



City Council

Mayor
Jim Fairchild

Council President
Ken Woods, Jr.

Councilor
Brian Dalton

Councilor
Warren Lamb

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Wes Scroggin

Councilor
David Shein

Councilor
David Voves

Councilor
LaVonne Wilson

Staff

City Manager
Jerry Wyatt

Asst. City Manager
Kim Marr

City Attorney
Lane Shetterly

Community Development
Director
Jason Locke

Finance Director

Fire Chief
Bill Hahn

Interim Police Chief
Tom Simpson

Public Works Director
Fred Braun

Dallas City Council Agenda

Monday, November 3, 2008, 7:00 p.m.

Mayor Jim Fairchild, Presiding

Dallas City Hall

187 SE Court Street

Dallas, Oregon 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card.

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE TO THE FLAG	
3. APPROVAL OF MINUTES Approval of minutes of the Oct 20, 2008, Council meeting p. 3	Action Requested
4. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
a. Report of October 27, 2008, Building and Grounds Meeting (Warren Lamb, Chair) p. 8	Discussion
b. Report of October 27, 2008, Public Works Committee Meeting (Jackie Lawson, Chair) p. 10	Discussion
c. Mayor's monthly report for October p. 24	Discussion
5. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.</i>	
6. PUBLIC HEARINGS <i>(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i>	
a. Aquatic Center Energy Efficiency Measures Request for Proposal Exemption Public Hearing p. 26	Public Hearing

Dallas City Council Agenda

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Our Vision

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

Our Mission

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

Our Motto

*Commitment to the Community.
People Serving People.*

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

7. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

City Manager's Reports

- a. Census 2010 Information
- b. Downtown Task Force update p. 34 Information
- c. Blue Garden Update p. 35 Information
- d. Other

8. COMMUNICATIONS AND PETITIONS

9. RESOLUTIONS

10. FIRST READING OF ORDINANCE

11. SECOND READING OF ORDINANCE

12. OTHER BUSINESS

13. ADJOURNMENT

DALLAS CITY COUNCIL
Monday, October 20, 2008
Council Chambers

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The Dallas City Council met in regular session on Monday, October 20, 2008, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Fairchild presiding.

ROLL CALL

Council members present were: Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Interim Police Chief Tom Simpson, Public Works Director Fred Braun, Community Development Director Jason Locke, Fire Chief Bill Hahn, and Recording Secretary Emily Gagner.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Fairchild led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Councilor Dalton noted that on page 4, line 35 of the minutes, it should read Legislature, not Legislation. Mayor Fairchild declared the minutes of the October 6, 2008, Council meeting approved as corrected.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Councilor Wilson thanked the staff for a lovely Council dinner.

Mayor Fairchild reported that he has attended meetings on the Linden Lane issue along with Councilor Wilson and Councilor Scroggin. He told any Councilors who were interested in further details to contact him and he would be happy to pass that information along. Councilor Wilson pointed out that Mr. Wyatt attended all the meetings as well.

MAYOR'S MONTHLY REPORT FOR SEPTEMBER

There were no questions about the Mayor's monthly report for September.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

There were no questions or comments from the audience.

REPORTS OF SPECIAL COMMITTEES AND CITY OFFICER

EMPLOYEE / VOLUNTEER RECOGNITION AWARDS PRESENTATION

Mr. Wyatt reviewed the employee and volunteer recognition program. He indicated Steve Faxon, Construction Maintenance Supervisor in Public Works, was the Employee of the Quarter and Shaun Wagner was the Volunteer of the Quarter with the Fire Department.

Mr. Wyatt presented Mr. Faxon with a certificate. He said the selection committee feels Steve does an excellent job and provides a great example. Steve has great public relations skills and uses humor to make his employees feel at ease. Mr. Faxon has worked for the City since July 22, 1994. Mr. Wyatt said the City is proud to have him represent us in all he does.

Mr. Faxon stated he is fortunate the guys who work for him do an awesome job and they make him look good.

Mr. Wyatt explained that the second part of acknowledgement is the volunteer award. Shaun Wagner joined the volunteer fire department in 1993 and worked his way up from probationary member, firefighter, engineer, and now Captain. In addition, Shaun has been part of the extrication team since its inception. Mr. Wyatt stated Mr. Wagner is dedicated, loyal, and always acts with the best interest of the City of Dallas and the Fire Department in mind.

2008 FITNESS LEADERSHIP AWARDS PRESENTATION

Mayor Fairchild reported that over the last six years, the Governor of Oregon has pushed to work on fitness for kids. Mayors are given the opportunity to nominate people who do a good job of

1 promoting fitness. Mayor Fairchild said he was honored to nominate Judy Boustead, who was
2 awarded a 2008 Fitness Leadership Award. He read the nomination letter and presented Mrs.
3 Boustead with her certificate.

4 Mrs. Boustead stated she feels she has the best job in the world.

5 RED FLAG RULES (IDENTITY THEFT PREVENTION PROGRAM)

6 Mr. Wyatt reviewed the background of the requirements for the identity theft prevention
7 program, noting there would be a vote on a Resolution to adopt the program further on in the
8 meeting. Mr. Wyatt explained that the program provides safeguards for personal information
9 and mostly involves the Finance Department, although the Human Resources and all other
10 departments need to be aware of the identity theft issue. Mr. Wyatt reported that all employees
11 will be trained on the program.

12 Councilor Shein asked how much of a training burden there would be to get these procedures
13 locked in. Mr. Wyatt stated there wouldn't be much, as this whole program already ties in with
14 what the Interim Finance Director is doing with the internal controls. Councilor Lamb asked if
15 the issue the City had a year ago would have been prevented if this program was in place. Mr.
16 Wyatt confirmed that this would have prevented that issue, as the new program requires IT to
17 review the process before any information is sent out to make sure it is secured.

18 MEETING AT DALLAS HIGH SCHOOL WITH STUDENTS

19 Mr. Wyatt explained this topic was brought up after the LOC Conference, where we found many
20 Councils around the state hold a Council meeting on their high school campus. This gives our
21 youth an opportunity to participate and ask questions. Councilor Scroggin asked if the meeting
22 would be held during the day. Mr. Wyatt stated it would be during the day, probably on a
23 Monday and take the place of a Monday night meeting. Mayor Fairchild indicated the consensus
24 is to move forward with this next year.

25 SENIOR CENTER FINAL REPORT

26 Mr. Wyatt reviewed the Senior Center Business Plan, made possible through a grant from Spirit
27 Mountain. This business plan will be attached to every grant application we submit, including
28 the CDBG grant. Councilor Lawson asked if they stuck with the age stipulation on the CDBG
29 grant parameters. Mr. Wyatt explained that when we draft the CDBG grant, there are some
30 things we will need to work out with the State, but there will be an age stipulation of 55 and
31 older. Councilor Lawson asked if the stipulations preclude the Seniors from renting to other
32 groups. Mr. Shetterly stated the Senior Center will be for those residents 55 and older, but they
33 can rent to other non-senior groups.

34 FORESTRY CREEK RESTORATION PROJECT

35 Mr. Wyatt explained the Rickreall Watershed Council will be applying for a technical assistance
36 grant through OWEB as a partnership with the City of Dallas. The application is due today, but
37 the Council can always opt out. The grant application requires a \$7,500 cash match from the
38 City plus our staff would provide technical assistance. The total City portion, including staff
39 time, would be about \$12,000.

40 Councilor Lamb stated the Council should look at this project as a way to provide a better
41 environment in our community. Councilor Shein asked how long it had been since the creek
42 path was changed. Councilor Lamb replied it was changed in the early 1970's. He explained the
43 old creek path used to run through the area on Ellendale near the trailer park, through the City
44 Park near the Japanese Garden, and hook up with Rickreall Creek there. When the new
45 development went in, the creek got diverted to the west side of Kingsborough Park and dumps
46 into Rickreall Creek after an 8' drop, which is not passable by fish. Councilor Voves asked if the
47 City budgeted for this, and if not, where the money would come from. Mr. Wyatt stated the City
48 did not anticipate this project, but this could be considered a sewer or storm drainage project so
49 sewer money could be used. Councilor Wilson asked if the staff had the time for the in-kind
50 work. Mr. Wyatt explained it would mostly be Kenn Carter's time and he would have the time
51 to help out on the project. In response to a question, Councilor Lamb replied the approval is for
52 the feasibility study to see if they should move forward. The overall project to redirect Forestry
53 Creek would be done with grant money, and possibly some in-kind staff help from the City.

54 Councilor Lamb made a motion to join in partnership with Rickreall Watershed Council to

1 evaluate and design a means of providing fish passage to the upper reaches of Forestry Creek.
2 Councilor Scroggin declared a potential conflict of interest, as he owns property along the creek
3 path. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President
4 Ken Woods, Jr., Councilor Brian Dalton, Councilor Warren Lamb, Councilor Kevin Marshall,
5 Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor
6 LaVonne Wilson voting YES and Councilor Jackie Lawson abstaining.

7 BLUE GARDEN UPDATE

8 Mr. Wyatt indicated the Councilors had a copy of a letter from the property owner of the Blue
9 Garden, Jennifer Goodman, who is in the audience. He reviewed the staff report which outlined
10 the options the Council had if they decided to go ahead and have the work done, and the
11 estimates to complete the work. Mr. Wyatt stated he had met with the property owner earlier in
12 the day regarding the needed repairs. He indicated everyone is ready to move forward and staff
13 prefers the building owner do the repairs.

14 Ms Goodman stated she was unaware of the list of six things she needed to complete. She
15 thought she was only supposed to clean up the property as part of the abatement. She indicated
16 she tried to get a roofing permit last week but was told they couldn't issue it and she would have
17 to come back. Mr. Wyatt stated regarding the roofing permit, she needs to have a structural
18 engineer look at the structure before a new roof can be installed. Councilor Shein asked if when
19 the building was declared a nuisance there was any way to link it to the property so it would
20 show up on a title search. Mr. Shetterly stated the nuisance declaration doesn't affect the title,
21 and it is the seller's responsibility to disclose the fact that there is an issue with the building that
22 may affect its value. Mr. Shetterly indicated the Council could update the Code to require filing
23 something with the County.

24 Mr. Wyatt indicated one suggestion is to come back at each Council meeting with an update of
25 the progress, a timeframe, the structural engineer's assessment, what's been moved out, and so
26 on. He recommended having staff continue to work with the property owner and set some
27 parameters for what we want done. Mr. Shetterly stated the declaration of nuisance is still in
28 place and if the Council ever determines progress has stopped, they can direct staff at that time to
29 advertise to have the work finished.

30 Councilor Shein stated he would like to see a status report at every meeting with a fair amount of
31 detail, including where things stand on the timeline, until the situation is resolved to everyone's
32 satisfaction. In response to some discussion about the overall structural safety, Mr. Wyatt
33 indicated the property owner and staff are both in agreement to have a structural engineer look at
34 it. Ms Goodman indicated that can be done as quickly as next week. She added she can do
35 emergency repairs to alleviate the issues at Brixius Jewelers. Councilor Marshall asked if we
36 did have something in place saying they couldn't get a permit. Mr. Wyatt explained that the City
37 needed a report from a structural engineer to make sure the building was safe before the permit
38 was issued.

39 Councilor Lamb indicated the Council should turn it back to Mr. Wyatt for a report every two
40 weeks. Councilor Wilson asked if it would be possible for Mr. Wyatt to provide updates to the
41 Council on an ongoing basis. Mr. Wyatt agreed to do that. Councilor Voves stated that if he
42 doesn't see anything happen in the next two weeks, he will make a motion to go to the resolution
43 and have staff take care of it. Councilor Dalton stated the Council is asking for updates and if
44 they get excellent cooperation, it will go very well for her and her restoration. However, if there
45 is avoidance, that doesn't speak well to the situation.

46 REPORT ON OCT 14, 2008 PLANNING COMMISSION MEETING

47 Mr. Wyatt indicated there were no land use items at the Planning Commission meeting, but they
48 did some grant review and had discussion about the citizen involvement program.

49 DEPARTMENT REPORTS FOR THE MONTH OF SEPTEMBER

50 There were no questions on the department reports.

51 BILLS OF THE CITY FOR THE MONTH OF SEPTEMBER

52 There were no questions on the bills for the month of September.

53 OTHER

1 **COMMUNICATIONS AND PETITIONS**

2 **CHAMBER REQUEST FOR HALLOWEEN EVENTS**

3 Mr. Wyatt indicated the City received a letter from the Chamber of Commerce regarding the
4 “Trick-n-Treat” Halloween event that will once again be on the Morrison campus. The Chamber
5 will work with staff and the Police Department to coordinate the event.

6 **PUBLIC HEARINGS**

7 **A PUBLIC HEARING ON THE TRANSPORTATION SYSTEM PLAN (TSP) AND**
8 **ASSOCIATED COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS.**

9 Mayor Fairchild opened the public hearing at 8:04 PM.

10 Mr. Locke stated the Planning Commission has recommended approval to the Council of this
11 document and the Council has had two workshops on the document. He reviewed what the TSP
12 was and what it does for the City. He discussed how it was developed with public involvement,
13 and then reviewed the ten goals and objectives.

14 Mr. Locke explained this will be adopted as a chapter of the Dallas Comprehensive Plan,
15 supplanting all current transportation data, projects, language and policies.

16 Councilor Lamb indicated there was not a lot of money assigned for bike updates. Mr. Locke
17 explained that much of the bike updates are included with new roadways, so the money is
18 allocated there. Mr. Locke advised that they will have clearly mapped and marked bike paths in
19 town because it is in the plan and it makes good sense. He admitted the City hasn't paid as much
20 attention to bikes and pedestrians until now.

21 Councilor Scroggin stated he is concerned about the downtown and older sections of town. He
22 asked if there is any money available to improve the alley system. Mr. Locke indicated that is
23 not addressed in this document, because that is a maintenance item. He stated unless the Council
24 moves alleys to a higher priority, the City does not have a funding source for those repairs. Mr.
25 Wyatt explained that the City has approximately \$200,000 per year for maintenance of all streets
26 and we focus more on collectors and other high-traffic streets.

27 Councilor Dalton mentioned that the City has a requirement for street trees, but there is no
28 requirement for maintenance in this document. He asked if other parts of the City Code cover
29 the maintenance of street trees. Mr. Wyatt explained that there are requirements in the
30 Development Code separate from the TSP. There was some discussion about what the Council
31 can do if the Planning Commission does not represent the Council properly. Mr. Shetterly
32 explained the Council has the right to recall the appointment of anyone on the Planning
33 Commission, and they can call up any decision for review.

34 Councilor Voves noted the TSP gives a lot of leeway to add or remove projects. Mr. Locke
35 explained that conditions may change and the City may decide things didn't grow as we thought,
36 so these projects can change.

37 Mayor Fairchild stated he is still concerned because the bicycle plan goes around the downtown
38 and never addresses the downtown. Mr. Locke indicated we do have constraints downtown in
39 terms of the way it functions. The question becomes how we get people to the downtown and
40 once here, what they do with their bikes. Mr. Locke noted this is one issue they are working on
41 with the Main Street program.

42 Councilor Dalton asked if there is any mention of the Mill Street Bridge in the TSP, noting it
43 would be one way to relieve the congestion at the North Dallas Intersection. Mr. Wyatt stated he
44 would go through and see where that is mentioned.

45 Jim Brown stated that when you look at the budget for bicycle improvements, it's only \$860,000,
46 which gives the appearance that we aren't bike-friendly. He also noted it was odd that under
47 road improvements in the 10-15 year range, it is \$0.

48 Mayor Fairchild closed the public hearing at 8:43 PM

1 Councilor Woods moved to approve the Transportation System Plan and the associated
2 Comprehensive Plan and Development Code amendments and direct the staff to prepare the
3 appropriate Ordinances for adoption. The motion was duly seconded and CARRIED
4 UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor
5 Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin,
6 Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

7 **RESOLUTIONS**

8 **Resolution No. 3173:** A Resolution adopting an Identity Theft Prevention Program pursuant to
9 the Oregon Identity Theft Protection Act of 2007 and the Federal Fair and Accurate Credit
10 Transactions Act.

11 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3173 to have PASSED
12 BY A UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,
13 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes
14 Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson
15 voting YES.

16 **Resolution No. 3174:** A Resolution declaring the City of Dallas' intent to apply for a
17 Community Development Block Grant through the Oregon Economic & Community
18 Development Department and authorizing the City Manager to submit and sign an application.

19
20 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3174 to have PASSED
21 BY A UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,
22 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes
23 Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson
24 voting YES.

25 **FIRST READING OF ORDINANCE**

26 **SECOND READING OF ORDINANCE**

27 **Ordinance No. 1692:** An Ordinance establishing off-leash dog park regulations; and amending
28 DCC 5.428.

29 Mayor Fairchild declared Ordinance No. 1692 to have passed its second reading. A roll call vote
30 was taken and Mayor Fairchild declared Ordinance No. 1692 to have PASSED BY A
31 UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,
32 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes
33 Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson
34 voting YES.

35 **OTHER BUSINESS**

36 Councilor Shein stated that alleys were discussed in the TSP discussion and the Council
37 Committees had some conversations about the alley between Washington and Oak and the
38 possibility of turning that into a one-way alley. Mr. Wyatt stated an ordinance would be passed
39 to that affect before the first of the year.

40 Councilor Voves indicated that had the public hearing been held at 7:00 all the audience
41 members would have been present and probably would have had comments to share regarding
42 the TSP.

43 There being no further business, the meeting adjourned at 8:49 p.m.

44 Read and approved this _____ day of _____ 2008.

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46 _____
47 Mayor

48 ATTEST:

49 _____
50 City Manager

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Members Present: Chair Warren Lamb, Councilor Jackie Lawson, Councilor Wes Scroggin, and Councilor Dave Voves.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, Community Development Director Jason Locke, Public Works Director Fred Braun, Assistant Public Works Director Christy Ellis, and Recording Secretary Emily Gagner.

Chair Warren Lamb called the meeting to order at 5:00 p.m.

Community Development Department Update:

Mr. Locke stated staff is in the process of contracting with an HVAC engineer to review the current system for efficiency and comfort. We should have a complete report within a month. Mr. Locke noted we are hoping the report will indicate some immediate solutions as well as items we can include in our long term plans.

Mr. Locke reported that we are working with DC Electric to have them do an audit to evaluate the lighting at City Hall. There are state and federal programs that will pick up 75% of the cost of changing over the lights from T5 to T8 lights. Justin at DC Electric will install a sample fixture so we can evaluate it. The project would include the Library and Police Department.

Mr. Locke indicated that there is nothing major going on at the Aquatic Center and everything is working. There will be a public hearing at the next Council meeting regarding the exemption from competitive bidding on the energy efficiency measures.

Mr. Locke reported the Aquatic Center is approaching its 600th annual member. In October they offered five free days of swimming and had 120 people sign up for that. Mr. Locke indicated he anticipates coming out of that we will pick up a significant number of new members.

Other:

There was no other business and the meeting was adjourned at 5:06 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, October 27, 2008

4:00 p.m.

Warren Lamb, Chair
Jackie Lawson
Dave Voves
Wes Scroggin

1. Community Development Department Update
2. Other
3. Adjourn

There were no issues requiring Council action presented at the meeting.

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3 Members Present: Chair Jackie Lawson, Councilor Warren Lamb, Councilor Wes Scroggin, and
4 Dave Voves.

5 Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr,
6 Public Works Director Fred Braun, Assistant Public Works Director Christy Ellis, and Recording
7 Secretary Emily Gagner.

8 Chair Jackie Lawson called the meeting to order at 4:00 p.m.

9 **Letter regarding stop sign at Walnut Avenue/Walnut Circle**

10 Mr. Wyatt indicated this issue was brought before the Public Works Committee a year ago and staff
11 installed two stop signs. The City has received a letter requesting the Council review the intersec-
12 tion again.

13 Mr. Braun reviewed the reasoning for the sign placement last year. He indicated that whenever you
14 look at an intersection and stop signage, there are certain warrants that must be reviewed and met
15 and none of those warrants are met in this instance. Mr. Braun stated that the idea that stop signs
16 slow traffic and decrease accidents is just a perception; people actually tend to speed up between
17 stop signs to make up for time spent stopped and at multi-way stops, accidents tend to increase due
18 to rear end accidents. Mr. Braun reported that he did review actual accident data at that intersection
19 and could not find one accident in the last five years that would have been prevented by a stop sign;
20 there was not one accident involving multiple vehicles, nor were there any vehicle vs. pedestrian ac-
21 cidents.

22 Councilor Voves asked what the classification of this street was. Mr. Braun stated it is a minor col-
23 lector at most. He indicated given the geometry of the intersection with the hairpin turn, traffic is
24 limited in speed they can go. Mr. Braun explained that warrants by the Manual on Uniform Traffic
25 Control Devices indicate the 85th percentile speed should be in excess of 45 mph and that is clearly
26 not the case here.

27 There was some discussion about speed being the main factor behind the neighborhoods concern,
28 and what the City could do to address the speed. Suggestions included placing the radar trailer in
29 the area for several days, increasing patrols in the area, installing traffic calming devices, or having
30 residents check out the radar gun to monitor traffic.

31 Craig Howlett stated he has observed many people treating that intersection as a racetrack, seeing
32 how fast they can zoom around the curves. He noted it is a regular route for skateboarders and bi-
33 kers, who regularly cut across the street. He feels because of the speed of people driving around the
34 curves and the large volume of pedestrian traffic, someone is going to get hit.

35 Tom O'Brien stated that he sees cars going east and west trying to straighten out the S curve and go
36 fast enough that they don't stay on their side of the street. He said if the Council is not seriously
37 looking at another stop sign, then some people in the neighborhood are asking for speed bumps, yel-
38 low stripes in the middle of the road, or something.

1 Councilor Lamb stated the City may be able to do street markings and other things to make people
2 more aware, but most of the time drivers know the law and choose not to follow them.

3 Councilor Voves asked if the City striped the corner, is there enough room with cars parked on the
4 side of the road to remain on your side of the line. Mr. Howlett stated there is a fire hydrant on the
5 corner which is marked yellow already.

6 Mr. O'Brien asked that staff at least remove the right turn permitted without stopping on the east-
7 bound lane of Walnut Avenue. Mr. Braun indicated it is not generally recommended to stop major
8 traffic and this intersection did not meet the warrants to do that. He noted there is an intersection
9 just like this on a state highway.

10 Mr. Wyatt indicated staff will look into yellow striping down the center of the street, placing the ra-
11 dar trailer in the neighborhood, and checking out the radar gun to residents.

12 **No Parking request on Ellendale Avenue at Jasper Street**

13 Mr. Braun indicated the property owner at 133 SW Jasper requested the City look at yellow curbing
14 to prohibit parking along West Ellendale. He indicated typically at an intersection we prohibit park-
15 ing within 30 feet with yellow curbing, which prevents site distance issues.

16 The Committee concurred that painting the curb yellow to prohibit parking within thirty feet of the
17 intersection would be a good idea. Mr. Braun stated that with existing safety standards staff can do
18 this without a motion of the Council.

19 **Update on Park and Recreation Projects**

20 Councilor Lamb indicated that a number of years ago he brought up the issue of replanting trees in
21 the park, but there was no money to replant the trees. He suggested trying to get the Park and
22 Recreation Board to do a program with the schools, a "Friends of the Park" type thing. We could get
23 kids in the elementary schools to plant a tree now and then and it could be their tree. Ms. Ellis stated
24 staff could put something together for Arbor Day next year.

25 Rotary Park Update

26 Ms. Ellis indicated the City had a planting event with Rotary and people from the neighborhood and
27 about thirty people showed up. She stated all the materials were secured through donations from
28 three different nurseries. The helpers also spread bark dust. Staff has since had all the concrete
29 work and hydro seeding done at the park. We will wait for the turf to get established before placing
30 the basketball hoops and playground equipment, probably sometime in the spring.

31 Dog Park

32 Ms. Ellis indicated we've secured one quote for fencing and are working on two more. The City has
33 determined this is a temporary location. The chain link fencing will cost about \$10-15,000. Council-
34 or Voves asked if the fencing would cover the whole perimeter of the lot. Ms. Ellis indicated about
35 one acre would be fenced of the five total. The rest would include parking and other things.

1 Councilor Scroggin asked if there would be a pet waste pickup station at the park. Mr. Braun con-
2 firmed there would be.

3 In response to a question, Ms. Ellis indicated it is considered temporary so we can see how it oper-
4 ates. If there are issues, we can remove the park completely, or take the fencing down and move it.

5 Street Tree Trimming – Core Area

6 Ms. Ellis indicated the City had the trees trimmed in the downtown core area last week. One tree was
7 removed in front of Ray's Home and Garden because it was dead. Mr. Braun reported that the trim-
8 ming removed 20-30% of the branches, and they did pull the trees away from the buildings. Mr.
9 Wyatt stated they tried to keep the shape of the trees on the street side.

10 Park Trail

11 Ms. Ellis stated there is an opportunity for an Oregon Recreational Trails Grant and the letter of in-
12 terest deadline is Friday. The City has also contacted the Council of Governments and we are work-
13 ing on a proposal for \$20,000 in funding for an environmental study on the next section of trail be-
14 tween the Aquatic Center and Hawthorne. The City has also received \$25,000 in actual funds from
15 CH2M Hill for trail development.

16 Mayor Fairchild asked if the CH2M Hill money would be used for a Park Trail Master Plan, which
17 was what the in-kind donation was going to do. Mr. Wyatt stated the Master Plan will be done in-
18 house, possibly using the Ash Creek Master Plan and adapting it for Rickreall Creek. He added the
19 City is also working with the Ford Foundation and Rural Development Initiative (RDI) for more
20 grant money.

21 Kingsborough Park

22 Ms. Ellis stated staff is working on a redesign for the park to address the area that currently floods in
23 the winter. Preliminary plans show a pond in the low area where the playground equipment is now
24 and moving the play zone closer to the housing area. That plan will be presented to the Park and
25 Recreation Board tomorrow night and forwarded to the Council. An alternate plan shows additional
26 parking off the street.

27 Councilor Scroggin asked how deep the water would be in the pond. Mr. Braun indicated it would be
28 less than 30 inches; shallow enough to not require a fence.

29 Councilor Voves asked the reason for the detention pond. Mr. Braun stated it is so we don't create a
30 situation where we discharge all the floodwater down the channel at once, which can cause problems
31 downstream. This pond will store the water and discharge it over time to the creek.

32 Cooperative Project with Arboretum

33 Ms. Ellis reported that City crews helped with the excavation of the existing pond at the entrance to
34 the Arboretum. The Arboretum then installed a new larger pond.

35 Tree City USA Update

36 Ms. Ellis indicated the City has submitted their application. They will review all the applications in
37 December and we'll wait to see if we are the 50th Tree City in Oregon.

38 Park Reservation System

1 Ms. Ellis reported that an issue she is bringing to the Park Board is a policy on inflatables (bouncy
2 castles, etc.) in the park. Staff is recommending the City establish a policy requiring a security depo-
3 sit as well as defining a certain area for those items. Ms. Ellis noted we are also proposing an in-
4 creased fee for large groups because of the costs to the City for garbage service for those large
5 groups.

6 Chair Lawson recessed the meeting at 5:00 p.m.

7 Chair Lawson reconvened the meeting at 5:06 p.m.

8 **Update on Water Projects**

9 Treated Water Tank Project:

10 Mr. Braun stated the tank is 95% complete. It needs to be chlorinated and pressure tested, but we
11 are waiting for the Cherry Street Transmission Project to be completed first.

12 Cherry Street Transmission Project:

13 Mr. Braun indicated that the contractor expects to complete pressure testing and chlorinating the line
14 over the next two weeks. Once that is done they can fill the treated water tank. Both projects should
15 be completed in November with final billing in December. That will put our first loan payment due
16 in December of 2009.

17 AMR (Automated Meter Reading) Project:

18 Mr. Braun indicated they have installed new meters in the old Ellendale Water District and installed
19 the collector unit at the Water Plant. The collector unit will then broadcast those readings to the
20 server at the County. The new software has been installed and the only thing left is to train staff on
21 that software.

22 ASR Cycle 7 / Grant Application:

23 Mr. Braun reported that the State notified us we are in line for a grant which involves the ASR pro-
24 gram. That grant would pay for some monitoring and testing and the expansion of the well field on
25 site. The State is recommending we receive \$75,000. The City will begin the Cycle 7 recharge as
26 soon as there is overflow at the dam.

27 SW Cherry Street Project (Between 10th & 11th Street):

28 Mr. Braun stated our crews are done with most of the project. They are pressure testing and chlori-
29 nating now and will be tying over services in the next couple of weeks. The paving will be com-
30 pleted with the contracted project on Cherry.

31 Tank Diving:

32 Mr. Braun reported that we are in the process of putting out bids for cleaning and corrosion inspec-
33 tion. We will have divers clean the tanks and check for corrosion at the 2 million gallon tank and
34 the clear well tank at the Water Plant, the storage tank at Bridlewood, and the Clay Street Reservoir
35 system.

36 Lead/Copper Testing Update:

1 Mr. Braun reviewed that the last round of lead and copper testing showed the possibility of lead in
2 the tap water at some of the older homes. There will be an article coming up in the newspaper with
3 the same information that was given to the Council.

4 **Update on Transportation Projects**

5 Levens Street Bridge

6 Mr. Braun reported that we have gotten some resistance from the contractor to fix the settlement on
7 approach slabs. We heard from their attorney, so our attorney wrote back saying it is a construction
8 defect. They must fix it or we will go back on their bond.

9 Alternative Fuel Vehicles

10 Ms. Ellis explained that staff is continuing to study alternative fuel vehicles. The state currently has
11 several different types available on state bid. There are compressed natural gas vehicles, which cost
12 about 87 cents per gallon to operate, vs. \$2.10 per gallon for gas. Electric vehicles have less main-
13 tenance, so they cost only about 1 cent per mile to operate. Councilor Lawson asked if there are any
14 compressed natural gas stations in the area. Ms. Ellis explained that a fixture is available that we
15 could retrofit at the shops that would provide compressed natural gas. Councilor Lamb recommend-
16 ed we look closely at the costs for set up, mechanic training, and maintenance over several years be-
17 fore we commit to an alternative fuel vehicle.

18 Paving Stone Test Area (sidewalk)

19 Mr. Braun reported that the tree well in front of the coffee house on Mill Street is uplifted. Staff will
20 be removing the concrete, which poses a trip hazard, and replacing it with the paving stones we are
21 planning to use in the downtown area. This will eliminate the trip hazard and allow us to demon-
22 strate what the downtown will look like when the downtown streetscape project is complete.

23 **Operational Report from Public Works Director**

24 Farm House:

25 Ms. Ellis stated we have a new renter as of October 17. The renter is an engineering employee, Jake
26 Dyer, and his roommate is Pat Kavan, the OMI plant operator at the Wastewater Treatment Plant.

27 OMI – Sludge Haul-out:

28 Mr. Braun stated they have completed the sludge haul-out. We expected an abnormally large
29 amount because OMI did a once every 10 year clean out and annual clean out of the basins. We ac-
30 tually found the sludge dried very well this year, so we were under tonnage. That meant no extra
31 costs.

32 Water Reuse Grant Application:

33 Mr. Braun indicated that similar to the ASR grant, we applied to the state for a water reuse project
34 from the Wastewater Treatment Facility to City parks. We were not recommended for funding, so
35 we are on our own to handle this project. We do have a good operating budget and sufficient SDC
36 funds to do the project ourselves.

37 Economic Development Assistance Grant:

1 Mr. Braun stated that when TTM shut down their plant, we became eligible to apply for this grant.
2 We applied for Monmouth Cutoff Road improvements to widen it from Uglow Avenue to Godsey
3 Road, and then from Godsey to the bridge crossing. It is a \$3.5 million project that would also in-
4 stall overflow piping to eliminate flooding in the area during heavy rain events. Staff will be giving
5 a presentation to EDA staff on this project, and then we should be asked to submit a final application
6 for funding.

7 **Other**

8 Councilor Lamb asked if the City is really charging enough for outside water users. He said it seems
9 really cheap. Mr. Wyatt indicated that will be a topic at one of the Council's Wednesday work-
10 shops.

11 There was no other business and the meeting was adjourned at 5:30 p.m.

MEETING AGENDA

PUBLIC WORKS COMMITTEE

Monday, October 27, 2008

4:00 p.m.

Jackie Lawson, Chair
Warren Lamb
David Voves
Wes Scroggin

1. Letter regarding stop sign at Walnut Avenue/Walnut Circle
2. No Parking request on Ellendale Ave at Jasper Street
3. Update on Park and Recreation Projects
 - Rotary Park Update
 - Dog Park
 - Street Tree Trimming – Core Area
 - Park Trail
 - Kingsborough Park
 - Cooperative Project with Arboretum
 - Tree City USA Update
 - Park Reservation System
4. Update on Water Projects
 - Treated Water Tank Project
 - Cherry Street Transmission Project
 - AMR (Automated Meter Reading) Project
 - ASR Cycle 7 / Grant Application
 - SW Cherry Street Project (between 10th & 11th Street)
 - Tank Diving
 - Lead/Copper Testing Update
5. Update on Transportation Projects
 - Levens Street Bridge
 - Alternative Fuel Vehicles
 - Paving stone test area (sidewalk)
6. Operational Report from Public Works Director
 - Farm House
 - OMI – Sludge Haul-out
 - Water Reuse Grant Application
 - Economic Development Assistance Grant
7. Other
8. Adjourn

There were no issues requiring Council action presented at the meeting.

DALLAS PUBLIC WORKS COMMITTEE

REPORT

TO: MAYOR JIM FAIRCHILD AND PUBLIC WORKS COMMITTEE

<i>City of Dallas</i>	Agenda Item No. 1	Topic: Stop sign at Walnut Avenue/Walnut Circle
Prepared By: Emily Gagner	Meeting Date: October 27, 2008	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

The City recently received a letter from Mr. O'Brien of 476 SE Walnut Circle regarding stop signs at the intersection of Walnut Avenue and Walnut Circle. This issue was originally addressed at the October 22, 2007 Public Works Committee meeting, where it was decided to install a stop sign on Walnut Circle westbound and on Walnut Avenue eastbound with right turns permitted without stopping.

FISCAL IMPACT:

None

ATTACHMENTS:

Letter from Mr. O'Brien
Map of the intersection

09/24/2009

Mr. Jerry Wyatt
Dallas City Manager
187 SE Court St
Dallas, Or 97338

Dear Mr. Wyatt,

On 09/17/08 at 9pm there was an incident involving at least one motor vehicle crashing, again in the 400 block of Walnut Avenue. The police report indicates the incident may have been caused by motorist rage. This latest incident left our neighborhood powerless for approximately nine hours.

Earlier this March the same neighborhood (400 block Walnut Ave) was victim to a property damaging crash involving youths in speeding vehicles and leaving the scene of the crash before police arrived.

After the March crash, the neighborhood was represented at a Dallas City Counsel meeting requesting that stop signs be placed in specific locations that the neighbors felt would stop further speeding through the "S" curves in this neighborhood.

The city responded by placing signs in locations other than where residents requested, rendering them useless in eliminating the danger posed by speeding vehicles. Traffic has not slowed; the corner is still being cut by vehicles traveling in both directions of Walnut Ave. With the Aquatic Center and High School at one end of the street and the bowling alley at the other Walnut Ave is an attractive short cut across town.

cc: Deputy Chief [unclear]
Dallas Police Department

These crashes are not something new to this particular block of Walnut Ave. While viewing this latest crash several neighbors related their stories of vehicles crashing in to their parked vehicles or even vehicles crashing on to their yards.

There is concern by the neighbors that the city take a second look at stop sign placement. Some neighbors have even suggested speed bumps be placed at both the east and west directions of the "S curves and or yellow lines designating the middle of the street to prevent speeding vehicles from crossing over the center of the roadway. Further action pertaining to the safety of the residence and their property in this neighborhood is requested.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas O'Brien", with a large, stylized flourish extending to the right.

Thomas O'Brien
476 SE Walnut Circle
Dallas, Or 97334

cc: Mr. Jim Fairchild
Mayor, Dallas OR

cc: Mr. Fred Braun
Dallas Public Works Director

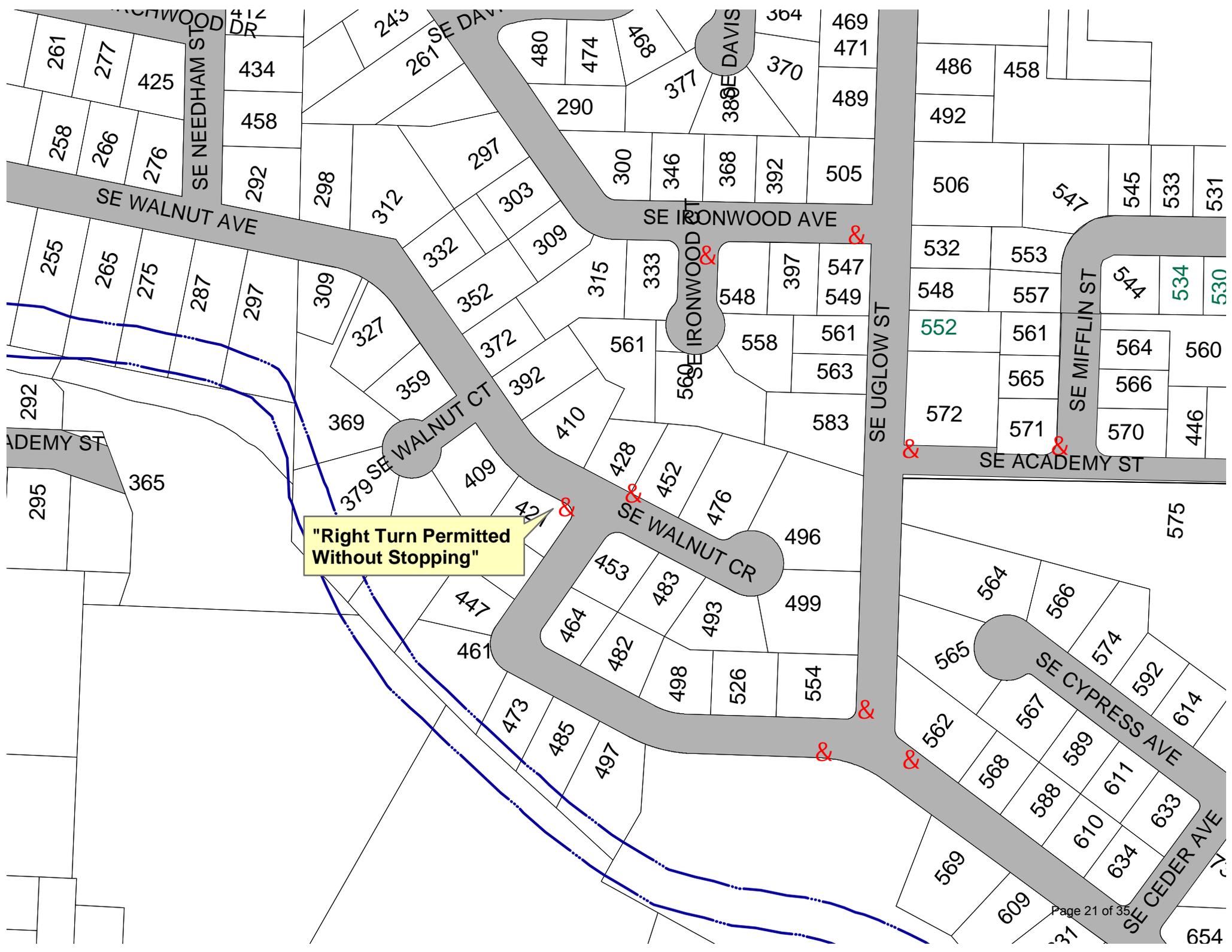
cc: Deputy Chief Thomas Simpson
Dallas Police Department

ORIGINAL SHEET - COPIES TO THOSE LISTED.

Thomas M. King

Neighbors requesting city action:

Marilyn McDougall	452 SE Walnut Cir
Jan C. McDougall	452 SE Walnut Cir
Kathy Roberson	499 SE Walnut Cir
Kathy Atkins	483 SE Walnut Cir.
Louise C. Kishel	453 SE Walnut Circle
Jim Hamilton	Walnut Circle
Gary A. Easter	410 SE Walnut
Deann Sampson	435 SE Walnut
Mark C.	435 SE Walnut
Craig Hill	469 SE Walnut Ave
Harvey L. Hall	461 SE Walnut Ave
M. D. Mawson	478 S.E. Walnut Ave.
Math S. Hill	447 SE Walnut Ave.
Ramela M. King	447 SE Walnut Ave
Brenda Hyland	485 SE Walnut Ave
Mrs. C. Davids	482 S.E. Walnut Ave.
Kenneth D. Foster	526 SE Walnut Ave.
Jabro Sealant	526 SE Walnut Ave.
Lincoln H. Jordan	493 SE Walnut Cir.
Walc G. Jordan	493 S.E. Walnut Circle



"Right Turn Permitted Without Stopping"

DALLAS PUBLIC WORKS COMMITTEE REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 2	Topic: No Parking Request on Ellendale Ave at Jasper St
Prepared By: Emily Gagner	Meeting Date: October 27, 2008	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Prohibit parking on the south side of West Ellendale Avenue in the area 60 feet immediately west of Jasper Street

BACKGROUND:

Bev Brophy, property owner of 133 SW Jasper Street, has requested the City designate the area on the north side of her property as a no parking zone. She has indicated that when cars park along the south side of Ellendale just west of Jasper Street, it is very hazardous trying to pull onto West Ellendale, because the parked cars block visual clearance.

FISCAL IMPACT:

None

ATTACHMENTS:

Map of area



Proposed "No Parking" Area

MEMORANDUM

Date: October 31, 2008
To: City Council Members
From: Mayor Fairchild
Re: October 2008 Activities

Meetings and activities attended representing the City:

October 1 10:00 a.m. to 4:00 p.m. – League of Oregon (LOC) Cities Board of Directors meeting in Salem
4:30 p.m. to 5:00 p.m. – LOC Foundation Board meeting

October 2 Attended LOC Conference in Salem
12:30 p.m. to 4:30 p.m. – With City Manager Wyatt, conducted LOC attendee bus tour of Dallas featuring parks, Rickreall Trail, downtown, and Aquatic Center

October 3 Attended LOC Conference in Salem
11:45 a.m. to 3:45 p.m. – With Community Development Director Locke, conducted LOC attendee bus tour of Dallas featuring parks, Rickreall Trail, downtown, and Aquatic Center

October 4 Attended LOC Conference in Salem
Was moderator and panelist in a session on working with and recruiting volunteers

October 6 5:30 p.m. to 6:30 p.m. – Attended Council ethics training
7:00 p.m. to 9:00 p.m. – City Council meeting

October 7 9:00 a.m. to 10:00 a.m. – Polk County Commissioners meeting concerning Linden Lane group home placement
11:30 a.m. to 1:30 p.m. – Attended farewell BBQ for Marcia Baragary
1:30 p.m. to 2:00 p.m. – Met with Dallas citizen Carrie James

October 8 12:00 p.m. to 1:00 p.m. – Council workshop
3:00 p.m. to 4:00 p.m. – Met with Mark Chase

October 10 1:00 p.m. to 2:30 p.m. – Oregon 150 Board of Directors meeting in Portland

October 11 9:00 a.m. to 10:00 a.m. – Participated as a volunteer in helping plant donated landscape plants in Rotary Park

October 12 6:30 p.m. to 8:00 p.m. – Annual Council dinner

October 14 4:00 p.m. to 5:00 p.m. – Met with Theresa Lehman, Whitworth 3rd grade teacher, to plan student tour
6:00 p.m. to 7:30 p.m. – Sat in on Linden Lane group home meeting between concerned citizens and State and County mental health officials

October 16 7:30 a.m. to 9:00 a.m. – Attended breakfast meeting with Regence Blue Cross Blue Shield of Oregon President to discuss healthcare and insurance issues
12:00 p.m. to 1:00 p.m. – Dallas Economic Development meeting
5:30 p.m. to 6:30 p.m. – Urban Renewal Advisory Committee meeting

October 20 12:00 p.m. to 1:00 p.m. - Chamber of Commerce forum
7:00 p.m. to 9:00 p.m. – City Council meeting

- October 21 4:00 p.m. to 5:30 p.m. – Library Board meeting
- October 24 10:15 a.m. to 11:15 a.m. – Conducted City Hall tour for Dallas High School Special Education students; assisted by Firefighter Dennis Unger
12:30 p.m. to 2:15 p.m. – Conducted City Hall tour for Whitworth 3rd Graders; assisted by Officer Jennifer Croll
- October 25 7:00 p.m. to 8:00 p.m. – Participated in ribbon cutting for the grand opening of the Majestic Event Center. This was combined with a fundraiser for health costs for Justice Focker, an injured DHS wrestler.
- October 27 4:00 p.m. to 5:30 p.m. – Public Works / Building and Grounds Committee meetings
- October 28 2:00 p.m. to 3:00 p.m. – Met with Jenny Berg, Congresswoman Darlene Hooley’s local representative, and Fitz Graham, Senator Wyden’s local representative, on issues dealing with the endangered Fender’s Blue Butterfly and its habitat
7:00 p.m. to 8:00 p.m. – Park and Recreation Board meeting
- October 29 6:30 p.m. to 9:30 p.m. - Attended Mid-Willamette Mayors’ Coalition meeting in Carlton
- October 31 7:00 a.m. to 8:00 a.m. – Attended Polk County Mayors/Managers/Commissioners monthly breakfast
2:30 p.m. to 3:30 p.m. – At LaCreole Middle School assembly, presented State of Oregon Governor’s Fitness award to Judy Boustead (one of 10 individuals in Oregon to receive the award in 2008)

JF:eg

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 a	Topic: Aquatic Center EEM RFP Exemption Public Hearing
Prepared By: Jason Locke, Community Development Director	Meeting Date: November 3, 2008	Attachments: Yes <input type="checkbox"/> No
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Hold the Public Hearing on the proposed findings exempting the city from competitive bidding requirements for the Aquatic Center EEM project. Direct staff to prepare a Resolution adopting the proposed findings for the project.

BACKGROUND:

The City Council directed staff to prepare a Request for Proposals (RFP) for 7 Energy Efficiency Measures to be implemented through a design/build process at the Dallas Aquatic Center. In order to do so, the City Council, acting as the Local Contract Review Board, must approve an exemption from competitive bidding requirements as set forth in Dallas City Code Section 2.368. There are also State requirements which are detailed in the attached Proposed Findings. Once the exemption is approved, the city can move forward in preparing and issuing the RFP. Proper notice has been provided in both the Daily Journal of Commerce and the Itemizer-Observer.

FISCAL IMPACT:

None

ATTACHMENTS:

- 1) Notice of Public Hearing
- 2) Proposed findings supporting the exemption from competitive bidding

NOTICE OF PUBLIC HEARING

CITY OF DALLAS, OREGON

City Council Public Hearing, November 3, 2008 at 7:00 p.m. regarding Contract Exemption on Certain Public Improvements at the Dallas Aquatic Center

Notice is hereby given that a public hearing will be held by the Dallas City Council on November 3, 2008 at 7:00 p.m. at the Dallas City Hall Council Chambers, 187 SE Court Street, Dallas, Oregon, for the purpose of taking comments on the City's draft findings supporting a proposed exemption from competitive bidding requirements for a certain public improvement contract involving the design and installation of identified energy efficiency measures at the Dallas Aquatic Center.

If you wish to comment on the draft findings, you may do so in person at the Council meeting or submit comments in writing prior to 5:00 p.m., November 3, 2008, to the attention of the Community Development Director.

A complete set of the draft findings is available by contacting contact Jason Locke of the Community Development Department at 503.831.3565 or jason.locke@ci.dallas.or.us

Published October 22, 2008

Posted October 9, 2008

**PROPOSED FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE
BIDDING REQUIREMENTS AND USE OF THE REQUEST FOR PROPOSALS (RFP)
DESIGN/BUILD METHOD OF PROCUREMENT FOR THE DESIGN AND
INSTALLATION OF CERTAIN SYSTEMS AND COMPONENTS AT THE CITY'S
AQUATIC CENTER**

Before the Dallas City Council, Acting as the Local Contract Review Board, City of Dallas,
Oregon

In the Matter of the Exemption Request of)
The Community Development Department)
City of Dallas Aquatic Center)

FINDINGS OF FACT

Dallas City Code (DCC), Section 2.368, contains the local authority, process, and criteria for exemptions from competitive bidding with regard to public improvement contracts. ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, as the municipality's contract review authority, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

OAR 137-049-0620, division 249 allows the Local Contract Review Board to exempt a public improvement contract from the requirements to be competitively bid, provided written findings supporting the use of a non-competitive bid process show compliance with OAR 137-049-0600 to 137-049-0690 and applicable statutes.

The Dallas City Council is the Local Contract Review Board for the City of Dallas, as provided in DCC 2.366.

A hearing for review and proposed adoption of these findings will be held at 7:00 PM on November 3, 2008, in the City Hall Council Chambers at 187 SE Court Street, Dallas, Oregon, 97338, as published in the public notice in the Daily Journal of Commerce on 20, 2008, and in the Polk County Itemizer-Observer on October 22, 2008 .

I. BACKGROUND

The Community Development Department obtained the services of Enertia Energy, Inc., 9400 SW Beaverton-Hillsdale Hwy, Beaverton, Oregon, 97005, to conduct an energy audit of the Dallas Aquatic Center. It was not the intent of the energy audit to provide detailed analysis of and solutions to each and every system at the facility. The goal of the energy audit was to evaluate opportunities and describe methods and procedures that can be taken to reduce the energy use of the facility, and thus reduce the facility's energy bill.

The measures that save electricity and / or natural gas may be eligible for a Business Energy Tax Credit using a Pass-Through Partner Option, which could provide the City with approximately 25.5% of the project cost (or the incremental cost of a high efficiency project compared to a standard code efficiency project). The measures may also be eligible for rebates through the Energy Trust of Oregon, which could provide an additional 25% of the project cost.

Enertia Energy has estimated the potential tax credits and rebates at this point, and further steps must be taken to submit an application to determine the actual tax credits and rebates available through the Oregon Department of Energy and the Energy Trust of Oregon.

Proposed Aquatic Center Energy Efficiency Measures (EEMs)

(Note: These EEMs may change if deemed necessary)

- **EEM 2: Replace (5) Existing Pool Pumps with New Higher Efficiency Pumps:** Five existing pool pumps (Wading pool, Spa pool, Lazy River, Water Feature, and Slide) are so over-sized they require discharge balance valves to be closed 50% or more. Without the balance valves closed to this level, the existing pumps would cavitate and/or pump too much water, which would disrupt the pool filtration systems. The result is that pumps are less efficient than optimal because they need to overcome the artificial pressure induced by the balance valves. Replacing these three pumps with new pumps sized for the proper flow and pressure will save energy in three ways: higher pump efficiency, reduced flow possible in some pumps, and reduced artificial head pressure from balance valves.
- **EEM 6: Replace (2) Existing Boilers with Two or Three New High Efficiency Condensing Boilers:** The existing gas boilers generate hot water (180 F to 140 F, depending on outside air temperature) to heat the five pools and to provide for space heating throughout the facility. These units operate with an estimated efficiency of 82%. These two units can be replaced with new high efficiency condensing style boilers that can operate with an estimated efficiency of 90%, resulting in natural gas savings. It is assumed that two or three new boilers will be required with a total gas input rating of 6,000,000 Btu/hr combined.
- **EEM 9: Expand Five Pool Heat Exchangers and Replace Nine Hot Water Heating Coils so Condensing Boiler System can Operate with Return Water Temperature < 110 F:** The operating efficiency of the new high efficiency condensing boilers recommended in EEM 6 is dependent on the return water temperature: the lower the return water temperature, the higher the operating efficiency. When the return water temperature is below 110 F the boiler will operate in "condensing" mode – which implies that so much heat is extracted from the exhaust flue that water will condense inside the exhaust flue. The more water that condenses, the more efficient the boiler operates. This EEM would either replace existing heat exchangers with larger heat exchangers or install additional heat exchangers so that the boiler can operate with a return water temperature below 110 F throughout the year. This will also require a sophisticated control strategy, ideally that resets the hot water supply temperature based upon the hot water valve positions.
- **EEM 10: Install Heat Recovery System for Locker Rooms:** The locker rooms are heated by an air handler that provides 100% outside air, and an exhaust air fan that exhausts all the air from the space. This EEM evaluates installing a heat recovery system to remove some of the heat from the exhaust air and use it to pre-heat the outside air that is delivered to the rooms. While there are several types of heat recovery systems that can be installed, this EEM assumes a glycol runaround loop will be installed. This system will install a coil in the exhaust air connected to a coil in the outside supply air, and a

circulating pump. Controls will be required to circulate the glycol fluid between these coils whenever the outside air needs heating before being delivered to the locker rooms.

- **EEM 11: Install Advanced Automatic DDC Control Strategies (Reset Natatorium Total Airflow & % OA based on Actual Load & Occupancy):** This measure would install two advanced control strategies to generate energy savings from the natatorium air handling system while providing proper indoor air quality. One strategy is to automatically reduce the total airflow into and out of the natatorium based on the natatorium space humidity. Another strategy is to automatically reduce the amount of outside air delivered into the natatorium based on the natatorium space humidity. Both strategies need to be implemented in a coordinated fashion to maximize energy savings and maintain space humidity below 60%.
- **EEM 16: Install High Efficiency Fluorescent Light Fixtures in Natatorium:** There are (42) existing metal halide fixtures in the natatorium, each with a 400-watt probe start metal halide lamp and ballast. These fixtures can be removed and new fluorescent fixtures installed with high efficiency lamps and ballasts that consume less energy than the existing metal halide lights. Due to the harsh environment of the natatorium, additional specifications will be required so that the installed fixtures can withstand the environment and perform as well as the existing fixtures. It is assumed that approximately (84) new 8' fixtures would be installed mounted approximately 10-12 feet above the decking. It is assumed the fixtures would be suspended by aircraft cable or chains and mounted in solid rows around the perimeter of the pools.
- **EEM 18: Install Unglazed Solar System to Heat Pool Water:** Install roof-mounted solar collectors to directly heat the pool water from April through October. Pool water heating is the most cost effective renewable energy project available in this climate and it utilizes a relatively simple technology that is less expensive to install than other solar systems. It is assumed that (77) 4'x14' black plastic collectors will be mounted on the roof of the natatorium. Pool water will be automatically directed through these collectors to be heated from mid-April through mid-October, whenever there is sufficient sunlight available.

The City of Dallas is proposing to implement the 7 identified Energy Efficiency Measures (EEM) listed above.

The Community Development Department proposes utilizing a design/build contract delivery methodology to obtain proposals for the project, maximize energy savings, and earn energy credits and rebates available through the Oregon Department of Energy and the Energy Trust of Oregon.

The estimated cost of the project is \$650,000, including the proposed cost savings outlined above.

In order to limit the risk of increases in the cost of materials, labor and other components of the project, it is recommended that the proposed Request for Proposals be issued by not later than December 20, 2008, and that the contract be let by not later than February 27, 2009.

The exempted procurement process for this project includes the following: 1) A Request for Proposals (RFP) process pursuant to OAR 137-049-0640 to procure a Design-Build contract with a contractor.

II. FINDINGS REGARDING REQUIRED CRITERIA

ORS 279C.330 provides that: "Findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding: (a) Operational, budget and

financial data; (b) Public benefits; (c) Value Engineering; (d) Specialized expertise required; (e) Public safety; (f) Market conditions; (g) Technical complexity; and (h) Funding sources." The Community Development Department finds that many of these criteria support the decision to use the design-build contracting method for implementing the EEM's at the Aquatic Center. This finding is supported by the following:

1) Operational, Budget and Financial Data: Limited funding is available for the acquisition and installation of the identified EEM's. The optimum systems that provide the greatest value to the City will include energy savings features identified in the Enertia Energy audit and recommended energy efficiency measure identified.

2) Public Benefits: Utilization of the design/build contract delivery process will allow the City to consolidate responsibilities for the entire project to a single Contractor. Due to the need to carefully coordinate system design, equipment performance parameters, and installation quality control, it is difficult for the City to separate areas of responsibility for system performance issues under the conventional design/bid/build procurement procedure.

3) Value Engineering: Value Engineering will be part of the selection process used to determine which proposing firm would provide the best combined value for the City.

4) Specialized Expertise Required: Specialized expertise will be required to coordinate, procure, and install, and program various products, services, and supplies needed to provide a system that meets the performance requirements of this contract and energy savings, particularly given the complex nature of natatorium operations. Contractor will have to coordinate equipment delivery with project delivery while minimally impacting the operation of the facility.

5) Public Safety: Public safety will be maintained by design and construction activities ensuring interruptions to the Aquatic Center operations are minimized and that there is no risk to facility users during system replacement.

6) Market Conditions: The specialty products, services, and supplies needed under this contract are not particularly impacted by market conditions.

7) Technical Complexity: Implementation of this project involves a number of issues of technical complexity. Special skills and expertise are needed for optimizing system components to maximize energy savings and meet performance criteria and to ensure system interoperability.

III. FINDINGS REGARDING COMPETITION

ORS 279C.335(2) requires the City to make certain findings as a part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding. ORS 279C.335(2)(a) requires an agency to find that: "It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts." See also DCC 2.368(2)(d). The Community Development Department finds that selecting the contractor through an exempted competitive proposal selection process in accordance with OAR 125-249-0620 and 125-249-0630, and DCC

2.368, will not inhibit competition or encourage favoritism. This finding is supported by the following facts:

- 1) The proposed design/build alternative contract delivery methodology is a competitive proposal process that allows the City to select a firm to provide and install the identified EEM's to provide the best value to the City.
- 2) Competitively bidding this type of work creates additional confusion and uncertainty in the public contracting process. Simple price competition is not feasible, nor desirable due to the need to coordinate design, equipment selection, and quality of installation to achieve the performance requirements and energy savings.
- 3) The Design-Build Contractor will be selected through an open and competitive process as prescribed by ORS 279C.400 to .410 and related administrative rules.

IV. FINDINGS REGARDING SIGNIFICANT COST SAVINGS

ORS 279C.335(2) requires that a contracting agency make certain findings in requesting approval of the exemption of a certain public improvement contract or class of public improvement contracts from competitive bidding. ORS 279C.335(2)(b) requires an agency to find that "The awarding of public improvement contracts under the exemption will result in substantial cost savings to the public contracting agency." See also DCC 2.368(2)(c). This finding is supported by the following facts:

- 1) Because this work will integrate specialized equipment into an operating system, a requirement to competitively bid this type of acquisition would create additional expense and lead to uncertainty regarding installation coordination with system design and equipment selection. Each procurement process and contract change will increase the cost of the project and extend the project schedule. Extending the project schedule will increase construction administration and project management cost and would result in lost revenue.
- 2) An exemption from competitive bidding will allow the City to take advantage of contractor expertise and value engineering during the proposal phase of the project versus having to address future change orders.

V. SUMMARY

Use of the Design-Build method of contracting for the implementation of the identified Energy Efficiency Measures at the Aquatic Center is an appropriate use of that alternative contracting method under OAR 137 -049-0620. Additionally, an exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330 and DCC 2.368, findings have been developed in compliance with ORS 279C.335(2) and DCC 2.368(2), and the Community Development Department will perform the post project evaluation required by ORS 279C.355. Based upon the previously listed findings, the Community Development Department specifically concludes that:

1) It is unlikely the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and

2) The exemption will result in substantial cost savings to the affected City services provided.

The Community Development Department submits that this Request meets all of the criteria above and requests approval of this Exemption. If you have any questions, please call Jason Locke at (503) 831-3565.

Jason Locke
Community Development Director
City of Dallas, Oregon

Date_____

Reviewed by City Attorney:

Lane Shetterly
City Attorney
City of Dallas, Oregon

Date_____

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 b	Topic: Downtown Task Force Update
Prepared By: John Swanson	Meeting Date: November 3, 2009	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

On October 6, 2008, at the City Council meeting, the Downtown Task Force was launched. City Council required that the Downtown Task Force report back to Council on Nov. 3, 2008 to communicate findings and recommendations to mitigate challenges and capture opportunities in Downtown Dallas.

At the November 3rd Council meeting, Staff will present a verbal report to City Council outlining preliminary findings and recommendations to be followed by a written report of Task Force findings and recommendations prepared by staff to be presented to council at the second meeting in November. The Task Force members are encouraged to attend this council meeting to be available to answer questions and show support for the accomplishments of the Task Force and its findings and recommendations to Council.

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. <i>7 c</i>	Topic: Blue Garden Update
Prepared By: Jerry Wyatt	Meeting Date: November 3, 2008	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

UPDATE:

Jennifer Goodman, building owner, has been in regular contact with the city staff. She hired a Structural Engineer on October 21. On October 23 a dumpster was delivered and roofing material was delivered to the site, old roofing has been removed and the Structural Engineer and Building Official are working out the details for the roofing permit. The roof repair/construction for the back of the building will not be further impacted by rain; however the owner will need to finish the details of water runoff from adjacent properties to the drain, which is being addressed by the Structural Engineer. The roofing permit should be ready the week of November 3, 2008. The Structural Engineer spoke with the Building Official and outlined the roof framing layout and the location and size of the framing members to be replaced. That layout is needed to receive a structural permit.