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City Attorney  
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Police Chief  
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Director of Engineering  
& Environmental  
Services  
Fred Braun

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Recording Secretary  
Jeremy Teal

**Dallas City Council Agenda**

Mayor Brian Dalton, Presiding

Monday, July 20, 2015

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. EMPLOYEE RECOGNITION/INTRODUCTION	
4. COMMENTS FROM AUDIENCE <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.</i>	
5. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>  <i>ZC/CPA 15-01 -Zone change &amp; Comp Plan amendment for property located at 407 E. Ellendale – Residential to Commercial</i>	PG. 3
6. 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 minutes of July 6, 2015 City Council meeting	PG. 28
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS  a. General Comments from the Councilors and Mayor	
9. REPORTS FROM CITY MANAGER AND STAFF  a. Park Master Plan discussion - <a href="http://www.dallasor.gov/DocumentCenter/View/3964">http://www.dallasor.gov/DocumentCenter/View/3964</a>	PG. 31



**Our Vision**

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

**Our Mission**

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

**Our Motto**

Commitment to the Community.  
People Serving People.

**City Hall**

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

b. June financials	PG. 32	Information
c. Council goal update		Information
d. Other		Information

**10. RESOLUTIONS**

**11. FIRST READING OF ORDINANCE**

a. <u>Ordinance No. 1783</u> : An Ordinance amending Dallas City Code Section 3.500, relating to sidewalks.	PG. 58	First Reading
b. <u>Ordinance No. 1784</u> : An Ordinance amending Dallas City Code Section 4.354, relating to property owner responsibility for maintenance of storm sewer facilities.	PG. 62	First Reading

**12. SECOND READING OF ORDINANCE**

a. <u>Ordinance No. 1782</u> : An Ordinance amending Dallas City Code Section 8.445, relating to dangerous buildings.	PG. 66	Roll Call Vote
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**13. OTHER BUSINESS**

**14. ADJOURNMENT**

# DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	<b>Agenda Item No.</b> 5	<b>Topic:</b> Public Hearing on ZC/CPA15-01
<b>Prepared By:</b> Jason Locke, Community Development Director	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Approve (ZC/CPA15-01), the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to General Commercial and direct staff to prepare the required Ordinances for approval at the next meeting.

**BACKGROUND:** See Staff Report

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

- 1) Staff report
- 2) Application

CITY OF DALLAS  
City Council

APPLICATION COMPLETE:  
APRIL 24, 2014

STAFF REPORT  
DATE: JULY 13, 2015

FILE NO.	ZC/CPA 15-01
HEARING DATE	APRIL 9, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER(S)	CHRISTINA AND DALE PERRY
APPLICANTS AGENT	TRAHAN CONSULTING
REQUEST	ZONE CHANGE FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL GENERAL AND COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL TO COMMERCIAL FOR 0.46 ACRES
LOCATION	407 E. ELLENDALE AVENUE
RECOMMENDATION	APPROVAL

CITY OF DALLAS  
CITY COUNCIL  
COMMUNITY DEVELOPMENT  
DEPARTMENT STAFF REPORT



**BACKGROUND INFORMATION:** The subject property is located on the southeast corner of E. Ellendale Avenue and SE Uglow Street. The subject property is just under one-half acre (20,250 sf) in size and is currently designated Residential (R) on the Comprehensive Plan Map and zoned Residential Low Density (RL). The house previously located on the property has been removed and the property is now vacant. The property has an existing driveway off E. Ellendale Avenue and is fully served by City utilities.

The property to the east is zoned Residential Medium Density (RM) and is developed with multi-family residences (Firestone Place) that are managed by Polk Community Development Corporation (CDC). Property to the south is zoned RL and developed with multi-family residences that receive access off SE Uglow Street. Property to the north (across E. Ellendale Avenue) is zoned CG and developed with commercial office use (Ellendale Professional Building). Property to the west (across SE Uglow Street) is also zoned CG developed with a single family residence.

**PROPOSAL:** The applicant is proposing to change the Comprehensive Plan Map designation from Residential to Commercial, and change the zoning from Residential Low Density (RL) to Commercial General (CG) in order to accommodate future commercial development of the property.

**PLANNING COMMISSION HEARING:** On June 9, 2015, the Planning Commission conducted a public hearing on the application. At the close of the public hearing, the Planning Commission made a recommendation that the City Council approve the proposed change.

**APPROVAL CRITERIA:**

**Type IV Legislative Criteria (4.1.050)**

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. **Approval of the request is consistent with the Statewide Planning Goals;**

*Applicable Statewide Planning Goals:*

***Goal 9: Economic Development***

*Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses.*

*Findings:* The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information and additional analysis of commercial growth trends using current U.S. Census data and GIS (Geographic Information Systems) information relevant to land supply in Dallas. The overall analysis indicates the City of Dallas is using its commercial land supply very efficiently and that there has been a low absorption rate of commercial development. The proposed amendment would provide additional opportunities for small scale commercial development on a parcel that is adjacent to existing commercial development. The proposed change will not have a negative impact on the city facilities and adjoining properties. Additionally, the proposed amendment will support employment and job creation within the city limits on property that was underdeveloped due to its location.

### ***Goal 10: Housing***

*Goal 10 states that:* Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

*Findings:* Based on the small size of the property (0.46 ac) and the widespread availability of Residential Low Density (RL) land within the city, the proposal will not negatively impact the overall residential land supply.

**Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.**

## **2. Approval of the request is consistent with the Comprehensive Plan;**

*Findings:* The Dallas Comprehensive Plan designation for the subject property is Residential. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

## **CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY**

### ***2.2 Manpower Development Policies***

***3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.***

*Findings:* As noted in the Applicant's statement, the proposed amendment will support jobs in the short term during construction and jobs with a positive economic impact as a commercial development is operational.

## **2.5 Other Commercial Zones**

2. Encourage the "cluster" development of commercial activities on sites large enough to provide adequate street access, off-street parking and landscaping.

*Findings:* The proposed commercial site is 0.46 ac in size, which well exceeds the minimum lot area of 5,000 square feet required for commercial uses. The site is large enough to provide adequate area to accommodate driveway access to the site, parking and landscaping.

3. Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."

*Findings:* The proposed amendment is for land already located in an established commercial area along E. Ellendale Avenue.

## **CHAPTER 6: URBAN GROWTH MANAGEMENT**

### ***Urban Growth Management Goal***

*To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.*

6.2.1-4. *Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.*

*Findings:* As noted in the Applicant's statement, the subject property is located inside the city limits. The property was underdeveloped and is located adjacent to commercially zoned land. The property is served with full urban facilities, as demonstrated in the public facilities section below.

## **CHAPTER 7: PUBLIC FACILITIES PLAN**

### ***Public Facilities Goal***

*To provide a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for community development.*

7.1.1-9. *Wherever possible, public sewer, storm drainage and water facilities shall be placed within the public right-of-way to simplify maintenance and minimize impacts on private property owners.*

*Findings:* As noted by the Applicant, the property is presently served with adequate public facilities and services, including transportation, sewer, storm and water systems to support the use or can be developed concurrently with development. Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.

2. **The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

*Findings:* The Applicant's statement included the following information with regards to the provision of adequate public facilities and services to the site.

The subject property is not currently served by **sanitary sewer**; however, there is a sanitary sewer manhole located in SE Uglow Street having a depth sufficient to allow a new line that can serve the property. The existing Uglow line is of sufficient size and depth to serve a proposed user. With the extension of the Uglow sanitary sewer line as required by development, the property can be served with adequate sanitary sewer service.

There is an existing 12 inch public **storm sewer** line located in E. Ellendale that can serve the property. On-site detention if required of the development, can be achieved by several different means and will be reviewed when the Developer obtains utility plan approval by the City Engineering Department.

There is an existing 10 inch public **water** line located in E. Ellendale Avenue. The residence that was demolished was connected to the city water system. Private water line extensions from the existing public water line, and meters of fire flow demands will be up-sized if required and constructed concurrently with the development of the property.

The property is located adjacent to SE Uglow Street, which is designated by the Dallas Transportation System Plan (TSP), as a local street and E. Ellendale Avenue, which is classified as an arterial street and a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). Both streets are improved with curb, gutter and sidewalk. Transportation impacts associated with the development of the property will be further analyzed by the City and ODOT through the site design review process.

**Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

### **Land Use Map and Text Amendments 4.7.030(B)**

B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. **Approval of the request is consistent with the Statewide Planning Goals;**

*Findings:* See above (1).

2. **Approval of the request is consistent with the Comprehensive Plan;**

*Findings:* See above (2).

3. **The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and**

*Findings:* See above (3).

4. **The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and**

*Findings:* The Applicant states and staff concur; the requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The proposed amendments will enable commercial development on an underutilized property, provide jobs and economic growth. The property is served by existing public utilities and is sufficiently sized for commercial development that can comply with the City's development standards.

5. **The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.**

A. **Review of Applications for Effect on Transportation Facilities.** When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or
2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority:
  - a. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

- b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or
- c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

*Findings:* Per the Applicant's statement, the requested zone and plan map amendments would not change the facility classification of the existing transportation system. No facility standards will be negatively impacted with the proposed change. The amendments do not include any enforceable or ongoing requirements that would limit traffic generation or change the standards implementing a functional classification system.

The small size of the subject property (0.46 ac), limits its potential increase in trips that could be generated by the subject property as a result of the proposed zone and map change. Comparison of potential increase in trip generation under the existing and proposed zoning is not significant. Under the current land use designation the site has the potential for a maximum of three dwelling units, which would generate an estimated 28.5 daily trips. Review of allowed commercial uses (e.g. retail, service, office) would have a varying degree of daily trips based on type of use and size of building. However, under the proposed land use designation and limited size of the subject property, it is expected that the increase, if any, in daily trips would be insignificant. Future development of the property will be required to satisfy ODOT and City standards to address traffic impact concerns raised as part of a site design review application for development.

The Oregon Department of Transportation (ODOT) provided preliminary comments on the subject property that would limit access to the furthest distance from SE Uglow Avenue, with a right turn in and right turn out onto E. Ellendale Avenue. These comments have been incorporated into the proposed site layout shown on the Applicant's conceptual site plan included with the application.

*OVERALL TPR FINDING:* Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility. The project levels and types of travel and access for E. Ellendale Avenue are consistent with its existing functional classification as an arterial street. The levels of development that would result in the types or levels of travel or access are consistent with the functional classification of the existing or planned transportation facility. The requested zone and plan map amendments do not degrade the performance of the existing transportation facility and all interactions would meet mobility targets and standards identified in the TSP and Comprehensive Plan.

**CONCLUSION: Based on the applicants' findings, and the findings and conclusions above, it can be found that this proposal meets all the applicable criteria.**

**RECOMMENDATION:**

**The Planning Commission recommends the City Council APPROVE the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to Commercial General (CG).**

**Jason Locke  
Community Development Department Director**

21 **PUBLIC HEARING**

22 **ZC/CPA 15-01 APPLICANT: Trahan Consulting**

23 Vice President David Shein opened the official Public Hearing for ZC/CPA 15-01 at 7:04 p.m.  
24 and read the public hearing procedure.

25 **STAFF REPORT:**

26 Mr. Locke reviewed the staff report for a Comprehensive Plan Map amendment from Residential  
27 to Commercial and zone change from Residential Low Density to Commercial General at 407 E.  
28 Ellendale Ave., Dallas Oregon 97338.

29 **APPLICANT PRESENTATION**

30 Paul Trahan, 1116 SE Barberry Ave., Dallas, OR 97338 stated that the proposed change would  
31 allow his clients the opportunity to create new businesses in the area.

32 There was no other testimony, and Vice President David Shein closed the Public Hearing at 7:13  
33 p.m.

34 **DISCUSSION BY COMMISSION**

35 The Commissioners were in agreement that the criteria had been met. It was moved by  
36 Commissioner Oehler to recommend approval of ZC/CPA 15-01 to the City Council. The motion  
37 was duly seconded by Commissioner Wilson and carried with a unanimous vote. The approval  
38 will be brought to the July 20<sup>th</sup> Council meeting.

39 **OTHER BUSINESS**

40 **DISCUSSION OF DALLAS DEVELOPMENT CODE REVISIONS**

41 Suzanne Dufner reviewed the revised draft that incorporated feedback from the Planning  
42 Commission May 12<sup>th</sup> meeting.

43 Mr. Locke suggested that the name and contact information of a local manager be on file with  
44 the city as a criteria for Vacation Rental Standards.

45 Ms. Dufner proposed the next change to the Code: **Residential Accessory Structure Setbacks**  
46 **on Corner Lots (2.2030)**. She suggested adding: **The street sideyard setback for an accessory**  
47 **structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-**  
48 **obscuring fence, wall, or hedge.**

49 Ms. Dufner discussed briefly the parking of operable vehicles on residential property. She and  
50 Mr. Locke will bring in photographs of problem areas that a revision of the Code may be able to  
51 address.

**CITY OF DALLAS**  
**NOTICE OF PUBLIC HEARING**  
**Application: ZC CPA 15-01**

The Dallas Planning Commission will hold a public hearing on Tuesday, June 9, 2015, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on the application of Trahan Consulting, applicant, and Christina and Dale Perry, owners, to consider a Zone Change and Comprehensive Plan Map amendment for property located at 407 E. Ellendale Avenue in Dallas, Oregon. The application includes a request to change the zoning of the property from Residential Low Density (RL) to Commercial General (CG), and change the Comprehensive Plan Map designation from Residential to Commercial.

The Planning Commission will consider testimony which addresses the applicable criteria listed below. Testimony may be submitted in writing to the Dallas Community Development Department, City Hall, Dallas, Oregon 97338, or in writing or orally at the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties. All persons wishing to testify must be recognized by the Chair and will be given an opportunity to be heard.

Written comments submitted to the Community Development Department by June 1, 2011, will be included with the staff report. Written comments submitted after that date will be forwarded to the Planning Commission at the public hearing. The staff report will be available for inspection at the Community Development Department at least seven days prior to the hearing. Copies of the staff report, the application, and all documents and evidence submitted by or on behalf of the applicant, and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost. If any party provides additional documents or evidence, the Planning Commission may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.

Dallas City Hall is handicapped-accessible. Any requests for accommodation should be made at least 48 hours before the meeting to the Community Development Department, 503-831-3565 or TDD 503-623-7355.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

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**PROPERTY LOCATION:** 407 E. Ellendale Avenue

**NATURE OF REQUEST:** Zone Change/Comprehensive Plan Map Amendment to Commercial

**APPLICABLE CRITERIA:** DDC Chapters 4.1.050 and 4.7

**STAFF CONTACT FOR ADDITIONAL INFORMATION:** Jason Locke, (503) 831-3565 or [jason.locke@dallasor.gov](mailto:jason.locke@dallasor.gov).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible promptly to forward a copy of this notice to every person with a documented interest, including a renter or lessee.

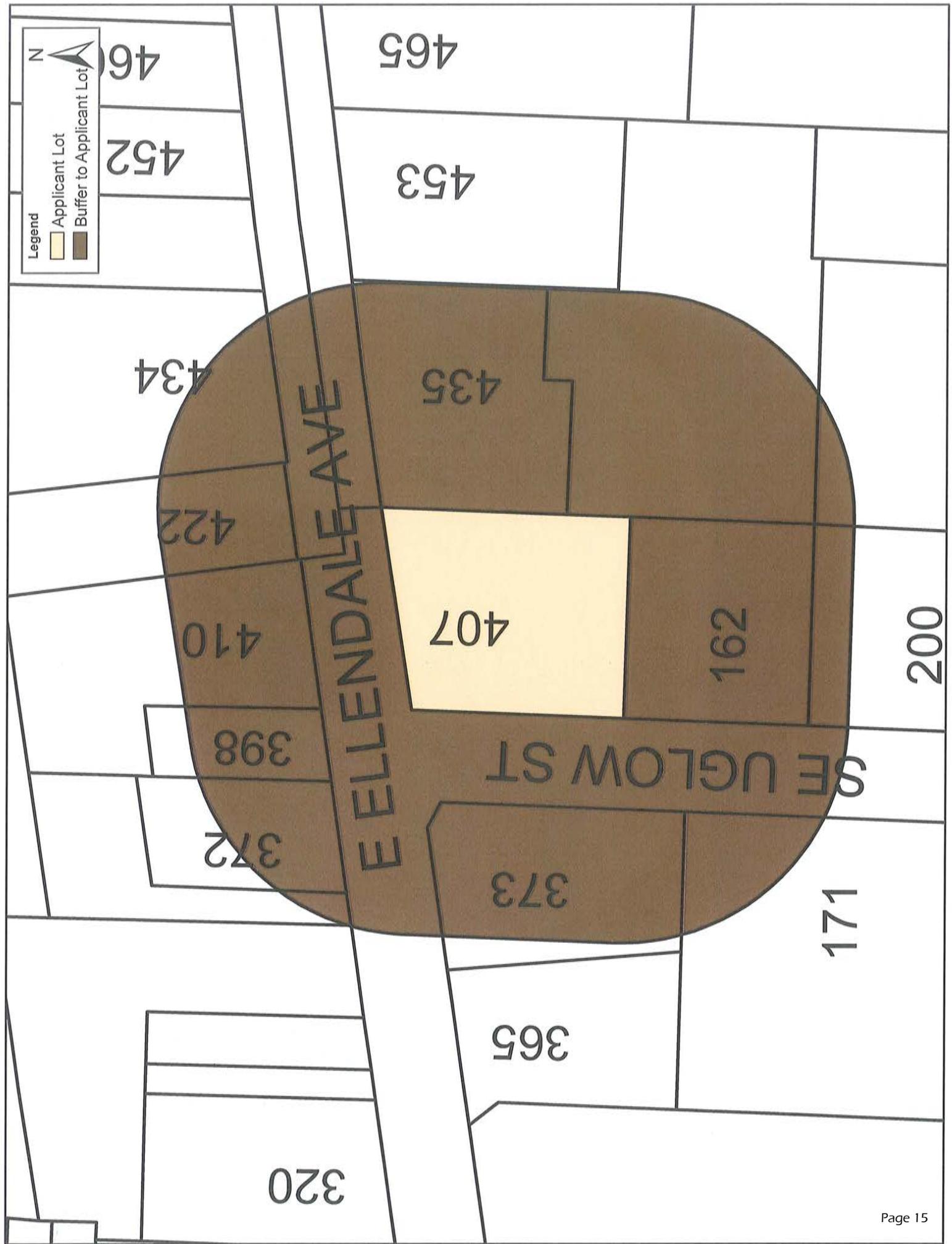
Posted: May 20, 2015  
Mailed: May 20, 2015  
Published: May 27, 2015

Jason Locke, Community Development Director  
City of Dallas, Oregon



Legend

- Applicant Lot
- Buffer to Applicant Lot





THE CITY OF  
**DALLAS**  
REGON



**Community Development Department**

April 24, 2015

Paul Trahan  
Trahan Consulting  
P.O. Box 441  
Dallas, OR 97338  
*Sent by email: [pault.trahanconsulting@gmail.com](mailto:pault.trahanconsulting@gmail.com)*

RE: Zone Change/Comprehensive Plan Map Amendment Application (ZC/CPA 15-01) – 407  
E. Ellendale Ave

Dear Paul,

The City of Dallas has completed a review of the Zone Change/Comprehensive Plan Map Amendment application you submitted for property located at 407 E. Ellendale Avenue, Dallas, Oregon. The City has deemed the application complete as of this day, April 24, 2015.

The application will be placed on the June 9th Planning Commission agenda for a public hearing. Once the Planning Commission issues a recommendation on the application, the request will be forwarded to the City Council for a public hearing and final decision. You will be notified of the City Council public hearing date in the future. A complete staff report will be forwarded to you at least seven (7) days prior to the meeting.

You or your representative should plan to attend the meeting to present your application and respond to any questions or concerns. If not in attendance, the item may be postponed until the next meeting.

Sincerely,

Suzanne Dufner  
Planner

cc: Jason Locke, Community Development Director (by email)  
Christina and Dale Perry (P.O. Box 687, Dallas, OR 97338)  
File

City of Dallas  
187 SE Court St.  
Dallas OR 97338

Ph: 503 831-3571  
Fax: 503 623-2339



File No: zc/cpa15-01  
Date Received: 4/1/15  
Fee \$ 5000  
Received By: [Signature]  
Complete App. Date: 4/24/15  
Hearing Date: 6/9/15 PC  
7/20/15 CC

## ZONE CHANGE / COMP PLAN MAP Amendment

NOTE: A Pre-application conference is required before application is submitted

### OWNER(S)

Name(s): Christina and Dale Perry

Mailing Address: PO Box 687, Dallas, OR 97338

Owner Phone: Home \_\_\_\_\_ Mobile \_\_\_\_\_

E-Mail \_\_\_\_\_

### APPLICANT(S): (If not owner)

Name(s): Trahan Consulting

Mailing Address: PO Box 441, Dallas, OR 97338

Owner Phone: Home \_\_\_\_\_ Mobile (503) 383-5043

E-Mail pault.trahanconsulting@gmail.com

Site Address: 407 E. Ellendale Ave Total Land Area Affected: .46 a/c

Assessors Map/Taxlot #: 7-5-28CD/Tax Lot 2302

Current Zoning: RL Proposed Zoning: CG

Comprehensive Plan Amendment Required: Y or N Yes

Current Designation: Residential Proposed Designation: Commercial

Present Use of Property: Vacant Lot

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge:

Signatures (Required):

Owner(s)	Date	Applicant(s)	Date
<u>Christine M. Perry</u>	<u>4/1/15</u>	<u>[Signature]</u>	<u>4/1/2015</u>
_____	_____	_____	_____

**APPLICATION CHECKLIST:**

All items must be submitted unless waived by the Planning Official. When an application is submitted, the City will notify you in writing within 30 days as to whether the application is complete or what information is required to make the application complete.

- Property deed and deed restrictions.** Copy of the deed and all existing and proposed restrictions or covenants, including those for access control.
  
- If Map Amendment, include a map showing the extent of the proposed change. If Text Amendment, attach existing and proposed text.**
  
- Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained below.

**Address the following Criteria in Narrative:**

- B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:
  1. Approval of the request is consistent with the Statewide Planning Goals;
  2. Approval of the request is consistent with the Comprehensive Plan;



## Dale & Christina Perry

### Comprehensive Plan and Zoning Map Amendment Application

#### Request:

Dale and Christina Perry are requesting a Comprehensive Plan and Zone map amendment to change the zone from RL Residential Low Density to CG Commercial General and Comprehensive Plan Map change from Residential to Commercial. The subject property is located at 407 E. Ellendale Avenue and is currently vacant. The requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The property had a house that was demolished and is served by two streets with existing public utilities.

#### Application:

Applicant:	Dale and Christina Perry
Applicant's Representative:	Paul Trahan, Trahan Consulting
Applicant Address:	P.O. Box 441 Dallas OR 97338
Site Location:	407 E. Ellendale Ave
Tax Lot:	TL 7.5.28CD 2302
Parcel Size:	.46 Acres
Existing Site Development and Site Characteristics:	Vacant
Zoning Classification:	RL – Residential Low Density
Comprehensive Plan Designation:	Residential
Proposed Zone Classification:	CG - Commercial General
Proposed Comprehensive Plan Designation	Commercial
Adjacent Zoning And Land Use:	North – Commercial, East – Residential & West – Commercial, South –Residential

## **Section 1: Project Description and Background**

The subject property is currently zoned RL Residential Low Density with a Comprehensive Plan Map designation of Residential. The property owners are requesting a Comprehensive Plan and Zone map amendment to change the zone from RL Residential Low Density to CG Commercial General and Comprehensive Plan Map change from Residential to Commercial. The property is located at 407 E. Ellendale Avenue and has been vacant and underdeveloped for many years. The requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The property had a house that was demolished and is served by one arterial street and a local street and with existing public utilities. The property is provided with full public facilities and services, including transportation, sewer, storm and water systems to support the proposed zone and map amendments. With a development proposal the development will satisfy ODOT and the City standards and regulations including the submission of a site plan review and Transportation Impact Analysis as required.

## **Section 2: Comprehensive Plan and Zoning Map Amendment Decision Criteria**

This section provides findings to demonstrate compliance with the decision criteria for a legislative comprehensive plan and zoning map amendment per Sections 4.1.050 (G) of the Dallas Development Code. The criteria are:

### 4.1.050(G) Type IV Decision Making Criteria

The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan; and
3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for n adopted City plans and can be provided concurrently with the development of the property.

## **Consistency with Statewide Planning Goals**

The following goals are applicable to this request:

Goal 1 – Citizen Involvement  
Goal 2 – Land Use Planning  
Goal 9 – Economic Development  
Goal 11 – Public Facilities and Services  
Goal 12 – Transportation

The following goals do not apply for the reasons noted below:

- Goal 3 & 4: Agriculture and Goal 4 – Forestry. There are no agriculture or forest lands on the subject property.
- Goal 5: Natural Resources. There are no wetlands, steep slopes, historic site or other designated Goal 5 resources on the site.
- Goal 6, 7 & 8: Air, Water, Land Resources, and Goal 7 – Natural Hazards and Goal 8 - Recreational Needs. These goals are addressed in the Comprehensive Plan on a city wide scale. There are no on-site issues related to these goals.
- Goal 10: Housing. The Comprehensive Plan Map change and zone change allows for additional commercial opportunities for the residents and the City's ability to provide for all housing needs will be enhanced by the proposed amendment.
- Goal 13: Energy Resources. There are no energy resources in the city. Issues such as solar access will be addressed during site review.
- Goal 14: Urbanization. No changes to the Urban Growth Boundary are proposed.
- Goal 15: Willamette Greenway through the Coastal Goals. Not applicable.
- Goal 16: Estuarine Resources. There are no Estuarine Resources located on the subject property.
- Goal 17: Coastal Shorelands. The subject property does not include Coastal Shorelands.
- Goal 18: Beach Dunes. The subject property does not include Beach Dunes.
- Goal 19: Ocean Resources. The subject property does not include Ocean Resources.

**Response** – Goal 1 and 2: Statewide Planning Goal 1 addresses citizen participation in the land use process, and Goal 2 addresses the process for land use planning, requiring coordination between cities and other governments and governmental agencies. The proposed amendments are being reviewed through the State's post acknowledgement plan amendment process and the City of Dallas hearings process. These processes provide: Notice to the Oregon Department of Land Conservation and Development, with the opportunity to comment; notice to adjacent property owners; and, opportunity for public testimony and involvement in the public hearings process.

**The proposed amendments are consistent with Statewide Planning Goals 1 and 2.**

**Response** – Goal 9: Statewide Planning Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses.

A GIS analysis was conducted to inventory the present supply of vacant and re-developable commercial land in the CBD and CG zone, using the same assumptions as are used in the Comprehensive Plan in 1998. Based on this analysis and with the recent Dallas Retirement Village Map and Zone change, it is estimated that there is currently 15.8 acres of vacant commercial land and 18.6 acres of re-developable commercial land in these zones, for a total of 34.4 acres. The proposed amendment would increase the supply to 34.86 acres. If Dallas continues to grow at about 90 commercial jobs per year and 30 jobs/acres, this land supply represents about 11 years of commercial employment growth.

Goal 9 is also important through Oregon Administrative Rule 660-009-0010, the Economic Development Rule:

Commercial growth trends and land inventory: The City's Goal 9 background and Goal 9 analysis are in Chapter 2, Sustainable Economic Growth, of the Comprehensive Plan. The employment projections and land use needs were last updated in 1994. To address the requirements of the OAR cited above, the 1998 information was reviewed and compared to current census data and current GIS information relevant to land supply in Dallas. The findings of this comparison are summarized below for commercial employment growth as a whole, and the current land supply for vacant and re-developable parcels in the Commercial General (CG) and (CBD) Central Business District. Also, recent 2014 Comprehensive Map and zoning changes for property owned by the Dallas Retirement Village decreased the number of commercial buildable acreage.

In the 1998 Comprehensive Plan, the 1995 to 2020 commercial job growth was projected at 1747 new jobs equivalent of about 70 commercial jobs per year. Using current census data, that actual commercial job growth between 1995 and 2011 was 1460 or about 90 jobs per year. The commercial job density inventoried in the Comprehensive Plan was about 20 jobs/acre, projected to increase to about 30 jobs/acre. Based on the 2011 census data and the GIS analysis, actual job density in Dallas is about 29 jobs per acre, very close to what was projected. Very few commercial buildings have been built in the last 15 years, so most of the above-cited growth occurred through redevelopment, expansions and more efficient use of commercial sites. Overall, these data and trends indicate that Dallas is using its commercial land supply very efficiently.

There has been a low absorption rate of commercial development and the proposed amendment would result in commercial development adjacent to commercial lands without having a negative impact on the city facilities and adjoining properties. The proposed amendment will support employment and job creation within the city limits on property on property that was under developed due to the location.

**The proposed amendments are consistent with Statewide Goal 9.**

**Response** – Goal 11: Statewide Planning Goal 11 Public Facilities and Services. Adequate public facilities and services are addressed below.

**The proposed amendments are consistent with Statewide Goal 11.**

**Response** – Goal 12: Transportation. The compliance with State and local transportation planning rule, goals and policies are addressed below.

**The proposed amendments are consistent with Statewide Goal 12**

**Consistency with Comprehensive Plan Policies**

**Chapter 2: A Sustainable Dallas Economy**

2.2 Manpower Development Policies

3. Encourage the creation of job opportunities for residents in the Dallas area within new and present business and industries.

**Response:** The proposed amendment will support jobs in the short term during construction and jobs with a positive economic impact as a commercial development is operational.

**Chapter 6: Urban Growth Management**

**Urban Growth Management Goal**

To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City limits does not interfere with the efficient urban development in the future.

6.2.1.4 Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.

**Response:** The subject property is located inside the city limits. The property was underdeveloped and is located adjacent to commercial zones. The property is served with full urban facilities, as demonstrated in the public facilities section below.

**Adequate Public Facilities and Services**

Chapter 7: Public Facilities and Services: 7.1.1.9 Wherever possible, public sewer, storm drainage and water facilities shall be placed within the public right-of-way to simplify maintenance and minimize impacts on private property owners.

**Response:** The property is presently served with adequate public facilities and services, including transportation, sewer, storm and water systems to support the use or can be developed concurrently with development. Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.

The owner represents that there is sufficient public utilities available to serve the property.

**Sanitary Sewer:**

The subject property is not currently served by Sanitary Sewer; however, there is a sanitary sewer manhole located in Uglow having a depth sufficient to allow a new line that can serve the property. The existing Uglow line is of sufficient size and depth to serve a proposed user.

Therefore, with the extension of the Uglow sanitary sewer line, the property can be served with sanitary sewer.

**Storm Sewer:**

There is an existing 12 inch public storm sewer line located in E. Ellendale that can serve the property. On site detention if required, can be achieved by several different means and will be reviewed when the end user provides a site plan as required by the Dallas Development Code.

Therefore, adequate storm sewer facilities can be provided to the property.

**Water:**

There is an existing 10 inch public water line located in E. Ellendale. The residence that was demolished had water service provided by the public water system. Private water line extensions from the existing public water line, meters or fire flow demands will be up-sized if required and constructed concurrently with the development of the property.

Therefore, there is adequate existing public water facilities to serve the proposed property.

**Transportation:**

Per the City of Dallas Transportation System Plan (TSP) SE Uglow Avenue is a local Street and E Ellendale Avenue is classified as an Arterial Street that requires coordination with the City of Dallas and ODOT. These public streets are fully built out with pavement, curbs, and sidewalks. With a development proposal for the property the applicant will work with ODOT and the City to coordinate and submit a Transportation Impact Analysis as required.

**Section 3: Transportation Planning Rule (TPR) 0060 - Plan and Land Use Regulation Amendments**

Oregon Administrative Rules, 660-012-0060, Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would *significantly affect* an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment *significantly affects* a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

**Response:** The requested zone and plan map amendments would not change the facility classification of the existing transportation system. No facility standards will be negatively impacted with the zone and plan map amendments. The amendments do not include any enforceable or ongoing requirements that would limit traffic generation or change the standards implementing a functional classification system.

The TPR stipulates measures that a local government must undertake if a proposed zone change or plan amendment would significantly affect the transportation system. The manner by which a significant affect is determined is dependent on whether the proposed amendment increases the number of trips that could be generated by the subject property as a result of the modification. The subject property is small at .46 acres and the potential increase in trips from the existing use will be calculated with development review of a proposed project. However, the initial site plan review with ODOT limiting access at the furthest distance from SE Uglow Avenue with a right turn in and right turn out onto E. Ellendale is shown on the conceptual site plan. Comparison of potential increase trip generation under the existing and proposed zoning is not significant. Under the current land use designation this site has the potential for a maximum of 3 dwellings units which would generate an estimated 28.5 daily trips. Review of allowed retail, service, office, sales, or possible conditional uses would have a varying degree of daily trips based on type of use and size of building. However, under the proposed land use designation with the small size of the property and the designed review process it is expected that the increase if any in daily trips would be insignificant. With a development proposal of the proposed change to commercial, the development proposal future will satisfy ODOT and the City standards and regulations including the submission of a Transportation Impact Analysis as required.

**Response:** The projected levels and types of travel and access for E. Ellendale Avenue are consistent with its existing functional classification as an Arterial street. The levels of development that would result in the types or levels of travel or access are consistent with the functional classification of the existing or planned transportation facility. The requested zone and plan map amendments do not degrade the performance of the existing transportation facility and all interactions would meet mobility targets and standards identified in the TSP and Comprehensive Plan.

Therefore as demonstrated above there are adequate existing transportation facilities to serve the requested amendments.

#### **Section 4 Summary:**

The requested comprehensive plan and zone map amendments will enable commercial development, provide jobs and economic growth. As demonstrated, there are adequate public facilities and services such as sewer, storm, water and transportation to support the proposed commercial zoning and map change. In addition, there may be additional public or private service extensions that may be required and can be constructed concurrently with the development of the property. This request would not adversely impact the current transportation system.

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from July 6, 2015, forward can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the "Council Agendas" archive.

<b>DALLAS CITY COUNCIL</b>	<b>Monday, July 6, 2015</b>
The Dallas City Council met in regular session on Monday, July 6, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.	
<b>Council:</b> Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Councilor Micky Garus	
<b>Staff:</b> City Manager Ron Foggin, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.	
<b>Pledge of Allegiance:</b> Mayor Dalton led the Pledge of Allegiance.	

<b>AGENDA</b>	<b>ACTION</b>
<b>3:35 EMPLOYEE RECOGNITION</b>	Mr. Johnson introduced the new Library Worker I, Amanda Stevens.
<b>COMMENTS FROM THE AUDIENCE</b>	There were none.
<b>PUBLIC HEARINGS</b>	There were none.
<b>5:07 CONSENT AGENDA</b> Items approved by the Consent Agenda: approve minutes of June 15, 2015 City Council meeting minutes	It was moved by Councilor Gabliks <i>to approve the Consent Agenda as submitted.</i> The motion was duly seconded and carried with a vote of 8-0.
<b>ITEMS REMOVED FROM CONSENT AGENDA</b>	There were none.
<b>5:35 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</b> REPORT OF THE JUNE 22, 2015, PUBLIC SAFETY COMMITTEE MEETING  REPORT OF THE JUNE 22, 2015, PUBLIC WORKS COMMITTEE MEETING	Councilor Stewart stated the committee discussed the dangerous building ordinance, the Police Chief's report, and the Fire Chief's report.  Councilor Stewart reported the committee discussed storm drain garden responsibilities for home owners, the Engineer Director's report, and the Community Development Director's report.

<b>REPORTS FROM CITY MANAGER AND STAFF</b>	
<b>14:08 AUDITOR CONTRACT AMENDMENT</b>	<p>Mr. Foggin noted that the contract with the auditors needed an amendment to extend the length of the contract.</p> <p>It was moved by Councilor Hahn to continue audit services provided by Merina &amp; Co. extending the contract for municipal audit service according to its terms for fiscal year 2014-15 and 2015-16 ending June 30, 2016 and if they perform adequately a two year extension with be considered by the City as part of the contract. The motion was duly seconded and carried with a vote of 8-0.</p>
<b>21:17 COUNCIL GOAL UPDATE</b>	<p>Mr. Foggin reported the two downtown projects were complete. He noted the Court Street and Mill Street sidewalks looked great and went well with the Main Street look. He stated that the City was still working on transparency and would have a booth every week at the Bounty Market, and hoped to have the new branding ready for Summerfest.</p>
<b>24:02 OTHER</b>	<p>Mr. Foggin announced the League of Oregon Cities conference was in September in Bend this year. He noted accommodations were limited this year and registration was only online.</p> <p>Mr. Foggin stated the Parks Master Plan would be on the agenda for the July 20 Council Meeting.</p>
<b>RESOLUTIONS</b>	
<b>26:00 FIRST READING OF ORDINANCE</b>	
<p><b>Ordinance No. 1782</b> – An Ordinance amending Dallas City Code Section 8.445, relating to dangerous buildings.</p>	<p>Councilor Gabliks suggested changing the verbiage in Section 2 to reflect the City Manager “has actual knowledge” rather than “is aware”. Mr. Shetterly noted he would make the revision for the second reading of the Ordinance.</p> <p>Mayor Dalton declared Ordinance No. 1782 to have passed its first reading.</p>
<b>SECOND READING OF ORDINANCE</b>	There were none.
<b>OTHER BUSINESS</b>	There was none.
<b>EXECUTIVE SESSION</b>	

<b>ADJOURNMENT</b>	There being no further business, the meeting adjourned at 7:30 p.m.
Read and approved this _____ day of _____ 2015.  _____ ATTEST: Mayor  _____ City Manager	

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DRAFT

# DALLAS CITY COUNCIL

## STAFF REPORT

**TO: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>9a</b>	<b>Topic:</b> Parks Master Plan
<b>Prepared By:</b> Ron Lines	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

City Staff recommend that the Council approval of the Parks Master Plan.

**BACKGROUND:**

Work on the Parks Master Plan began in July of 2014 and was completed in June of 2015. The firm hired was the University of Oregon Community Planning Workshop (CPW). The Park Advisory Board (PAB) and the CPW conducted surveys, workshops, and public interaction to collect all the information for the master plan. Mission statements and goals were set by the PAB and implemented into the master plan. The Parks Master Plan was presented to the Council at the May 4<sup>th</sup> workshop. After the workshop, CPW took all the Council feedback along with the PAB comments and revised the financial section of the plan as well as completed much needed edits. The final version of the Parks Master Plan was presented to the PAB on June 16<sup>th</sup>. The PAB unanimously approved the Plan and recommended it to the City Council for the Council’s approval.

**FISCAL IMPACT:**

None.

**DALLAS 2030 VISION IMPACT:**

Our Growth & Development: 4.g. – Dallas provides outstanding parks and new recreational facilities while protecting its natural areas as the community grows and expands.

**ATTACHMENTS:**

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9b</b>	<b>Topic:</b> June 2015 Financial Report
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of June 2015.

***NOTE: This is a preliminary report. End of fiscal year revenues/expenses will continue to be recorded through August.***

For June:

- Percent collected/spent should be at 100%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- The following budgeted capital improvement payments were made in June:
  - Capital Projects Fund - Building Improvements - park restrooms/library lighting \$3,212
  - Capital Projects Fund - Equipment - library furniture \$4,699
  - System Development Fund - Park Projects - parks master plan \$28,750
  - System Development Fund - Water Projects - AMR Project \$115,328
  - Sewer Fund - WWTF Equipment Replacement - UV system rebuild \$42,369
  - Water Fund - AMR Project \$97,652
  - Urban Renewal - Special Projects - Mill Street project \$2,805

FISCAL IMPACT:

None

ATTACHMENTS:

June 2015 Financial Report

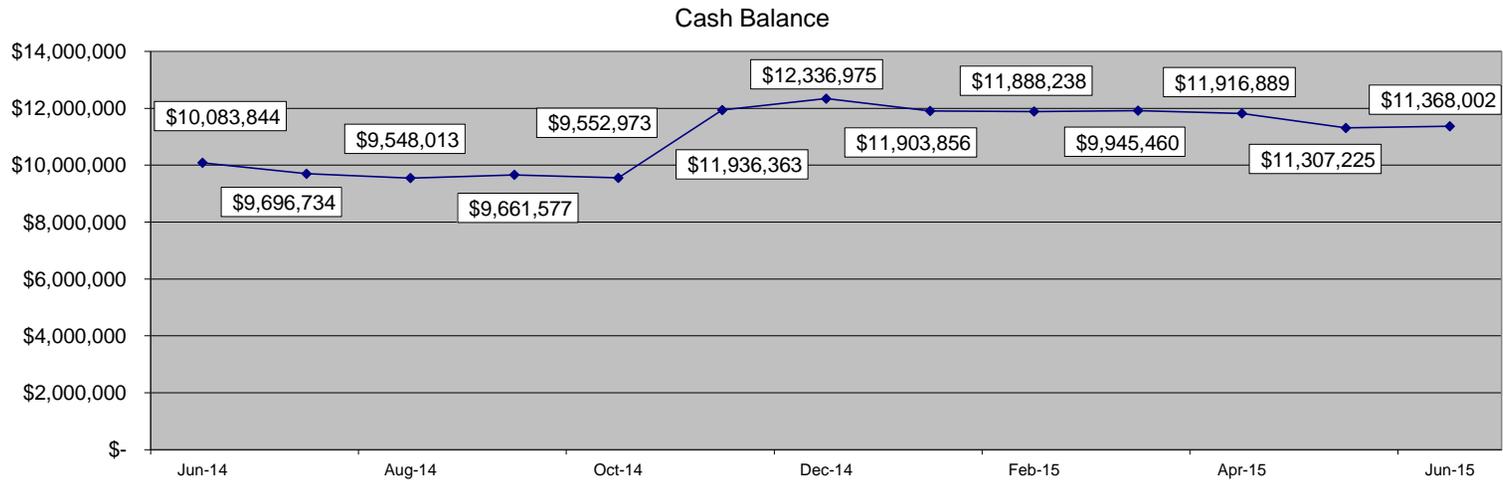


**Monthly Financials**  
**for the Month of**  
**June 2015**

**CITY OF DALLAS**  
**Cash Report**  
**For the Period Ending June 30, 2015**

Cash on hand	\$ 645
Cash in Investments	10,611,014
Cash in Bank	756,343
Total Cash Balance as of 6/30/2015	<u>\$ 11,368,002</u>

Restricted/Committed	\$ 7,379,097
Unrestricted	3,988,905
	<u>\$ 11,368,002</u>



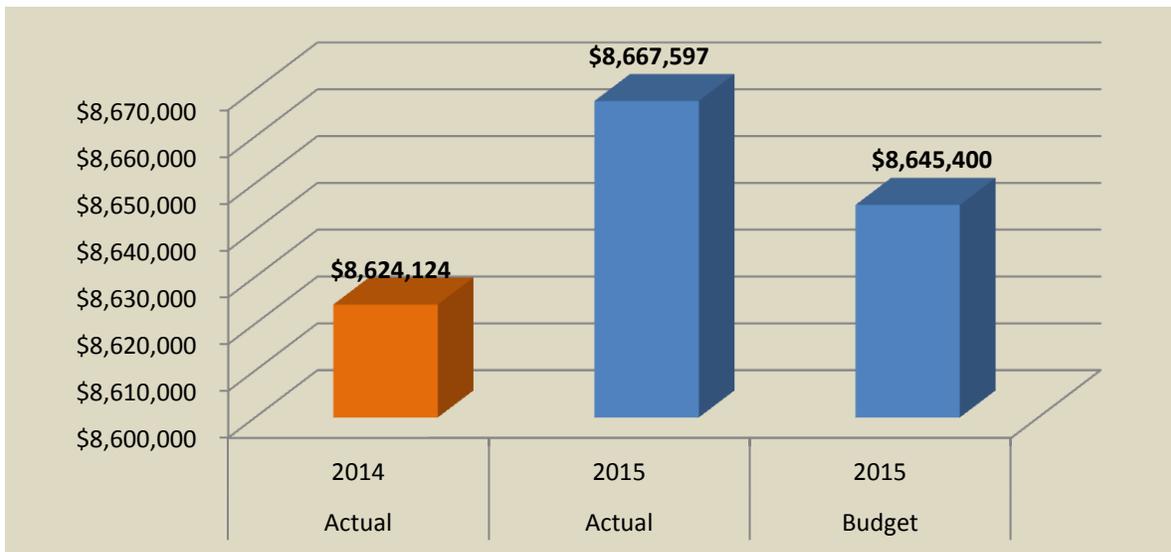
**Investment Breakdown**

	<u>Ending Bal</u>	<u>Interest YTD</u>
LGIP	\$ 9,432,290	\$ 41,784
Wells Fargo Savings	1,178,724	\$ 354
	<u>\$ 10,611,014</u>	<u>\$ 42,138</u>

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**General Fund Revenue**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
Licenses, Permits and Fees	\$ 1,717,701	\$ 1,586,092	\$ 1,419,500	\$ (166,592)	111.7%
Fines and Forfeitures	134,291	176,772	220,000	43,228	80.4%
Recreation Fees	456,544	465,639	485,000	19,361	96.0%
Library Fees	97,542	82,763	81,500	(1,263)	101.6%
Property Taxes	3,365,340	3,544,150	3,495,000	(49,150)	101.4%
Miscellaneous Taxes	225,700	196,167	231,000	34,833	84.9%
Franchise Fees	1,076,243	993,556	1,095,000	101,444	90.7%
Inter-governmental	190,181	178,356	192,000	13,644	92.9%
Miscellaneous Revenue	50,408	89,395	40,000	(49,395)	223.5%
Interest Earnings	14,237	15,053	15,000	(53)	100.4%
Transfers	1,295,939	1,339,653	1,371,400	31,747	97.7%
	<b>\$ 8,624,124</b>	<b>\$ 8,667,597</b>	<b>\$ 8,645,400</b>	<b>\$ (22,197)</b>	<b>100.3%</b>

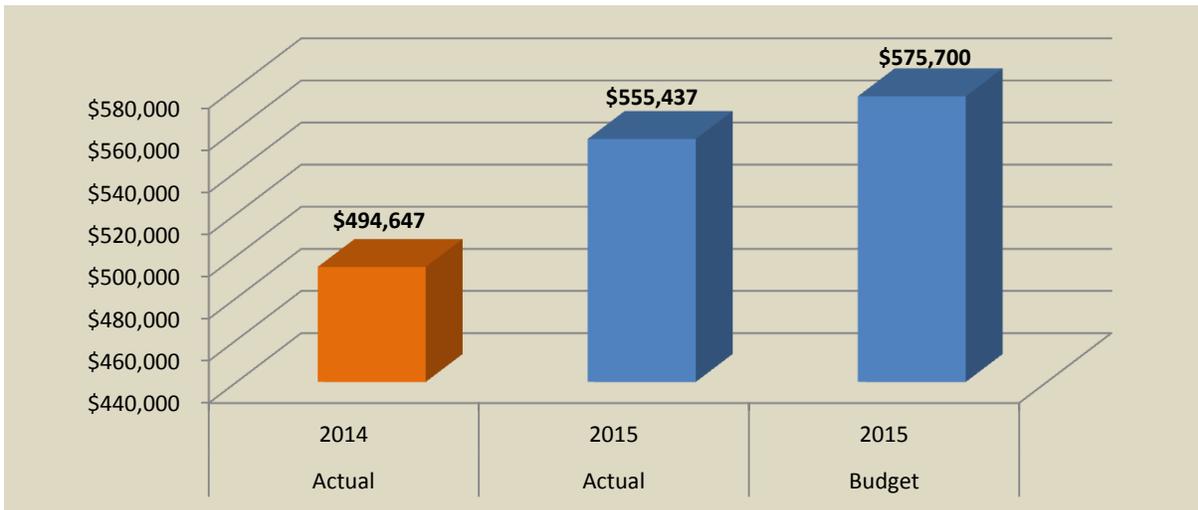


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Administration**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 368,359	\$ 411,600	\$ 404,000	\$ (7,600)	101.9%
Materials and Supplies	126,288	143,837	171,700	27,863	83.8%
	<b>\$ 494,647</b>	<b>\$ 555,437</b>	<b>\$ 575,700</b>	<b>\$ 20,263</b>	<b>96.5%</b>

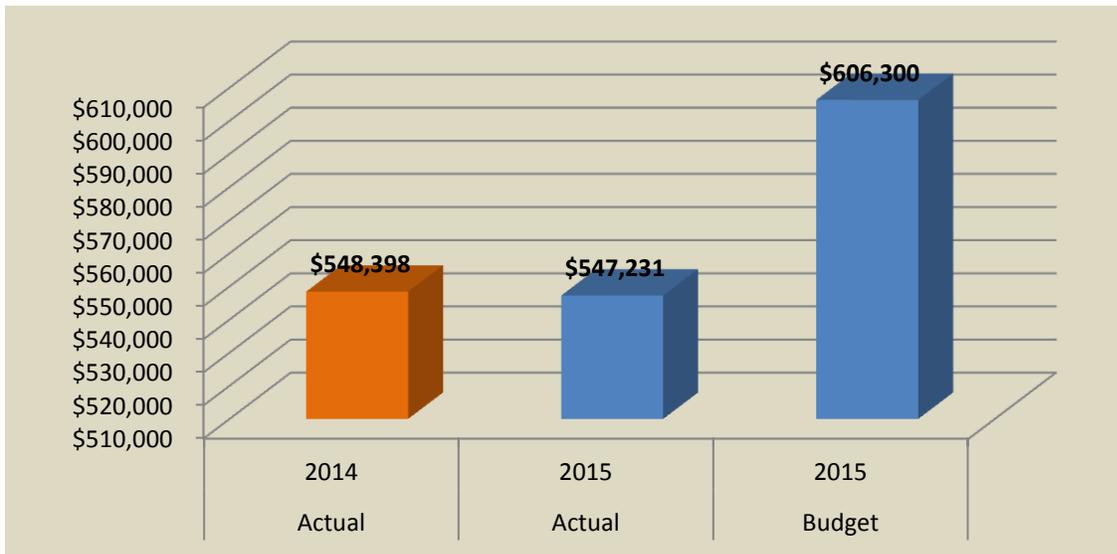


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Finance**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 349,069	\$ 342,665	\$ 384,000	\$ 41,335	89.2%
Materials and Supplies	199,329	204,566	222,300	17,734	92.0%
	<b>\$ 548,398</b>	<b>\$ 547,231</b>	<b>\$ 606,300</b>	<b>\$ 59,069</b>	<b>90.3%</b>

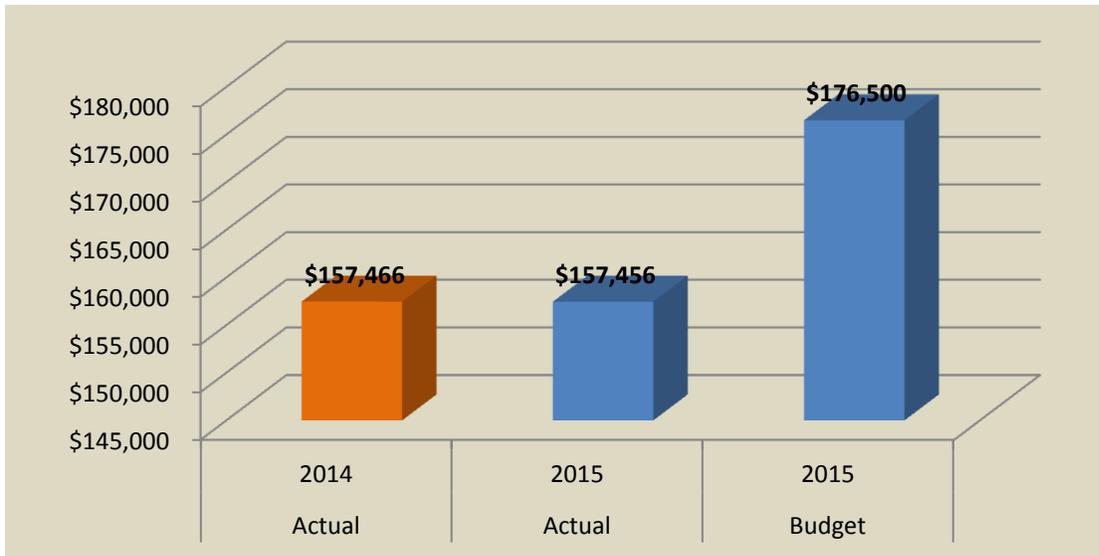


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Facilities**

Description	Year-to-Date		Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015	Actual 2015	Budget 2015			
Personnel Services	\$ 105,083	\$ 104,224	\$ 104,224	\$ 111,000	\$ 6,776	93.9%	
Materials and Supplies	52,384	53,232	53,232	65,500	12,268	81.3%	
	<b>\$ 157,466</b>	<b>\$ 157,456</b>	<b>\$ 157,456</b>	<b>\$ 176,500</b>	<b>\$ 19,044</b>	<b>89.2%</b>	

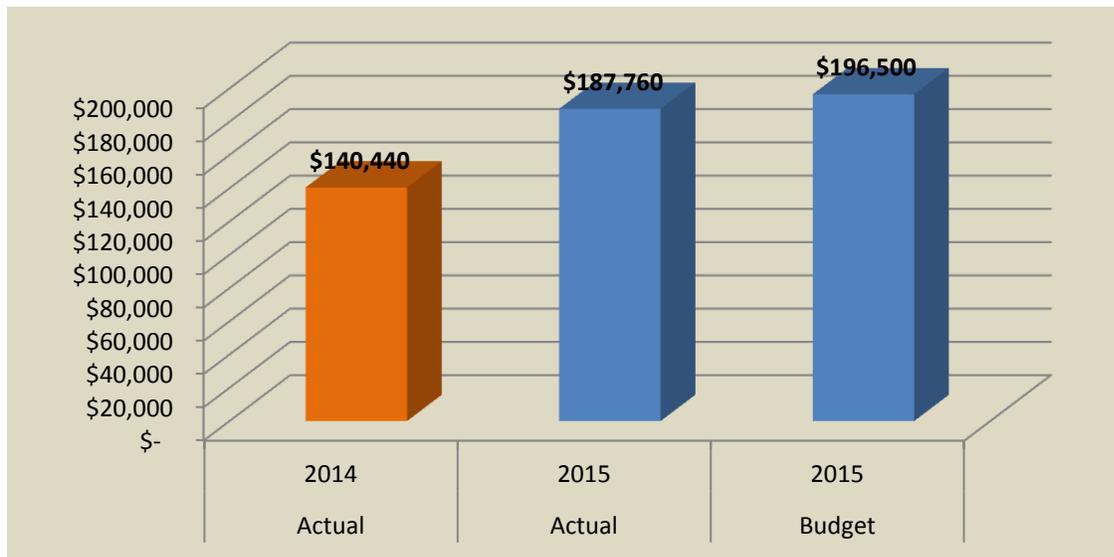


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Municipal Court**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 103,471	\$ 88,709	\$ 100,000	\$ 11,291	88.7%
Materials and Supplies	36,969	99,051	96,500	(2,551)	102.6%
	<b>\$ 140,440</b>	<b>\$ 187,760</b>	<b>\$ 196,500</b>	<b>\$ 8,740</b>	<b>95.6%</b>

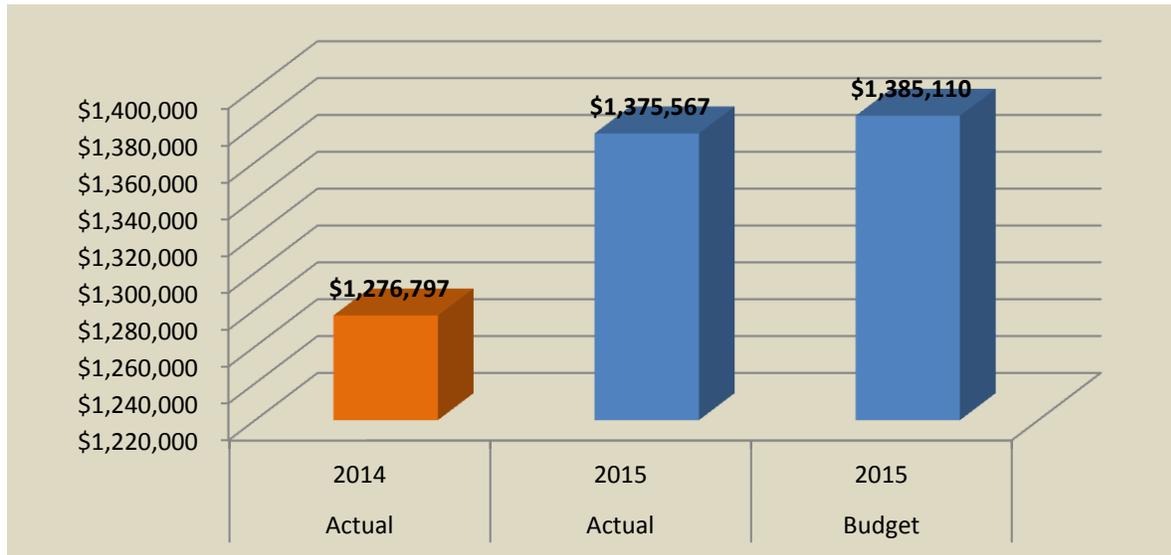


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Ambulance**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 902,343	\$ 992,336	\$ 997,000	\$ 4,664	99.5%
Materials and Supplies	307,152	312,421	317,300	4,879	98.5%
Debt Service	37,303	40,810	40,810	-	100.0%
Transfers	30,000	30,000	30,000	-	100.0%
	<b>\$ 1,276,797</b>	<b>\$ 1,375,567</b>	<b>\$ 1,385,110</b>	<b>\$ 9,543</b>	<b>99.3%</b>

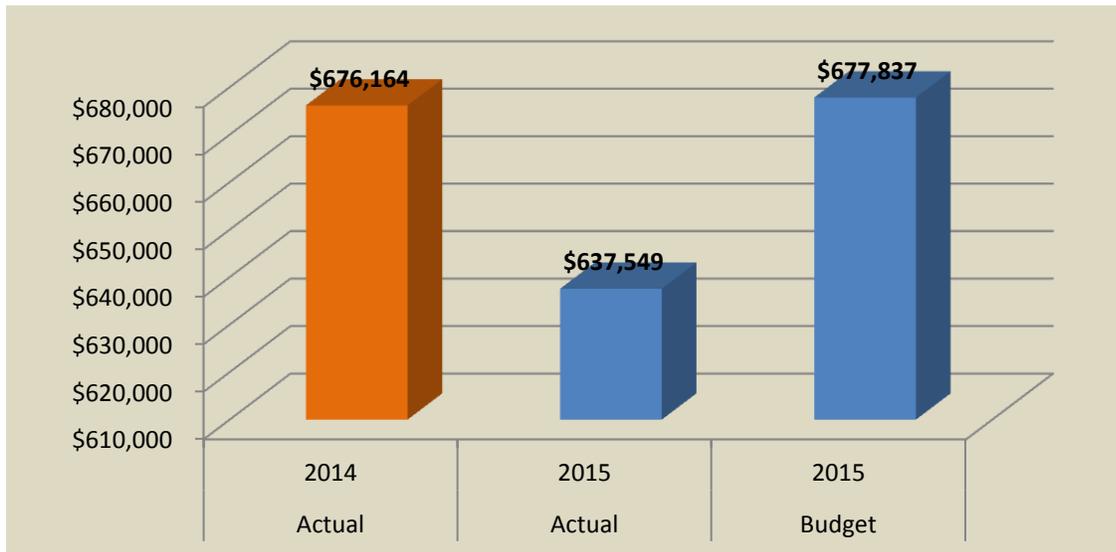


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Fire**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 368,677	\$ 281,787	\$ 265,000	\$ (16,787)	106.3%
Materials and Supplies	278,087	326,362	358,500	32,138	91.0%
Debt Service	-	-	24,937	24,937	0.0%
Transfers	29,400	29,400	29,400	-	100.0%
	<b>\$ 676,164</b>	<b>\$ 637,549</b>	<b>\$ 677,837</b>	<b>\$ 40,288</b>	<b>94.1%</b>

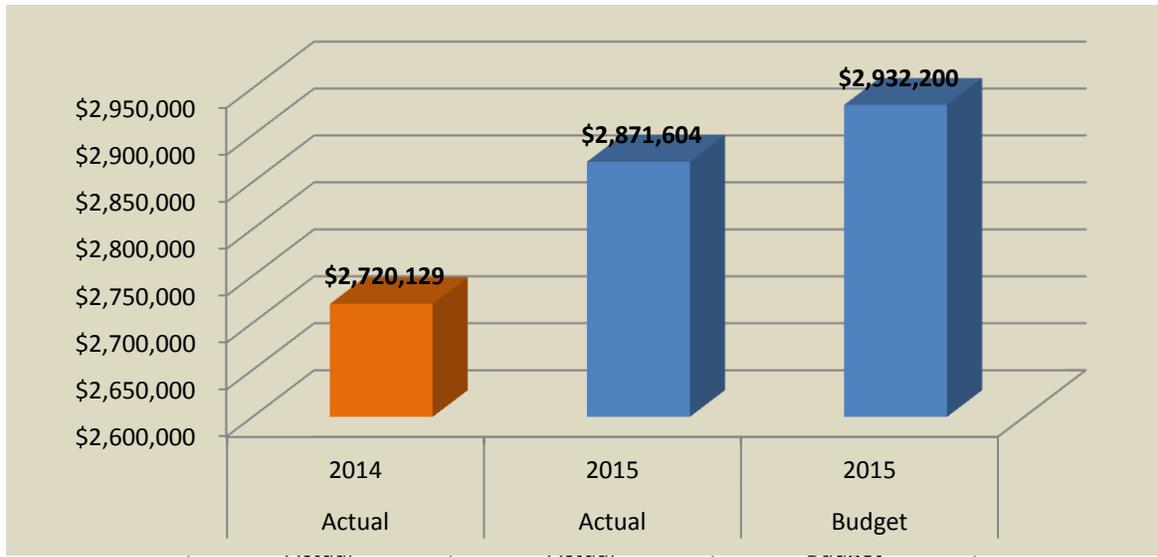


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Police**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 2,303,708	\$ 2,423,775	\$ 2,444,000	\$ 20,225	99.2%
Materials and Supplies	389,421	406,829	447,200	40,371	91.0%
Transfers	27,000	41,000	41,000	-	100.0%
	<b>\$ 2,720,129</b>	<b>\$ 2,871,604</b>	<b>\$ 2,932,200</b>	<b>\$ 60,596</b>	<b>97.9%</b>

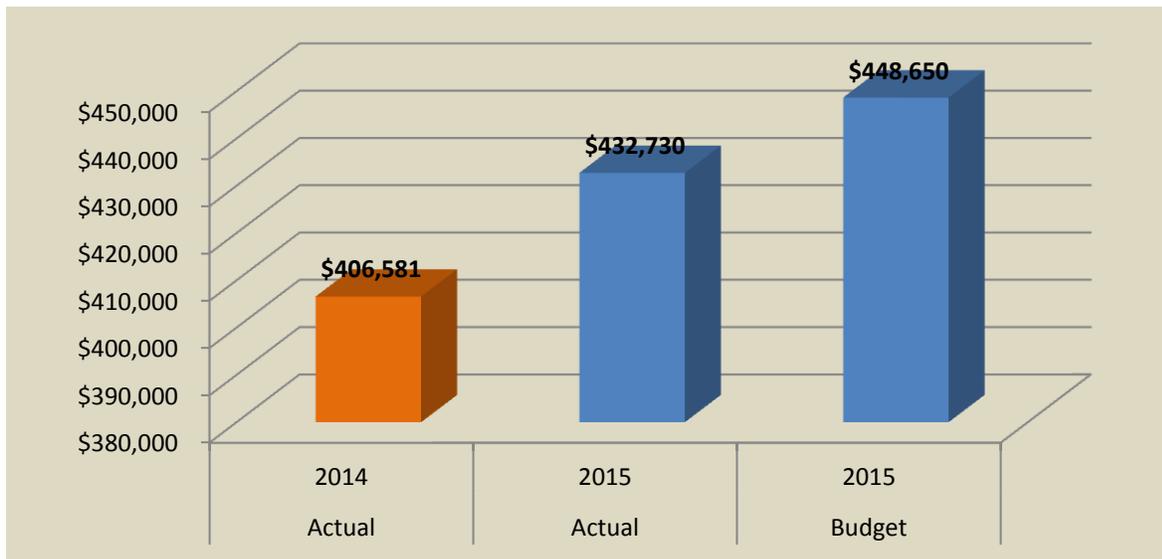


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Library**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 338,275	\$ 363,214	\$ 366,000	\$ 2,786	99.2%
Materials and Supplies	68,305	69,516	82,650	13,134	84.1%
	<b>\$ 406,581</b>	<b>\$ 432,730</b>	<b>\$ 448,650</b>	<b>\$ 15,920</b>	<b>96.5%</b>

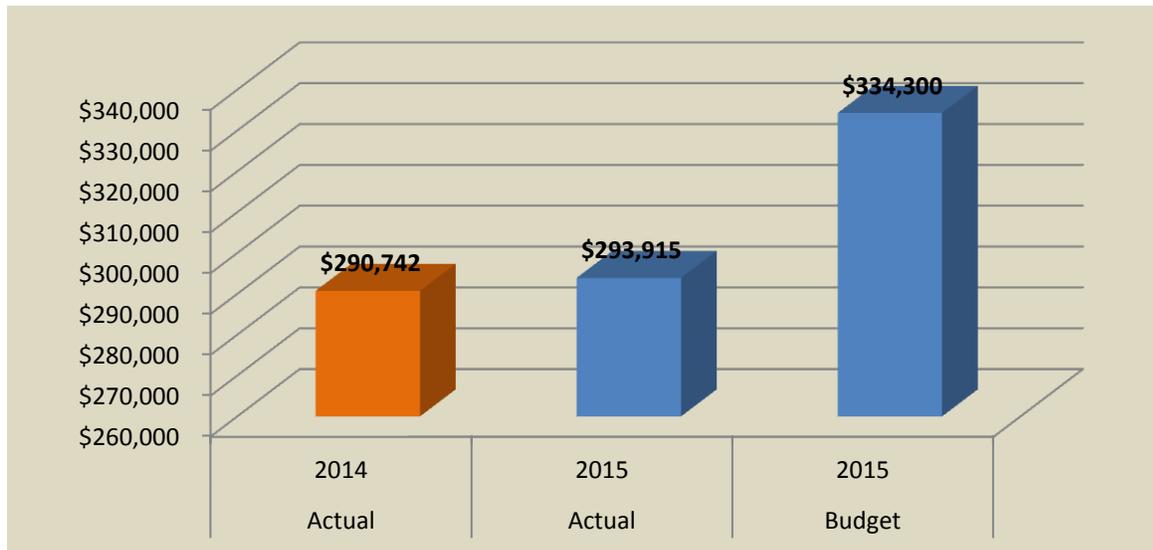


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Parks**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 210,195	\$ 222,905	\$ 220,000	\$ (2,905)	101.3%
Materials and Supplies	75,546	62,710	106,000	43,290	59.2%
Transfers	5,000	8,300	8,300	-	100.0%
	<b>\$ 290,742</b>	<b>\$ 293,915</b>	<b>\$ 334,300</b>	<b>\$ 40,385</b>	<b>87.9%</b>

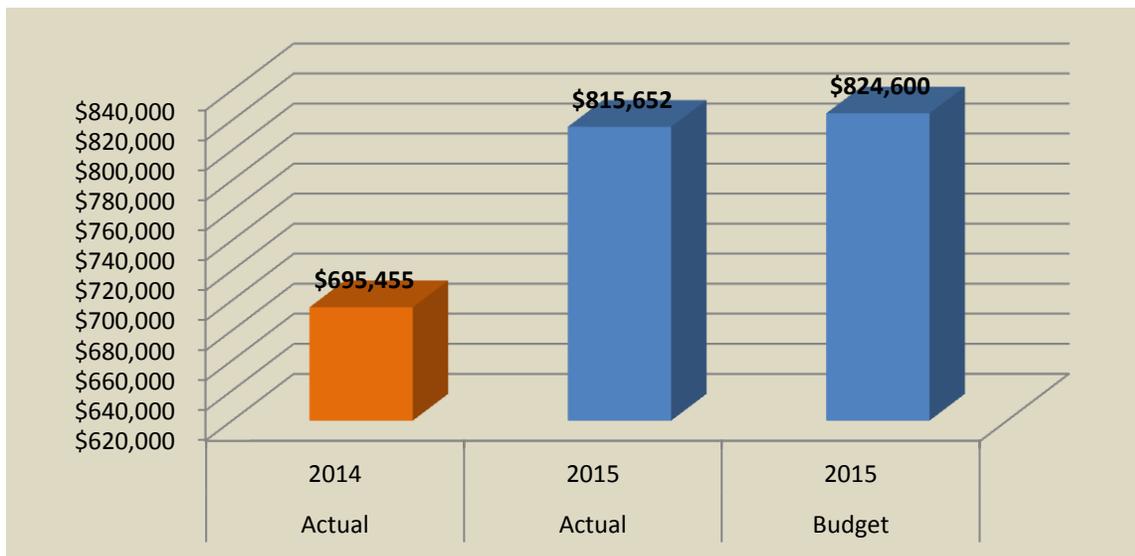


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Aquatic Center**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 418,661	\$ 459,137	\$ 467,000	\$ 7,863	98.3%
Materials and Supplies	276,794	306,516	307,600	1,084	99.6%
Transfers	-	50,000	50,000	-	100.0%
	<b>\$ 695,455</b>	<b>\$ 815,652</b>	<b>\$ 824,600</b>	<b>\$ 8,948</b>	<b>98.9%</b>

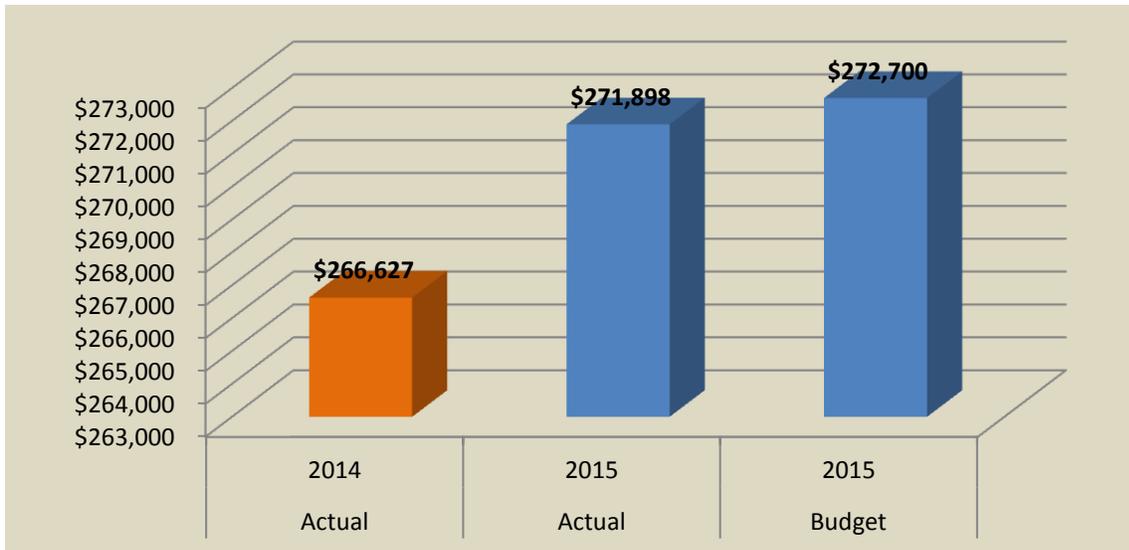


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Building Inspections**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 249,746	\$ 251,283	\$ 253,000	\$ 1,717	99.3%
Materials and Supplies	16,881	16,615	15,700	(915)	105.8%
Transfers	-	4,000	4,000	-	100.0%
	<b>\$ 266,627</b>	<b>\$ 271,898</b>	<b>\$ 272,700</b>	<b>802</b>	<b>99.7%</b>

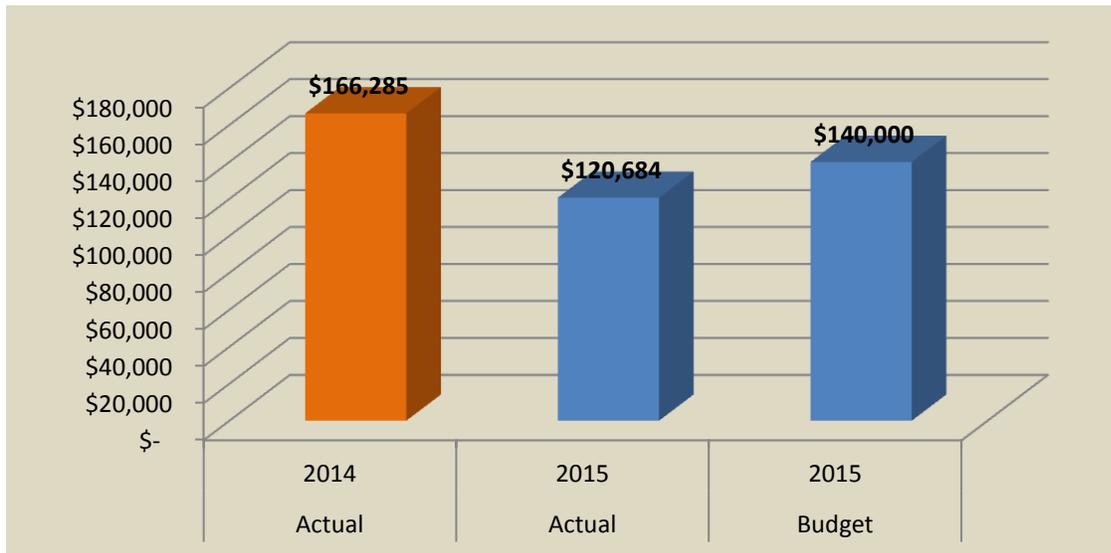


**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Planning**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
Personnel Services	\$ 144,310	\$ 98,740	\$ 97,000	\$ (1,740)	101.8%
Materials and Supplies	18,575	18,544	39,600	21,056	46.8%
Transfers	3,400	3,400	3,400	-	100.0%
	<b>\$ 166,285</b>	<b>\$ 120,684</b>	<b>\$ 140,000</b>	<b>\$ 19,316</b>	<b>86.2%</b>



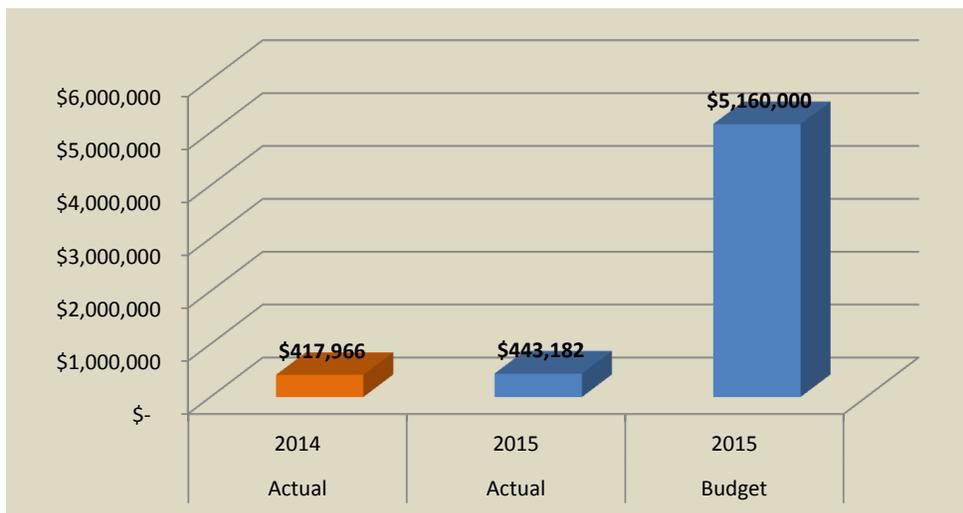
**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

Department: System Development Fund

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Streets SDC	\$ 62,886	\$ 81,680	\$ 50,000	\$ (31,680)	163.4%
Parks SDC	122,910	137,484	100,000	(37,484)	137.5%
Water SDC	219,746	247,678	175,000	(72,678)	141.5%
Sewer SDC	222,550	258,922	175,000	(83,922)	148.0%
Storm Water SDC	49,288	57,396	40,000	(17,396)	143.5%
Transfers	175,066	95,000	95,000	-	100.0%
	<b>\$ 852,445</b>	<b>\$ 878,160</b>	<b>\$ 635,000</b>	<b>\$ (243,160)</b>	<b>138.3%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Street SDC Projects	\$ 191,488	\$ -	\$ 290,000	\$ 290,000	0.0%
Park SDC Projects	-	110,878	365,000	254,122	30.4%
Water SDC Projects	-	247,351	515,000	267,649	0.0%
Sewer SDC Projects	196,478	4	3,870,000	3,869,996	0.0%
Storm Water SDC Projects	30,000	84,949	120,000	35,051	70.8%
	<b>\$ 417,966</b>	<b>\$ 443,182</b>	<b>\$ 5,160,000</b>	<b>\$ 4,716,818</b>	<b>8.6%</b>



**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Streets**

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Highway Reimbursement & Appropriations	\$ 1,010,203	\$ 999,264	\$ 1,095,000	\$ 95,736	91.3%
Miscellaneous Revenue and Interest	68,435	6,695	5,000	(1,695)	133.9%
	<b>\$ 1,078,638</b>	<b>\$ 1,005,959</b>	<b>\$ 1,100,000</b>	<b>\$ 94,041</b>	<b>91.5%</b>

Description	Year-to-Date	Year-to-Date	Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Personnel Services	\$ 284,656	\$ 282,898	\$ 302,000	\$ 19,102	93.7%
Materials and Supplies	263,351	236,545	306,700	70,155	77.1%
Capital Outlay	318,730	51,271	496,250	444,979	10.3%
Transfers	80,000	83,500	83,500	-	100.0%
	<b>\$ 946,737</b>	<b>\$ 654,214</b>	<b>\$ 1,188,450</b>	<b>\$ 534,236</b>	<b>55.0%</b>

Capital Expenditures:

Contractual Overlays - \$350,000  
Sidewalks - \$20,000  
Equipment - \$51,250



**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

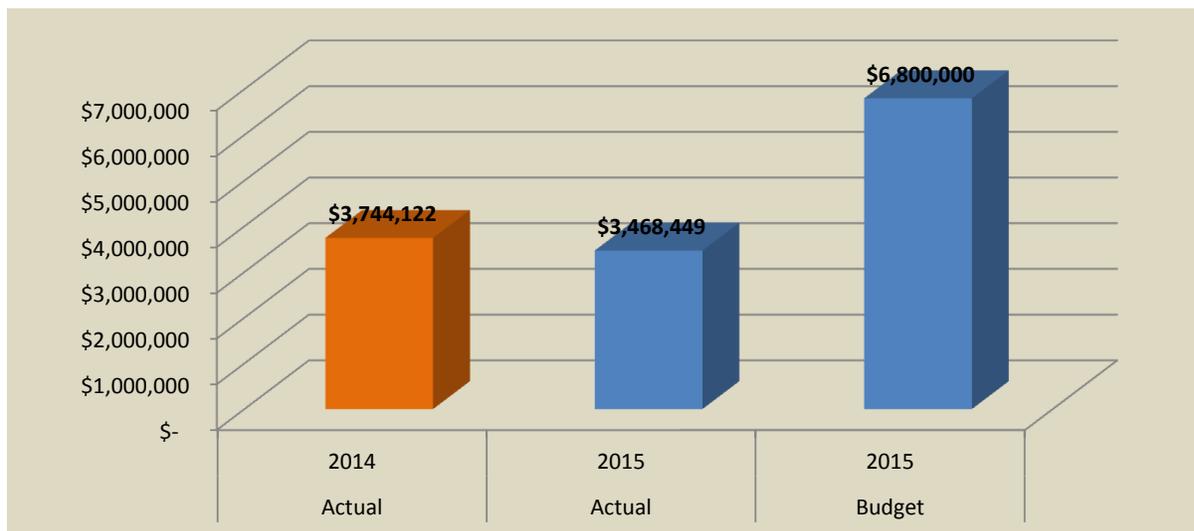
Department: Sewer

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Service Charges and Hook Up Fees	\$ 3,026,851	\$ 3,141,744	\$ 3,140,000	\$ (1,744)	100.1%
Miscellaneous Revenue and Interest	359,606	148,765	2,340,000	\$ 2,191,235	6.4%
	<b>\$ 3,386,458</b>	<b>\$ 3,290,509</b>	<b>\$ 5,480,000</b>	<b>\$ 2,189,491</b>	<b>60.0%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Personnel Services	\$ 585,886	\$ 597,290	\$ 617,000	\$ 19,710	96.8%
Materials and Supplies	1,003,696	1,107,322	1,128,000	20,678	98.2%
Capital Outlay	591,005	185,686	866,250	680,564	21.4%
Transfers	559,000	580,000	580,000	-	100.0%
Debt Service	1,004,534	998,150	3,608,750	2,610,600	27.7%
	<b>\$ 3,744,122</b>	<b>\$ 3,468,449</b>	<b>\$ 6,800,000</b>	<b>\$ 3,331,551</b>	<b>51.0%</b>

Capital Expenditures:

- Equipment - \$16,250
- Rickereall Crk Interceptor CIP - \$500,000
- Siphon Replacement - \$100,000
- I & I - \$50,000
- Pump Station Upgrade - \$100,000
- WWTF Equipment Replacement - \$50,000
- Sewer Replacement Projects - \$50,000



**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

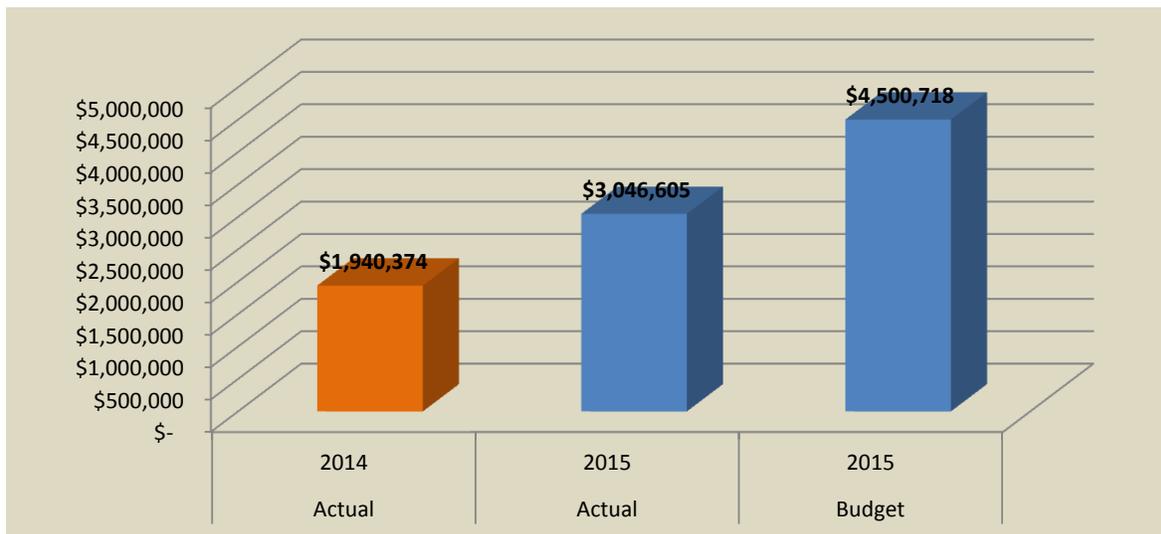
Department: Water

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Service Charges and Connection Fees	\$ 2,088,423	\$ 2,263,294	\$ 2,255,000	\$ (8,294)	100.4%
Miscellaneous Revenue and Interest	100,918	1,197,098	4,085,000	2,887,902	29.3%
	<b>\$ 2,189,341</b>	<b>\$ 3,460,392</b>	<b>\$ 6,340,000</b>	<b>\$ 2,879,608</b>	<b>54.6%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Personnel Services	\$ 393,706	\$ 402,712	\$ 422,000	\$ 19,288	95.4%
Materials and Supplies	702,904	719,439	744,500	25,061	96.6%
Capital Outlay	61,796	1,128,242	2,216,250	1,088,008	50.9%
Transfers	347,967	445,000	445,000	-	100.0%
Debt Service	434,000	351,212	672,968	321,756	52.2%
	<b>\$ 1,940,374</b>	<b>\$ 3,046,605</b>	<b>\$ 4,500,718</b>	<b>\$ 1,454,113</b>	<b>67.7%</b>

Capital Expenditures:

- Equipment - \$16,250
- WTP Weir Replacement - \$50,000
- Land Acquisition - \$800,000
- Transmission Water Line - \$100,000
- AMR Project- \$1,200,000
- Water Line Replacement Project - \$50,000



100.00% Through the Fiscal Year

**City of Dallas**  
**Monthly Financials**  
**June 2015**

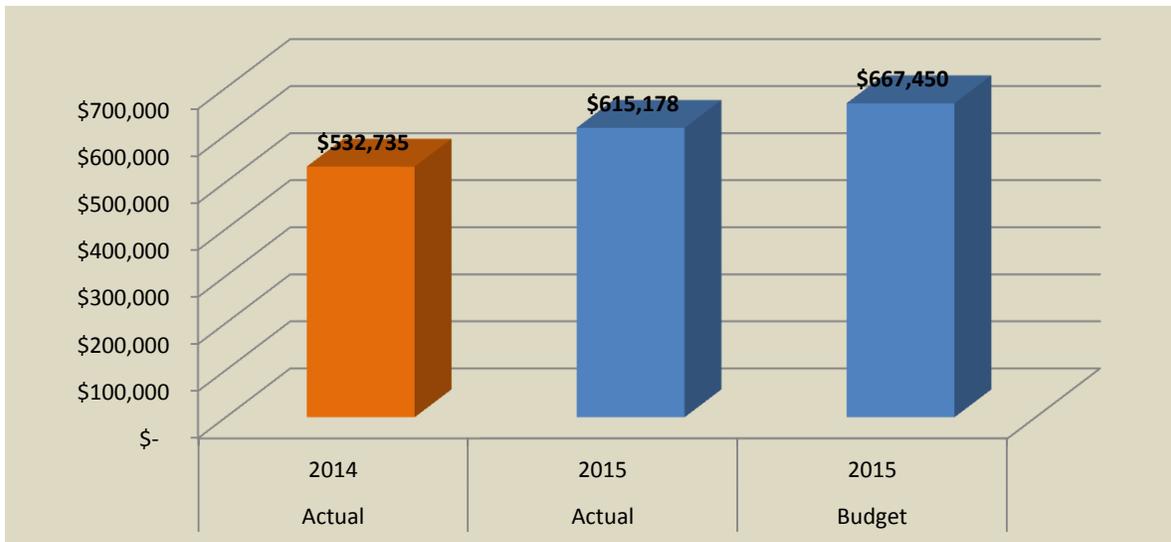
Department: Fleet

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Service Charges and Total Care	\$ 444,393	\$ 529,688	\$ 495,000	\$ (34,688)	107.0%
Miscellaneous Revenue	79,800	104,600	104,600	-	100.0%
	<b>\$ 524,193</b>	<b>\$ 634,288</b>	<b>\$ 599,600</b>	<b>\$ (34,688)</b>	<b>105.8%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Personnel Services	\$ 195,563	\$ 203,450	\$ 211,000	\$ 7,550	96.4%
Materials and Supplies	200,187	175,685	215,200	39,515	81.6%
Capital Outlay	56,985	156,043	161,250	5,207	96.8%
Transfers	80,000	80,000	80,000	-	100.0%
	<b>\$ 532,735</b>	<b>\$ 615,178</b>	<b>\$ 667,450</b>	<b>\$ 52,272</b>	<b>92.2%</b>

Capital Expenditures:

Equipment - \$41,250  
 Vehicles - \$90,000 (Police, Planning)  
 Building Improvements - \$30,000



100.00% Through the Fiscal Year

**City of Dallas**  
**Monthly Financials**  
**June 2015**

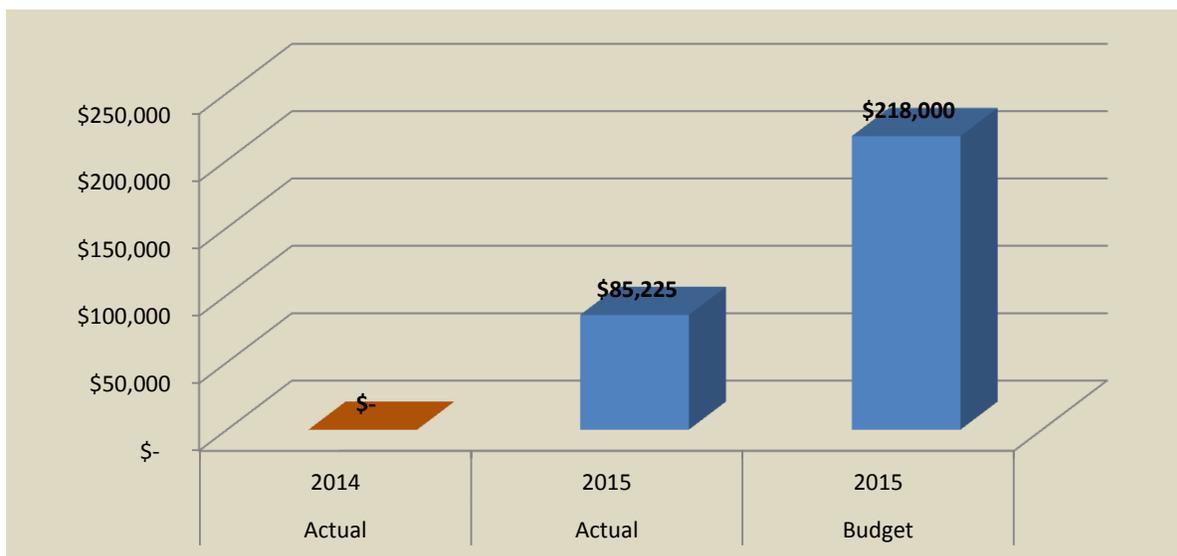
**Department: Capital Projects**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Transfers	\$ -	\$ 218,000	\$ 218,000	\$ -	100.0%
	<b>\$ -</b>	<b>\$ 218,000</b>	<b>\$ 218,000</b>	<b>\$ -</b>	<b>100.0%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Capital Outlay	-	85,225	218,000	132,775	39.1%
	<b>\$ -</b>	<b>\$ 85,225</b>	<b>\$ 218,000</b>	<b>\$ 132,775</b>	<b>39.1%</b>

General Fund Capital Projects:

- Fire Department - \$24,000 match for training facility grant
- Aquatic Center - \$12,000 upgrade chemical feed controllers
- Police Department - \$8,000 tasers; \$15,000 storage improvements
- Library - \$14,000 furniture and building upgrades
- Parks - \$75,000 restroom rehab
- Finance/Court - \$15,000 vault filing system upgrades
- Facilities - \$7,000 replace upstairs flooring



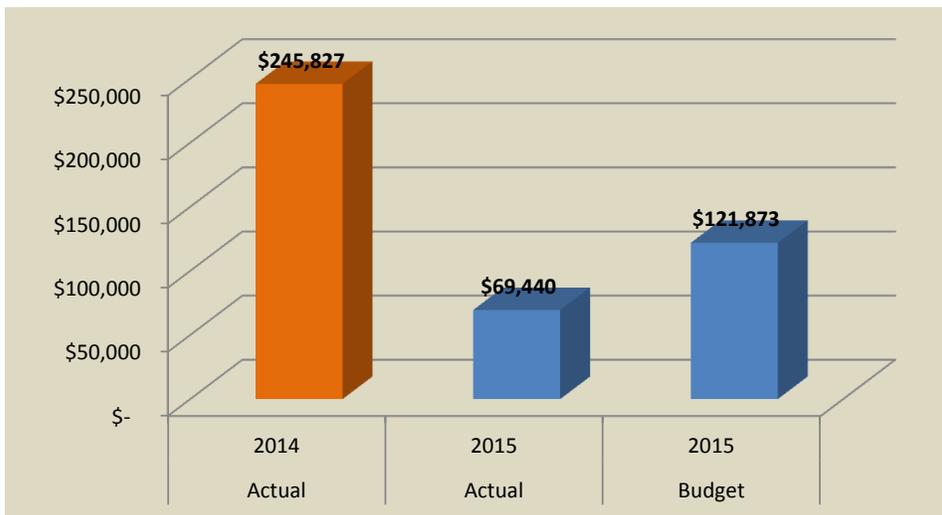
**100.00% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Trust Fund**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Fire and Ambulance	\$ 29,684	\$ 44,604	\$ 29,500	\$ (15,104)	151.2%
Miscellaneous	591	791	500	(291)	158.2%
Economic Development	20,000	17,000	20,000	3,000	85.0%
Park	3,069	320	3,000	2,680	10.7%
Library	26,074	13,065	20,000	6,935	65.3%
	<b>\$ 79,418</b>	<b>\$ 75,780</b>	<b>\$ 73,000</b>	<b>\$ (2,780)</b>	<b>103.8%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Fire and Ambulance	\$ 32,483	\$ 34,558	\$ 67,048	\$ 32,490	51.5%
Miscellaneous	1,732	159	1,325	1,166	12.0%
Economic Development	28,419	19,003	23,500	4,497	80.9%
Park	1,868	397	8,000	7,604	5.0%
Library	16,598	15,323	22,000	6,677	69.7%
Transfers	164,727	-	-	-	0.0%
	<b>\$ 245,827</b>	<b>\$ 69,440</b>	<b>\$ 121,873</b>	<b>\$ 52,433</b>	<b>57.0%</b>



**100.00% Through the Fiscal Year**

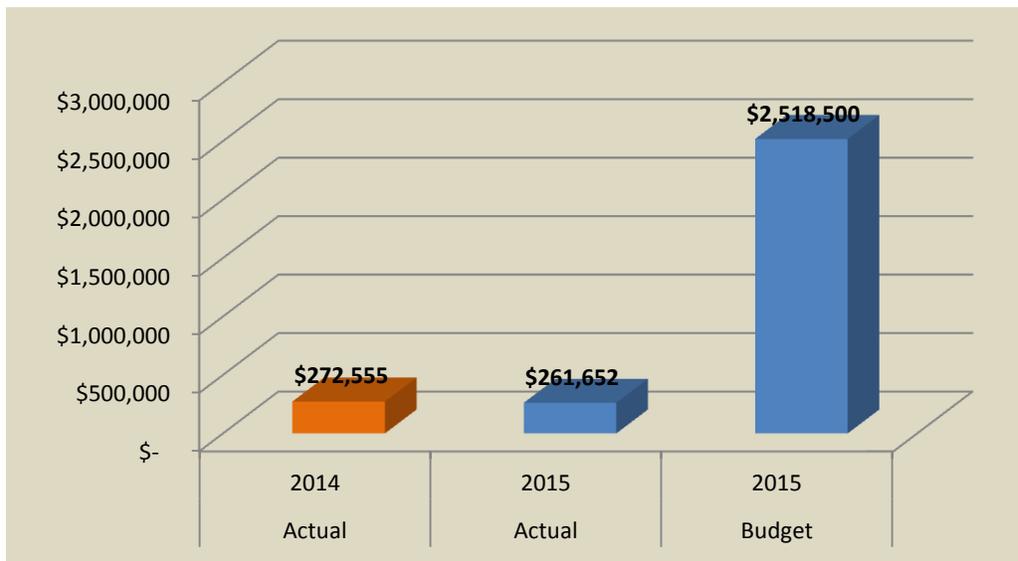
**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: Grant Fund**

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2014	Actual 2015			
<b>Revenue</b>					
Police	\$ 5,393	\$ 7,203	\$ 3,000	\$ (4,203)	240.1%
Fire	-	2,209	411,000	408,791	0.5%
Parks and Trails	-	500	550,000	549,500	0.1%
Miscellaneous	24,731	162,137	1,503,000	1,340,863	10.8%
	<b>\$ 30,124</b>	<b>\$ 172,049</b>	<b>\$ 2,467,000</b>	<b>\$ 2,294,951</b>	<b>7.0%</b>

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Spent
	Actual 2014	Actual 2015			
<b>Expenditures</b>					
Police	\$ -	\$ 34,576	\$ 54,000	\$ 19,424	64.0%
Fire	136,025	2,000	411,000	409,000	0.5%
Parks and Trails	134,085	62,940	550,000	487,060	11.4%
Miscellaneous	2,446	162,136	1,503,500	2,803	10.8%
	<b>\$ 272,555</b>	<b>\$ 261,652</b>	<b>\$ 2,518,500</b>	<b>\$ 918,287</b>	<b>10.4%</b>

Grant Projects: Police - vests, misc.  
 Fire - training facility  
 Parks and Trails - Rickreall Crk Trail System  
 Miscellaneous - CDBG; Ready to Read



**100.00% Through the Fiscal Year**

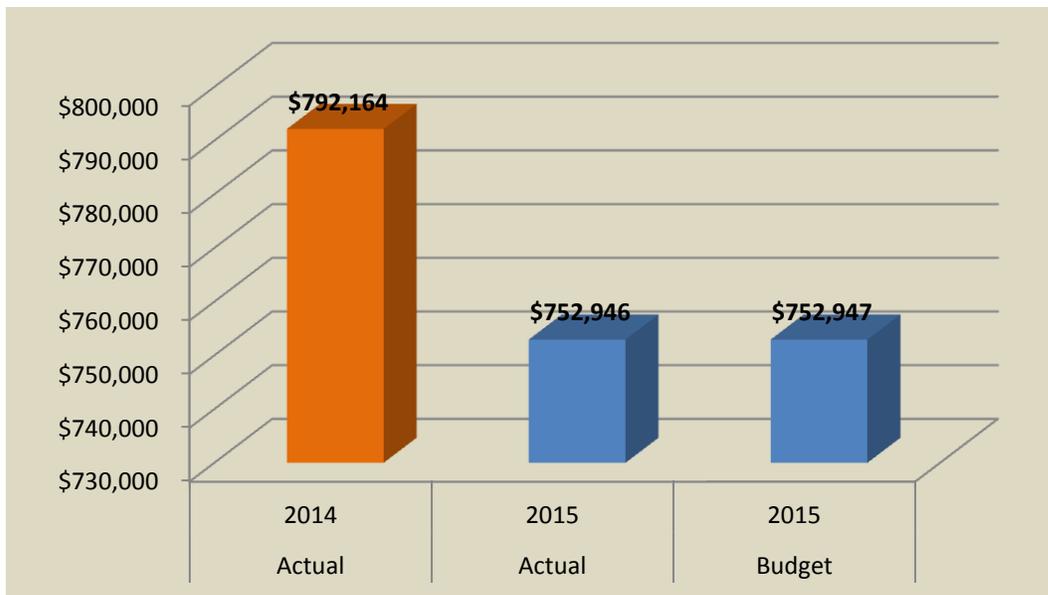


**City of Dallas**  
**Monthly Financials**  
**June 2015**

**Department: General Obligation and Long Term Debt Funds**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
<b>Revenue</b>					
Property Taxes	\$ 715,697	\$ 680,547	\$ 670,000	\$ (10,547)	101.6%
Transfers	109,625	112,993	112,994	1	100.0%
	<b>\$ 825,322</b>	<b>\$ 793,540</b>	<b>\$ 782,994</b>	<b>\$ (10,546)</b>	<b>101.3%</b>

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
<b>Expenditures</b>					
Principal	\$ 585,000	\$ 575,000	\$ 575,000	\$ -	100.0%
Interest	207,164	177,946	177,947	1	100.0%
	<b>\$ 792,164</b>	<b>\$ 752,946</b>	<b>\$ 752,947</b>	<b>\$ 1</b>	<b>100.0%</b>



**100.00% Through the Fiscal Year**

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 11a</b>	<b>Topic:</b> Ordinance 1783
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1783 to a second reading.

**BACKGROUND:** This Ordinance was recommended to the Council by the Public Works Committee, and clarifies the definition of sidewalks.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Ordinance 1783

### **3.500 Definitions.**

For purposes of sections [3.505](#) to [3.535](#), the following definitions shall apply:

- (1) "Owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Polk County assessor.
- (2) "Sidewalk" means the concrete, asphalt, brick, paving stone or other hard surface area between the back of the curb and the owner's property line.

ORDINANCE NO. 1783

An Ordinance amending Dallas City Code Section 3.500, relating to sidewalks.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 3.500 is hereby amended and restated in its entirety as follows:

**3.500 Definitions.**

For purposes of sections [3.505](#) to [3.535](#), the following definitions shall apply:

(1) "Owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Polk County assessor.

(2) "Sidewalk" means the concrete, asphalt, brick, paving stone or other hard surface area between the back of the curb and the owner's property line.

Read for the first time: July 20, 2015  
Read for the second time: August 3, 2015  
Adopted by the City Council: August 3, 2015  
Approved by the Mayor: August 3, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY



# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 11b</b>	<b>Topic:</b> Ordinance 1784
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1784 to a second reading.

**BACKGROUND:** This Ordinance was recommended to the Council by the Public Works Committee, and clarifies the responsibility of the adjoining property owner to maintain above ground stormwater facilities (rain gardens) where applicable..

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Ordinance 1784

#### **4.354 Property Owner Responsibility.**

(1) A property owner shall be responsible for the installation and maintenance of piping, plumbing, and equipment on the owner's premises connected to the storm sewer system, and for keeping all surface storm sewer facilities, including rain gardens, between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

(2) The city shall not be liable for loss or damage of any nature whatsoever, caused by any defect in the property owner's piping, plumbing, or equipment or failure to keep surface storm sewer facilities, including rain gardens, located between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

~~(3)~~ The city shall not be liable or responsible to the property owner or any person or persons claiming by, through, or under the owner for loss or damage occasioned by arising from an interruption in the service provided by the storm sewer or for loss or damage occasioned by or due to accident, breakdown, washout, or other causes that are unavoidable or beyond the reasonable control of the city.

ORDINANCE NO. 1784

An Ordinance amending Dallas City Code Section 4.354, relating to property owner responsibility for maintenance of storm sewer facilities.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 4.354 is hereby amended and restated in its entirety as follows:

**4.354 Property Owner Responsibility.**

(1) A property owner shall be responsible for the installation and maintenance of piping, plumbing, and equipment on the owner's premises connected to the storm sewer system, and for keeping all surface storm sewer facilities, including rain gardens, between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

(2) The city shall not be liable for loss or damage of any nature whatsoever, caused by any defect in the property owner's piping, plumbing, or equipment or failure to keep surface storm sewer facilities, including rain gardens, located between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

(3) The city shall not be liable or responsible to the property owner or any person or persons claiming by, through, or under the owner for loss or damage occasioned by arising from an interruption in the service provided by the storm sewer or for loss or damage occasioned by or due to accident, breakdown, washout, or other causes that are unavoidable or beyond the reasonable control of the city.

Read for the first time: July 20, 2015  
Read for the second time: August 3, 2015  
Adopted by the City Council: August 3, 2015  
Approved by the Mayor: August 3, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY

# DALLAS CITY COUNCIL

## STAFF REPORT

**TO: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 12a</b>	<b>Topic:</b> Amendment to Dangerous Building Ord.
<b>Prepared By:</b> Tom Simpson, Chief of Police	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b>		

**RECOMMENDED ACTION:**

Adopt Ordinance 1782.

**BACKGROUND:**

The Dangerous Building Ordinance, §8.445 currently provides language for Summary Abatement should a building be considered “unmistakably dangerous and imminently endanger human life or property.” However, there is currently no language which articulates Notice to the building occupants or owner related to abatement actions, nor a time period relative to said Notice. The proposed change amends the language of subsection (1) and adds subsection (2) and (3), thereby addressing requirements related to Notice and the associated time periods.

This matter was brought before the Public Safety Committee on June 22, 2015 and was approved to move forward for consideration by the full Council.

In the last sentence of Section (2) of the code section, the phrase, “has actual knowledge” in this ordinance replaces “is aware” in the version placed for first reading on July 6.

**FISCAL IMPACT:**

Staff time only.

**DALLAS 2030 VISION IMPACT:**

Our Community & Identity: 1k - - neighborhoods are clean, safe, friendly and livable places.

**ATTACHMENTS:** Ordinance 1782

ORDINANCE NO. 1782

An Ordinance amending Dallas City Code Section 8.445, relating to dangerous buildings.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 8.445 is hereby amended and restated in its entirety as follows:

**8.445 Summary Abatement.**

(1) The procedures of sections 8.400 to 8.455 need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the city manager may summarily take whatever steps are necessary to eliminate the dangerous condition, subject to subsection (2), below.

(2) Except in case of an emergency that, in the city manager's judgment, threatens immediate risk to human life, the city manager shall provide notice to the owners and occupants of the building of intent to take summary action at least three days prior to taking such action. Such notice shall include a description of the dangerous condition and the steps the city manager proposes to take to abate the condition. Notice shall be given in the manner most reasonably calculated to provide the owners and occupants with actual notice of such action under the circumstances, including personal delivery, mail and electronic mail, and written notice shall be affixed in a conspicuous place to the building or posted in a conspicuous place on the property. Notice to one owner shall be deemed notice to all owners and notice to one occupant shall be deemed notice to all occupants. If the city manager has actual knowledge of a person other than an owner or occupant who is responsible for the property, the city manager shall provide such responsible person with notice as provided in this section as well, and notice to such responsible person shall be deemed notice to the owners and occupants.

(3) If the city manager is unable, despite his or her reasonable efforts, to provide actual notice to the owner and occupants of the building, and any responsible person, such failure of the owners, occupants or responsible person to receive actual notice shall not limit the city manager's ability to exercise summary abatement under this section.

Read for the first time: July 6, 2015

Read for the second time: July 20, 2015

Adopted by the City Council: July 20, 2015  
Approved by the Mayor: July 20, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY