



**City Council**

Mayor  
Jim Fairchild

Council President  
Brian Dalton

Councilor  
Warren Lamb

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Wes Scroggin

Councilor  
David Shein

Councilor  
David Voves

Councilor  
LaVonne Wilson

Councilor  
Ken Woods, Jr.

**Staff**

City Manager  
Jerry Wyatt

Asst. City Manager  
Kim Marr

City Attorney  
Lane Shetterly

Community Development  
Director  
Jason Locke

Finance Director  
Cecilia Ward

Fire Chief  
Bill Hahn

Police Chief  
John Teague

Public Works Director  
Fred Braun

City Recorder  
Emily Gagner

# Dallas City Council Agenda

Monday, April 19, 2010, 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 sign in on the provided card.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL AND PLEDGE OF ALLEGIANCE	
2. 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>	
3. 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>	
4. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approval of April 5, 2010 City Council Minutes	
b. Acknowledge March monthly reports	
5. ITEMS REMOVED FROM CONSENT AGENDA	
6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
7. REPORTS FROM CITY MANAGER AND STAFF	
a. Employee/Volunteer recognition presentation	Information
b. Request for off-premise sign	Information
c. Other	
8. RESOLUTIONS	
a. <u>Resolution No. 3199</u> – A Resolution establishing the fee for recreational vehicle parking permits under Dallas Code Section 6.610.	Roll Call Vote
9. FIRST READING OF ORDINANCE	

# Dallas City Council Agenda

## Page 2

### 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.

- a. Ordinance No. 1723: An Ordinance granting an electric utility franchise and general utility easement to PacifiCorp. First Reading

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## 10. SECOND READING OF ORDINANCE

- a. Ordinance No. 1720: An Ordinance amending Dallas City Code Sections 6.610 regarding recreational vehicle parking permits; and repealing conflicting provisions. Roll call vote

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## 11. OTHER BUSINESS

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## 12. ADJOURNMENT

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**Note:** Following the Council meeting, there will be a meeting of the Budget Committee.

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The Dallas City Council met in regular session on Monday, April 5, 2010, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Fire Chief Bill Hahn, Community Development Director Jason Locke, Finance Director Cecilia Ward, Police Chief John Teague, and Recording Secretary Emily Gagner.

Mayor Fairchild led the Pledge of Allegiance.

**QUESTIONS OR COMMENTS FROM THE AUDIENCE**

Mayor Fairchild asked for comments or questions from the audience on items other than those on the agenda.

Chelsea Pope, Executive Director of the Dallas Area Visitor Center, reported that they were getting ready for the new market they would be hosting this summer on the Courthouse lawn. She indicated she recently discovered the United States Department of Agriculture was issuing \$10 million in grants specifically for farmers' market promotion in 2011 and 2012. She said her staff is finishing up the application, which states they could include letters of support from local agencies. She requested the Council support their application by submitting a letter to her by Friday.

Henry Hammond asked why there was a proposal for such a severe reduction in the time a person could park an RV on their property. He stated under Code 6.605 for parking regulations, it mentions one can park an RV anywhere in the City for a period not to exceed 72 hours and indicated he felt that conflicted with the proposed Ordinance. Mayor Fairchild indicated Mr. Hammond's questions would be addressed under Mr. Locke's staff report.

**PUBLIC HEARINGS**

**Zone Change/Comp Plan Map Amendment on South Side of SE Jonathan Avenue**

Mayor Fairchild opened the public hearing on the zone change and comprehensive plan map amendment at 7:06 p.m. He reviewed the rules and procedure for the public hearing.

Mr. Locke explained the comprehensive plan map amendment and zone change and reviewed his staff report. He reported the applicant held the required public neighborhood meeting and no one attended. He explained the Planning Commission recommended approval.

Mr. Locke indicated the applicant has stated the intent is to establish smaller lot, primarily single-family detached housing and generally split the currently platted lots down the middle. He explained the lots are already supplied with infrastructure, including water, sanitary and storm sewer.

Councilor Lawson asked what was available in the medium density zone currently given the down economy. Mr. Locke stated it was low.

Paul Trahan, on behalf of the applicant Fife Group, indicated they had worked a long time on this property, noting the new Development Code provided a much better road map. There was some discussion about the applicant's request to pass the ordinance quickly to allow buyers to take advantage of current housing incentives from the government.

Bob Kean asked if there would be off street parking available for the proposed lots. Mr. Shetterly explained off street parking was required by Code. Mr. Kean explained he was

1 concerned about traffic since there were no stop signs from Appleseed and Greening to Jonathan.  
2 Mayor Fairchild stated he would have staff look into that.

3 Ms. Pope stated she wanted to speak to the need for affordable housing in our community. She  
4 reported that in 2008 and 2009, they saw less than 40 people looking to move to Dallas, and in  
5 the first quarter of 2010, they have already sent out over 70 relocation packets. She stated most  
6 are looking for a house under \$175,000, so there is a need for affordable housing.

7 Mayor Fairchild closed the public hearing at 7:26 p.m.

## 8 **CONSENT AGENDA**

9 It was moved by Councilor Woods and seconded by Councilor Wilson to approve the Consent  
10 Agenda as presented. The motion CARRIED UNANIMOUSLY with Council President Brian  
11 Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall,  
12 Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor  
13 Ken Woods, Jr. voting YES.

14 Items approved by the Consent Agenda were: a) approval of March 15, 2010 City Council  
15 minutes; b) acknowledge report of March 22 Administrative Committee meeting; c)  
16 acknowledge report of March 22 Building and Grounds Committee meeting; d) approval of  
17 street closure request from Dallas Cruisers; e) approval of appointment of Jim Brown to the  
18 Budget Committee; and f) acknowledge February department reports for Aquatic Center and  
19 Community Development.

## 20 **ITEMS REMOVED FROM CONSENT AGENDA**

21 There were none.

## 22 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

### 23 **ACTION ITEMS FROM MARCH 22, 2010 ADMINISTRATIVE COMMITTEE**

#### 24 **RV PARKING**

25 Councilor Woods reviewed the issue of RV parking. Mr. Locke reported that under the current  
26 code someone could stay in an RV 14 of every 30 days.

27 Mr. Locke stated that in response to the questions earlier, it dealt with two issues. The 72-hour  
28 issue applies to all vehicles within the City. He noted the proposal currently being discussed had  
29 to do with habitation in an RV and did not include storage of an RV on someone's own property.  
30 He indicated staff had found there have been issues with abuse of the current code.

31 Councilor Lawson asked if the application would be per vehicle or per party. Mr. Shetterly  
32 stated it was a vehicle application. Councilor Lawson asked the reason it went from one month  
33 to a full year. Mr. Locke stated from the staff's perspective, the City doesn't want people living  
34 in an RV for health and sanitation issues, which staying in an RV two weeks out of every month  
35 could cause.

36 Councilor Shein asked where the ordinance said it didn't apply to parking an RV on personal  
37 property. Mr. Shetterly said this wouldn't supersede other code language.

38 There was discussion about the process for a variance to the proposed ordinance for a medical  
39 hardship situation.

## 40 **REPORTS FROM CITY MANAGER AND STAFF**

### 41 **OLCC APPLICATION FOR NEW ESTABLISHMENT**

42 Mr. Wyatt stated applicant was in the audience. Mr. Wyatt reviewed the application.

43 It was moved by Councilor Dalton and seconded by Councilor Lawson to recommend to the  
44 OLCC that the license be approved. The motion CARRIED UNANIMOUSLY with Council  
45 President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin

1 Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and  
2 Councilor Ken Woods, Jr. voting YES.

3 OTHER

4 Mr. Wyatt reported the April Council workshop was scheduled for April 28 at noon and would  
5 be for auditor interviews. He indicated he would have questions prepared to ask them both.

6 Mr. Wyatt advised the new utility bills would be going out Friday of the current week.

7 Mr. Wyatt announced the new paycheck stubs now include a breakdown of all benefits the City  
8 pays for each employee, including insurance & PERS, as the budget committee had requested.

9 Mr. Wyatt reported that currently, Polk County was tied for first in the state for the percentage of  
10 census forms returned. He stated if someone uses only a post office box, a census worker would  
11 come to their door. Ms. Pope stated she had forms at the Chamber office.

12 Mr. Wyatt announced the first monthly e-newsletter was ready to go out, but needed a name first.  
13 He asked the Council to get him their suggestions.

14 Mr. Wyatt indicated the manager of the Little Caesar's Pizza store will be coming before the  
15 City Council to request permission to have a sign on the right-of-way. Mr. Wyatt indicated the  
16 Code currently allows a sign in the parking lot, but he wants it in the right-of-way. He stated he  
17 would have a staff report for the next Council meeting.

18 Mr. Wyatt reported that the PacifiCorp franchise agreement has been reviewed by PacifiCorp  
19 and the City Attorney and Agent of Record and will move forward at a future Council meeting.

## 20 RESOLUTIONS

21 **Resolution No. 3198:** A Resolution authorizing the transfer of budgetary funds.

22 Ms. Ward explained this amendment to the budget is to transfer appropriated funds to clean up  
23 the budget. She noted some of these came through suggestions from the auditor and others were  
24 unanticipated grant funds.

25 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3198 to have PASSED  
26 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,  
27 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David  
28 Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

## 29 FIRST READING OF ORDINANCE

30 **Ordinance No. 1720:** An Ordinance amending Dallas City Code Section 6.610 regarding  
31 recreational vehicle parking permits; and repealing conflicting provisions.

32 There was discussion about amending the parking variance code language to make RV parking  
33 part of that variance process. Mr. Locke reported that the new Development Code contained a  
34 detailed subsection regarding temporary medical hardship dwellings, which allow for RVs, travel  
35 trailers, and more. He explained it would be renewable on a two-year basis and requires a note  
36 from a doctor and that the sewer is hard-plumbed. The consensus was to follow that process  
37 rather than change the parking variance code.

38 Mayor Fairchild declared Ordinance No. 1720 to have passed its first reading.

39 **Ordinance No. 1721:** An Ordinance amending the Dallas Comprehensive Plan map for a parcel  
40 of real property owned by Fowler Living Trust from Industrial to Residential.

41 Mr. Shetterly indicated this was set up to be read for the first and second time at this meeting.  
42 He explained the Charter language that allowed this.

43 Mayor Fairchild declared Ordinance No. 1721 to have passed its first reading.

44 **Ordinance No. 1722:** An Ordinance changing the zoning designation of a parcel of real

1 property owned by Fowler Living Trust from Industrial to Residential Medium Density.

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3 Mr. Shetterly explained this would be enacted in one meeting again, as stated before.

4 Mayor Fairchild declared Ordinance No. 1722 to have passed its first reading.

5 **SECOND READING OF ORDINANCE**

6 **Ordinance No. 1717:** An Ordinance changing the zoning designation of a parcel of real property  
7 from CN, Commercial Neighborhood to CG, Commercial General; and amending the Dallas  
8 Zoning Map.

9 Mayor Fairchild declared Ordinance No. 1717 to have passed its second reading. A roll call vote  
10 was taken and Council President Dalton declared Ordinance No. 1717 to have PASSED BY A  
11 UNANIMOUS VOTE Council President Brian Dalton, Councilor Warren Lamb, Councilor  
12 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
13 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. with voting YES.

14 **Ordinance No. 1721:** An Ordinance amending the Dallas Comprehensive Plan map for a parcel  
15 of real property owned by Fowler Living Trust from Industrial to Residential.

16 Mayor Fairchild declared Ordinance No. 1721 to have passed its second reading. A roll call vote  
17 was taken and Mayor Fairchild declared Ordinance No. 1721 to have PASSED BY A  
18 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
19 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
20 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

21 **Ordinance No. 1722:** An Ordinance changing the zoning designation of a parcel of real  
22 property owned by Fowler Living Trust from Industrial to Residential Medium Density.

23 Mayor Fairchild declared Ordinance No. 1722 to have passed its first reading. Mayor Fairchild  
24 declared Ordinance No. 1721 to have passed its second reading. A roll call vote was taken and  
25 Mayor Fairchild declared Ordinance No. 1722 to have PASSED BY A UNANIMOUS VOTE  
26 with Council President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson,  
27 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor  
28 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

29 **OTHER BUSINESS**

30 It was moved by Councilor Marshall and seconded by Council President Dalton to direct staff to  
31 submit a letter of support for the farmers' market grant on behalf of the City as requested by Ms.  
32 Pope. The motion CARRIED UNANIMOUSLY with Council President Brian Dalton,  
33 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
34 Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.  
35 voting YES.

36 Mayor Fairchild explained that the Council would hold an Executive Session to deliberate with  
37 persons designated by the governing body to negotiate real property transactions as authorized in  
38 ORS 192.660(2)(e). The meeting was recessed at 8:07 p.m.

39 Mayor Fairchild reconvened the Council meeting at 8:38 p.m.

40 There being no further business, the meeting adjourned at 8:38 p.m.

41 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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ATTEST:

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City Manager

\_\_\_\_\_  
Mayor

## COMMUNITY DEVELOPMENT

<b>City Manager</b>	Jerry Wyatt	<b>Building Official</b>	Ted Cuno
<b>Director</b>	Jason Locke	<b>Building Inspector</b>	Troy Skinner
<b>Assistant</b>	Joanne Ballweber	<b>Planner</b>	John Swanson
<b>Building &amp; Grounds</b>	Ken Stoller	<b>Code Enforcement</b>	Ed Totten

### MARCH 2010 Monthly Report - Planning, Building, Code Enforcement

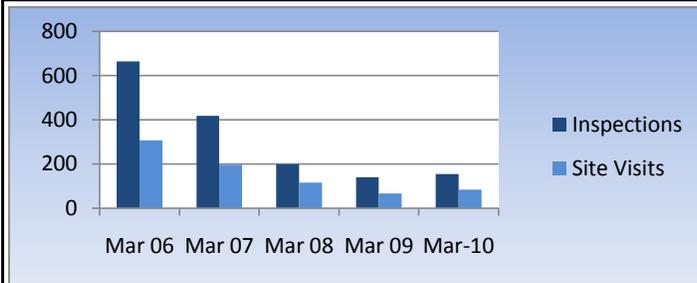
REVENUES		Month	Fiscal YTD
Planning	Mar-10	\$ 1,587	\$ 12,540
Building	Mar-10	\$ 13,172	\$ 69,343

#### LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Annexation	Zone Change
Mar-10	1	1	1	0	0	0	0	0
YTD 2010	3	2	2	0	1	0	0	1
Mar-09	0	1	0	0	0	0	0	0
YTD 2009	2	1	0	0	0	0	0	0

#### INSPECTIONS AND SITE VISITS

**Monthly:** Inspections - 154      Site Visits - 84  
**Year to Date:** Inspections - 178      Site Visits - 100



#### CODE ENFORCEMENT

**Current Open Cases:** 34

**New Cases processed in March**

6.505 Abandoned Vehicles	3
6.32 Vehicles Stored on Street	29
5.584 Vehicles Stored on Prop	12
5.582 Junk	2
5.556 Scattering Rubbish	13
5.588 Graffiti	4
Other Ordinances	3
<b>Number of Followups</b>	<b>125</b>

#### BUILDING PERMIT SUMMARY

Permit Use	Mar-10	Mar-09	YTD Total 2010	Annual Total 2009	YTD Valuation 2010	Annual Valuation 2009
New Single Family	3	2	7	3	\$1,566,635	\$ 522,451
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	0	1	0	3,759,944
Residential Remodel	6	6	18	11	315,961	243,260
Residential Accessory Building	0	2	3	4	39,617	55,388
New Commercial	0	0	1	0	2,000	0
Commercial Remodel	6	6	12	11	180,920	294,932
New Industrial	0	0	0	0	0	0
Industrial Remodel	0	0	0	0	0	0
Public Building	0	1	0	2	0	6,533
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
<b>Total All Categories</b>	<b>15</b>	<b>17</b>	<b>41</b>	<b>32</b>	<b>2,105,133</b>	<b>4,882,508</b>

# DALLAS AQUATIC CENTER



Director - Jason Locke  
 Supervisor - Tina Paul

## MARCH 2010 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
Mar-10	\$36,030	\$301,981
Mar-09	\$52,354	\$352,271

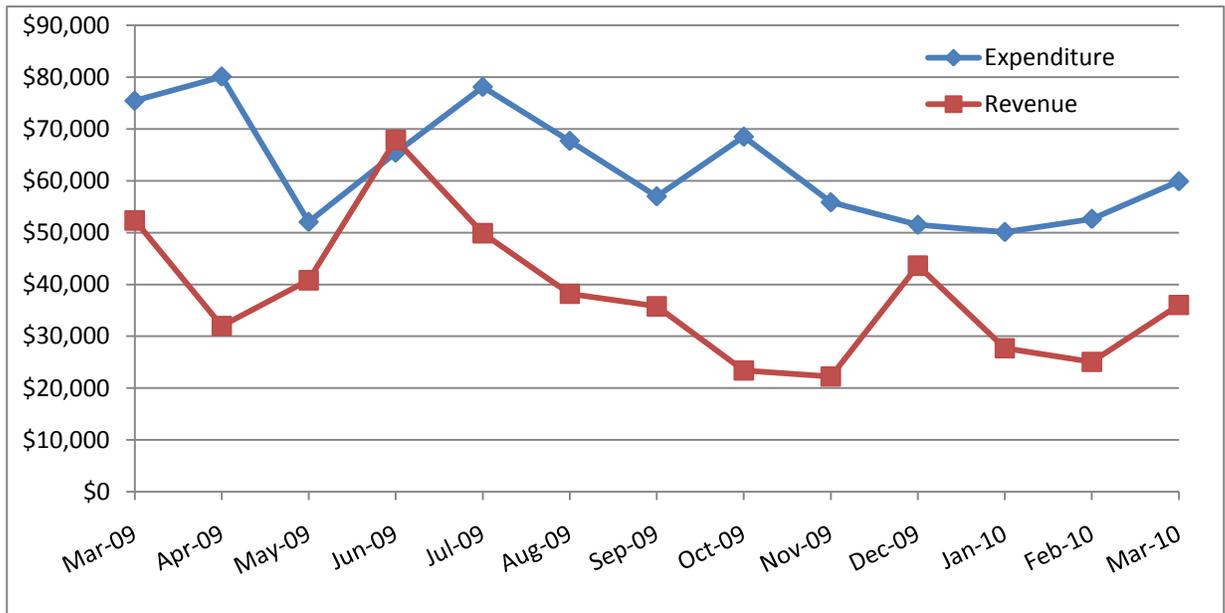
Current Members:	
Annual	761
3-month Water Aerobics	31

EXPENDITURES	Month	Fiscal YTD
Mar-10	\$59,908	\$541,632
Mar-09	\$75,447	\$725,832

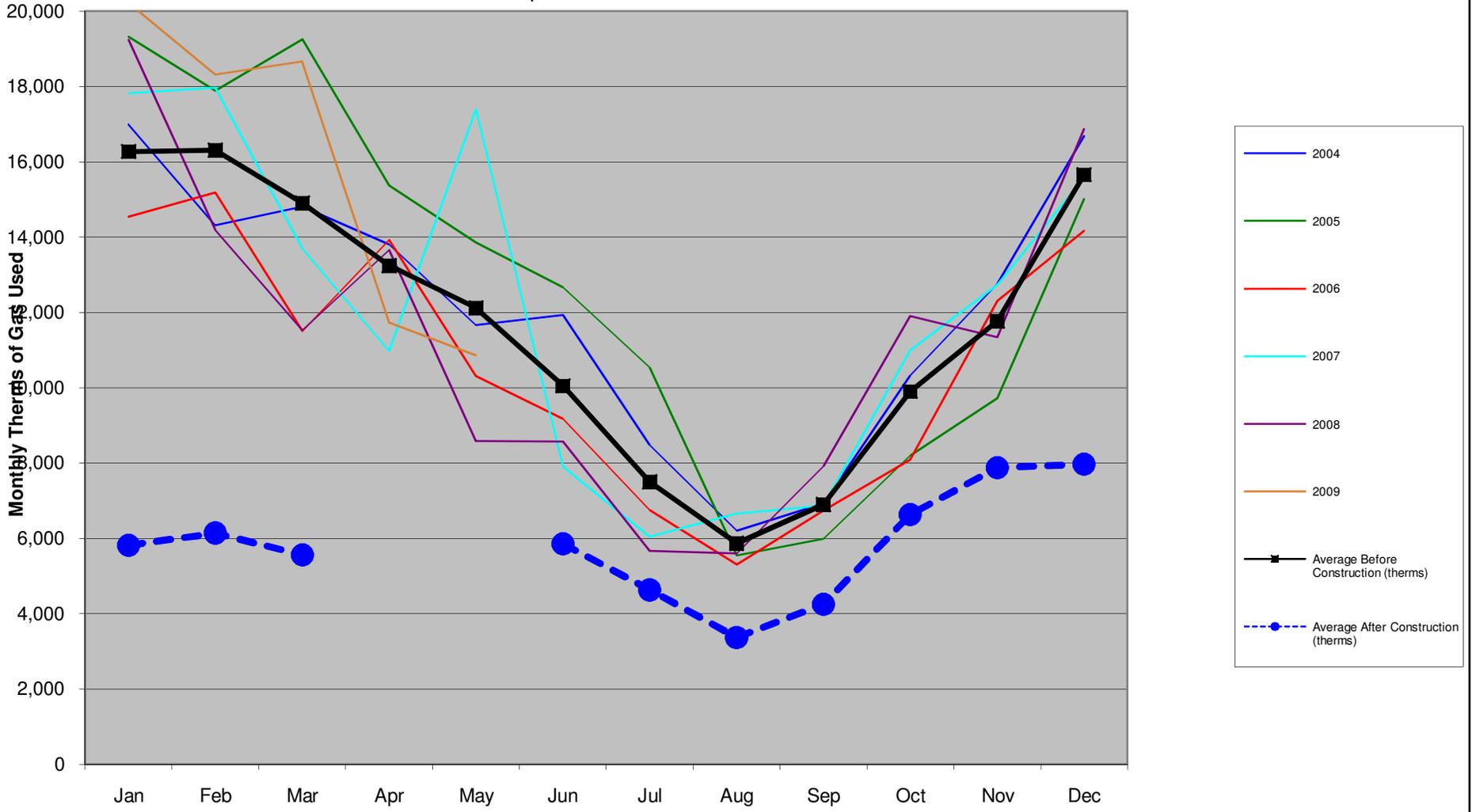
Monthly Attendance:	
March	7,463
Year to Date	70,981

Utility Costs:	Mar-10	Fiscal YTD
Natural Gas	\$5,308	\$54,941
Electricity	\$4,310	\$47,688

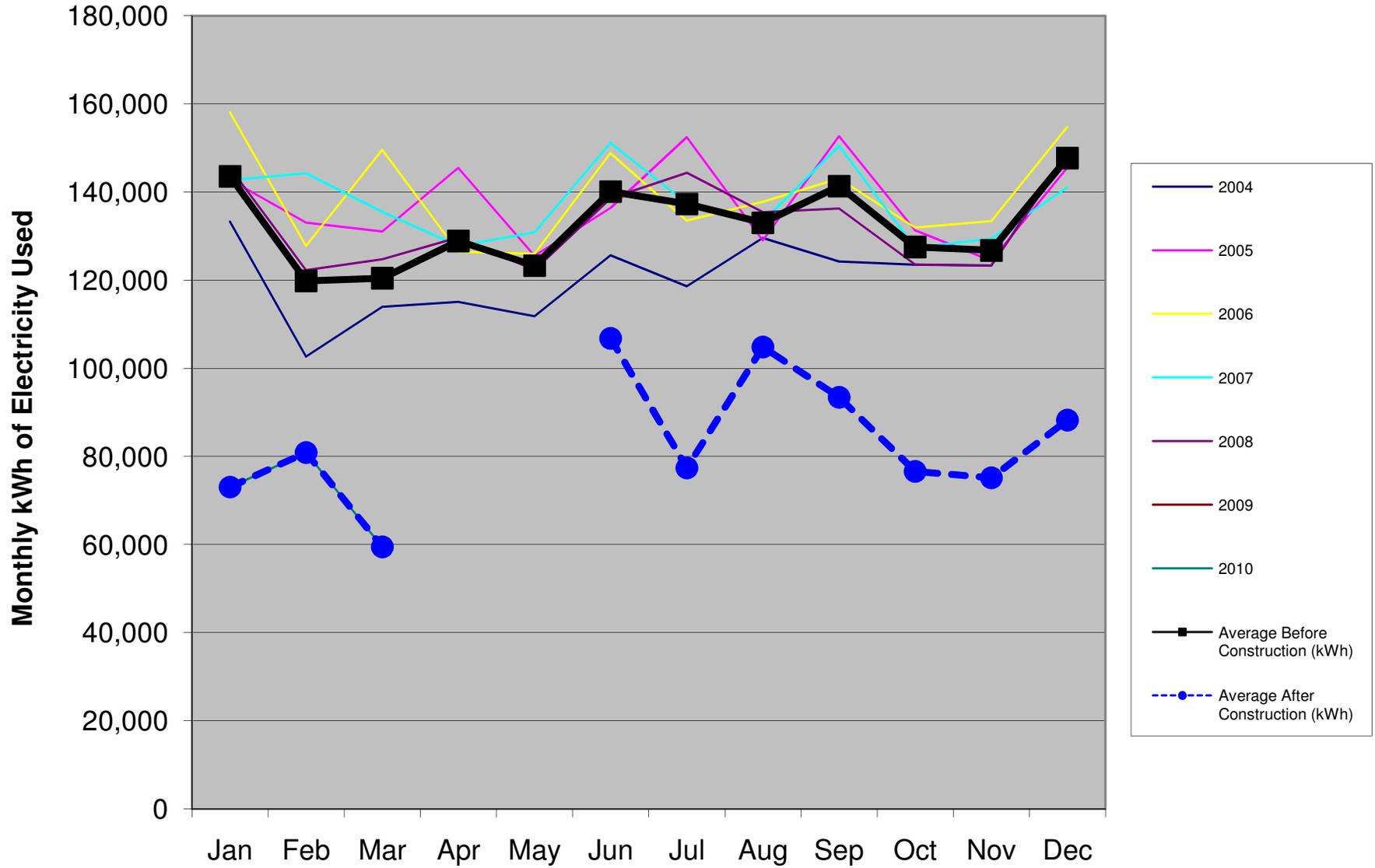
**R/E Ratio = 55.7 %**  
 (Revenue/Expenditure)



Dallas Aquatic Center - Before and After Natural Gas Use



### Dallas Aquatic Center - Before & After Electric Use (kWh)



**Dallas Public Library  
Monthly Report for March 2010**

**Circulation Statistics**

<b>Adult</b>	<b>Mar 2010</b>	<b>Mar 2009</b>		<b>Children</b>	<b>Mar 2010</b>	<b>Mar 2009</b>
<b>Print Materials</b>	8381	7956		<b>Print Materials</b>	3320	2848
<b>Books on Tape/CD</b>	565	506		<b>Books on Tape/CD</b>	280	175
<b>AV Materials</b>	1359	1486		<b>AV Materials</b>	1086	900
<b>Misc. items</b>	1051	1046				
<b>2010 Year to Date</b>	<b>31,875</b>			<b>2010 Year to Date</b>	<b>12,636</b>	
<b>Remote Renewals</b>	<b>1103</b>			<b>2010 Year to Date</b>	<b>2928</b>	
<b>Combined Total</b>	<b>47,439</b>					

**Additional Activity**

	<b>Mar 2010</b>	<b>Mar2009</b>	<b>Year to Date 2010</b>
<b>Non-Resident User Fees</b>	\$ 660.00	\$ 850.00	\$ 2140.00
<b>Fines Collected</b>	\$ 883.75	\$ 992.84	\$ 2296.00
<b>Photocopies</b>	\$ 136.37	\$ 119.47	\$ 349.84
<b>Reference Questions</b>	1291	1118	3299
<b>Volunteer Hours</b>	416	306.25	1052.5

**Registered Patrons –Mar 2010**

<b>City Residents</b>		<b>Non-Resident – Fee Paid</b>		<b>Non-Resident - Restricted</b>	
Adult	5623	Adult	359	Adult	1245
Child	1836	Child	62	Child	4
YA (12-17)	433	YA (12-17)	29	YA (12-17)	158
<b>Total</b>	<b>7892</b>	<b>Total Fee</b>	<b>450</b>	Kids C.A.R.E.	465
				<b>Total Restricted</b>	<b>1872</b>
<b>Non-Resident Total</b>	<b>2322</b>				
<b>Total Registered Patrons</b>	<b>10,214</b>				

Winter sessions of both Infant/Toddler and Preschool Storytimes concluded in March, while continuing to be popular with children and their caregivers. During March 274 young patrons attended in these fun and exciting programs. Spring Break brought in an addition 154 attendees to play Book Bingo, make crafts, etc.. A total of 428 young people participated in a variety of programs at the Library.

Statistics for the new Gale Databases (magazine subject searching) show that these databases are highly used by our patrons. A total of 161 sessions and 951 searches were performed by our patrons during the month of March.

COUNCIL REPORT – MARCH 2010

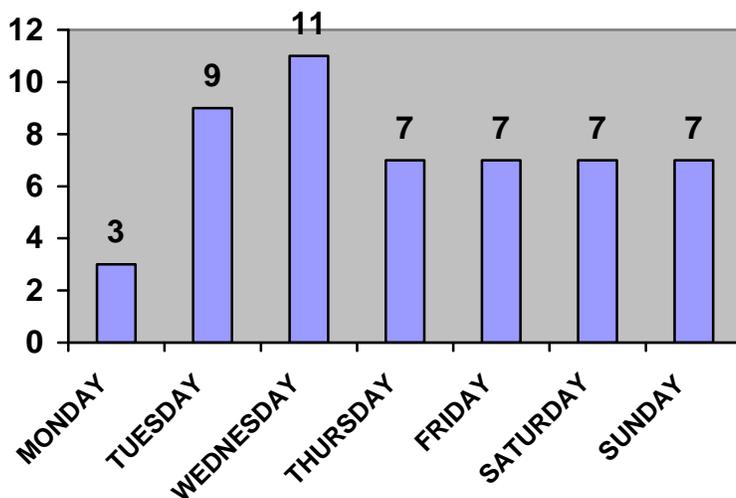
To: Mayor & City Council Members

From: Fire Chief Bill Hahn

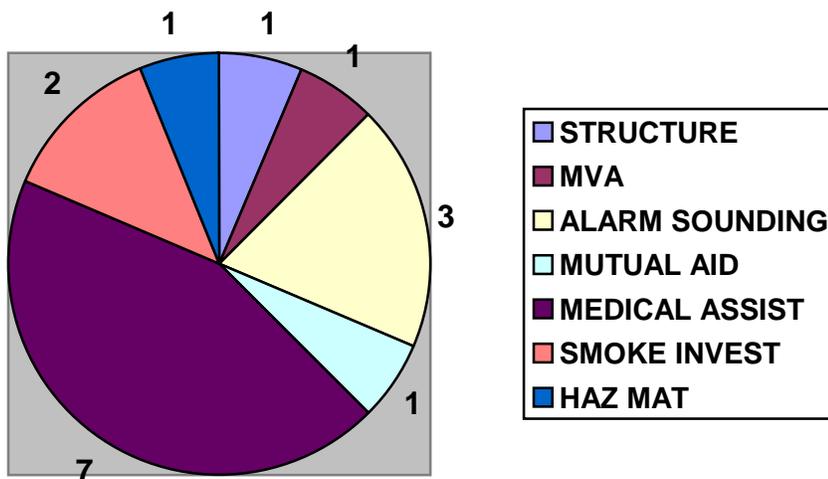
**Dallas Fire Department:**

Station 100 responded to 16 city calls and 35 rural responses for a total of 51, these are divided out by the day of the week.

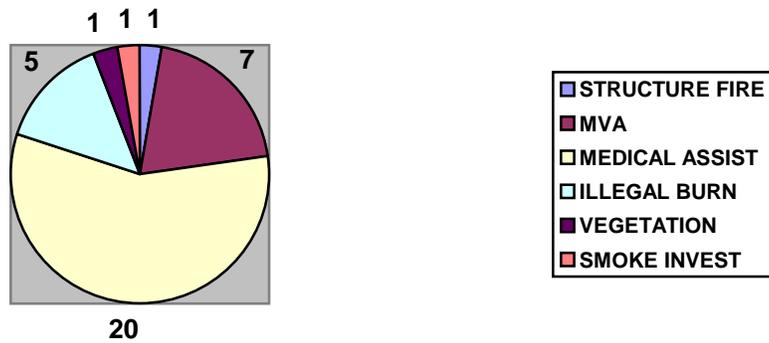
**February Fire Reponses by Day**



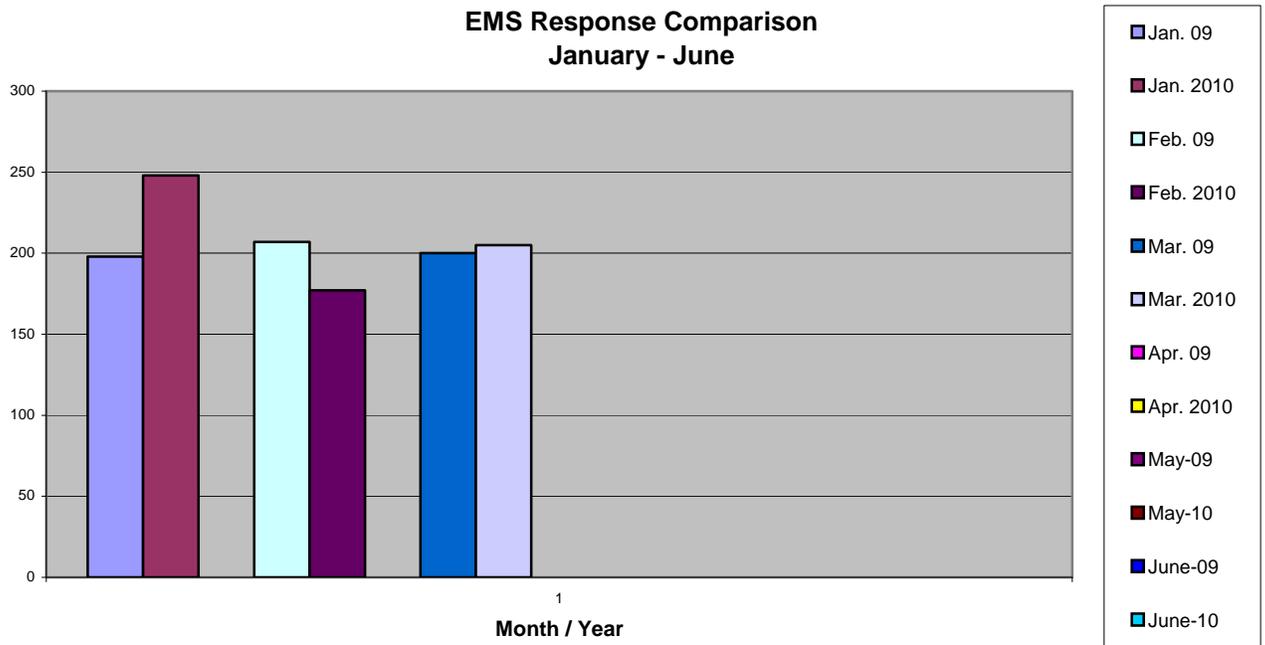
City Responded to the following incidents during the month from station 100.



Rural responses by station 110 during the month were for the following incidents.



Dallas Emergency Medical Service:



# DALLAS POLICE DEPARTMENT

MARCH 2010

## Investigations / Arrests

Animal Offenses	Clear by Arr	07
Assaults	Clear by Arr	06
Criminal Mischief	Clear by Arr	04
Curfew	Clear by Ref	02
DUII	Clear by Arr	02
Driving While Suspended	Clear by Arr	02
Drug Offenses	Clear by Arr	02
False Info Police Officer	Clear by Arr	01
Fail Carry Present License	Clear by Arr	04
Furnishing Liquor to Minors	Clear by Arr	02
Harassment	Clear by Arr	04
Interference Police Report	Clear by Arr	01
Minor in Possession	Clear by Arr	02
Ordinance Offense	Clear by Arr	01
Runaway	Clear by Ref	02
Refusal Breathalyzer	Clear by Arr	01
Sex Offenses	Clear by Arr	06
Strangulation	Clear by Arr	01
Theft	Clear by Arr	03
Trespass	Clear by Arr	01
Unnecessary Noise	Clear by Arr	01
Warrants	Clear by Arr	10

**96 TOTAL ARRESTS** (MAR '09 Arrests: 93 )

### **The following is a summary of traffic violations committed:**

19 Speeding Violations  
12 License Violation  
05 Moving Violations  
17 All Other

### **JUVENILES**

Twelve juveniles were referred to juvenile authorities for their actions

**PARKING CITES ISS:** 33

**DOG IMPOUNDS:** 21

**TOTAL CALLS FOR SERVICE: 675** (Last yr: 865 )

Incident Case No.'s: 458

CAD Event Reports: 217

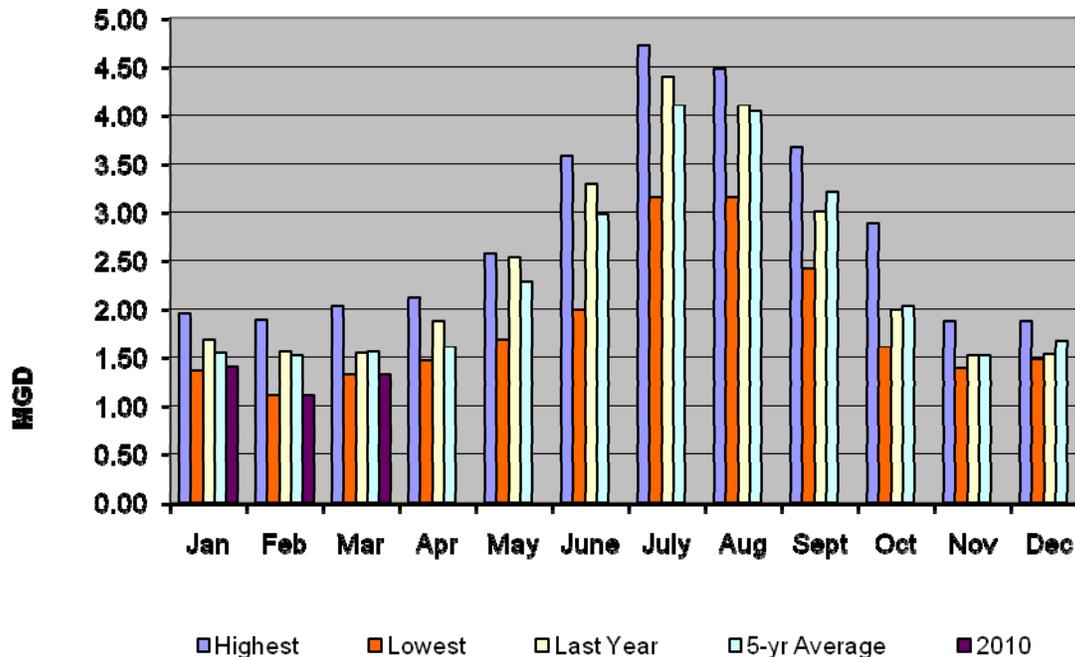
# DEPARTMENT OF PUBLIC WORKS

## Monthly Report for March 2010

### Water Division

	<u>2010</u>	<u>Unit</u>	<u>2009</u>	<u>Unit</u>
Total Discharge to Town	41.06	MG	48.1	MG
Total Water Raw	54.04	MG	55.9	MG
Peak Day (3-6)	2.00	MG	1.90	MG
Daily Average-Raw	1.74	MGD	1.81	MGD
Daily Average-City	1.32	MGD	1.55	MGD
Backwash Water	4.78	MG	4.45	MG
Filter to Waste	0.81	MG	.84	MG
Flushing	0.00	MG	N/A	MG
Discharge Water	0.10	MG	.10	MG
ASR Injection	7.38	MG	7.36	MG
Average High Temp	46 °	F	60 °	F
Average Low Temp	38 °	F	45 °	F
Total Precipitation	5.14	Inches	3.03	Inches

**Average Daily Treated Water Production**

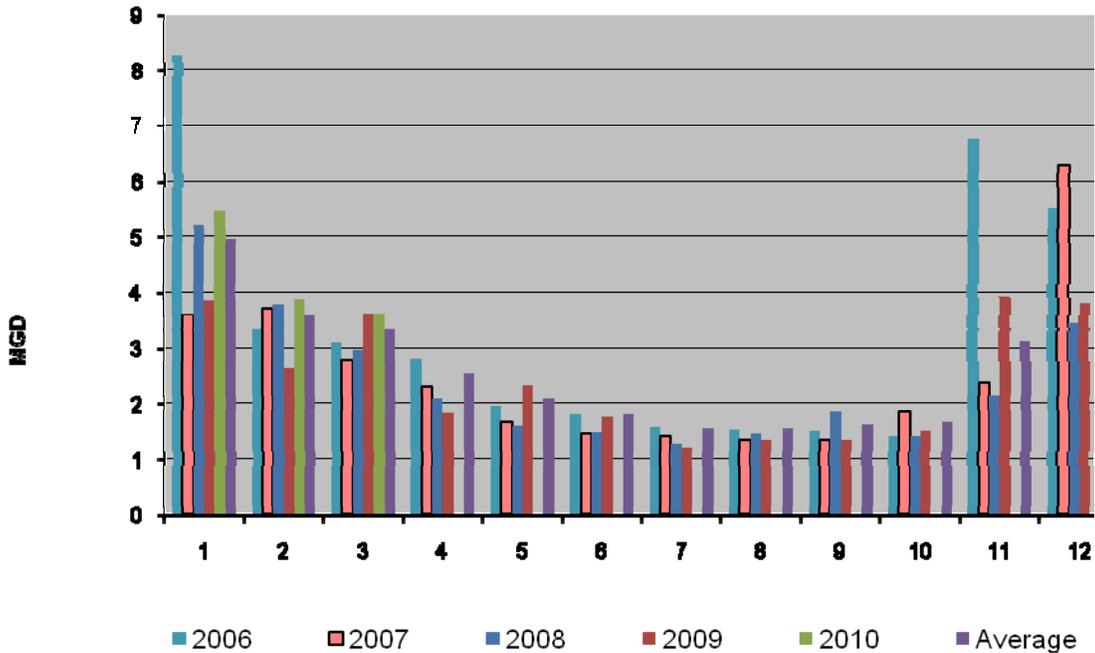


# Wastewater Division

## Effluent Flow

	<u>2010 Units</u>		<u>2009 Units</u>	
Monthly Total Flow	112.59 MG		112.33 MG	
Peak Day Flow	(March 29)	8.14 MG	(March 15)	7.38 MG
Daily Average Flow	3.63 MG		3.62 MG	

**Effluent - Average Daily Discharge by Month**



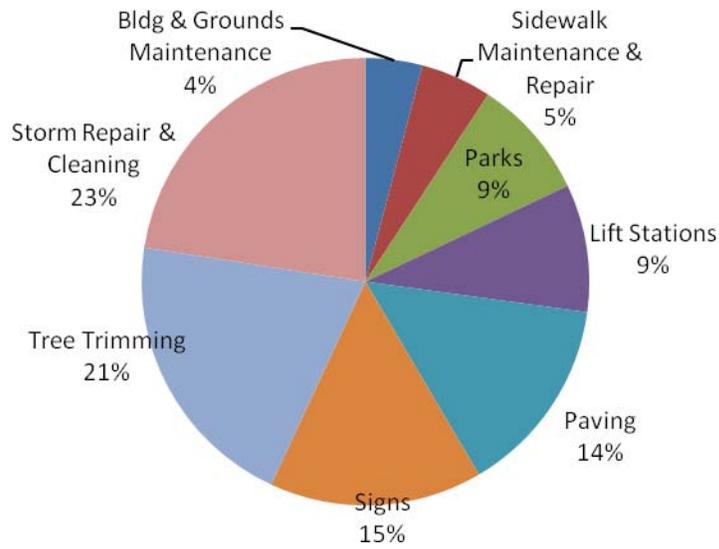
## Plant Maintenance

- ✓ Replaced #1 RAS pump analog output card at the PLC.
- ✓ Replaced filters and belts on HVAC system for control building.
- ✓ Spraying for weeds. Installed wasp and mosquito traps around facility.
- ✓ Repaired faulty sensor on John Deere tractor.
- ✓ Cleaned and organized main area of the pole barn.
- ✓ Monthly PM (preventative maintenance) completed.

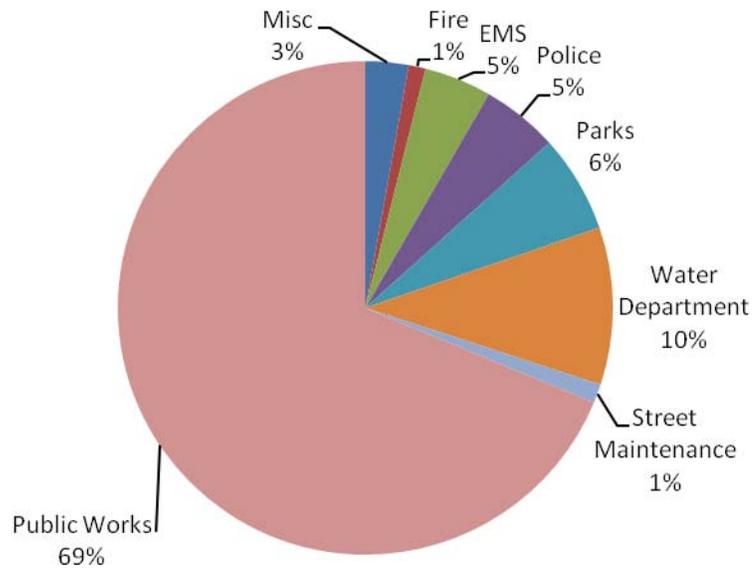
## Plant Performance

The plant is running well. One e.coli sample was high, but re-sampling showed no continuing issues and negated any violation.

## Street and Construction Division



## Fleet Management



# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>7 b</b>	<b>Topic:</b> Request for an off-premise sign
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 19, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

If the Council wishes to review the request, staff will schedule a public hearing and advertise as required.

BACKGROUND:

We received a request from Steve Victor, owner of Little Caesar's pizza, for permission to allow shaker boarders up and down sidewalks in front of the store or at main intersections of town. This requires a public hearing for a request of an off-premise sign subject to Dallas City Code Section 9.997. In addition, Council would have to grant permission for use of public right-of-way for this purpose. Hearing requirements include a 30 day notice

FISCAL IMPACT:

\$120 to publish legal notice

ATTACHMENTS:

Email request from Steve Victor, owner of Little Caesars Pizza

**From:** PAT MITCHELL <dallaslcp@hotmail.com>  
**To:** <jerry.wyatt@ci.dallas.or.us>  
**Date:** 4/5/2010 9:38 AM  
**Subject:** FW:

From: lilczrs@msn.com  
To: dallaslcp@hotmail.com  
Subject:  
Date: Mon, 5 Apr 2010 16:14:49 +0000

To the City of Dallas,

For the past 8 years Little Caesars Pizza has been running a National Special called HOT-N-READY. What this consists of is a Large Pizza cooked and ready for pickup all day, everyday. For several years this special has been voted "The Best Value in America". However, in order for the special to work properly we need to be able to take full advantage of every marketing tool possible. One of the most effective tool is the ability to use what we call SHAKER BOARDING. For this we hire several employees to work outside the store holding high quality signs advertising the HOT-N-READY special during lunch and dinner time. These SHAKER BOARDERS walk up and down the side walks either in front of the store or at the main intersections of town close to the store. This type of Marketing is a key attribute to our success in being able to promote this special, without it our Business is in jeopardy.

We currently own and operate several stores in 6 different towns and have never been told by the town that we are unable to utilize this very effective type of marketing. Dallas however, has certain sign ordinance that has prohibited use from doing so. This has caused a severe decline in sales and has made us reduce our staff. With the state of the Economy any decrease in sales at any location hurts the entire company. Furthermore, with the decrease in sales we further add to the unemployment rate.

What we are asking for the ability to be able to use Shaker Boarding in the town of Dallas. It has been proven by our Corporate Office that has been in Business for 50 years, that Shaker Boarding is a must in order to be effective in the success of HOT-N-READY. What this also does is allows use to employ at least 2 more people, which is also very important to a small town. In addition to the immediate employment to 2 people, with the increased sales potential, we will be able to give our current employees more hours and maybe even be able to hire additional employees.

Furthermore, our Shaker Boarding employees are trained to be courteous not only to passing cars, but also pedestrians using the sidewalks, we will always step aside and give them the right-of-way. Our signs are also professional made and are very tasteful and attractive.

Thank you for taking the time to discuss this matter, and we hope you are able to grant us the ability to grow and prosper our Business in the town of Dallas.

Sincerely,  
Steve Victor  
Owner

RESOLUTION NO. 3199

A resolution establishing the fee for recreational vehicle parking permits under Dallas Code Section 6.610.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The amount of the recreational parking permit authorized under Dallas Code Section 6.610 shall be \$50.

Section 2. This resolution shall take effect upon the effective date of Ordinance No. 1720

Adopted April 19, 2010  
Approved April 19, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT  
CITY MANAGER

ORDINANCE NO. 1723

An Ordinance granting an Electrical Utility Franchise and General Utility Easement to PacifiCorp.

WHEREAS, PacifiCorp d.b.a. Pacific Power, is a regulated public utility that provides electric power and energy to the citizens of the City of Dallas, Oregon (the "City") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City desires to set forth the terms and conditions by which PacifiCorp shall use the public ways of the City;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Grant of Franchise and General Utility Easement. The City hereby grants to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, bridges, public ways and public places (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof. PacifiCorp shall provide electric service to customers within the City in accordance with the standards set forth in its Oregon tariff and applicable state regulations.

Section 2. Term. The term of this Franchise and General Utility Easement is for ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below, subject to the City's right to increase the franchise fee as provided in Section 12.1, and the provisions for amendment during the term of this agreement as provided in Section 16

Section 3. Acceptance by PacifiCorp. Within sixty (60) days after the passage of this ordinance by the City, PacifiCorp shall file an unqualified written

acceptance thereof, with the City Recorder, otherwise the ordinance and the rights granted herein shall be null and void.

Section 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides water or sewerage service to City residences; provided, however, that such use shall not unreasonably interfere with PacifiCorp's Electric Facilities or PacifiCorp's rights granted herein.

Section 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon or City Ordinances.

Section 6. Indemnification and Insurance Requirements.

6.1 Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by PacifiCorp of its Electric Facilities. PacifiCorp shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of PacifiCorp's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to PacifiCorp of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit PacifiCorp to assume the defense of such claim, demand, or lien. If such defense is not assumed by PacifiCorp, PacifiCorp shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, PacifiCorp shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

6.2 Insurance. PacifiCorp shall maintain automobile, general liability, including bodily injury and property damage insurance protecting PacifiCorp and the City, as well as the City's officers, agents, and employees, from injuries and damages resulting from the operations related to this agreement, for which

PacifiCorp is legally liable. The insurance shall provide coverage in the amounts of the maximum limits of liability imposed on municipalities of the State of Oregon during the term of this franchise. These insurance policies may provide coverage in excess of self-insured retentions or deductibles in reasonable amounts that may exceed the maximum limits of liability imposed on municipalities of the State of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing in this section shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds on the policy. The insurance policies shall provide that the insurance shall not be canceled or without thirty (30) days' prior written notice first being given to the City Manager. If the insurance is canceled within the term of this franchise, PacifiCorp shall provide a replacement policy with the same or equivalent terms. PacifiCorp shall maintain continuous uninterrupted coverage, in the terms and amounts required, upon and after the effective date of this franchise. Each party agrees to waive subrogation against the other for any claims described in this section to the extent that the claim is covered by the responsible party's insurance, or would have been covered but for the application of an insurance deductible.

#### Section 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by PacifiCorp located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to PacifiCorp: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

PacifiCorp Customer Contact Center  
Attn: Annexations  
P.O. Box 400  
Portland, Oregon 97207-0400

With a copy to:

PacifiCorp  
Attn: Office of the General Counsel  
825 N.E. Multnomah, Suite 2000  
Portland, Oregon 97232

Additional or increased fees or taxes, other than ad valorem taxes, imposed on PacifiCorp as a result of an annexation of territory to the City shall become effective on the effective date of the annexation if notice is given to PacifiCorp by certified mail not later than ten (10) working days after the effective date of the annexation. However, if notification of the effective date of the annexation is provided to PacifiCorp later than the tenth (10<sup>th</sup>) working day after the effective date of the annexation, the additional or increased fees or taxes will become effective on the date of the notification. This provision shall be subject to any amendment of ORS 222.005.

Section 8. Planning, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, PacifiCorp shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the City which permit shall not be unreasonably withheld, conditioned, or delayed. PacifiCorp will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, PacifiCorp shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, PacifiCorp causes damage to or alters any Public Way or public property, PacifiCorp shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it to a condition comparable to that which existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, PacifiCorp shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by PacifiCorp within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that PacifiCorp shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with PacifiCorp's use of same. Nothing herein shall be construed to require PacifiCorp to increase pole size, or alter the manner in which PacifiCorp attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of PacifiCorp and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by PacifiCorp in conjunction with PacifiCorp's standard pole attachment application process. PacifiCorp shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 PacifiCorp shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before

installing new underground conduits or replacing existing underground conduits, PacifiCorp shall first notify the City of such work by written notice and shall allow the City, at its own expense (to include a pro rata share of the trenching costs), to share the trench of PacifiCorp to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with PacifiCorp's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect PacifiCorp's Electric Facilities, the City shall give written notice to PacifiCorp.

8.9 No structures, buildings or signs shall be erected below PacifiCorp's facilities or in a location that prevents PacifiCorp from accessing or maintaining its facilities.

Section 9. Relocation of Electric Facilities.

9.1 The City reserves the right to require PacifiCorp to relocate overhead Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, PacifiCorp shall promptly commence the overhead relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of PacifiCorp, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of PacifiCorp to obtain reimbursement. In cases of capital improvement projects undertaken by the City, PacifiCorp shall convert existing overhead distribution facilities to underground, so long as PacifiCorp is allowed to collect the costs associated with conversion from overhead to underground distribution facilities consistent with OAR 860-022-0046, the Oregon Public Utility Commission rule on forced conversions.

9.2 PacifiCorp shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, PacifiCorp may charge the expense of removal or relocation to the developer or customer. For example, PacifiCorp shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development. In such event, the City shall require the developer to pay PacifiCorp for such relocation

costs as part of its approval procedures.

Section 10. Subdivision Plat Notification. Before the City approves any new subdivision and before recordation of the plat, the City shall mail notification of such approval and a copy of the plat to PacifiCorp:

PacifiCorp  
Attn: Property Management / Right-of-Way Department  
825 N.E. Multnomah, Suite 1700  
Portland, Oregon 97232

Section 11. Vegetation Management. PacifiCorp or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, to prevent the branches or limbs or other part of such trees or vegetation from interfering with PacifiCorp's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent PacifiCorp, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

Section 12. Compensation.

12.1 In consideration of the rights, privileges, and franchise hereby granted, PacifiCorp shall pay to the City from and after the effective date of the acceptance of this franchise, seven percent (7%) of its gross revenues derived from within the corporate limits of City. The term "gross revenue" as used herein shall be construed to mean any revenue of PacifiCorp derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. All amounts paid under this Section 12 shall be subject to review and audit by the City; provided that only payments which occurred during a period of thirty-six (36) months prior to the date the City notifies PacifiCorp of its intent to conduct a review shall be subject to such review and audit. Notwithstanding any provision to the contrary, at any time during the term of this Franchise, the City may elect to increase the franchise fee amount as may then be allowed by state law. The City shall provide PacifiCorp with prior written notice of such increase following adoption of the change in

percentage by the City. The increase shall be effective sixty (60) days after City has provided such written notice to PacifiCorp.

12.2 The franchise fee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from PacifiCorp with respect to PacifiCorp's electric business or the exercise of this franchise within the corporate limits of the City and the amount due to the City under any such other license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting there from the amount of said franchise fee paid hereunder.

12.3 If direct access is implemented by Grantee in accordance with state law and regulations adopted by the PUC, if the City so directs, instead of calculating the franchise fee in accordance with Section 12.1, Grantee shall calculate the franchise fee using volume-based methodologies in accordance with PUC regulations.

12.4 The franchise fee shall be due monthly on or before the 20<sup>th</sup> day of each month during the term of this agreement, and any renewal or extended term, and shall be computed based on the gross revenue from the previous month or portion thereof. PacifiCorp shall furnish to the City with each payment of compensation required by this section a statement showing the amount of gross revenue for the period covered by the payment.

Section 13. Renewal. At least 120 days prior to the expiration of this Franchise, PacifiCorp and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. PacifiCorp shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

Section 14. No Waiver. Neither the City nor PacifiCorp shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

Section 15. Transfer of Franchise. PacifiCorp shall not transfer or assign any rights under this Franchise to another entity, except transfers and

assignments by operation of law, or to affiliates, parents or subsidiaries of PacifiCorp which assume all of PacifiCorp's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however PacifiCorp may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom PacifiCorp (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

Section 16. Amendment. At any time during the term of this Franchise, the City, through its City Council, or PacifiCorp may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and PacifiCorp and formally adopted as an ordinance amendment, which is accepted in writing by PacifiCorp.

SECTION 17. Termination for cause. The City may terminate this franchise as provided in this section, subject to PacifiCorp's right to a court review of the reasonableness of such action, upon the willful failure of the PacifiCorp to perform promptly and completely any term, condition or obligation imposed upon it under or pursuant to this ordinance. The City shall provide PacifiCorp written notice of any such failure and PacifiCorp shall have sixty (60) days from receipt of notice to cure the failure, or if the failure cannot reasonably be cured within sixty (60) days, to commence and diligently pursue curing the failure. If PacifiCorp does not cure the failure within the sixty day period, or does not commence and diligently pursue curing the failure to the City's satisfaction within the 60 day period, then the City Council may declare the franchise terminated.

Section 18. Non-Contestability--Breach of Contract.

18.1 Neither the City nor PacifiCorp will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve

difference in interpretation of the Franchise nor shall PacifiCorp be precluded from seeking relief from the Courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

18.2 In the event PacifiCorp or the City fails to fulfill any of their respective obligations under this Franchise, the City, or PacifiCorp, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

Section 19. Attorney Fees. In the event of suit or action between the parties arising under or relating to the terms of this franchise, including any action described in Sections 17 and 18, above, the prevailing party in such suit or action shall be entitled to recover such party's reasonable attorney fees, as may be awarded by the court in which such suit or action may be tried, heard or decided, and on any appeal therefrom.

Section 20. Notices. Unless otherwise specified herein, all notices from PacifiCorp to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to PacifiCorp pursuant to or concerning this Franchise shall be delivered to the Customer and Community Affairs Vice President, Pacific Power, 825 NE Multnomah, Lloyd Center Tower Suite 2000, Portland, Oregon 97232, and such other office as PacifiCorp may advise the City of by written notice.

Section 21. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

Section 22. Repeal of Ordinance Nos. 1439 and 1568. Upon the effective date hereof, but not otherwise, Ordinance No. 1439, passed and approved July

16, 1990, and Ordinance No. 1568, passed and approved March 1, 1999, are hereby repealed.

Section 23. Effective Date. This ordinance shall take effect August 24, 2010, upon the condition that PacifiCorp shall have by then filed with the City its written unqualified acceptance of this ordinance.

Read for the first time: April 19, 2010  
Read for the second time: May 3, 2010  
Adopted by the City Council: May 3, 2010  
Approved by the Mayor: May 3, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1720

An Ordinance Amending Dallas City Code Sections 6.610 regarding recreational vehicle parking permits; and repealing conflicting provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. DCC 6.610, entitled "Parking Permit," is amended to read as follows:

**6.610 Parking Permit.**

(1) A permit may be obtained by filing an application at the office of the city manager, accompanied by a fee in an amount set by the council by resolution. The application shall include the location and description of the camper, motor home, or travel trailer, the character and duration of occupancy, the character of water and sanitary facilities available, and any other information which the city manager considers necessary to carry out the purpose of sections 6.600 to 6.615.

(2) If the city manager determines that the issuance of a permit will not contravene the purpose of sections 6.600 to 6.615 or of any applicable code provision, the manager may issue a permit authorizing the applicant to park or place and occupy the described camper, motor home, or travel trailer, and may attach conditions necessary to carry out the purpose of sections 6.600 to 6.615.

(3) The period of occupancy granted under the permit shall not exceed 14 consecutive days, or 21 days during any calendar year.

Section 2. All prior and conflicting ordinances are hereby repealed.

Read for the first time:	April 5, 2010
Read for the second time:	April 19, 2010
Passed by the City Council:	April 19, 2010
Approved by the Mayor:	April 19, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER