A**.



November 6, 2023

Oregon Housing & Community Services Department
725 Summer St. NE B
Salem, Oregon 97301

Greetings,

This letter is to express the City of Dallas's enthusiastic support for the development of Dallas Mill Station, an affordable rental housing project, being spearheaded by Polk Community Development Corporation (Polk CDC).

As is the case with many communities, Dallas' most recent Housing Needs Analysis identified a shortage of medium and high density zoned land available for development. These lands are best suited for rental housing which by nature is a more affordable housing type. Dallas also has the distinction of having been designated as a Severely Rent Burdened Community for the last several years. A rent burdened community means more than 25% of our rental households pay more than 50% of their income on rent.

In light of these challenges, the Dallas City Council has adopted the following new policies into the Dallas Comprehensive Plan to help encourage or incentivize the construction of affordable housing:

- *Policy 3.7.1 – Identify publicly-owned properties (excluding park/open space areas) that could be developed for affordable housing.*
- *Policy 3.7.2 – Partner with local housing authorities or non-profit housing developers to provide infrastructure (sewer, water, road improvements) or parking that supports affordable housing development.*
- *Policy 3.7.3 – Implementation of programs that allow payment of System Development Charges (SDCS) to be deferred for a period of time after building permits issuance but before certificate of occupancy is granted.*

In addition to these Comprehensive Plan policies, the city also regularly evaluates opportunities for new administrative policies and procedures to help facilitate development of needed housing.

The City of Dallas recognizes and greatly appreciates the prior successes that Polk CDC has had in construction high-quality affordable housing developments in our community.

The Dallas Mill Station project is proposed to be located on the southeast corner of Washington and Church St. in the city's Central Business District and within an Urban Renewal District. The City, in partnership with Polk CDC, may provide financial support to the project in the form of submitting a Community Development Block Grant (CDBG) application, where funding would be utilized for street improvements in order to increase access to affordable rental housing. The City of Dallas and Polk CDC have a successful record of partnering on other CDBG projects benefitting our community. The City Council has also recently approved a modification to its urban renewal plan, allowing streetscape improvements on Washington Street to be expanded. This action means the city's urban renewal funds could be made available for the Washington Street streetscape improvements, as available.


Again, the City strongly supports Polk CDC's Dallas Mill Station project, bringing additional needed affordable housing to our beloved community.

Sincerely,

Mayor Kenneth L. Woods Jr.
On behalf of the Dallas City Council



CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2023
AGENDA ITEM NO. 7.b
TOPIC: Dangerous Building
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Case File for Dangerous Building

RECOMMENDED ACTION:

Staff recommends the City Council schedule a public hearing to consider whether a dangerous building exists and should be abated. Staff recommends the public hearing be scheduled for December 4, 2023.

BACKGROUND:

Code Services staff have identified a building located at 573 E. Ellendale Space #43 which they believe to fall under the City's definition of a dangerous building. The case file, including photos of the building, is included with this report as **Attachment A**.

Per Dallas City Code Section 8.410, when a City official determines that there is a dangerous building, the official shall report it to the council. The council shall, within a reasonable time, fix a time and place for a public hearing. Staff recommends the date, time and place for the public hearing to be December 4, 2023 at 7:00 pm, in Dallas City Hall Council Chambers (187 SE Court Street, Dallas, OR 97338).

Assuming the City Council schedules this public hearing, City staff will provide the required noticing, consistent with Dallas City Code.

SUMMARY TIMELINE:

November 6, 2023 – City official notified City Council of a Dangerous Building, and the City Council considered a date, time and place for a public hearing.
November 15, 2023 – Notice of Public Hearing published in local newspaper. Mailed noticed will also be sent to owner of building and property owner, if different.
December 4, 2023 – City Council to hold a public hearing on the Dangerous Building

FISCAL IMPACT:

To be determined. The City may incur costs for abatement, if not completed by the building owner. If those costs are incurred by the City, they will be recovered through a property lien.

RECOMMENDED MOTION:

I move to schedule a public hearing for a dangerous building located at 573 E. Ellendale Space #43 on December 4, 2023 at 7 pm in Dallas City Hall Council Chambers.

ATTACHMENTS:

A – Case file for Dangerous Building

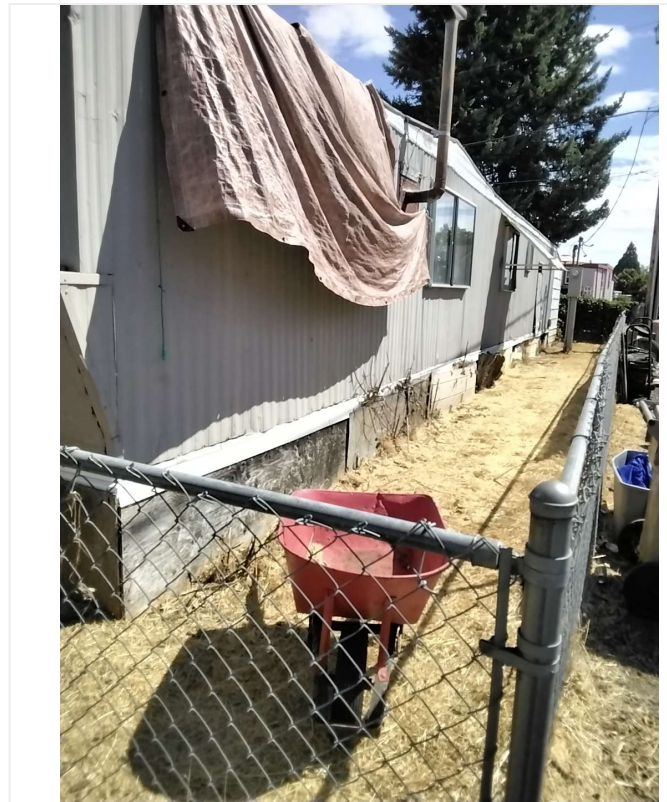
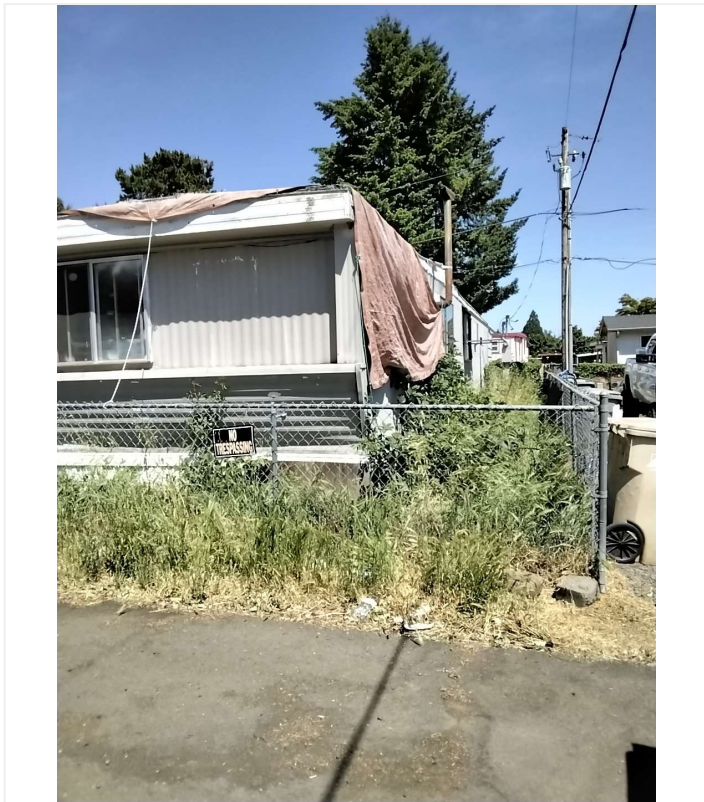
Case Summary

AGENCY NAME
Dallas, OR

CASE ID
CE-23-267

LOCATION
573 E Ellendale Ave #43, Dallas, OR 97338

VIOLATIONS
5.556 Scattering Rubbish, 5.452 Obnoxious Vegetation - Owner's responsibility, 5.582 Junk, 1.2.080 Building Permit and Certificate of Occupancy, 8.110 No Building Permit Obtained



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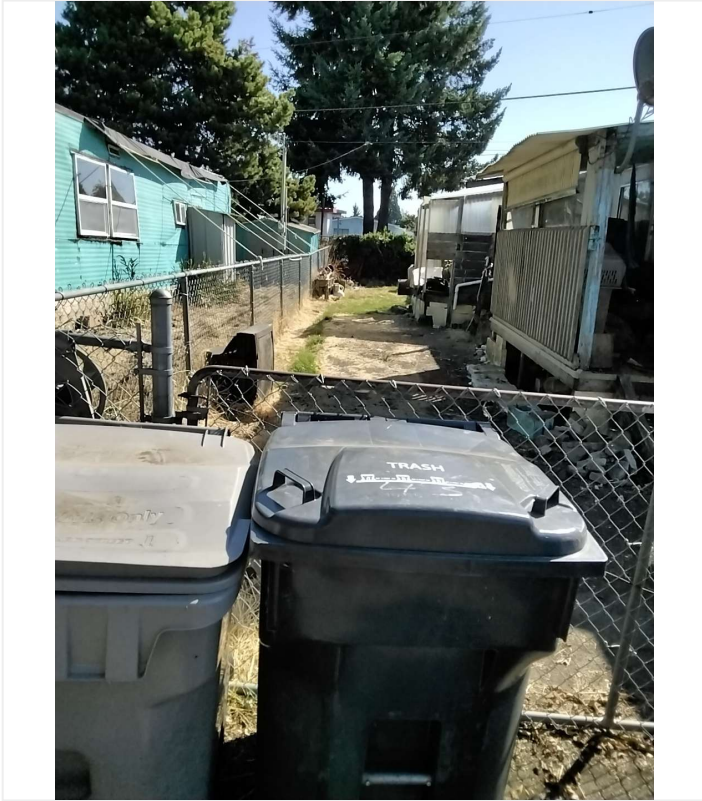
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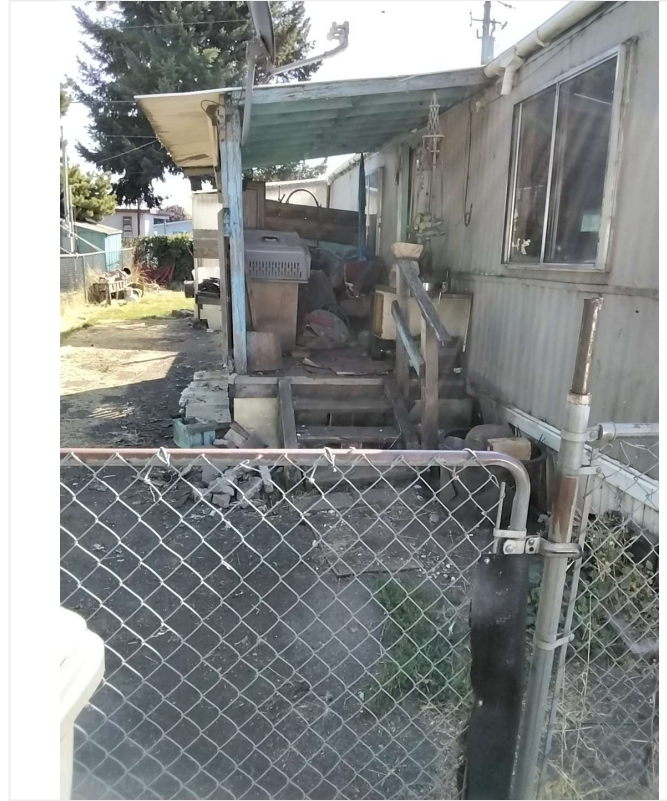


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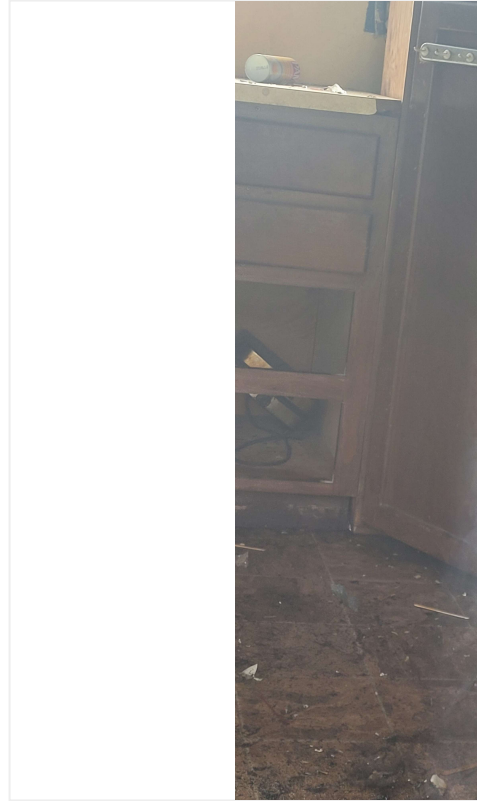


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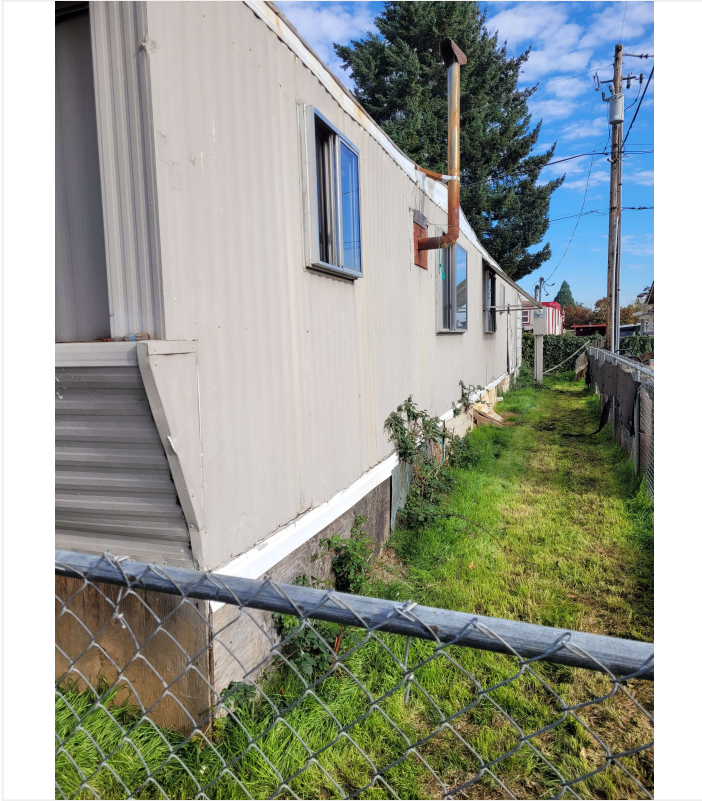


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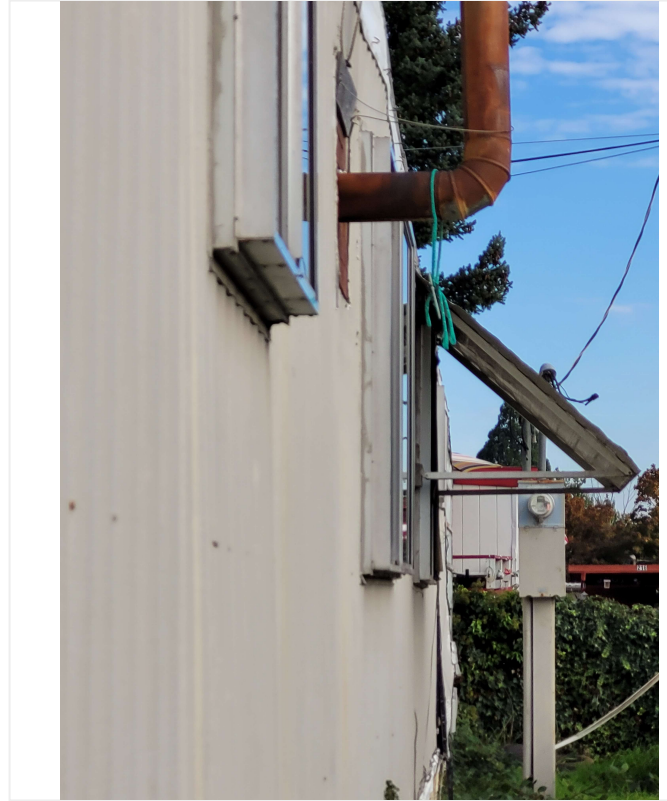
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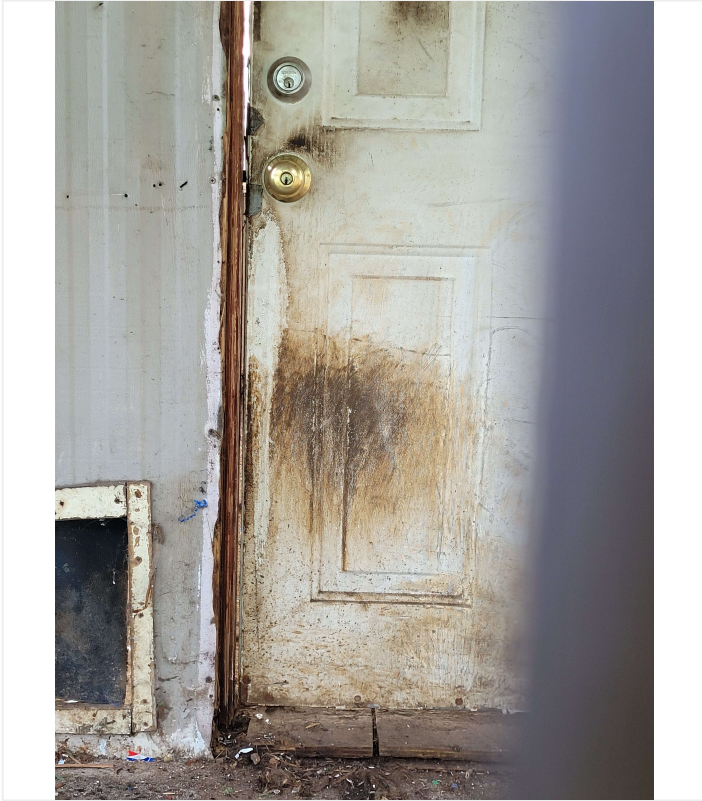
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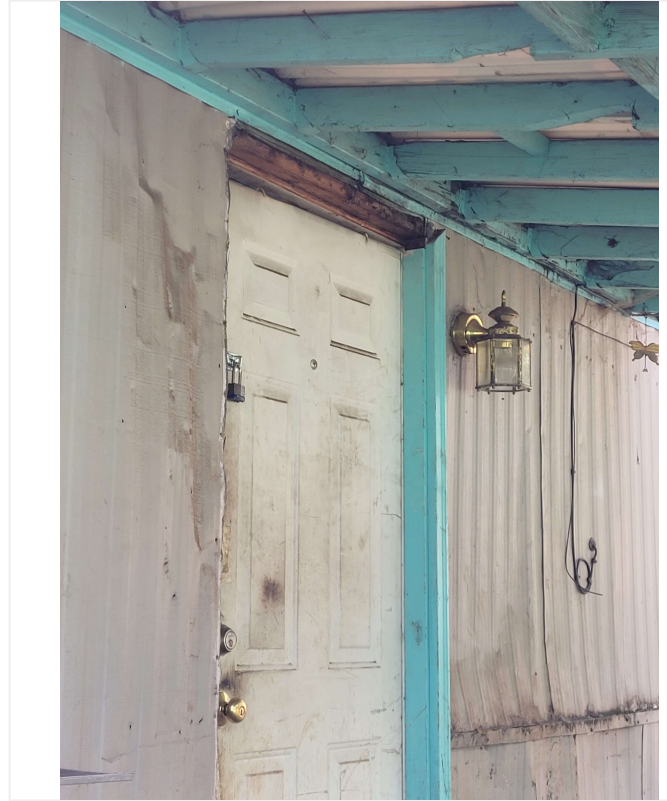
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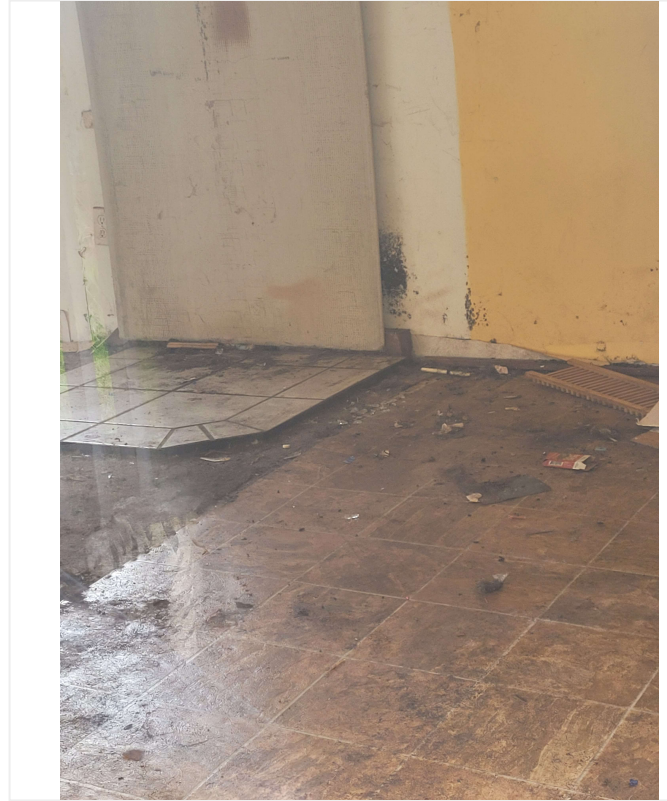
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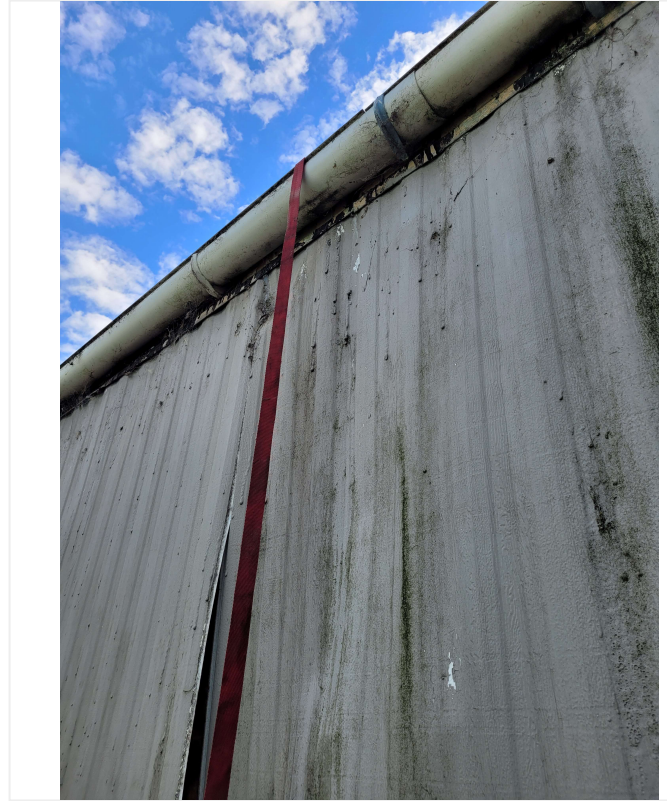
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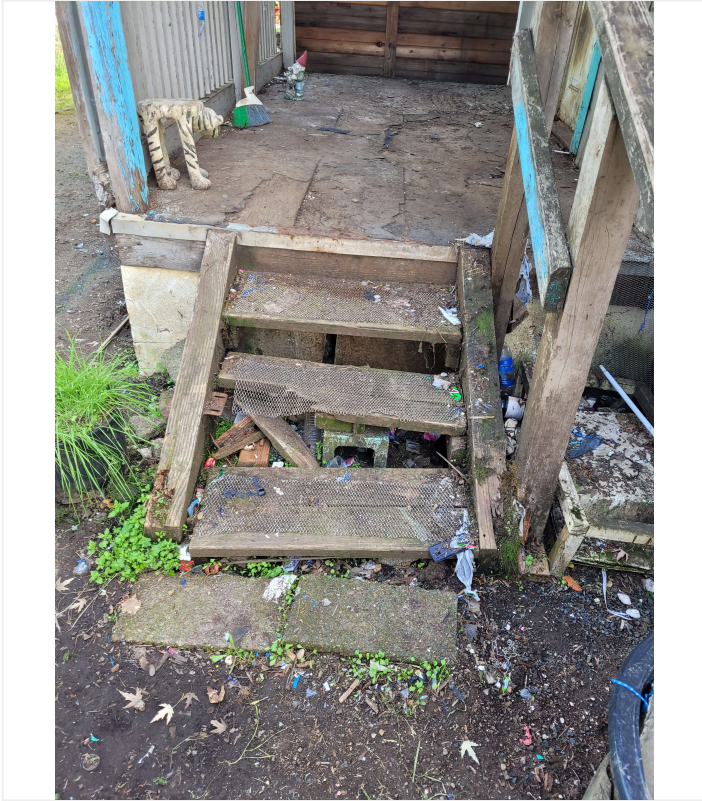
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**CITY COUNCIL
STAFF REPORT**

MEETING DATE: November 6, 2023
AGENDA ITEM NO. 8.a
TOPIC: Ordinance 1888 – First Reading
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Ordinance 1888

RECOMMENDED ACTION:

Staff recommends the City Council allow Ordinance 1888 to pass its first reading.

BACKGROUND:

On October 2, 2023, the City Council directed the City Attorney to prepare an ordinance prohibiting the consumption of a controlled substance, as defined in ORS 475.005, in public places.

The City Attorney has prepared Ordinance 1888, which if approved, will amend Dallas City Code 5.016 to prohibit the consumption of controlled substances, as defined in ORS 475.005 (**Attachment A**).

SUMMARY TIMELINE:

September 25, 2023 – Public Administration Committee recommended to the Council an ordinance be approved prohibiting the consumption of controlled substances in public places.
October 2, 2023 – The City Council directed the City Attorney to create an ordinance prohibiting the consumption of a controlled substance in public places.
November 6, 2023 – City Council to consider Ordinance 1888 – An Ordinance Amending Section 5.016 of Dallas City Code.

FISCAL IMPACT:

None

RECOMMENDED MOTION:

N/A – Ordinance 1888 scheduled to pass its first reading.

**CITY OF DALLAS
ORDINANCE NO. 1888**

AN ORDINANCE AMENDING DALLAS CITY CODE SECTION 5.016 RELATING TO THE CONSUMPTION OF ALCOHOL AND CONTROLLED SUBSTANCES IN PUBLIC PLACES.

Be it ordained by the City Council of the City of Dallas, in the State of Oregon, as follows:

SECTION 1: AMENDMENT “5.016 Drinking In Public Places” of the Dallas Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.016 Drinking In Public Places

1. No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot, or structure, public park, public grounds, or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission or permission is granted pursuant to other code provisions or city ordinance.
2. Violation of this section is a civil infraction.

AFTER AMENDMENT

5.016 Drinking In Public Places

1. No person shall drink or consume alcoholic liquor, as defined in ORS 471.001, or a controlled substance, as defined in ORS 475.005, in or on a street, alley, mall, parking lot, or structure, public park, public grounds, or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission or permission is granted pursuant to other code provisions or city ordinance.
2. The prohibitions set forth in subsection 1 of this section do not apply to the consumption of medications, as directed by a prescriber, as provided in ORS 414.351.
3. As used in subsection 1 of this section, "consume" and "consumption" denote the act of imbibing, injecting, injeating, inhaling or otherwise introducing a substance into the human body.
4. Violation of this section is a civil infraction.
5. The restrictions on consuming controlled substances provided under this section will take effect immediately if any of the following occurs:
 - a. The State of Oregon passes a law granting local jurisdictions the power to regulate public consumption of controlled substances;

- b. A court with appropriate jurisdiction determines that local governments can regulate the public consumption of controlled substances within their boundaries; or
- c. A regulatory body of the State of Oregon adopts regulations allowing the implementation of this section with regard to the consumption of controlled substances.

Presiding Officer

Attest

Kenneth L. Woods, Jr., Mayor, City of
Dallas

Brian Latta, City Manager, City of
Dallas

Lane P. Shetterly, City Attorney, City
of Dallas