

DALLAS CITY COUNCIL
Monday, August 20, 2012
Council Chambers

The Dallas City Council met in regular session on Monday, August 20, 2012, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council members present: Council President Wes Scroggin, Councilor Jim Brown, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Absent: Councilor Jackie Lawson.

Also present were: Acting City Manager Kim Marr, City Attorney Lane Shetterly, Community Development and Operations Director Jason Locke, Deputy Chief of Police Tom Simpson, Finance Director Cecilia Ward, Director of Administrative Services Robert Spivey, Engineering and Environmental Services Director Fred Braun, and Recording Secretary Emily Gagner.

Mayor Dalton led the Pledge of Allegiance.

COMMENTS FROM THE AUDIENCE

Paul Trahan indicated he was speaking regarding agenda item 8a, the SDC Discount Program. He commented that the SDC discount was a great idea and it was spurring growth. He explained Fowler Homes would be building ten or more homes in Dallas because the SDC reduction helped them get to the price point they needed to be. He discussed the language in the resolution, noting it didn't speak to just limiting the SDC credit to single family detached homes, but rather new residential units. He suggested the staff misinterpreted the resolution when the permit was issued and charged them as if there was one hookup. He explained that subsequently, he received an invoice for almost \$12,000, which was a 5-6% hit to the bottom line, adding builders were lucky to get 7.5% out of a house. Mr. Trahan reported he sent a letter requesting that in this particular case, the SDC discount be applied and asked the Council to allow waiving that charge.

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center, reported that Summerfest was a very good event with great community participation. She thanked the Council for their support of the event and then thanked several staff members; specifically Jason Locke, Steve Faxon, Ron Lines, Steve Dankenbring, and Eriks Gabliks.

Tim Davis, a realtor at Windermere, indicated he worked with Fowler Homes. He stated when he heard of the issue before the Council, his first thought was to go to the Building Code to look at the definitions, but all he found was ambiguity. He commented that he understood the intent of the Committee when it drafted the motion because they mentioned single family detached homes, but noted he didn't see that anywhere in the action. He urged the Council to consider Mr. Trahan's appeal favorably because of the ambiguity of the resolution.

Nancie Rogers, a realtor at Windermere, stated she'd had a discussion regarding the SDC discount in her office and was at the meeting to reiterate what Mr. Davis and Mr. Trahan had said. She commented that in light of information she'd seen about potential development behind that area, she felt there would be a need for duplexes to facilitate housing for that potential project. She encouraged the Council to carefully review the matter.

PUBLIC HEARING

CONSENT AGENDA

It was moved by Councilor Scroggin and seconded by Councilor Wilson *to approve the Consent Agenda as presented.* The motion CARRIED UNANIMOUSLY.

Items approved by the Consent Agenda: a) the July 16, 2012, City Council meeting minutes; b) the August 13, 2012, special City Council meeting minutes; c) report of the July 23, 2012, Administrative Committee meeting; d) report of the July 23, 2012, Building and Grounds Committee Meeting; and e) recommend approval of OLCC application for a new outlet for C-Stop #7790.

ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

REPORTS OR COMMENTS FROM COUNCIL

Several Councilors thanked Ms. Pope for her efforts with Summerfest.

REPORTS FROM CITY MANAGER AND STAFF

SDC DISCOUNT PROGRAM

Mr. Locke explained that as Mr. Trahan indicated, there was an issue that arose as part of the SDC waiver program, noting the issue was encapsulated in the staff report. He asked the Council to clarify the intent of Resolution 3241. He provided as background the information that duplexes and single family dwellings were reviewed under the same building code so they were similar in that way. He noted staff did not take a position either way, adding they had been administering it as if it only applied to single family detached dwellings.

Councilor Brown asked how many more permits for duplexes could come in between now and October 1. Mr. Locke stated it was possible to get another, but unlikely.

In response to a question, Mr. Locke explained that when the staff issued the permit, he was under the impression that the discount applied to duplexes because they were reviewed under the same code. In response to a question, Mr. Locke stated a duplex was two dwelling units that were attached either by a common wall or with one unit directly above the other. He added that when one got above a 2-family dwelling, it was a whole different code requirement that was labeled multi-family.

It was moved by Councilor Brown and seconded by Councilor Stewart to interpret a home in Resolution #3241 to include both single family detached and duplex construction as long as the units fall within the square footage requirements of the resolution. The motion carried unanimously.

In response to a question, Mr. Shetterly explained that the motion was as valid a legal action as a resolution so the Council was not opening the City up to any more issues.

REVISIONS TO DCC 5.228 - TRUANCY

Mr. Shetterly stated that currently, the School District and Chief Teague both wanted to see an amendment to the current Truancy Code. He explained the current daylight curfew ordinance, which meant that if a student was found in a public place during the school day, the police had probable cause to stop that student to determine if he or she was truant. He noted exceptions built into the ordinance for home schooled kids or students going to appointments or with other legitimate reasons to be out of school. He indicated it was a very standard daylight curfew ordinance that most cities had. Mr. Shetterly reported that the School District was interested in amending the ordinance so they could contact the police if a particular student hadn't been attending school and have an officer go to that student's house to see why not. Mr. Shetterly advised Mr. Nelson wanted to bring this to the Council's attention to see if there was interest in bringing the topic to the Public Safety Committee to hash out the details.

The consensus of the Council was to bring the topic to the Public Safety Committee for further discussion.

CITY MANAGER'S UPDATE

Mayor Dalton asked for questions regarding Mr. Nelson's update. There were none.

CANCEL AUGUST 27 PUBLIC SAFETY/PUBLIC WORKS COMMITTEE MEETINGS

It was moved by Councilor Marshall and seconded by Councilor Stewart to *cancel the August 27 Public Safety and Public Works Committee meetings*. The motion carried unanimously.

OTHER

Mr. Spivey reported nine cottonwood trees would be removed from Dallas City Park beginning the next day, adding the Brandvold side of the park would be closed through Friday. Councilor Fairchild asked if there was a plan to replace some of the trees to bring back some of the shade. Mr. Spivey stated there were still a lot of trees so most of the cottonwoods wouldn't even be missed.

Council President Scroggin asked how the bikes in the skate park were working out. Mr. Spivey indicated he had yet to hear of an incident between the bikes and skateboarders.

Resolution No. 3253 – A Resolution authorizing the transfer of budgetary funds.

Ms. Ward reviewed the staff report.

Councilor Brown asked if the total impact to the contingency fund would bring that number below the threshold in the Fiscal Policy. Ms. Ward stated it wouldn't even be close.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3253 to have PASSED BY A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Brown, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

FIRST READING OF ORDINANCE

Ordinance No. 1747 – An Ordinance amending provisions of the Dallas City Public Contracting Regulations; and creating new provisions.

Mr. Shetterly explained that the 2011 Legislature adopted changes to the Public Contracting Code so the City needed to amend our Code to address the state changes. He noted most of the changes would likely never affect the City but this ordinance brought us in compliance with those technical changes.

Mayor Dalton declared Ordinance No. 1747 to have passed its first reading.

Ordinance No. 1748 – An Ordinance amending Dallas City Code Section 2.700 relating to public records retention.

Ms. Gagner reviewed the staff report.

Mayor Dalton declared Ordinance No. 1748 to have passed its first reading.

Ordinance No. 1749 – An Ordinance establishing a special exception to the prohibition against service of city water to property outside the city limits and outside the urban growth boundary; and declaring an emergency.

Mayor Dalton declared Ordinance No. 1749 to have passed its first reading.

SECOND READING OF ORDINANCE

EXECUTIVE SESSION UNDER ORS 192.660(2)(e)

Mayor Dalton recessed the meeting at 7:45 p.m. for an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Mayor Dalton reconvened the Council meeting at 7:50 p.m.

OTHER BUSINESS

There being no further business, the meeting adjourned at 7:50 p.m.

Read and approved this _____ day of _____ 2012.

Mayor

ATTEST:

Interim City Manager