

AGENDA**REGULAR CITY COUNCIL MEETING****JULY 24, 2023****5:30 p.m.****CITY HALL COUNCIL CHAMBER****313 COURT STREET****And****VIA ZOOM****<https://us06web.zoom.us/j/88147760127?pwd=bzF6UVBBS0EvaDIxTEVyRngrbExmQT09>**

Meeting ID: 881 4776 0127

Passcode: 007612

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to five minutes per person will be allowed. Citizens are encouraged to ask questions with the understanding that the City can either answer the question tonight or refer that question to the appropriate staff member who will get back to you within a reasonable amount of time. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

6. CITY MANAGER REPORT
7. CITY COUNCIL REPORTS
8. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

- A. Approval of the July 10, 2023 Regular City Council Meeting Minutes

CITY OF THE DALLES**"By working together, we will provide services that enhance the vitality of The Dalles."**

- B. Authorization to Surplus 10,000 rounds of 40 caliber ammunition
- C. Authorization to Surplus Police Vehicles
- D. Authorization to Surplus 36 Glock .40 caliber handguns
- E. Resolution No. 23-025 Designating the Vertical Housing Manager for the City of The Dalles

9. PUBLIC HEARINGS

- A. Close out of Community Development Block Grant Project No. H20012

10. ACTION ITEMS

- A. General Ordinance No. 23-1399 Amending Various Provisions of The Dalles Municipal Code Title 5 (Offences) and Title 6 (Traffic)
- B. General Ordinance No. 23-1398 Amending The Dalles Municipal Code Title 6 (Traffic) by Creating Chapter 6.02 (Overnight Parking in City-Owned Parking Lots)

11. DISCUSSION ITEMS

- A. Nuisance Crime and Community Liability
- B. Abandoned Shopping Carts

12. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/
Izetta Grossman, CMC
City Clerk

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."



AGENDA STAFF REPORT

AGENDA LOCATION: Item #8 A-E

MEETING DATE: July 24, 2023

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

- A. **ITEM:** Approval of the July 10, 2023 Regular City Council meeting minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the July 10, 2023 Regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the July 10, 2023 Regular City Council meeting minutes.

- B. **ITEM:** Authorization to declare surplus of approximately 10,000 rounds of 40 caliber ammunition

BUDGET IMPLICATIONS: Funds from the trade of the listed ammunition will be used towards the purchase of 9mm ammunition for replacement firearms 2023-2024.

SYNOPSIS: The police department keeps several rounds of ammunition on hand at all times. Besides being used for “on duty” purposes, ammunition is used for two to three range sessions and training each year. Fiscal year 23-24 the Police Department is budgeted to replace all 40 caliber handguns with 9 mm handguns. Our current supply of ammunition will not be compatible with this conversion. It

is the intent of the police department to trade 40 caliber ammunition for 9mm ammunition with an authorized vendor.

RECOMMENDATION: Declare all 40 caliber ammunition as surplus and use the value of the ammunition to purchase 9mm ammunition.

C. **ITEM:** Authorization to declare surplus of three Police Vehicles and one Animal Control vehicle, as identified below:

- 2019 Dodge Charger (VIN 2C3CDXKT2KH726849) with current mileage being 96,081. Vehicle known as “shop 3”.
- 2018 Dodge Charger (VIN 2C3CDXKT3JH316432) with current mileage of 81,712. Vehicle known as “shop 6”
- 2011 Dodge Charger (VIN 2B3CL3CG5BH545710) with current mileage of 80,819 miles. Known as “shop 9”
- 2007 Ford Ranger (VIN 1FTZR45E47PA66481) with current mileage of 124,969. Known as “shop 17”

BUDGET IMPLICATIONS: Funds from the sale (or trade) of the listed vehicles will be used towards the purchase of budgeted replacement vehicles for fiscal year 2023-2024.

SYNOPSIS: The three police vehicles above have reached their end of life period for The Dalles Police Department. The police department has budgeted for the purchase of two marked police vehicles and two unmarked police vehicle budget year 2023-2024.

The Animal Control vehicle will be offered to another city department. If no other department wants this vehicle, sale would be next option. The new Animal Control vehicle is still “on order” and we expect it to be in service by the end of August.

RECOMMENDATION: Declare these four vehicles as surplus and authorize the sale or trade of these vehicles.

D. **ITEM:** Authorization to declare surplus of 36 Glock .40 caliber handguns.

BUDGET IMPLICATIONS: Funds from the trade of the listed firearms will be used towards the purchase of Glock 9mm replacement firearms 2023-2024.

SYNOPSIS: The Police Department is currently using Glock 40 caliber handguns which are over 10 years old. Approximately 500 rounds of ammunition are fired through each gun, every year. A common rotation for firearms for our department is about 10 years.

The Dalles Police Department is changing to 9mm Glock handguns based on tests

and studies done within our department as well as outside our department. Shot groups are more precise and the 9mm firearm is easier to manipulate for people with smaller hands.

The police department has been budgeted 2023-2024 to replace all handguns.

RECOMMENDATION: Declare 36 .40 caliber as surplus and use the value of the trade to purchase 9mm handguns.

E. **ITEM:** Resolution No. 23-025 Designating the Vertical Housing Manager for the City of The Dalles

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Vertical Housing Manager was designated several years ago using an employee's name. The designation needs to be updated to a position.

Resolution No. 23-025 has been drafted for Council review and adoption.

RECOMMENDATION: Adopt Resolution No. 23-025 Designating the Vertical Housing Manger for the City of The Dalles.

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MINUTES

CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
JULY 10, 2023
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Executive Assistant Amie Ell

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:30 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by Executive Assistant Amie Ell. Councilors Long, McGlothlin, Runyon, Randall, Richardson present; none absent.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor Randall to lead the Pledge of Allegiance.

Councilor Randall invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Long and seconded by Richardson to approve the agenda as submitted. The motion carried 5 to 0; Councilors Long, Richardson, McGlothlin, Runyon, Randall voting in favor; none opposed.

PRESENTATIONS PROCLAMATIONS

Life Saving Award – Officer Call

Police Chief Worthy read a letter (see attached) and presented the Life Saving Award to Officer Call.

He said Officer Call applied a tourniquet and calmed the man saving his life of a gentlemen. Chief Worthy said the man had been mauled by a dog, breaking his arm and severely injuring the him.

AUDIENCE PARTICIPATION

Lisa Farquharson, CEO/President of the Chamber of Commerce presented a Reel News publication article, Economic Impact of Recreational Fishing. She said that for 10 years she has been working with the media in digital, print, and radio formats to educate the public about the species and locations for fishing in our area. She said at the end of this month, a bass fishing tournament will be held locally based out of Celilo. Farquharson said it would be the fourth tournament in The Dalles. She said the tournament was organized for participants to have a secure location to park boats and lodge overnight at the Cousins Inn in The Dalles.

CITY MANAGER REPORT

City Manager Matthew Klebes reported:

- Library board meeting, progress being made on IGA
- Met with Port of The Dalles director
- KODL radio
- OCMA conference next week

He said the Community Outreach Team was hosting a tour for congressional and statehouse staff tomorrow. He said the tour would include visits to proposed hangar at the airport, a daycare location site, a sports complex site, and QLife colocation site.

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CITY COUNCIL REPORTS

Councilor Runyon reported:

- Briefing with the City Manager and Mayor
- 4th of July parade
- Councilor McGlothlin security cameras at the Sorosis park rose garden and Kelly View Point Memorial

Councilor Richardson reported:

- 4th of July parade
- Briefing with the Mayor and City Manager

Councilor Richardson reported:

- The 4th of July parade

Councilor Long reported:

- 4th of July parade participant
- Meeting with the Mayor
- Briefing with the Mayor and City Manager
- Met with Community Development Director Chandler and new Urban Renewal Agency Board member Ben Wring

Councilor McGlothlin reported:

- Briefing with the Mayor and City Manager
- Toured the airport and life flight
- 4th of July parade
- Conversation with Scenic Drive residents
- Impressive Fireworks display

CONSENT AGENDA

It was moved by Randall and seconded by Long to approve the Consent Agenda as presented. The motion carried 5 to 0; Randall, Long, McGlothlin, Runyon, Richardson voting in favor; none opposed.

Items approved on the consent agenda were: The minutes of the June 26, 2023 Regular City Council Meeting; Resolution No. 23-023 Concurring with the Mayor's Appointment of Ben Wring to the Urban Renewal Agency Board, and Angel Drinkwine to the Beautification Committee; Resolution No. 23-020 Assessing the Real Property Located at 904 West 13th Street for the Cost of Abatement.

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CONTRACT REVIEW BOARD

Authorization to Exempt SCADA Upgrade Project Engineering Contracts from Competitive Procurement Requirements

Mayor Mays read the process for Public Hearings then opened the Public Hearing

Mayor Mays asked for the staff report

Public Works Director Dave Anderson reviewed the staff report and all findings.

Mayor asked for testimony. Hearing none, Mayor Mays closed the Public Hearing at 6:08pm

Richardson asked if another firm could build a system from scratch instead of upgrading the current system.

Anderson said it is possible but city staff is very familiar with equipment, it has proven to be durable, and there is value in upgrading with the same company. Software upgrades for the Human Machine Interface (HMI) are also being looked at. The company has been excellent to work for 27 years.

It was moved by Runyon and seconded by McGlothlin to adopt the Proposed Findings presented herein and approve the exemption from competition for the award of professional services agreements for engineering services relating to the water/wastewater SCADA System Upgrade Project. The motion carried 5 to 0; Runyon, McGlothlin, Long, Randall, Richardson voting in favor; none opposed.

ACTION ITEMS

City Manager Matthew Klebes reviewed the staff report.

Richardson asked for clarification about the difference between Ad-Hoc and Standing committee.

Klebes said Ad-Hoc refers to a short-time committee, standing means on-going. The addition of "Tree Committee" will lead to more resources such as Tree City U.S.A. grants.

Runyon asked how this would impact city and staff time.

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Klebes said there would be no staff changes.

Runyon asked if there is any value in moving to a standing committee without a sunset.

Klebes said the committee would present to Council or information would be shared in City Manager reports to evaluate progress annually.

It was moved by Richardson and seconded by Randall to adopt Resolution No. 23-024 Disbanding the Ad Hoc Beautification Committee and creating a Standing Tree and Beautification Committee. The motion carried 5 to 0; Richardson, Randall, Runyon, McGlothlin, Long voting in favor; none opposed.

EXECUTIVE SESSION

In accordance with ORS 192.660(2)(e) to conduct deliberations with person(s) designated to negotiate real property transactions.

Mayor Mays recessed Open Session at 6:19 p.m.

Mayor Mays reconvene Open Session 6:56 p.m.

There was no decision.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:58 p.m.

Submitted by/
Amie Ell
Executive Assistant

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC City Clerk

LIFESAVING AWARD OFFICER KARRIE CALL

On April 13th 2023 Officers were dispatched to a dog attack at 6161 East 13th, The Dalles Oregon. The 911 report stated that a dog was attacking multiple people at that address. Officer Tyler Caldwell arrived first and realized there was no longer a threat from the dog. Officer Caldwell quickly called for medical services as there were two people injured at that location. As Officer Tyler was gathering the facts of what had just happened, Sgt Kramer, Officer Castro, Officer Call, and Officer Rivers arrived on scene.

Sgt Kramer saw that when Officer Call arrived on scene, she immediately noticed another victim who was in need of a tourniquet to stop the bleeding from his left arm. Officer Call applied a tourniquet and then “did an excellent job providing reassuring statements to the victim” keeping him calm and be very supportive of the situation.

The scene was described as chaotic and all officers and medical personnel worked well to treat both victims.

On May 12th 2023, Captain Carrico spoke with Chief Jensen from Mid-Columbia Fire and Rescue regarding this incident. Chief Jensen told Captain Carrico that Officer Call’s actions during this event “undoubtedly save this person’s life”.

On May 16th 2023, Chief Jensen forwarded an email from Dr Erin Burham from the Mid-Columbia Medical Center. The email is quoted below:

Chief Jensen,

I have reviewed the trauma case from 4/13/23 of a 65 yo M, attacked by his Pitbull. He had a both bone open forearm fracture with near amputation. He also had multiple other bitewounds to his head, shoulder and other arm with significant blood loss on scene. Bleeding was controlled w/ tourniquet placed by Law Enforcement, roughly 10 mins prior to EMS arrival. He was ultimately transferred to OHSU where the limb was saved after multiple surgeries, and he has been discharged. Although his recovery will be long and challenging, quick action by Law Enforcement likely saved his life.

I would appreciate it if you could pass on my thanks to the LE officer for his lifesaving actions.

Officer Call, your actions on April 13th 2023 reflect great credit upon yourself, the City of The Dalles, and The Dalles Police Department. It is our honor to present you with The Dalles Police Department Lifesaving Award

RESOLUTION 23-025

A RESOLUTION DESIGNATING THE VERTICAL HOUSING ZONE MANAGER FOR THE CITY OF THE DALLES

WHEREAS, Senate Bill 310 transfers authorization to sponsor as well as approve and manage Vertical Housing Zone applications to the local sponsoring entity;

WHEREAS, the City of The Dalles sponsored a Vertical Housing Zone in 2014 to assistance development of upstairs residential units in the downtown area;

WHEREAS, the City of The Dalles appointed Matthew Klebes, Assistant to the City Manager, as the local Vertical Housing Zone Manager in 2017.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES RESOLVES AS FOLLOWS:

Section 2. The City of The Dalles designates the Economic Development Officer as the local Vertical Housing Zone Manager

Section 3. Effective Date. This resolution shall be considered effective as of the 24th day of July, 2023.

PASSED AND ADOPTED THIS 24th DAY OF JULY, 2023.

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 24th DAY OF JULY, 2023.

Richard A. Mays, Mayor

Attest:

Izetta Grossman CMC, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #9A

MEETING DATE: July 24, 2023

TO: Honorable Mayor and City Council

FROM: Joshua Chandler, Community Development Director

ISSUE: Public Hearing to receive public comment on the close-out of Community Development Block Grant Project No. H20012, providing home repair for eligible households

BACKGROUND: On June 30, 2023, the City of The Dalles completed the Community Development Block Grant (CDBG) Regional Home Repair program, administered by the Oregon Business Development Department (Business Oregon). The purpose of this program was to provide needed repairs and upgrades to eligible properties within the region. The City, along with the Mid-Columbia Housing Authority (MCHA) as a sub-recipient, was awarded the grant (H20012) in March 2021 for a total not to exceed \$500,000. In total, 12 homes were completed, with repairs including: new roofs, siding, exterior painting, HVAC systems, windows, insulation, and ramps.

Staff has provided a summary of the program below:

- Grant duration: March 2021 – June 30, 2023
- Total number of residents assisted: 30
- Total number of households assisted: 12
 - 50% - female head of household
 - 50% - Hispanic owned
 - 15% - At least one elderly resident
 - 1 - Disabled individual

- Area Median Income
 - 3 – 50% AMI or less
 - 9 – 50% to 80% AMI
- Total amount of funding awarded: \$202,574 (*pending final draw*)

Unlike the successes of previous City CDBG programs, H17008 and HA2101, this program faced multiple challenges from the beginning, resulting in awarding only 40% of the approved grant award amount (\$202,574). The Covid-19 pandemic greatly impacted the overall administration of the program. MCHA noted significant staffing turnover; with three staff members assigned to the program leaving during the course of the program. In addition, MCHA had difficulty obtaining bids from local contractors with little availability to complete the work. Typically, MCHA's goal is to obtain three bids for each application; however, many times, only one bid was received. In total, 50 applications were received, but only 12 moved forward.

The purpose of this public hearing is to receive public testimony concerning the administration of the program. The City and Mid-Columbia Housing Authority are currently in the process of finalizing all program closeout material.

BUDGET IMPLICATIONS: None. The City is not authorized to receive funding for program administrative costs; however, the City is responsible for processing the disbursement of funds between the State and Housing Corporation. Funding for the program is effectively passed through Fund 18 of the City's general fund, thus revenue and expenditure for the program is equal.



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #10A

MEETING DATE: July 24, 2023

TO: Honorable Mayor and City Council

FROM: Jonathan Kara, City Attorney
Nikki Lesich, Codes Enforcement Officer

ISSUE: Adopting General Ordinance No. 23-1399, an ordinance amending various provisions of The Dalles Municipal Code Title 5 (*Offenses*) and Title 6 (*Traffic*)

BACKGROUND: At its March 13, 2023, regular meeting, the City Council directed staff to bring for its consideration some ways the City might be able to best respond to citizens' rising nuisance concerns and other property-related issues impacting the City's livability. As part of Staff's response, the Police Department (through its Codes Enforcement Division) and I met to review City ordinances to determine how to improve the City's police powers to address the community's needs. Our recommendation is to adopt the attached and proposed Ordinance to support more efficient, timely, and robust Code enforcement efforts.

The proposed Ordinance seeks to amend provisions of TDMC Title 5 (*Offenses*) and TDMC Title 6 (*Traffic*). Title 5 provides the City's regulations concerning nuisances affecting public health, public safety, and public peace. TDMC Title 6 regulates traffic safety for vehicles and pedestrians alike. Specific amendments here comprise:

- expanding TDMC 5.04.090 (*Nuisances – Nuisances Affecting Public Safety – Abandoned Vehicles*) to augment the City's authority to tow abandoned vehicles on public or private property by authorizing the City to tow nearly any kind of violating vehicle (as opposed to being limited to those requiring licensure and registration);
- incorporating a penalty for repeat violations for all conduct prohibited by TDMC Chapter 5.04 (*Nuisances*) occurring within any one-year period, including repeat

- public health nuisance offenses, attractive nuisance offenses, scattering rubbish, fence violations, snow and ice removal offenses, abandoned vehicles, junk, graffiti, and all other unenumerated nuisances;
- modifying TDMC Chapter 5.16 (*Animals*) to prohibit possession of cockerels and roosters within the city limits;
 - adding bamboo and cacti to the list of other prohibited noxious vegetation (if they extend into the public right-of-way, cross a property line, or are used by trespassers for habitation) in TDMC Chapter 5.24 (*Noxious Vegetation*);
 - reducing the timelines found in TDMC 5.24.040 (*Noxious Vegetation – Notice*) for noxious vegetation enforcement and abatement from 28 to 14 days; and
 - restricting availability of recreational vehicle parking permits under TDMC 6.04.160 (*Traffic Control – Parking Regulations – Prohibited Parking or Standing*) to a maximum of one permit per month per applicant, recreational vehicle, or residence, and added a mechanism to authorize the Codes Enforcement Officer to revoke approved permits for violations of the Code or when a recreational vehicle poses public safety hazards.

These recommended changes should have marked impacts on improving the community’s livability by:

- addressing the Code’s legal sufficiency;
- incorporating additional penalties for repeat offenders to foster greater accountability;
- expanding enforcement authority over established public nuisances (like roosters in the city limits and bamboo in the public right-of-way or over property lines – *see attached photos*);
- streamlining compliance timelines for noxious vegetation abatements; and
- mitigating the risk of misusing recreational vehicle parking permits in contravention of the Code’s intent.

Oregon law (ORS 294.160(1)) requires the City provide an opportunity for interested persons to comment on the City’s enactment of any ordinance prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated: while this Action Item is not a public hearing, best practices suggest the Mayor ask the audience for comment on this proposed Ordinance before Council considers adoption.

BUDGET IMPLICATIONS: Negligible.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt General Ordinance No. 23-1399, an ordinance amending various provisions of The Dalles Municipal Code Title 5 (Offenses) and Title 6 (Traffic) by title only.*
2. Make and read aloud substantive modifications to then move to adopt General

Ordinance No. 23-1399, an ordinance amending various provisions of The Dalles Municipal Code Title 5 (Offenses) and Title 6 (Traffic), as amended and by title only.

3. Decline formal action and provide Staff additional direction.

BAMBOO



CACTUS



GENERAL ORDINANCE NO. 23-1399

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF
THE DALLES MUNICIPAL CODE
TITLE 5 (*OFFENSES*) AND TITLE 6 (*TRAFFIC*)**

WHEREAS, The Dalles Municipal Code (TDMC or **Code**) Title 5 (*Offenses*) codifies the City’s ordinances relating to offenses impacting the public health, safety, and welfare;

WHEREAS, TDMC Title 6 (*Traffic*) codifies the City’s ordinances relating to transportation safety and traffic rules throughout the city limits;

WHEREAS, The Dalles Police Department, through its Codes Enforcement Division, recommended the City Attorney draft revisions to various provisions of Titles 5 and 6 to meet the City’s dynamic needs to improve the livability of the City for its residents to the maximum degree feasible; and

WHEREAS, the City Attorney and Codes Enforcement Officer presented their proposed revisions to the City Council at its regular July 24, 2023, meeting and the City Council finds the revisions to those certain Titles 5 and 6 below support the public health, safety, and welfare.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. This Ordinance’s revisions appearing in ~~striketrough~~ shall denote deletions from and **bolded underline** shall denote additions to the existing text of The Dalles Municipal Code.

Section 2. The text of the following provisions of The Dalles Municipal Code **Title 5** (*Offenses*) shall be amended to read as indicated below:

- **Chapter 5.04** (*Nuisances*), **Article II** (*Nuisances Affecting Public Safety*), **Section 5.04.090** (*Abandoned Vehicles*), **Subsection B** shall be amended to read:

B. For purposes of this section, a vehicle is considered to be an abandoned vehicle if it satisfies one of the following criteria:

1. The vehicle is not currently licensed and registered for operation **or (if the vehicle does not require licensure or registration for operation) it has remained stationary for three consecutive days.**
2. The vehicle is **or is** being used to store junk, as defined in Section 5.04.110 of this chapter, or rubbish, as defined in Section 5.04.050 of this chapter.

3. The vehicle has parts which have been discarded, dismantled, or partially dismantled, or stripped, or the vehicle is in a rusted, damaged, wrecked or other condition which renders the vehicle inoperable.

- **Chapter 5.04** (*Nuisances*), **Article II** (*Nuisances Affecting Public Safety*), **Section 5.04.090** (*Abandoned Vehicles*), **Subsection D** shall be amended to read:

D. In the event the person responsible has not voluntarily complied by removing the vehicle from the private property or the public right-of-way or storing the vehicle within an enclosed structure or underneath an approved coverage device, the City staff person in charge of enforcement shall institute abatement proceedings to have the abandoned vehicle towed from the private property or the public right-of-way. **For abandoned vehicles not requiring licensure or registration for operation, the City staff person shall reasonably attempt to discern the vehicle owner's identity and shall otherwise proceed with the abatement consistent with this chapter's provisions if the City can prove by a preponderance of the evidence the discerned owner is the vehicle's actual owner. For abandoned vehicles with unknown owners, the City staff person shall proceed consistent with Oregon law. Otherwise,** the City staff person shall mail a notice to the registered owner of the vehicle and to any lessors or security interest holders as shown in the State Motor Vehicle Department records, and to the person responsible for creating the nuisance, if that person is not the registered owner of the vehicle and the City has been able to identify that person, that the vehicle has been impounded. The notice shall be sent by certified mail, return receipt requested, and be mailed within 48 hours of the impoundment. The notice shall include the following information:

1. The location where the vehicle will be stored.
2. That the vehicle and its contents are subject to a lien for the payment of storage and towing charges and an administrative fee of \$100.00, and the vehicle and its contents will be sold if those charges and administrative fee are not paid.
3. The vehicle will not be released until the owner provides proof that the vehicle is currently licensed and registered, that the nuisance conditions will not be resumed, and all towing and storage fees and the \$100.00 administrative fee have been paid, and the City has authorized the release of the vehicle in writing.
4. The person owning the vehicle or responsible for creating the nuisance may request a hearing before the municipal court to contest the validity of the impoundment or the liability for storage and towing charges and the administrative fee. The request for a hearing must be made within five calendar days after the date that notice of impoundment is mailed, as evidenced by the postmark, not including Saturdays, Sundays, or holidays. The request for a hearing shall be made to the City staff person who issued the notice of impoundment.
5. When a timely request for a hearing is made, a hearing shall be set in the municipal court for four calendar days after the request is received, excluding Saturdays,

Sundays, and holidays, but may be postponed at the request of the person asking for the hearing.

6. The City shall have the burden of proving by a preponderance of the evidence that the vehicle which was impounded constituted a nuisance under this chapter. If the municipal judge finds that the impoundment of the vehicle was proper, the judge shall enter an order supporting the removal and shall find the owner of the vehicle or the person responsible for the nuisance is liable for the usual and customary towing and storage costs and the administrative fee. If the municipal court judge finds the impoundment of the vehicle was improper, the judge shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or the person responsible for creating the nuisance is not liable for any towing or storage costs resulting from the impoundment, and if there is a lien on the vehicle for towing and storage costs, the municipal court judge shall order it paid by the City.

- **Chapter 5.04** (*Nuisances*), **Article IV** (*Abatement Procedure*), **Section 5.04.140** (*Abatement Notice*), **Subsection C** shall be amended to read:

C. The notice to abate shall be entitled “Notice to Abate Nuisance” in letters not less than one-half inch in height and contain:

1. A description of the real property by street address or otherwise, on which the nuisance exists;
2. A direction to abate the nuisance within the time period provided by the appropriate ordinance, or within five days from the date of the notice if no time period is provided in said ordinance;
3. A description of the nuisance;
4. A statement that unless the nuisance is removed, the City may abate the nuisance and the cost of abatement shall be charged to the owner and be a lien against the property;
5. A statement that failure to abate a nuisance may warrant imposition of a fine; **and**
6. A statement that the owner or person in charge of the property may protest the notice to abate by giving notice to the City Clerk within five days from the date of the notice.

- **Chapter 5.04** (*Nuisances*), **Article V** (*General Provisions*), **Section 5.04.210** (*Penalties*) shall be amended to read:

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 30 days, or by a fine not to

exceed \$1,250.00, or both; **provided, however, the fine authorized by this section may increase for a person's second and subsequent violations in any one-year period by an amount not to exceed \$1,250.00 per each of the person's repeat violations in any one-year period.**

- **Chapter 5.16 (Animals), Section 5.16.010 (Definitions)**, definition for “**Domesticated fowl**” shall be amended to read:

“Domesticated fowl” means any bird that has been adopted to live with humans, or which is bred and raised for human benefit or use. For purposes of this chapter, “domesticated fowl” includes, but is not limited to, turkeys, **pullets, hens,** ~~chickens, roosters,~~ pheasants, and emus.

- **Chapter 5.16 (Animals), Section 5.16.010 (Definitions)**, definition for “**Wild animal**” shall be amended to read:

“Wild animal” **generally** means a species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with man, including species which are wild by nature. **Specifically, the term includes (without limitation) the following animals: cockerels, roosters,** ~~Wild animals include, but are not limited to,~~ wolves, coyotes, bobcats, bears, foxes, and cougars.

- **Chapter 5.24 (Noxious Vegetation), Section 5.24.010 (Definitions)**, definition for “**Noxious vegetation**” shall be amended to read:

“Noxious vegetation” means and includes the following types of vegetation:

1. Weeds more than 12 inches in height;
2. Grass more than 12 inches in height, except agricultural crops, provided such crops do not constitute a fire hazard or traffic hazard, as defined in this chapter;
3. Puncture vines;
4. Poison oak, poison ivy, or other rank, noxious and dangerous vegetation;
5. Blackberry bushes, **bamboo, or cacti** that extend into the public way or pathway, cross a property line, or that are used for a habitation for trespassers;
6. Any vegetation that is:
 - a. A health hazard.
 - b. A fire hazard. In determining whether a fire hazard exists, the code enforcement officer may consider the following factors:

- i. Whether the situation is present during the dry season, (May 1st through October 30th);
 - ii. Whether lack of rain for 10 continuous days has negatively affected soil moisture content;
 - iii. Whether the average air temperature has been above 70 degrees Fahrenheit for 10 continuous days; and
 - iv. Whether the vegetation is within 10 feet of any combustible material, or other structure or property which could be damaged in a fire.
- c. A traffic hazard, because the vegetation impairs the view of a public street, or impairs the view of any traffic control device, (which device is defined by the Oregon Vehicle Code), or otherwise makes use of the street hazardous; or

7. A tree which has been determined to be either a dead tree or a hazard tree, **and** ~~which~~ is located upon private property.

- **Chapter 5.24 (Noxious Vegetation), Section 5.24.040 (Notice)** shall be amended to read:

If the person responsible for the property within the City of The Dalles shall fail or neglect to remove the noxious vegetation from that property as required by this chapter, the Code Enforcement Officer shall cause written notice to remove the noxious vegetation within 714 days, to be served upon the person responsible by personal service or by certified mail, return receipt requested, to the address shown on the most recent property tax assessment roll. If the notice is returned by mail as undeliverable, a copy of the notice shall be posted in a conspicuous place upon the property. The notice shall state the person responsible for the property shall either request an appeal as set forth in Section 5.24.050, or remove the noxious vegetation within 714 days, or the City will cause the noxious vegetation to be removed and charge the cost thereof as a lien against the property. The notice may also direct the removal of any junk, rubbish, trash, fallen trees, tree limbs, tree trunks, concrete rubble or other debris existing on the property found necessary to be removed and abated to effectively carry out the provisions of this chapter.

Section 3. The text of the following provisions of The Dalles Municipal Code **Title 6 (Traffic)** shall be amended to read as indicated below:

- **Chapter 6.04 (Traffic Control), Article III (Parking Regulations), Section 6.04.160 (Prohibited Parking or Standing), Subsection B(9)** shall be amended to read:

9. Park or permit a recreational vehicle, owned, operated or controlled by the person to be parked, on any public highway, road, street, or right-of-way within the City, except for the immediate loading or unloading of persons or property, or except when a recreational vehicle parking permit has been issued in accordance with the following provisions:

- a. The permit shall be issued for a period not to exceed 120 hours (five days) and shall be issued at no cost.
- b. Applications for a permit shall be made on forms, or in a manner prescribed by the Police Chief or the Chief's designee. The application shall include an acknowledgement that the applicant will comply with the provisions of this section.
- c. A permit shall only allow parking of a recreational vehicle immediately adjacent to a property with an occupied single-family dwelling or duplex. Only the owner or lawful tenant of said dwelling or duplex will be issued a permit.
- d. No more than six recreational vehicle parking permits ~~will~~ **shall** be issued annually for a single-family dwelling or duplex. **The City shall not issue more than one recreational vehicle permit per month to the same applicant, for the same recreational vehicle, or to the same single-family dwelling or duplex unless approved in writing by the Police Chief.**
- e. The permit may not be issued by the Police Chief for a recreational vehicle meeting the definition of an abandoned vehicle in violation of the provisions of The Dalles Municipal Code.
- f. A recreational vehicle parked without a permit in violation of Section 6.04.160(B)(9)(a) is subject to issuance of a citation and impoundment. The City staff person authorized to enforce this section shall affix a notice of impoundment to the recreational vehicle which shall include the information set forth in Section 5.04.090(C)(1) through (7). Recreational vehicles which have been tagged for impoundment may be towed at the owner's expense 24 hours after the notice of impoundment has been affixed to the vehicle. Following an impoundment of any recreational vehicle for violation of Section 6.04.160(B)(9)(a), the City staff person authorized to enforce this section shall mail a notice to the registered owner of the recreational vehicle and to any security interest holders as shown in the Oregon Motor Vehicle Department records indicating that the recreational vehicle has been impounded. The notice shall be sent by certified mail, return receipt requested, and be mailed within 48 hours of impoundment. The notice shall include the information set forth in Section 5.04.090(D)(1) though (4). The procedures for requesting a hearing before the Municipal Court to challenge the validity of any impoundment of a recreational vehicle for violation of Section 6.04.160(B)(9)(a), for the conduct of such a hearing, and

for rulings issued following such a hearing, shall be governed by 5.04.090(D)(4) through (6).

- g. **The City staff person authorized to enforce this section may revoke a person’s recreational vehicle permit if the recreational vehicle is parked with an approved permit but otherwise violates this Chapter’s other provisions, The Dalles Municipal Code’s other provisions, or constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the City.**

Section 4. This Ordinance shall be effective 30 days after adoption.

PASSED AND ADOPTED THIS 24TH DAY OF JULY, 2023,

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JULY, 2023.

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #10B

MEETING DATE:

TO: Honorable Mayor and City Council

FROM: Matthew Klebes, City Manager

ISSUE: General Ordinance No 23-1398 An Ordinance Amending The Dalles Municipal Code Title 6 (*Traffic*) By Creating Chapter 6.02 (*Overnight Parking in City-Owned Parking Lots*)

BACKGROUND: The City of The Dalles currently owns several parking lots primarily located in the downtown Central Business Commercial (CBC) zone. These include parking lots on 1st St., near the roundabout, and across the street from St. Peter's Cathedral known as the "Arco" lot.

Historically, The City offered these lots to the public at no charge to serve their around-the-clock parking needs. While the City intends on continuing to offer its parking lots to the public **at no charge**, the new chapter provides a tool for City staff to manage City-owned parking lots to preserve and protect the City's public health, safety, and welfare and to offer downtown businesses, employees, and residents a mechanism to avail themselves of overnight parking to support the City's economic development while ensuring the City's limited public resources are utilized to the maximum extent feasible

This General Ordinance amends Title 6 (Traffic) by adding Chapter 6.02 which details the various definitions, requirements, criteria, and processes by which the City Manager may employ a parking permit system and require an overnight parking permit to park in said City-owned parking lots between the hours of 10 p.m. and 5 a.m.

In summary, only downtown business owner, property owners, downtown employees, and downtown residents in the CBC Zone are eligible to apply annually for and overnight parking permit through the City Manager's Office. This permit would be required for any City-owned parking lots with posted signage and a permit application would be needed to determine eligibility, collect needed information (vehicle owner, year, make, and model,

license plate, color), and issue a permit that would be displayed in the relevant vehicle. Eligibility will be determined based on documentation submitted with the permit application. This documentation could include a: City utility bill, downtown property's lease or deed, tax bill, or a document from an employer attesting the applicant is a downtown tenant or employee.

If a vehicle is parked in a posted City-owned parking lot without a valid permit between the hours of 10 p.m. and 5 a.m. it may be subject to towing under this ordinance. If the individual is present, the City of The Dalles Police Department will seek to make education of the existence of this Chapter and its restrictions as the initial method of enforcement. The City or its tower may require payment of the reasonable costs for removal and storage of the vehicle before it is released consistent with this Chapter and ORS 811.620. The City Manager may revoke any permit used for a purpose contrary to this Chapter's purpose.

BUDGET IMPLICATIONS: There will be costs associated with each towing that occurs the costs of which may recovered. There will also be staff time and minor costs associated with the establishment of the permit system, public information efforts, processing permits, and its enforcement.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to approve General Ordinance No 23-1398 An Ordinance Amending The Dalles Municipal Code Title 6(Traffic) By Creating Chapter 6.02 (Overnight Parking in City-Owned Parking Lots) by title only.*
2. Direct staff to make changes and bring ordinance back for adoption.
3. Decline further action at this time.

GENERAL ORDINANCE NO. 23-1398

**AN ORDINANCE AMENDING THE DALLES MUNICIPAL CODE
TITLE 6 (TRAFFIC) BY CREATING
CHAPTER 6.02 (OVERNIGHT PARKING IN CITY-OWNED PARKING LOTS)**

WHEREAS, the City owns certain parking lots located within the city limits and has historically offered them to the public at no charge to serve their around-the-clock parking needs;

WHEREAS, while the City intends on continuing to offer its parking lots to the public at no charge, the City’s Chief of Police recommends the City implement certain restrictions governing the overnight use of those City-owned parking lots in an effort to mitigate risks to public safety and welfare; and

WHEREAS, the City Council finds requiring permits for overnight parking in City-owned parking lots to support the public health, safety, and welfare.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Title 6 (*Traffic*) shall be amended by adding Chapter 6.02 (*Overnight Parking in City-owned Parking Lots*), which shall read as follows:

Sections:

- 6.02.01** **Definitions.**
- 6.02.02** **Applicability.**
- 6.02.03** **Permits.**
- 6.02.04** **Overnight Parking Prohibited.**
- 6.02.05** **Restricted Parking Signs.**
- 6.02.06** **Tows and Impoundment.**
- 6.02.07** **Revocation.**
- 6.02.08** **Enforcement.**
- 6.02.09** **Severability.**

**Chapter 6.02
OVERNIGHT PARKING IN CITY-OWNED PARKING LOTS**

6.02.01 **Definitions.**

A. Specific Terms. As used in this Chapter, except where the context clearly indicates otherwise, the following terms and both their singular and plural and noun and verb forms, as applicable, mean the following:

1. *Downtown* means the land located in the City’s *CBC – Central Business Commercial* zone district, as described in TDMC Chapter 10.5, Article 5.050.

2. *Overnight* means the hours between 10:00 p.m. and 5:00 a.m. Pacific Prevailing Time.
3. *Parking lot* means a City-owned lot used for public parking purposes and posted with a Restricted Parking sign.
4. *Permit* means a City-issued permit granting a person permission to park an approved vehicle overnight in a parking lot.
5. *Person* means natural person.
6. *Restricted Parking sign* means a sign placed on or adjacent to a City-owned lot and reasonably sufficient to notice this Ordinance's use restrictions and the City's associated impoundment authority to persons parking vehicles on that lot.
7. *Vehicle* has the meaning given that term in ORS 801.590.

6.02.02 Purpose and Applicability.

- A. Purpose. This Chapter's purpose is to place reasonable restrictions on the use of City-owned property to preserve and protect the City's public health, safety, and welfare and to offer downtown businesses, employees, and residents a mechanism to avail themselves of overnight parking to support the City's economic development while ensuring the City's limited public resources are utilized to the maximum extent feasible.
- B. Applicability. This Chapter's provisions apply to all parking lots posted with Restricted Parking signs in accordance with this Chapter.

6.02.03 Permits.

- A. Permits Established. The City hereby establishes a permit system regulating overnight parking in parking lots.
- B. Annual Renewal. The City shall grant permits to eligible persons on vehicle-specific bases and each permit shall be valid from the time of issuance to the next June 30, only.
- C. Permit Administration. The provisions of this Chapter shall be administered by the City Manager, who may appoint designees to manage all or any part of this Chapter's permitting system.
- D. Permit Procedure.
 1. Permit Application Form. The City Manager shall provide a form application to prospective applicants containing this Chapter's relevant requirements and any other information the City Manager deems reasonably related to the implementation of this

Chapter's administration. Prospective applicants may apply online on the City's website or receive a copy of the form application from the Office of the City Clerk.

2. Administrative Processing. The City Manager shall adopt administrative rules to implement this Chapter; provided, however, the City Manager may not adopt any rule imposing a fee or charge for the City's issuance of a permit. The City shall maintain as available for inspection in the Office of the City Clerk a copy of any adopted administrative rules.

E. Permit Requirements.

1. Permit Application. The City shall not issue any permit to a person unless they submit a completed permit application.
2. Completeness. The City shall not deem a permit application complete unless it determines the applicant is eligible and has submitted all required information and documents as provided in this or any administrative rules relating to this Chapter.
3. Eligibility and Requirements.
 - a. Eligibility. The City shall not accept a permit application from and not issue a permit to a person unless they demonstrate, at the time of application submittal, they are a downtown property or business owner, an employee of a downtown business who also works downtown, or a downtown resident. Permits granted to persons who no longer meet these eligibility criteria after permit issuance are subject to revocation as provided in this Chapter.
 - b. Required Documents and Information.
 - (1) Individuals. The City Manager or designee may approve a person's eligibility to apply for a permit based on any supporting documentation they deem appropriate; provided, however, a person may sufficiently demonstrate their permit eligibility by affixing to their application one of the following documents:
 - (a) a City utility invoice in their name for a downtown property;
 - (b) a copy of a downtown property's deed or lease in their name;
 - (c) a downtown property's tax bill in their name;
 - (d) an email or signed letter to the City Manager from a downtown property or business owner attesting the applicant is their downtown tenant or employee who works downtown; or

(e) a copy of their driver's license or other government-issued identification displaying a downtown property's address.

(2) Businesses. The City Manager may approve a person's eligibility to apply for a permit if their downtown property is owned by or any of the documents listed in subsection E(3)(b)(1) are in the name of a business if the person affixes to their application supporting information from the Oregon Secretary of State sufficient to demonstrate to the City Manager the person's ownership interest in the business.

(3) Vehicles. The City shall not issue a permit to a person unless their permit application contains the following information relating to the vehicle the person is applying to receive a permit for:

(a) who owns the vehicle;

(b) its year, make, and model;

(c) its exterior color; and

(d) its license plate or vehicle identification number.

4. No Fee or Charge. The City shall not impose a fee or charge against any person for its issuance of a permit.

F. Permit Issuance and Display. The City shall issue a permit to an eligible person if they submit a completed permit application. All permits shall be issued a permit number and any permittee intending to avail themselves of the permit's benefits must conspicuously affix it to the interior of the vehicle's windshield.

6.02.04 Overnight Parking Prohibited.

A. Overnight Parking Prohibited. No person shall park a vehicle overnight in a parking lot unless the vehicle displays a permit.

B. Exemptions. The provisions of this Chapter do not apply to:

1. City-owned vehicles;

2. law enforcement vehicles;

3. vehicles owned or operated by the State of Oregon, its political subdivisions, or its statutorily-created special districts;

4. vehicles owned or operated by the United States for the collection, transportation, or delivery of mail; and

5. emergency vehicles owned or operated by any entity for the duration of the emergency.

6.02.05 Restricted Parking Signs.

- A. City Manager Authority. The City Manager shall determine the number, content, physical characteristics, and locations of all Restricted Parking signs; provided, however, in order for this Chapter to apply upon any lot, the City Manager shall cause at least one Restricted Parking sign to be posted at the main entrance to that lot from the public right-of-way and another sign at a conspicuous location within the lot itself.
- B. Signs Required for Enforcement. The City shall not enforce the provisions of this Chapter upon any parking lot not meeting the requirements established in subsection A.

6.02.06 Tows and Impoundment.

- A. Removal and Storage Authorized. If a vehicle parks overnight in violation of this Chapter's restrictions, the vehicle may be removed without notice and is subject to costs for its removal and storage.
- B. Manner of Tow. The City may remove any vehicle parking overnight in violation of this Chapter's restrictions in the manner provided for removal of vehicles under ORS 98.812.
- C. Notice of Tow.
 1. Notice by Mail. Unless excepted pursuant to subsection C(3), the City shall notice the registered owner and any other person who reasonably appears to have an interest in the towed vehicle by sending a notice of tow by regular mail to the registered owner's address within 48 hours (excluding weekends and holidays) after the City causes the removal of the vehicle.
 2. Notice Requirements. The notice of tow shall provide:
 - a. a description of the vehicle and the location from which it was towed;
 - b. the holding location of the towed vehicle and a statement providing it may be reclaimed only upon evidence the claimant is the owner or otherwise a person entitled to possession;
 - c. the address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the vehicle's release;
 - d. the vehicle and its contents are subject to a lien for the tow and storage charges;

- e. if the vehicle is not claimed within 30 days after the mailing date of the notice it and its contents will be subject to sale by the City or the tow and storage facility where the vehicle is located by operation of Oregon law and a statement providing their failure to reclaim the vehicle within such time will constitute a waiver of all interest in the vehicle; and
 - f. a hearing may be requested to contest the validity of the tow and will set forth the time in which a hearing must be requested and the method of requesting a hearing.
3. Notice Exceptions. The City is not required to mail the notice of tow described in subsection C(1) if:
- a. the vehicle is claimed within 48 hours of its tow;
 - b. the Chief of Police reasonably anticipates the mailing of notice may hinder or prevent the apprehension of a suspect in an ongoing criminal investigation;
 - c. the vehicle does not display license plates or other identifying markings by which its registration status or ownership can be reasonably and practicably determined; or
 - d. when the vehicle owner's identity is not available from the appropriate motor vehicle licensing and registration authority and when the vehicle owner's and other interest holders' addresses cannot otherwise be reasonably and practicably determined.

D. Tow and Storage Costs.

- 1. Generally. The City or its tower may require payment of reasonable costs for removal and storage of a vehicle towed under this Chapter before that vehicle is released. If the vehicle is not claimed and any cost reimbursement payments required under this Chapter are not paid within 30 days of the removal, the City or its tower is entitled to a just and reasonable lien (consistent with ORS 87.152) on the towed vehicle and its contents for the towage, care, and storage services provided. All tow and storage payments shall be consistent with ORS 811.620.
- 2. When Contested. If the City Manager or designee determines a contested tow was invalid or unjustified, all accrued tow and storage charges assessed under subsection D(1) shall be waived after a hearing held pursuant to subsection F; in that case, the City shall pay such charges if they are owed to a private tower and the charges have not previously been paid. If the City Manager or designee determines a contested tow was valid, the person entitled to possession of the vehicle shall be responsible for all tow and storage charges.

E. Notice to Contest Tow. Each person who seeks to redeem a vehicle towed pursuant to this Chapter shall be provided written notice of the opportunity to contest the validity of the vehicle's tow, together with a statement of the time in which a hearing may be requested and the method of requesting a hearing, at the time of redemption. The requirements of this subsection shall be satisfied by the tow company or other facility holding the vehicle.

F. Contested Hearings.

1. Contest Timelines and Requirements. Unless good cause is shown, all requests for a contested hearing pursuant to this Chapter must be filed with the City Manager or designee not later than 10 days after the vehicle was towed. All requests must be in writing and state the grounds upon which the person requesting the hearing believes the tow invalid or, for any other reason, unjustified. All requests must include a \$100.00 administrative fee and any other information relating to this Chapter's purposes or required by administrative rules adopted pursuant to this Chapter's provisions. The City Manager or designee shall set and conduct an administrative hearing on the matter within 14 days of actually receiving a request meeting the requirements of this subsection F(1); provided, however, the City Manager or designee shall set and conduct the hearing within 72 hours (excluding weekends and holidays) of actually receiving a request in all cases where the vehicle has been towed but not yet released. Following the City Manager's or designee's making a public determination on a contested hearing, the person entitled to possession must pick up the towed vehicle within 24 hours to avoid further storage charges; if the vehicle is not claimed within that time period, it shall not be released until the additionally accrued storage charges, if any, are paid.
2. Hearing Procedures. The City Manager may make necessary rules regarding the conduct of contest hearings and consistent with this section. The hearing shall afford a reasonable opportunity for the persons requesting it to demonstrate by the statements of witnesses and other relevant evidence the tow and/or storage of the vehicle was invalid or, for any other reason, unjustified; provided, however, a person's inability to pay the tow and storage charges are insufficient grounds for waiving the tow and storage charges stemming from violation of this Chapter's provisions.
3. Hearing Outcomes. If the tow is found invalid or not justified, the City Manager or designee shall refund the administrative fee, order the vehicle to be released immediately, and ensure the tow and storage charges are voided or returned if paid, if applicable. If the tow is found valid, the City shall retain the administrative fee and order the vehicle to continue to be held until all tow and storage charges are paid.
4. Hearing Administration. The City Manager's or designee's determination pursuant to this subsection F is a final quasi-judicial decision not appealable to the City Council. Any person who has a hearing scheduled and fails to appear at that hearing without good cause shown (as determined by the City Manager or designee) will not be

entitled to a rescheduled hearing. Only the registered owner and other persons having an interest in the vehicle are entitled to a hearing and only one hearing is allowed per vehicle.

- G. Vehicle Release. Any vehicle owner, the person who was lawfully in possession or control of the vehicle at the time it was towed, or a person who purchased the vehicle from the owner and produces written proof of ownership shall be entitled to immediate possession of the towed vehicle upon their payment of the required tow and storage charges; provided, however, they demonstrate to the proof that a person with valid driving privileges will be operating the vehicle and proof of the vehicle's active insurance pursuant to Oregon law.

6.02.07 Revocation.

- A. Permit Revoked. The City Manager may revoke any permit used for a purpose contrary to this Chapter's purpose, for any purpose other than that for which it was specifically issued, or (in any event) if the City Manager develops a reasonable basis to believe a permittee no longer meets this Chapter's eligibility criteria. Any permittee aggrieved by the City Manager's revocation may appeal their decision by filing a written notice of appeal with the Office of the City Clerk within five days of the revocation. Appeals shall be heard by the City Council, which will *de novo* review the City Manager's decision in a quasi-judicial hearing at a regular meeting following the permittee's timely filed notice of appeal.

6.02.08 Enforcement.

- A. Enforcement. This Chapter shall be enforced by the City of The Dalles Police Department. If the person who operated or parked the vehicle in the parking lot is present and available at the time of enforcement, any Police Officer enforcing this Chapter should make educating the person of the existence of this Chapter and its restrictions as their initial method of enforcement and encourage voluntary compliance; otherwise, the City may tow or arrange for the towing of any violating vehicle from the parking lot.
- B. Owner Responsibility. The vehicle's registered owner shall be responsible for any and all costs incurred by any party and associated with this Chapter's enforcement, unless the owner demonstrates to the City Manager's reasonable satisfaction the use of their vehicle was secured by its operator without the owner's consent (in which case the operator of the vehicle at the time of violation shall be so responsible).
- C. Remedies Cumulative. The remedies provided by this Chapter are cumulative and in addition to any other remedies available to the City at law or in equity.

6.02.09 Severability.

A. Chapter Severable. The provisions of this Chapter are severable. Any provision of this Chapter deemed invalid by a court of competent jurisdiction shall not impact any other provision.

Section 2. This Ordinance shall be effective 30 days after adoption.

PASSED AND ADOPTED THIS 24TH DAY OF JULY, 2023,

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JULY, 2023.

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC, City Clerk

The Dalles Central Business Commercial Sub-Districts



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus-DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
2012 Aerial Imagery | Data provided by Wasco County GIS | Map created by The Dalles CDD | 3/20, JG



AGENDA STAFF REPORT

AGENDA LOCATION: Discussion Item #11A

MEETING DATE: July 24, 2023

TO: Honorable Mayor and City Council

FROM: Matthew Klebes, City Manager

ISSUE: Nuisance Crime and Community Livability

BACKGROUND: At the regular City Council meeting on March 13, 2023 City Council directed staff to propose courses of action to address the public's concerns regarding an increased prevalence of nuisance issues and seek ways to improve community livability. The City Manager updated the City Council on this matter at its June 26, 2023 regular meeting.

City staff responsible for implementing the directive include the City Manager, City Attorney, Police Chief, and Police Captain and others. Staff focused on tangible and practical ways the City could improve everyone's quality of life, including those persons experiencing homelessness. This group of staff identified various community impacts and then created a list of new strategies, policies, and laws for consideration.

Public nuisances have pervasive impacts to the community's livability. All three of the City's police powers (i.e., the public health, safety, and welfare) are implicated when assessing how ongoing nuisances change a community's dynamics. City staff identified the following community impacts to inform this discussion:

- Personal safety in public spaces;
- Downtown business/tourism development and operation;
- Sidewalk, alley, and street accessibility;
- Increasing reports of trespass and nuisances on private property;
- Litter, junk, and shopping cart proliferation throughout the city

The information below details several items that staff are already working on as well as several items on which staff is seeking Council feedback.. These items may require adjustments to the budget

- A. **Owner Authorization to Enforce Law:** Property owners within The Dalles may proactively file an *Owner Authorization to Enforce Law* form, which pre-authorizes the City's Police Department and Wasco County District Attorney's Office to enforce trespass and other property crimes occurring on their property. Usually, the Police Department requires the owner's presence at the time of a property crime's occurrence to have the authority to enter the property to enforce laws; however, the City partnered with the Wasco County District Attorney to craft the form to offer property owners confidence property crimes like trespass will be enforceable around-the-clock (especially without their physical presence at the time of enforcement). This partnership has proven itself successful at enforcing property-related crimes on several properties throughout the city limits and has demonstrated its utility at addressing property crimes on properties having part-time resident owners. Any resident hoping to avail themselves of this property protection may file a notarized form with the Police Department and the City offers free notarization to facilitate this service.

- B. **Volunteer Security Camera Registry:** Individuals within The Dalles who own a private security camera(s) may pro-actively, *and confidentially*, register the camera(s) with The Dalles Police Department to aid police investigation efforts after an incident.

- C. **Creation and Updating of Informational Resources for Community:** The creation and regular update of informational tools on the City's website or through materials such as community toolkits can improve the awareness of projects, programs, and resources to address challenges. Many communities throughout Oregon employ such materials and toolkits that our efforts can model.

- D. **Mid-Columbia Center for Living Pilot Community Outreach Service Program:** (See Exhibit A for more details) In summary, a proposal was submitted by Mid-Columbia Center for Living (CFL) in partnership with Mid-Columbia Community Action Council (MCCAC) to combine funding sources to establish two (2) full time behavioral health staff members position within CFL. A combination of **local** funding sources will better allow these positions in engage and support individuals experiencing houselessness, drug addiction, or mental health issues that have not risen to a crisis situation. This is a 1 year pilot program that, if successful, may become recurring.

- E. **Watershed Position Changes**
Currently, the Public Works Department funds a seasonal sworn police officer position to patrol the watershed during the spring, summer, and fall months depending on snow levels. This officer is supervised by the Police Department. This proposal would eliminate this position at the end of the 2023 season and replace it with a full time patrol officer position at the Police Department. The watershed patrol duties would be treated as an assignment similar to our NEAT, Traffic, and MINT assignments. Watershed patrols would continue during the

summer months and would shift to patrol duty during the remainder of the year. Compensation for watershed patrol duties would continue to come from resources at the Public Works Department. If there is support from the Council for this concept, staff will move the concept forward.

F. Police “Overfill” Position:

The City of The Dalles Police Department currently has 25 sworn officer positions. When fully staffed and the City receives indications that an officer may leave the Department it can be challenging to post a position and begin the recruit process without an official resignation letter. With an “overfill” position authorized and budgeted for, the Department would still be considered fully staffed at 25 sworn officers, but if the Police Chief and City Manager agree that there is sufficient indication an officer is likely to leave, the “overfill” position can be posted and recruitment efforts can be expedited to reduce the operational impact of an officer departing. If there is support from the Council for this concept, staff will move the concept forward, develop needed policy, and coordinate with the Police Union.

If combined with the Watershed position changes, the end result will be a City Police Department with 26 sworn officers that is budgeted for 27 to accommodate the “overfill” concept.

G. Purchase and Installation of a New 24-hour Bathroom Facility:

Recently, the City received a petition from downtown business owners to close the 24-hr bathroom facility at the Veterans building on Federal St due to an increase in safety and public nuisance concerns. This bathroom facility was recently closed for a short period of time to address these concerns and has been re-opened from dawn to dusk only, in the same fashion as the bathrooms at the Lewis and Clark Park.

These recent challenges, and others throughout the past few years, have demonstrated that this bathroom, used as a 24 hour facility, is not adequate and designed to effectively meet its intended use. A bathroom facility such as the Portland Loo is a better option to fulfill this community need.

The purchase and installation of a Portland Loo at the Arco Parking lot near St. Peter’s Cathedral or other property has been discussed many times (See Exhibit B for the most recent proposal). The City Manager has visited and interacted with officials from the City of Astoria which has a Portland Loo located in their downtown core that has been successful. With the addition of a Facilities Supervisor and resulting increase in monitoring and maintenance ability for such a facility, staff intends to purchase and install a Portland Loo or equivalent bathroom facility to serve on a 24 hour basis utilizing American Rescue Plan Act (ARPA) funds. The bathroom at the Veterans building would continue to operate on a dawn to dusk basis only.

BUDGET IMPLICATIONS:

The below list is detailed D-G corresponding to the list above:

- D. Mid-Columbia Center for Living Pilot Community Outreach Service program
 - a. The request is for \$50,000 from the City of the Dalles, CFL, and MCCAC each for a total of \$150,000.
 - b. Staff is evaluating if opioid funds received by the City and Wasco County as a result of recent lawsuits may be an eligible use of funds. If opioid funds are eligible, staff will request that Wasco County contribute half of the City's share, or \$25,000, to this effort.
- E. Watershed Position Changes
 - a. The current seasonal watershed patrol position will be eliminated and a new patrol officer position will be added to the Police Department. The Public Works Department will continue to pay for roughly 50% of this position's costs. A budget amendment will be needed to allocate additional \$67,500 to cover the remaining costs associated with the new patrol officer position.
- F. Police "Overfill" Position
 - a. While the Police Department will be considered fully staffed at 25 officers the Police Department budget will need to allocate resources in effect for 26 officers. A budget amendment will be needed to allocate an additional \$135,000 to fund the "overfill" position.
- G. Purchase and installation of a new 24-hr bathroom facility.
 - a. A quote received in 2022 detailed the cost of a Portland Loo at \$138,947.00. Installation costs were estimated at roughly \$48,000.
 - b. If the bathroom receives Council support staff would procure renewed cost estimates and will also evaluate other similar bathroom designs and companies to purchase the most appropriate and cost effective product.
 - c. The City could use remaining ARPA dollars for the purchase and installation of a bathroom facility. Such a procurement would likely need to come back to Council to award given the level of expenditure. Regardless, the City Manager will provide the Council an update on staff efforts before finalizing.

COUNCIL ALTERNATIVES: This is a discussion item. Staff is seeking Council consensus on items D-G and whether or not each one of them is support so staff can undertake any necessary steps to move them forward.



Mid-Columbia Houseless Collaborative
Working to reduce houselessness in the Mid-Columbia region through collaboration, advocacy, and equity.
www.midcolumbiahouselesscollaborative.org

The Dalles Community Outreach Team

Problem:

In The Dalles, we are experiencing the results of the regional crisis of affordable housing and houselessness, with unhoused people living unsheltered in our city. Mid-Columbia Center for Living (MCCFL), Mid-Columbia Community Action Council (MCCAC), and The Dalles Police regularly hear from local business owners, community members, and elected officials who are concerned about unhoused individuals in the community.

In many cases, these concerned calls are focused on what can be done to effectively address the needs of houseless people who are intoxicated, mentally ill, or disoriented—while also ensuring that the entire community feels safe and clean for all residents, business owners, and tourists.

Each of the entities that receive these calls are doing their best to respond when calls are received, but responses can be limited by factors such as the responding organization's restricted use of funding, insurance or other policies, or mismatch between the needs of the houseless individuals and the skills/training of the responding staff member.

Proposal:

Develop a Peer-to-Peer Community Outreach Team based at MCCFL that is dedicated to connecting with people living with the trauma of being unsheltered in The Dalles. The Community Outreach Team would consist of 2 full-time behavioral health staff members. The team would work with local community organizations, business owners, health care providers, and law enforcement to address the needs of unsheltered houseless community members who may be eligible for behavioral health care or other social services. The Community Outreach Team will be embedded within MCCFL's mobile response program model, and fully cross-trained to ensure continuity of operations and access to behavioral health clinicians who can place hospital holds as appropriate.

Often houseless persons have little or no support systems and are no longer familiar or comfortable with establishing new relationships. Therefore, it is imperative that building rapport be the primary method for outreach to these individuals in order to effect change. This takes time and multiple contacts. A Peer-to-Peer Community Outreach Team would be designed to effectively address these needs.

Team Structure and Core Functions:

- With the Peer-to-Peer Model, preference for the Community Outreach staff positions would be given to individuals who have previous or current involvement as a behavioral health consumer, and/or individuals with “lived” experience dealing with psychiatric disabilities and/or the legal system.
- The Community Outreach Team would meet regularly with referred individuals and engage with them to develop rapport, truly understand the barriers to housing, and identify needs to be met.
- The Community Outreach Team would connect with unhoused individuals experiencing behavioral health issues, substance use disorders, or disorientation to train these individuals in self-advocacy, recovery, sober skills, and access to services.
- During this engagement, the Community Outreach Team would likely at times be in a position to help coordinate responses in the event of crisis situations and improve the likelihood such individuals will enroll in appropriate health care and other services.
- The Community Outreach Team would support unhoused individuals through other traditional Community outreach work such as addressing immediate physical and safety needs and as appropriate, assisting with engagement needs during or ahead of houseless camp clean-ups.
- The Community Outreach Team would utilize the eyes and ears of community members, referrals, and the existing MCCFL Crisis Team to respond to concerns about the needs of people living on the streets.

Cost for Pilot Project:

A Community Outreach Team has the potential to address an important unmet need in the community. Currently, there are those living in unsheltered houselessness who have untreated behavioral health and/or substance use disorders but are not accessing resources with MCCFL. By braiding multiple funding sources - including dedicated funds from The City of The Dalles, MCCAC, and MCCFL - the Community Outreach Team will allow MCCFL to engage those individuals in services in a way that is currently not possibly due to restrictions on funds coming exclusively from MCCFL.

- Each position would require approximately \$75,000.00/year in funding for salary, benefits, training, and travel, and wrap around support funds for short term social care needs.
- Total budget being requested from the City of the Dalles to support 1-year Pilot: \$50,000 (1/3 of total budget; CFL and MCCAC will fund the other 2/3).

The Portland Loo.

A Unique Solution to a Universal Problem





AGENDA STAFF REPORT

AGENDA LOCATION: Discussion Item #11B

MEETING DATE: July 24, 2023

TO: Honorable Mayor and City Council

FROM: Matthew Klebes, City Manager

ISSUE: Abandoned Shopping Carts

BACKGROUND: At its March 13, 2023 regular meeting, the City Council directed staff to bring for its consideration proposed courses of action to address the public's concerns regarding an increased prevalence of nuisance issues. The City Manager updated the City Council on this matter at its June 26, 2023 regular meeting.

One nuisance issue of concern expressed by both citizens and City Councilors is the presence of abandoned shopping carts throughout the community; off site from the properties where shopping cart owners have provided them for customer use.

To develop strategies to address this issue, staff conducted outreach to local business owners, researched what steps other communities have undertaken and their result, as well as reached out to the National Grocers Association (NGA). The focus of discussion was to identify potential ways to partner with local business by providing mechanisms to prevent or reduce the unauthorized appropriation of a shopping cart and facilitate and incentivize their return.

Also as part of this effort, on July 12, 2023 staff mailed a letter to all businesses that staff could identify that employed shopping carts informing them this item would be on the July 24th City Council agenda for discussion.

One strategy for consideration is to utilize ORS 98.515 which authorizes local governments to adopt ordinances and other regulations to prohibit the unauthorized appropriation of a shopping cart from the business premise as well as provide for the salvage and reclamation of abandoned shopping carts.

If a local government adopts an ordinance under ORS 98.515 the ordinance must comply with requirements in ORS 98.520 which mandates that a local ordinance include the following requirements:

1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015.
2. Identify the person's business on each shopping cart and post a sign on the shopping cart informing them that unauthorized appropriation of a shopping cart is a crime.
3. Provide, at the owner's sole expense, a toll-free telephone number the public may use to report abandoned shopping carts. Submitted reports shall be forwarded to the local government within one business day. Owners may share expenses related to the provision of the hotline.
4. Upon receiving a report through the telephone number of an abandoned shopping cart, the relevant owner would have up to 72 hours to retrieve the carts. Failure to retrieve the cart(s) within the established timeframe may result in a fine and/or forfeiture of said property to the City. The owner may retrieve or contract for the retrieval of the abandoned shopping cart(s).

It is staff intention to have a proposed City ordinance define an *abandoned* cart as a shopping cart that:

- is not in active use
- has been removed from the owner's premises without their written consent
- is located on either public or private property; and
- is empty or does not contain sanitary personal property

The rationale behind this definition is to focus enforcement efforts on shopping carts that have unequivocally been abandoned, return them to their owners, while avoiding adverse impacts on vulnerable community members and personal property. Under this definition, every shopping cart offsite from an owners premises may *not* be described as abandoned. However, it would apply to a significant number of shopping carts and facilitate their return.

There remains work to be done to confirm if this definition effectively complies with the ORS or if the definition of abandoned must mean every shopping cart offsite from the owner's premises, regardless of what it contains and who may be actively using it.

BUDGET IMPLICATIONS: There will be costs associated with staff time in development, implementation, and administration of such an ordinance. Potential fines may also be collected by the City. To be clear, the objective of such an ordinance is not to generate revenue but to partner with local businesses and provide tools and an incentive to use such tools to mitigate this community impact.

COUNCIL ALTERNATIVES: This is a discussion item, staff requests further direction on Council's desire to prepare such a proposed ordinance.