



City Council

Mayor
Brian Dalton

Council President
Wes Scroggin

Councilor
Jim Fairchild

Councilor
Beth Jones

Councilor
Jackie Lawson

Councilor
Mark McDonald

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

City Manager
Jerry Wyatt

Asst. City Manager
Kim Marr

City Attorney
Lane Shetterly

Admin Svc Mgr
Robert Spivey

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, June 6, 2011, 7:00 p.m.
Mayor Brian Dalton, 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	
2. PLEDGE OF ALLEGIANCE	
3. INTRODUCTION OF NEW EMPLOYEES Paul Callaway – Police Officer Robert Spivey – Administrative Services Manager	
4. 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.</i>	
5. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i> Public hearing on the 2011-2012 City of Dallas Budget and use of state revenue sharing funds. p. 3	
6. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i> a. Approval of May 16, 2011 City Council Minutes p. 8 b. Acknowledge report of the May 23 Administrative Committee Meeting (action items addressed in item 8 a on the agenda) p. 10 c. Acknowledge report of the May 23 Building & Grounds Committee Meeting (no action items) p. 61	
7. ITEMS REMOVED FROM CONSENT AGENDA	

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.

8. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

- a. Action items from May 23 Administrative Committee:
 - i. Smoking Policy for City Parks *p. 67* Motion
 - ii. GASB 54 Fund Balance Policy *p. 70* Motion
 - iii. Council Rules of Procedure *p. 73* Motion

9. REPORTS FROM CITY MANAGER AND STAFF

- a. Building Permit Fee Schedules *p. 74* Motion
- b. Award contract for 2011 Street Resurfacing Project *p. 83* Motion
- c. Award contract for Dallas Fire Station Seismic Rehabilitation *p. 85* Motion
- d. Other

10. RESOLUTIONS

11. FIRST READING OF ORDINANCE

- a. Ordinance No. 1739 – An Ordinance amending Dallas Development Code Section 2.2.120.L., relating to agricultural uses permitted in the RL district. *p. 86 (Ord starts on p. 87)* First Reading

12. SECOND READING OF ORDINANCE

13. OTHER BUSINESS

14. ADJOURNMENT

Note: Following the Council meeting, there will be a meeting of the Urban Renewal District Board of Directors.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5	Topic: 2011-2012 Budget Hearing
Prepared By: Emily Gagner	Meeting Date: June 6, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

The purpose of this Public Hearing is to allow the public a chance to provide input on the 2011-2012 Budget and the use of State Revenue Sharing funds. The amount of State Revenue Sharing funds included in this year's budget is \$110,000.

A motion should be made to approve the 2011-2012 City of Dallas Budget and the use of State Revenue Sharing funds as approved by the Budget Committee. The City Attorney should be directed to prepare the resolution to adopt the budget and to authorize use of state revenue sharing funds for the June 20, 2011 Council meeting.

BACKGROUND:

The property tax rate to be imposed is the permanent rate of \$4.1954 per \$1,000 of assessed value. The levy to be imposed for debt service on General Obligation bonds is \$739, 463.

FISCAL IMPACT:

Adoption of the budget allows for expenditures in the 2011-2012 fiscal year.

ATTACHMENTS:

Minutes from Budget Committee meeting on May 16

Chair Gabliks called the meeting of the Budget Committee to order at 7:39 p.m.

Budget Committee members present: Jim Brown, Pete Christensen, Darand Davies, Kelly Gabliks, Tim Grimes, Lynn Hurt, and Rich Wolcott. Excused: Chris Bellamy and Sam Collins

Councilors present: Jim Fairchild, Beth Jones, Jackie Lawson, Mark McDonald, Kevin Marshall, Wes Scroggin, Murray Stewart, and LaVonne Wilson. Excused: Ken Woods, Jr.

Also present: Mayor Brian Dalton, 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, Public Works Director Fred Braun, and Recording Secretary Emily Gagner.

APPROVAL OF MINUTES OF APRIL 18, 2011, BUDGET COMMITTEE MEETING:

It was moved by Mr. Hurt and seconded by Mr. Grimes to approve the minutes of the April 18, 2011 Budget Committee meeting as presented. The motion carried unanimously.

REPORTS FROM SUBCOMMITTEES:

Administrative Committee: Wes Scroggin, Acting Chair:

Mr. Scroggin reviewed the minutes of the Administrative Committee meeting. There was discussion about the subcommittee's motion to direct the City Manager to negotiate with the City's franchisees to provide free services for the City. Mr. Grimes explained the thrust of his motion was that all franchise agreements should provide benefit with some alleviation of cost of the franchisee's service. He explained it should be a formal policy or mandate from the Council to the person negotiating the franchise agreements.

Mr. Brown stated Mr. Grimes' suggestion sounded reasonable, but he was concerned that the franchisees would pass the costs on to the citizens. After further discussion, Mr. Shetterly stated this would only come up when the City renegotiated the contracts, so there would be no immediate impact.

It was moved by Mr. Grimes and seconded by Mr. Brown to recommend staff and the Council examine the issue of negotiating franchise agreements to see if there could be cost savings to the City. The motion carried unanimously.

Building and Grounds Committee: Jackie Lawson, Chair:

Ms. Lawson reviewed the minutes of the subcommittee meeting. She indicated there was not a lot of discussion except potentially in dropping a position in Community Development from full to half time. There were no questions on Ms. Lawson's report.

Public Safety Committee: Ken Woods, Jr., Chair:

Mr. Fairchild reviewed the minutes.

1 Mr. Grimes asked if Mr. Wyatt was the person responsible for writing the Intergovernmental
2 Agreements (IGAs) with Southwest Polk County Rural Fire Protection District (SWPCRFPD). Mr.
3 Fairchild explained the City Manager negotiated those contracts. Mr. Grimes asked if the Council
4 provided direction to the City Manager on how to approach those agreements. Mr. Fairchild stated
5 they did not. He noted in previous budgets the Council asked Mr. Wyatt to look at the SWPCRFPD
6 contract to see what could be done within the monetary funds available. There was further discus-
7 sion about the Council giving the City Manager direction for negotiating contracts. Chair Gabliks
8 stated she felt the City residents were shouldering too much of the burden compared to the number
9 of calls our volunteers went on for SWPCRFPD. She indicated it needed to be investigated and a
10 more fair allocation of funds needed to be ensured between what SWPCRFPD reimbursed and what
11 the City took on. After further discussion it was suggested that staff explore getting more funding
12 from SWPCRFPD for the next budget cycle.

13 Mr. Fairchild reviewed the discussion from the subcommittee meeting regarding vehicle replace-
14 ment. Mr. Brown stated he would like to see an accurate list of the amortization of the City's ve-
15 hicles, when they were expected to be replaced and where the money would come from for re-
16 placement. Ms. Lawson stated she understood the theory, but her concern was that there would be
17 the perception that the money needed to be spent. She advised when the economy changed, it
18 would be fiscally prudent to go in that direction. Chair Gabliks asked for a motion to move \$20,000
19 from the beginning balance to the ambulance fund. Mr. Hurt stated that first, he was opposed to the
20 notion of setting up a fund that was a reserve. He acknowledged the City needed fleet replacement,
21 but didn't think this was the solution. He indicated people had to realize it took sacrifice to do what
22 needed to be done to maintain our current standards, so the City would have to do a bond. He add-
23 ed he didn't think it was prudent with the current budget to set aside money because the perception
24 from the public would be there was too much fat in the budget. Mr. Hurt stated secondly, the City
25 had an absolutely exceptional Fire Department and the reason for that was that they had the kinds of
26 equipment they had and good people working. He added the Department would have to have that
27 kind of level of service whether they served SWPCRFPD or not. Lastly, Mr. Hurt stated regarding
28 the recommendation that the Council direct the City Manager to find ways to cut costs, the Council
29 hired Mr. Wyatt to do that kind of job and look for ways to save money, adding the discussion was
30 getting far afield. Mr. Grimes agreed those were policy decisions based on the people the Council
31 hired, but if no firm policy existed and no specific direction was provided regarding specific budge-
32 tary line items, what were the citizens supposed to think. He added if money was set aside for ve-
33 hicle replacement, at least a bond measure would be for less money.

34 Mr. Wyatt explained he had increased the percentage SWPCRFPD paid to the City over the past
35 two contracts. He added there was also a joint task force looking into combining services with
36 SWPCRFPD and Falls City.

37 Public Works Committee: Jim Fairchild, Chair:

38 Mr. Fairchild reviewed the minutes from the subcommittee meeting.

39 Mr. Fairchild indicated the streets were not being maintained at the level they needed to be due to
40 lack of funding. Mr. Wyatt reported that the revenue for the Street Fund came mainly from the
41 State Highway Fund, so there was no more money. Ms. Lawson stated it would cost the City way

1 more money later if something wasn't done now and recommended allocating some General Fund
2 budget to increase that line item. Mr. Wyatt reported there was currently a \$4 million backlog. Mr.
3 Braun explained the backlog would be \$5 million by the end of the year. Chair Gabliks asked Ms.
4 Lawson if she proposed taking money from the year-end balance. Ms. Lawson confirmed she did.
5 Mr. Fairchild stated the cushion was already at a bare minimum and given the economic uncertain-
6 ty, it seemed imprudent to dip into the beginning balance because it may be needed for something
7 essential. In response to a question, Mr. Wyatt stated the Council policy was to maintain the re-
8 serve fund at 10% of the budget. He noted the City used those funds at the beginning of the fiscal
9 year until the tax revenues started coming in. Mr. McDonald asked if allocating an extra \$200,000
10 would draw the capital reserves to \$700,000. Mr. Wyatt stated the General Fund reserves would be
11 just under \$1 million.

12 It was moved by Ms. Lawson and seconded by Mr. Wolcott to reallocate \$200,000 from the end
13 balance to the Street Fund budget for street repair.

14 Mr. Hurt asked how much of the backlog \$200,000 would repair. Mr. Wyatt advised it would not
15 be a lot. Mr. Fairchild reminded the Budget Committee that staff had already made a lot of cuts to
16 the budget and if they chose to take another \$200,000 they would have to cut more. There was dis-
17 cussion about how much the repair backlog would increase if it wasn't repaired now. Mr. Braun
18 noted if the extra \$200,000 was for one year only, it wouldn't really make a difference. Mr. Scrog-
19 gin pointed out that the Council and staff had been battling to get the reserve fund up to \$1 million,
20 and now there was talk of taking \$200,000 that wouldn't do anything for the streets in the big pic-
21 ture. In response to a question, Mr. Braun stated the City would need a total of about \$550,000
22 each year to spend on maintenance just to make sure the backlog didn't get any bigger. Mr. McDo-
23 nald and Ms. Wilson agreed with Mr. Scroggin that it wouldn't be a good idea to use money from
24 the beginning balance. There was a great deal more discussion about the advisability of the propos-
25 al.

26 The motion FAILED with Jim Brown, Darand Davies, Jim Fairchild, Lynn Hurt, Beth Jones, Mark
27 McDonald, Kevin Marshall, Wes Scroggin, LaVonne Wilson, and Murray Stewart voting NO and
28 Pete Christensen, Kelly Gabliks, Tim Grimes, Jackie Lawson, and Rich Wolcott voting YES.

29 PUBLIC HEARINGS:

30 Public Hearing to solicit comments on the proposed budget for fiscal year 2011-2012

31 Chair Gabliks opened the public hearing to solicit comments on the proposed budget for fiscal year
32 2011-2012 at 8:44 p.m.

33 Joe Koubek read a statement, a copy of which is attached to the official minutes, regarding creating a
34 fund in the budget for the cost of replacing Dallas Fire apparatus.

35 There were no further comments, so Chair Gabliks closed the public hearing at 8:50 p.m.

36 Public Hearing to solicit comments on use of State Revenue Sharing funds for fiscal year 2011-
37 2012

1 Chair Gabliks opened the public hearing to solicit comments on the use of State Revenue Sharing
2 funds for fiscal year 2011-2012 at 8:50 p.m. There were no comments, so she closed the public
3 hearing at 8:51 p.m.
4

5 ADOPTION OF CITY OF DALLAS 2011-2012 BUDGET AND RECOMMENDATION TO THE
6 CITY COUNCIL

7 It was moved by Ms. Wilson and seconded by Mr. Hurt to adopt the 2011-2012 budget as presented
8 to the Budget Committee and recommend it to the City Council. The motion carried unanimously.
9

10 It was moved by Mr. Hurt and seconded by Ms. Wilson to recommend to the City Council to ap-
11 prove the property tax rate of \$4.1954 per \$1,000 of assessed value and the levy to be imposed for
12 debt service on General Obligation Bonds of \$739,463. The motion carried unanimously.
13

14 Other Business

15 Chair Gabliks stated the Committee had good discussions and she thanked everyone for their partic-
16 ipation.

17 There being no further business, the meeting was adjourned at 8:53 p.m.

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4 The Dallas City Council met in regular session on Monday, May 16, 2011, at 7:00 p.m. in the
5 Council Chambers of City Hall with Mayor Brian Dalton presiding.

6 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

7 Council members present: Council President Wes Scroggin, Councilor Jim Fairchild, Councilor
8 Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin Marshall,
9 Councilor Murray Stewart, and Councilor LaVonne Wilson. Excused: Councilor Ken Woods, Jr.

10 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City
11 Manager Kim Marr, Police Chief John Teague, Deputy Police Chief Tom Simpson, Community
12 Development Director Jason Locke, Fire Chief Bill Hahn, Finance Director Cecilia Ward, Public
13 Works Director Fred Braun, EMS Director Todd Brumfield, Student Body Liaison Courtney
14 Pope, and Recording Secretary Emily Gagner.

15 Mayor Brian Dalton led the Pledge of Allegiance.

16 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

17 Chelsea Pope, Executive Director for the Dallas Area Visitor Center, discussed the current Travel
18 Salem magazine in which the Visitor Center purchased the full Dallas section. She reported that
19 over 40,000 copies were printed and distributed and the magazine was also on the Travel Salem
20 website. Ms. Pope explained the Bounty Market had over 500 people in attendance each week
21 and the vendors were doing very well. Ms. Pope indicated the Chamber of Commerce would be
22 hosting a block party on Court Street the following week.

23 Lorraine Anderson stated she felt it was terribly unfair to the citizens of Dallas having the same
24 rates at the Aquatic Center for residents and non-residents. She said she'd never heard of that
25 being done before. Ms. Anderson added she had been to Eugene and Mt. Hood College and
26 everyone in the state had never heard of having one rate for everyone. She commented that the
27 Council should give a break to those who paid to build the darn thing, adding those living out of
28 the district were getting a heck of a break. Ms. Anderson advised the Council should give
29 residents at least a 20% discount. She noted the Aquatic Center was getting very crowded and the
30 people who originally paid for it couldn't use it because it was so crowded. She indicated the
31 current rate system was very unfair to the citizens of Dallas.

32 **PUBLIC HEARINGS**

33 There were no public hearings.

34 **CONSENT AGENDA**

35 It was moved by Councilor Marshall and seconded by Councilor Wilson to approve the Consent
36 Agenda as presented. The motion carried unanimously with Council President Wes Scroggin,
37 Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark
38 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor LaVonne
39 Wilson voting YES.

40 Item approved by the Consent Agenda was: a) May 2, 2011, City Council minutes.

41 **ITEMS REMOVED FROM CONSENT AGENDA**

42 There were none.

43 **REPORTS OR COMMENTS FROM COUNCIL**

44 Ms. Courtney Pope reported that the Relay for Life would be held the following weekend and
45 noted school was winding down for the year.

46 Councilor McDonald stated at the last meeting he had asked questions about the PERS mistake
47 and was curious if the Council would have a full accounting of that. He indicated he would like
48 to know the number of employees involved, the time frame it covered, and the final cost figure.
49 Mr. Wyatt replied they would get that information. Councilor McDonald asked the timeframe for
50 that report. Mr. Wyatt stated staff was working with PERS and the final report could be weeks or

1 months from now.

2 **REPORTS FROM CITY MANAGER AND STAFF**

3 **AQUATIC CENTER PROMOTIONAL RATES UPDATE**

4 Mr. Locke reviewed his staff report providing a one-month update on the promotional rates
5 adopted by the Council. He indicated the idea for the promotional rates was to move toward what
6 other municipally owned pools, such as Astoria and Woodburn, had been doing, which was to
7 implement a single rate system. He advised one month did not constitute a trend, but there
8 seemed to be some correlation between the Council's action and the numbers. He noted he would
9 have another report for the Council in mid-June with the numbers from May at which time he
10 would recommend a course of action. In response to a question, Mr. Locke explained the
11 significant advertising was in scope, not cost. He stated he had rented the Monmouth-
12 Independence Chamber billboard on Highway 99, did larger print ads targeted more toward the
13 non-residency aspect, and attached the "3 free days in May" coupon to the flyers sent home with
14 the elementary and middle school students in Dallas and Central School District. He explained
15 they were able to track the effectiveness of the school flyers by tracking the number of coupons
16 that were used. He added staff asked folks, especially the non-resident annual pass holders, how
17 they heard about the Aquatic Center and most said it was word of mouth.

18 Councilor McDonald stated he was concerned that residents continue to use the Aquatic Center at
19 the same rate that they did before the rate change, adding he was very concerned that Dallas
20 residents get value out of the center. He asked what the bulk of the Aquatic Center's revenue was
21 and if it was money that came out of the budget or the general fund. Mr. Locke explained that
22 revenue was money that people paid when they walked through the door and encompassed daily
23 admissions, annual pass holders on payment plans, concessions, and party and group rentals.
24 Councilor McDonald asked that future reports provide a breakdown of the total revenue.

25 **OTHER**

26 Chief Hahn stated on Saturday the Fire Service held the Tenth Annual Meritorious Award
27 Banquet to recognize firefighters who performed acts of valor. He reported that one of Dallas's
28 captains, Shaun Wagner, was awarded the Medal of Valor for an incident in February where he
29 waded into 20° water to assist bringing a lady onto the bank where she could be given advanced
30 life support.

31 **RESOLUTIONS**

32 **Resolution No. 3226** – A Resolution designating the week of May 15-21, 2011, as Police Week.

33 Councilor McDonald stated he supported the resolution to honor the Dallas Police Department.
34 He stated we should know these officers as friends and treat them as neighbors and encouraged
35 everyone in Dallas to do so.

36 A roll call vote was taken and Mayor Dalton declared Resolution No. 3226 to have PASSED BY
37 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
38 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin
39 Marshall, Councilor Murray Stewart, and Councilor LaVonne Wilson voting YES.

40 **FIRST READING OF ORDINANCE**

41 **SECOND READING OF ORDINANCE**

42 **OTHER BUSINESS**

43 There being no further business, the meeting adjourned at 7:23 p.m.

44 Read and approved this _____ day of _____ 2011.

45 _____
46 _____
47 _____ Mayor

48 ATTEST:

49 _____
50 City Manager

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3 Members Present: Chair LaVonne Wilson, Beth Jones, Jackie Lawson, and Murray Stewart. Excused: Wes
4 Scroggin.

5 Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, Councilor Jim Fairchild, Assistant City
6 Manager Kim Marr, Finance Director Cecilia Ward, Community Development Director Jason Locke, and
7 Recording Secretary Emily Gagner.

8 Chair Wilson called the meeting to order at 4:05 p.m.

9 Visitors: Jim Fairchild, Korina Lund, Joe Koubek, Tanya Silva

10 Councilor Wilson informed the visitors that they could speak to a specific topic before the Councilors had
11 any discussion on that topic.

12 **Film Production Ordinance**

13 Mr. Locke stated staff and the Council had recently received information about a commercial film produc-
14 tion to be filmed in Dallas. He explained the City currently did not have a commercial filming process in
15 place for such endeavors. He stated if the filming was entirely done on private property, a permit would
16 not be required. He added if the production would be blocking a street or using a park, there were issues
17 associated with that. He added permits would not be required for home movies.

18 Councilor Lawson asked about local filming companies that were in Dallas for advertising purposes, add-
19 ing she didn't think the City should require permits for that. Mr. Locke explained the permit wouldn't be
20 required if they were filming in the business, but if they were on the sidewalk they would need a permit.
21 Councilor Stewart stated he would like to see the permit waived if it was for a thirty to sixty second com-
22 mercial. There was discussion about using the length of the finished project to determine the need for a
23 permit. It was recommended that for a minor film production requiring less than two hours of filming on
24 public property, the permit fee should be waived.

25 It was moved by Councilor Lawson and seconded by Councilor Stewart to recommend the Council ap-
26 prove the proposed film production ordinance with the change that there should be no fee for minor film
27 permits if the minor film activities did not exceed two hours. The motion carried unanimously.

28 **Charter Communication Franchise**

29 Mr. Wyatt explained that several cities were renewing their franchise agreements with Charter and were
30 working under an IGA to leverage negotiating power. He stated he would get a copy of the final fran-
31 chise to see if the City of Dallas should open and do a Me-Too clause. He noted he had contracted with a
32 consultant to review the bills with Charter and the consultant concluded Charter owed us \$490, of which
33 the consultant got a small percentage.

34 **Smoking Policy for City Parks**

35 Korina Lund indicated she had shared testimony a few times before the Council. She explained she had
36 next-door neighbors that smoked so she was unable to open windows or have her children go outside and
37 play when they were smoking and so relied on the park system to provide a place for her kids to play that
38 was safe and healthy. She reported that New York City just passed a smoking ban in all 1700 of their parks
39 and 14 miles of beaches because they recognized it was a major health and sanitary issue. She provided a

1 list of 507 cities with smoke-free park laws that included Corvallis, Bend, Independence, and Newport in
2 Oregon, noting Dallas would not be alone if they passed a smoking ban in the parks. She reviewed testi-
3 mony from a previous Council meeting about the health issues of second hand smoke and the fire dangers
4 of smoking in the parks. She reported that she had contacted the Independence Fire Marshall who told her
5 since their smoking ban, they had not had a fire in the park. She noted she also contacted the Community
6 Development Director in Independence who told her the problems with litter had decreased since the
7 smoking ban. She stated he did note there was a designated smoking area in Riverview Park that had been
8 well maintained and respected by the community. Ms. Lund stated the Council had her full support if they
9 chose to pass a smoking ban, though she would ask for proper signage so people could be informed. She
10 indicated she would be willing to compromise and have a designated smoking area if it would help the or-
11 dinance to pass.

12 Tanya Silva stated she was a registered nurse working for Polk County Public Health. She reviewed statis-
13 tics about the effects of second hand smoke on children, noting it can cause their lungs to not develop cor-
14 rectly and increases their chances of getting asthma and bronchitis. She reported children exposed to
15 second hand smoke had a greater chance of developing SIDS, the second leading cause of death of children
16 in Oregon. She indicated the Surgeon General has concluded there is no risk-free level of exposure to
17 second hand smoke. She commented that she was not opposed to having a designated smoking area in the
18 park because she still wanted people to enjoy the park and did not want to exclude anybody.

19 Joe Koubek indicated he had spoken in support of the ordinance. He stated it sounded like the Council
20 would have to concede space as a designated smoking area, but urged it only be allowed in the big park and
21 added there should be an area on each side of the river. He commented he disagreed with having the smok-
22 ing area in the parking lots because the kids had to get out of their cars there. He added he would love
23 smoke free parks; adding then the Council could start working on the problems with deer urine and drop-
24 pings. He concluded by quoting Lars Larsen, "Don't let your government walk on our rights as individual
25 American citizens" adding the right to breathe fresh air was a right.

26 Councilor Wilson stated this subject had been brought to the Administrative Committee at the Council's
27 direction. Councilor Jones indicated she was there to represent her constituents who told her they didn't
28 want more smoking bans. She commented she had been taking her kids to different parks and couldn't get
29 people to smoke near her kids. She said one couple was smoking about twenty feet away from the play-
30 ground and she asked if they were aware of the smoking restrictions. She stated they were not aware of
31 that and asked if there were signs about the restrictions. Mr. Wyatt reported there were stickers. Councilor
32 Jones stated they were not effective because she couldn't find them. Mr. Wyatt explained the proposed
33 smoking ban was not brought up because of people smoking by the playgrounds, so the lack of signs was
34 not the issue. Councilor Jones stated it was her job to protect her kids' eyes and ears and if she sees a
35 smoker, she can move her kids away. She added the City needed to inform people what was on the books.
36 Mr. Wyatt stated he respected her opinion, but the lack of signage wasn't the issue, but rather the issue was
37 where the Council wanted smoking in the parks. He noted the City got zero complaints about people
38 smoking near the playgrounds. Ms. Marr explained the reason staff only put stickers up was because they
39 didn't want to spend a lot of money on signs before they knew if the Council was going to adopt the smok-
40 ing ban.

41 Councilor Lawson reiterated her suggestion for a 100% smoking ban except in one designated smoking
42 area in one parking lot of the Dallas City Park.

1 Councilor Stewart stated he supported a ban 100% because he was for providing anywhere people could go
2 for a healthier environment, adding the park is one place people ought to be able to go to get that. He
3 commented that there were no-smoking regulations in many other places and that seems to be a normal
4 concession.

5 Councilor Jones asked about kids walking past the smoking area being exposed to second hand smoke.
6 Councilor Lawson indicated there would be signs. There was further discussion about where the designat-
7 ed smoking area should be.

8 Councilor Wilson indicated she was definitely in favor of no smoking in all parks, adding the Council and
9 staff promoted Dallas as a family friendly community. She noted the schools were completely non-
10 smoking for all events and they didn't have issues.

11 Councilor Wilson stated she was looking for direction from the committee on how they wanted to proceed.

12 It was moved by Councilor Stewart to make all parks in Dallas totally non-smoking with no designated
13 smoking areas. The motion died due to lack of a second. Councilor Lawson stated she would like to sup-
14 port a 100% smoking ban, but several people had talked to her with sincere concerns, adding they all stated
15 they could deal with one designated location. There was more discussion about where the designated
16 smoking area could be in the park. Mr. Shetterly advised the Committee that the Council did not need to
17 designate the spot but could direct staff to identify the area. Councilor Stewart asked if the Committee
18 could revisit in a year the idea of a designated smoking area if that was the direction the Council chose to
19 go. Councilor Lawson stated that was always her goal.

20 It was moved by Councilor Stewart and seconded by Councilor Lawson to recommend the Council have all
21 parks no smoking except for one designated location in Dallas City Park to be determined by staff. The
22 motion also stated the issue should be reviewed by the Administrative Committee in one year. The motion
23 carried by a majority with Councilor Jones voting NO.

24 **GASB 54 Fund Balance Reporting**

25 Ms. Ward reviewed the staff report noting she put the policy together with the help of our auditors. She
26 added it was very complicated, but our auditors felt this policy would meet the compliance requirements of
27 GASB 54. She explained the policy defined fund balances better and it was something the auditors would
28 use to draw up the City's financial statements. She noted the auditors needed this adopted by the Council
29 by June 30, 2011.

30 It was moved by Councilor Lawson and seconded by Councilor Jones to recommend to the full Council
31 approval of the Fund Balance Policy. The motion carried unanimously.

32 **Council Rules of Procedure**

33 Mr. Wyatt reported the Rules of Procedure had originally been brought to the Administrative Committee
34 in January of 2009. He noted the Councilors had provided suggestions that were incorporated into the
35 document included in the agenda packet, adding it could be modified more if there was anything the
36 Councilors saw. Mr. Wyatt indicated it was time to have a formal policy adopted.

1 Councilor Wilson stated it was the appropriate time to adopt the Council Rules, noting there were now
2 three new Councilors and some of the others had been around for a number of years. She indicated she
3 would like the Council to have a retreat. She noted it would be healthy to sit down and give the Council
4 the opportunity to ask questions and talk out any issues and get clarification and perspective. The consen-
5 sus of the committee was that a Council retreat would be helpful.

6 It was moved by Councilor Lawson and seconded by Councilor Stewart to recommend setting up a review
7 of the proposed Council Rules of Procedure manual. The motion carried unanimously.

8 **Assistant City Manager's Report**

9 Ms. Marr reported that the City hired Robert Spivey who would start June 1 as the new Administrative
10 Services Manager. She noted in June the City would be hiring a Water Treatment Plant Operator III, and
11 an Accounting/Payroll Specialist to replace two employees who were retiring, and a full-time paramedic
12 and CSO position that have been vacant. She indicated staff had been dealing with some workers' com-
13 pensation issues that were moving along. She noted the COG did a recent survey of cities that showed
14 only 2 of the 24 cities surveyed had not provided a COLA increase to their employees for three years in a
15 row and Dallas was one of them.

16 **Finance Director's Report**

17 Ms. Ward reported the auditors are already scheduled for their audit of FY2010-2011.

18 **Other**

19 Mr. Wyatt stated the project cards were almost ready and would be distributed to the Council soon.

20 Jim Fairchild provided information on a prescription discount card program through the National League
21 of Cities (NLC) and asked for the Administrative Committee's okay to bring it to the full Council. He
22 explained the NLC provides this to any individual who does not have an insurance policy or has prescrip-
23 tions not covered by their insurance policy and gives up to a 20% discount on prescriptions. He noted
24 there was no cost to the City to offer the program.

25 Councilor Lawson asked if every pharmacy in town was covered under the program. Councilor Fairchild
26 stated all major pharmacies participated but he was not sure if the Pill Box was included. Councilor Ste-
27 wart asked how much staff involvement would be required. Councilor Fairchild stated there was a card to
28 fill out to enroll in the program. After further discussion, the Committee asked Mr. Shetterly to review
29 the program and bring it to the full Council.

30 There was no other business and the meeting was adjourned at 5:34 p.m.

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, May 23, 2011

4:00 p.m.

LaVonne Wilson, Chair

Beth Jones

Jackie Lawson

Wes Scroggin

Murray Stewart

1. Charter Communication Franchise
2. Smoking Policy for City Parks
3. GASB 54 Fund Balance Reporting
4. Film Production Ordinance
5. Council Rules of Procedure
6. Assistant City Manager's report
7. Finance Director's report
8. Other
9. Adjourn

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 2	Topic: Smoking Policy for City Parks
Prepared By: Emily Gagner	Meeting Date: May 23, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

BACKGROUND:

Since February, 2009, the Council and Park Board have been discussing the topic of smoking in the City parks. As you know, at the May 2 Council meeting the Council referred this topic back to the Admin Committee for discussion. I've attached copies of all pertinent meeting minutes.

FISCAL IMPACT:

None

ATTACHMENTS:

Minutes from various meetings at which no smoking policy was discussed

1 Housing Rehabilitation Project to the Polk Community Development Corporation according to
2 the current memorandum of understanding (MOU) among all members of the Polk Regional
3 Collaborative (PRC).

4 A roll call vote was taken and Council President Dalton declared Resolution No. 3176 to have
5 PASSED BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie
6 Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor Dave Voves, Councilor
7 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

8 **FIRST READING OF ORDINANCE**

9 **Ordinance No. 1701:** An Ordinance amending provisions of the Dallas City Code Section
10 5.210, relating to smoking.

11 Mr. Wyatt pointed out a memo from the City Attorney explaining the changes.

12 Council President Dalton declared Ordinance No. 1701 to have passed its first reading.

13 Councilor Lawson stated she spoke with Randy Harris, who is in charge of Polk County tobacco.
14 She stated he would encourage the Council to increase the distance where smoking is prohibited
15 to 20 or 25 feet. She indicated it is a second hand smoke issue and if kids are not exposed, they
16 are less likely to start smoking.

17 Councilor Shein asked if the City Attorney would need to redo the whole ordinance, and have it
18 for a first and second reading again.

19 Mr. James stated he would need to look into whether the City could have a law that was more
20 restrictive than state law. The consensus of the Council was to send it back to the City Attorney
21 for review of more restrictive language.

22 **SECOND READING OF ORDINANCE**

23 **OTHER BUSINESS**

24 There being no further business, the meeting adjourned at 8:34 p.m.

25 Read and approved this _____ day of _____ 2009.
26
27

28 _____
29 Mayor
30

31 ATTEST:

32 _____
33 City Manager

Mr. Wyatt discussed incorporating more bike and hiking trails in and around Dallas. He stated that the President and members of the Black Rock Board have approached the City and would like to incorporate a trail from E. Ellendale, past the Mercer Reservoir, out to Black Rock. He stated that with this may bring businesses into Dallas and the City would like to advocate for that. Kim Marr stated that people come from all over the country and the world to bike at Black Rock. Mr. Wyatt added that a movie was filmed out there, that it is on the front cover of a Biking Magazine, and suggested the Board do a tour. Mr. Castelli offered to bring a Department of Forestry map.

Mr. Wyatt talked about encouraging volunteerism and awareness of the park and facilities upkeep. He added that he wants to get the community and the youth involved.

Mr. Wyatt stated that he would like the Park and Recreation Board to be involved in updating the Comprehensive Plan with the open spaces and to incorporate future recreation plans, the trails, and the adopt-a-park program.

Ms. Lawson suggested that she would like to see a no smoking policy at the Dallas City Parks and Ken Kentch added that he would like to see a "dusk to dawn" closing of the Park and the Arboretum. There was discussion about both of these proposals. Mr. Hoffman asked about a portable security camera and Mr. Wyatt responded that staff is working on purchasing a surveillance system.

Ms. Boustead made a motion to *recommend to City Council to close all Dallas City Parks, including the Delbert Hunter Arboretum from dusk until dawn.* The motion was seconded by Ms. Chaney and passed unanimously.

Ms. Lawson made a motion to *recommend to City Council to incorporate a no smoking policy for all Dallas City Parks, including the Delbert Hunter Arboretum.* The motion was seconded by Mr. Castelli and passed unanimously.

There was discussion of a non-emergency number posted on signs and Mr. Wyatt responded that will be added when the signage is replaced and updated. After discussion about the dangers of dogs off leash in the City Park, and public awareness about Central Bark, Mr. Slack suggested that the dog park information could be posted on the City Park signs as well and Mr. Hoffman suggested it could be promoted in the newsletter.

Chair Rich Slack adjourned the meeting at 7:55 p.m.

1 Mr. Wyatt reviewed the recommendations to the Council made by the Park and Recreation
2 Board at their recent meeting. Mr. Wyatt discussed the issues the City has been experiencing
3 with regard to vandalism in the park, noting most of the events happen after dark. Mr. Wyatt
4 explained currently people can be in the park from 5:30 a.m. to 10:30 p.m. regardless of whether
5 it is dark or light. He stated the Park Board feels changing the hours the park is open to “dawn to
6 dusk” will eliminate some issues in the park. Mr. Wyatt reviewed the second recommendation,
7 which was to ban smoking in the parks.

8 There was discussion about enforcement of these proposals. Mr. Wyatt stated these new rules
9 would give the police the authority to stop someone, and they can exclude someone from the
10 park for violating park rules. Councilor Lawson indicated a number of cities have moved to ban
11 tobacco and smoking in all parks. She recommended the Council also ban smoking on the Park
12 Trail. Councilor Dalton observed that only five of the eleven non-Council members of the Board
13 were at the meeting. He stated he would like more input on these topics from the whole Board.
14 Councilor Woods stated one of the initial discussions of the Park Trail was that it would be lit,
15 and it wouldn't make sense to close it from dusk to dawn if it was lit. Mr. Wyatt stated if the
16 Park Trail was lit, it would only be a small portion. There was discussion about whether the City
17 should lock the gates into the City Park each night. Councilor Dalton commented that the small
18 neighborhood parks tend to be a gathering point even after dark and indicated if the City puts up
19 signs telling people to stay out, it isn't very friendly.

20 Mayor Fairchild indicated these were recommendations from the Park Board to the Council.
21 Councilor Lamb recommended sending the proposals back to the Park Board so they could
22 address how they could deter vandalism and what could be done differently.

23 Councilor Dalton recommended referring both issues to the Building and Grounds Committee to
24 discuss at more length. The Council agreed.

25 **PARKING VARIANCE REQUEST**

26 Mr. Wyatt reviewed a request from Blake Brinker of the Masonic Lodge to park a small camper
27 trailer on Court Street during the three days they will be selling Christmas trees on the
28 Courthouse lawn.

29 **HOLIDAY SCHEDULING**

30 Mr. Wyatt discussed the upcoming holiday schedule. He asked the Council's permission to close
31 City Hall at 4:00 p.m. on December 11 and December 17 so all staff can participate in those
32 events. The Council agreed to allow the early closures.

33 **OTHER**

34 **COMMUNICATIONS AND PETITIONS**

35 **RESOLUTIONS**

36 **FIRST READING OF ORDINANCE**

37 **SECOND READING OF ORDINANCE**

38 **OTHER BUSINESS**

39 There being no further business, the meeting adjourned at 8:57 p.m.

40 Read and approved this _____ day of _____ 2009.

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46

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ATTEST:

Mayor

City Manager

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3 Members Present: Chair Ken Woods, Jr., Brian Dalton, Warren Lamb and Jackie Lawson. Excused: La-
4 Vonne Wilson

5 Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City
6 Attorney Lane Shetterly, Finance Director Cecilia Ward, Police Chief John Teague, Fire Chief Bill Hahn,
7 and Recording Secretary Emily Gagner.

8 Chair Woods called the meeting to order at 4:22 p.m.

9 **Park Hours**

10 Mr. Wyatt indicated the Park Board had discussed changing the park hours to reduce vandalism. He
11 stated the parks currently close at 10:30 p.m. year-round. He reported that only the gate off Allgood Street
12 near the Park Office is closed each night. He explained the gate at Brandvold can be closed, but there is
13 no gate off Park Street and that is the area where most of the vandalism occurs. He commented this issue
14 may be something staff needs to look at more in-depth and evaluate. He noted staff is working to put in a
15 camera system. Councilor Dalton recommended rehabilitating the current restrooms in the park to make
16 them more vandal-proof. The Committee directed staff to look into this issue further and bring it back to
17 the Committee at a later time.

18 **No Smoking in Dallas Parks**

19 Mr. Wyatt reported that the Park Board also discussed implementing a no smoking policy in the Dallas
20 parks. He introduced Randi Phillips, who is the Tobacco Prevention and Education Coordinator for Polk
21 County. Mr. Wyatt advised the committee that he has received many complaints of smoking in the parks,
22 and there have been a few incidents of hog fuel catching on fire from cigarettes, mostly in the Arboretum.
23 He did state that the City would not rely on the Police to drive through the park and enforce a no smoking
24 policy, but would instead rely on citizens and the Park crew for the main enforcement. Chief Teague indi-
25 cated he is concerned that if the Police drive through the park and there is someone smoking, the other
26 people in the park will wonder why the Police do not stop the smoking, and he felt it would be a lose-lose
27 situation for the cops. Councilor Dalton stated a compromise could be to implement a no smoking policy
28 in the arboretum only. Mr. Wyatt explained that a no smoking policy would also improve productivity in
29 the community service workers who tend to wander off to smoke. Councilor Lawson stated she would
30 recommend creating a no tobacco policy.

31 Ms. Phillips showed the Committee a bag full of cigarette butts she had picked up on a walk through the
32 park earlier in the day. She stated a no smoking policy would eliminate much of the litter in the park. She
33 advised the Committee that with the exception of one designated smoking area, every other park in Inde-
34 pendence is smoke free. Ms. Phillips stated that tobacco free policies can assist in changing social norms,
35 and explained that a policy such as this shows the children that use the parks that tobacco use and smoking
36 are not okay. She added that second hand smoke is more than an annoyance; it is a health hazard. Ms.
37 Phillips reported that only 16% of Polk County adults smoke, which means 84% aren't using. She asked
38 why the Council would want to cater to the 16%, and added this is about giving rights back to the non-
39 smokers.

40 There was discussion about smoke free versus tobacco free policies, as well as enforcement. Mr. Wyatt
41 stated a policy would have to be enforced by the park crew in the main City Park, but the outlying parks

1 would be more difficult. Councilor Lawson indicated it would give some comfort to those with kids in
2 the park to be able to approach someone who was smoking and ask them to stop. Ms. Phillips explained
3 that she could assist with media campaigns.

4 Councilor Woods asked for the verdict. Councilor Lamb stated he would like to have staff work with Ms.
5 Phillips to put something together and bring it back to the Administrative Committee. Mr. Shetterly asked
6 if all City parks would include the trail system, and if it would be no smoking or no tobacco. Ms. Phillips
7 recommended a no tobacco policy, noting people who use chewing tobacco spit, which is also a health
8 hazard.

9 **Dallas Development Commission name change Ordinance**

10 Mr. Wyatt explained that the Urban Renewal Agency was referred to by a strange name in the Code and
11 he would like to change it. Mr. Shetterly explained that the Code refers to the Urban Renewal Agency as
12 the Dallas Development Commission, but all audit reports reference the Urban Renewal Agency, so he
13 advised preparing an Ordinance to rename it the Dallas Development Commission, Urban Renewal Agen-
14 cy. Councilor Lawson moved to authorize staff to prepare an Ordinance. Councilor Lamb seconded the
15 motion, which CARRIED UNANIMOUSLY.

16 **Public Access Channel**

17 Mr. Wyatt reported he has been looking at Channel 17, the City's Public, Education, and Government
18 access (PEG) channel, for some time now, noting one goal he would like to see is using Channel 17 to
19 reach the community more than it is now. He stated he has been in contact with Charter. Mr. Wyatt indi-
20 cated the country's public access channel guru lives in Salem, Oregon, so he is hoping to get him to Dal-
21 las to find out what we can do. Mr. Wyatt explained the Channel 17 hardware is currently located in the
22 library, and much of the daily programming for Chemeketa is done through Chemeketa with a direct link
23 through CCRLS that is on auto pilot. He stated Channel 17 gives us the huge potential to get information
24 out to the community and it is not being utilized. Mr. Wyatt proposed using Visual Media to run the
25 Channel 17 hardware, noting money would be an issue.

26 Roger Pope of Visual Media stated there may be a possibility to renegotiate the proposed contract as far
27 as money was concerned. He reviewed the proposal, noting a major facet would be to get to the demo-
28 graphic of 55 and over. He indicated the City could kill two birds with one stone by getting content to
29 them and celebrating what it means to live in our community. He mentioned it would be possible to tele-
30 vise Summerfest and Sounds of Summer so those who couldn't get out could still enjoy the events and be
31 involved. He reviewed other options for the channel, including tourism, the arts, and local sporting
32 events. He stated the City wouldn't sell advertising on a public access channel, but businesses could
33 sponsor shows or events. He indicated that the proposal included Visual Media Center facilitating and
34 housing the equipment, making sure it is kept up to par. He stated they would also produce the City go-
35 vernmental content, which could include City Council meetings.

36 Councilor Lamb shared that he once spent a night in Yreka and the public access channel there was tele-
37 vising an event like our Sounds of Summer. He explained that they had set the camera up and left it, and
38 it caught some things they probably didn't want. Mr. Pope stated that everything they produced would be
39 professional. He added Mr. Wyatt would be their point of contact at the City and they would run ideas by
40 him before starting anything. There was some discussion about this channel only being available to Char-
41 ter Communication customers only. Councilor Lawson asked about the potential for the channel to pro-

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3 Members Present: Chair Ken Woods, Jr., Kevin Marshall, David Shein. Excused: Dave Voves

4 Also Present: City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly,
5 Finance Director Cecilia Ward, and Recording Secretary Emily Gagner.

6 Chair Woods called the meeting to order at 4:22 p.m.

7 **No Smoking in City Parks**

8 Mr. Wyatt indicated this topic originally came from the Park and Recreation Board, and noted Randi Phil-
9 lips, the Tobacco Prevention and Education Coordinator for Polk County gave the Committee information
10 back in November. Mr. Wyatt explained that the City Attorney had drafted an ordinance with the changes
11 discussed. There was discussion about monitoring smoking on the streets adjacent to parks. Mr. Wyatt
12 stated a smoking ban is not something staff is ready to enforce at this time. There was discussion about
13 restricting smoking near the Rotary Stage. After more discussion, the Committee agreed to wait and look
14 at this subject again in one year.

15 **Auditor RFP**

16 Mr. Wyatt reported the city has had our current auditor since 2005 and has had issues with their respon-
17 siveness. He indicated the agenda packet contained an example of a request for proposal for an auditor
18 and noted the City Attorney had reviewed it. Mr. Shein moved to recommend to the council to submit a
19 request for proposal for municipal audit services. The motion was duly seconded and carried unanimous-
20 ly.

21 **PEG Channel Update**

22 Mr. Wyatt stated he feels that the City should move during the 2010/11 budget process to set aside the
23 funds to finance the public access channel. He stated the computer at the Library would need to be up-
24 graded. He reported that he had toured CCTV in Salem and discussed their funding, which includes lodg-
25 ing tax money, funds from their charter agreement with Comcast, and money from sponsorship. Mr.
26 Wyatt explained the PEG channel could be used as a great tool to communicate with the public on a varie-
27 ty of issues. Mr. Shein asked what the funds would be used to do. Mr. Wyatt indicated they would be for
28 studio costs and equipment upgrades. He noted that within the contract with Visual Media (who would
29 run our PEG Channel) they would provide cameras and a camera man anytime the city had an event that
30 required filming, which could include an open house, park ribbon cutting, or Council meeting. Mr. Wyatt
31 stated Tualatin has a video about their street fee on the government channel. He added some cities have
32 their PEG channel showing in their lobby. Mr. Wyatt stated the cost would be about \$30-40,000. There
33 was some discussion about the number of cable subscribers in the City versus satellite subscribers. Mr.
34 Wyatt noted improving the PEG channel content may increase the Charter subscriptions. Mr. Marshall
35 indicated that if the PEG channel would only reach a small percentage of our population, it might not be
36 worth the money to upgrade it. Chair Woods stated it would be better to spend the money on a newsletter
37 that was mailed to everyone because it would reach more people. Chair Woods confirmed that staff
38 should work on a cost benefit analysis and address the issue in the Budget Committee.

39 **Franchise Agreements and Fees Update**

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

6 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

10 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community
11 Development Director Jason Locke, Finance Director Cecilia Ward, Police Chief John Teague,
12 and Recording Secretary Emily Gagner.

13 Mayor Fairchild led the Pledge of Allegiance.

14 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

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

17 Korena Lund thanked the Mayor, City Council, Parks Department, and all the volunteers who
18 made the Dallas City Parks the enjoyable locations they are for our families and children to play.
19 As a mother of two small children she was especially grateful of the renovations made to the
20 playground equipment over the past few years. She indicated she did have a concern about the
21 amount of smoking that takes place in the parks. Ms. Lund commented that there were no signs
22 posted in the parks or online informing the general public about the ban on smoking within
23 twenty-five feet of playground equipment or playing fields. She indicated she visits Dallas City
24 Park regularly and often sees adults smoking. Ms. Lund showed the Council a bag of cigarette
25 butts and other trash she picked up from the park in the toddler play area. Ms. Lund stated she
26 believed many didn't realize there was an ordinance against smoking near the playground. She
27 requested signs be posted designating the non-smoking areas so the park would be a cleaner and
28 healthier place for children to play. Mayor Fairchild reported the Building and Grounds
29 Committee had reviewed the issue of smoking in the parks earlier and would bring it back on the
30 next agenda.

31 Ed Dressel stated he loved living in Dallas and it was a great place to raise children. He
32 indicated one of the values the community set up fifty years ago was the Rickreall Creek Path.
33 He said while it has potential and sounds nice on paper, sometimes the implementation is much
34 different. Mr. Dressel indicated recently he and his neighbors discussed the proposed trail and
35 they didn't want it in their neighborhood. He and his neighbors circulated a petition asking if
36 people wanted the trail. Mr. Dressel summarized the petition results which they circulated to
37 homes along the creek, across from the creek, and in outlying vicinities. He stated the majority
38 of those who were contacted had one of three concerns: the initial cost, additional crime, and
39 ongoing maintenance costs. Mr. Dressel concluded that the vast majority of the populace did not
40 want the path. He encouraged the Council to reconsider if this was what the City wanted.
41 Mayor Fairchild indicated Mr. Dressel had been heard and the Council would contact him and
42 his group in the future about an open forum meeting. Councilor Lawson stated it was her
43 understanding that when the petition was circulating, people were being told their taxes would be
44 increasing because of the park trail. Mr. Wyatt confirmed taxes would not increase because of
45 the park trail. Mr. Dressel indicated each petitioner had their own talking points, and noted he
46 only petitioned on the safety of his family.

47 Chelsea Pope, Executive Director of Dallas Area Visitors Center, thanked the Council and staff
48 for their support in the launch of the Downtown Bounty Market. She indicated that despite the
49 wet weather, they had over 250 shoppers.

50 Danny Jaffer introduced himself to the Council, stating he was running for Polk County
51 Commissioner.

52 **PUBLIC HEARINGS**

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3 Members Present: Chair David Shein, Kevin Marshall, Dave Voves, and Ken Woods, Jr.

4 Also Present: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community Development Director
5 Jason Locke, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

6 Chair Shein called the meeting to order at 4:00 p.m.

7 **No Smoking in City Parks Signage**

8 Mr. Wyatt explained this was an item that had gone through the Park and Recreation Board and then
9 Council. He indicated staff would be installing signs near the playground equipment in the park that
10 stated there was no smoking allowed within 25 feet of the shelters and playground equipment. He re-
11 ported those who had initially brought the Council their concerns were happy with the signage.

12 Councilor Marshall joined the meeting at 4:05.

13 **Dallas Aquatic Center Rates**

14 Mr. Locke reviewed his staff report, noting when the Council adopted the resolution that was included in
15 the packet, that set the parameters for who sets what rates. He reported the Council sets the general ad-
16 mission, annual membership, coupon and facility rental rates and everything else is subordinated to the
17 City Manager. He indicated he and staff had been reviewing all the costs for goods and services and
18 would be making adjustments in concession food and non-food items. Mr. Locke explained the Aquatic
19 Center had reached a point where the expenditures have been reviewed and gotten to a reasonable level, so
20 now they are reviewing revenues. He noted many costs are increasing or have increased over the past six
21 months and added even with the fairly modest increases, our facility will still be on the low end compared
22 to other facilities. Councilor Woods asked what rates the City Manager set. Mr. Locke stated he set con-
23 cession prices and swim lesson rates. Councilor Woods asked that next time, the staff report needs to be
24 more specific about who set these rates, because he thought the Council did.

25 **Community Development Director's Report**

26 Mr. Locke reported still seeing a fairly high level of building activity. He indicated he had a mason look
27 at the City Hall and Carnegie Library buildings to determine what needed to be done for maintenance.

28 **Other**

29 Councilor Voves indicated he had received several complaints about the park not being maintained and
30 not having flowers planted. Ms. Marr reported that the only thing she saw that was a problem were the
31 holes in the parking lot, which had recently been filled. She noted the section where the rocks are near the
32 parking lot is just old, but the rocks are cemented in and can't be removed. She did acknowledge the park
33 employees were a little behind in maintenance because of staffing shortages. Mr. Wyatt reported the trail
34 graffiti had been removed and the rest of the damage on the trail would be taken care of shortly. He added
35 that everything but the Park Street landscaping strip had been or would be taken care of.

36 There was no other business and the meeting was adjourned at 4:17 p.m.

1 **CITY OF DALLAS PARK AND RECREATION BOARD**

2 August 24, 2010, Meeting Minutes

3 Members present were Richard Hoffman, Tim Larson, Jackie Lawson, Mayor Jim Fairchild, and
4 Sue Rohde.

5 Staff members present were: Assistant City Manager Kim Marr, Park Supervisor Ron Lines, and
6 Recording Secretary Patti Senger.

7 Excused were: Chair Rich Slack, Judy Boustead, Barbara Chaney, Christopher Castelli, Carol
8 Mannen, Mellisa Spivey, Todd Nelson, and June Krause

9 Ron Lines called the meeting to order at 7:00 p.m.

10 **OPEN HOUSE**

11 Ron Lines discussed the layout of the Open House for the Rickreall Creek Trail at the Dallas High
12 School Forum on August 31, from 6-8:00 p.m. and invited the Park and Recreation Board to
13 attend.

14 **PARKS AND RICKREALL CREEK TRAIL SYSTEM (RCTS) LOGO**

15 Patti Senger presented the Board with examples of the logos designed by Visual Media Center.
16 She explained that branding the RCTS and City Parks would help with recognition and
17 identification which would go on signs within the Parks and be used on brochures. Ms. Senger
18 also presented a draft of the "No Smoking within 25 feet" sign.

19 Richard Hoffman arrived at 7:10 p.m.

20 Mr. Lines explained that the law states there is no smoking within 10 feet of buildings and
21 reminded the Board that they suggested to City Council to ban smoking in all of the City parks.
22 The Council approved moving the no smoking to 25 feet of play structures and shelters rather
23 than a complete ban. Jackie Lawson suggested taking it back to Council and asking for no
24 smoking within 50 feet. Mayor Fairchild suggested taking a wait and see approach. Richard
25 Hoffman made a motion to approve the signs as presented. It was seconded and carried
26 unanimously.

27 **RECYCLING**

28 Mr. Lines reported that he spoke with Chuck Lerwick of Allied Waste about the implementation
29 of recycling at the Dallas City Park. He explained that without staffing to monitor the recycling
30 station, it would get mixed together with garbage and the man hours required for sorting it
31 would not be feasible at this time, although we would re-entertain the idea at a later date. Kim
32 Marr added that people are bringing their home garbage and filling up the containers. Mr.
33 Hoffman suggested cameras to man the stations.

34

38 months ago this was a good response. Dick Hoffman asked about signage and Mr. Wyatt responded
39 there would be professional looking signs that would be inexpensive to replace when new groups took
40 over an adopted area. Mr. Hoffman mentioned adding an emergency phone number to these signs. Mr.
41 Lines would provide a list of responsibilities and expectations for each area giving assignments and
42 ownership of these areas to the groups who adopted them. Mr. Castelli indicated they could add
43 cement tee-pads to the disc golf course. Jackie Lawson asked if there were fees for adopting an area of
44 the Park. Mayor Fairchild stated that an end of season barbeque to thank them would be appropriate.
45 There was discussion about what the City would supply and that when a hypodermic needle was found
46 there was a program in place.

47 Uniform Park Hours

48 Mr. Lines explained that not all of the parks had the same hours posted: Gala and Birch, from dawn to
49 dusk; Rotary, Kingsborough, and Central Bark, not posted at all; the City Park, 5:30 a.m. to 10:30 p.m.
50 He expressed that the Board needs to discuss implementing uniform hours for all of the parks to be
51 enforceable by the police, advising that most problems occur from twilight through dark. Mr. Castelli
52 commented that he walks his dog in Rotary Park after 5:30 p.m. when it could be past dusk. Mr. Lines
53 explained that the police would not aggressively enforce these hours with dog walkers adding that the
54 intent would be to alleviate criminal mischief after dark. Ms. Mannen informed the Board that the
55 Police Chief (John Teague) was at an Arboretum meeting and was supportive of dawn until dusk hours.
56 She added that they discussed the carousing that took place along the creek last summer and hoped
57 with the addition of a policeman on a bicycle the the increased visibility would cause the kids to
58 relocate. They would also send a letter out to the residences along the creek asking them to contact the
59 police department when they observed these activities taking place. Ms. Lawson asked if these hours
60 had been presented to the City Council previously and Mr. Wyatt reminded the Board that it had not
61 passed because the Council was opposed to gating the park when it was closed and that it was tied with
62 the smoking ban. Rich Slack suggested that dawn and dusk could be arguable. Mayor Fairchild replied
63 that the Police Department accepts dawn to dusk and he believes the Council would accept this as well.
64 Carol Mannen made a motion to recommend to the council that all Dallas City Parks hours be changed
65 to open from "dawn until dusk". Bonnie Drier seconded the motion and it was carried unanimously by
66 the Board.

67 **PARK UPDATES**

68 New Playground Equipment

69 Mr. Lines announced that new playground equipment has been ordered under a grant from Sitelines.
70 The grant allowed the City to purchase equipment for Kingsborough Park and the Brandvold section of
71 the City Park and it would be delivered before the end of the year. Installation would take place as time
72 allows and that fall protection and boarders would need to be put in as well. Ms. Lawson asked about
73 the timing and if it was tied to the replacement at Rotary Park. Mr. Lines responded that when the City

34 need for the detention pond and how it would relieve water overflow by
35 holding the influx of water and prevent flooding in the streets and the
36 surrounding area. Ms. Lawson asked if it would be possible to create a pond or
37 wetlands to offset a requirement from a particular large building that would
38 come in. Mr. Castelli clarified that it would become a litigation project and Jerry
39 Wyatt agreed. Ms. Rohde asked if we were leaning toward a dry detention
40 pond and Mr. Wyatt responded that it would be easier regarding maintenance
41 and Mr. Lines added that in the summer it would only require grass seeding. Mr.
42 Castelli asked about the engineering on the detention pond and Mr. Lines
43 responded that it was being done in house. Kevin Moen asked if this pond
44 would be fenced off and what the liability would be with children. Mr. Wyatt
45 stated that it would not be fenced off and would be similar to other ponds
46 across America, and there would always be a concern with kids when a pond is
47 put in. There was discussion about parking and Mr. Wyatt stated that rather
48 than a drop off area additional angled parking along Wyatt Street would be
49 more beneficial.

50 KINGSBOROUGH PARK NEIGHBORHOOD MEETING

51 Mr. Wyatt reported that the flyer with the conceptual plan would be distributed
52 to the Kingsborough Park neighborhood but the meeting would be scheduled in
53 the spring after the pond issues had been worked out.

54 PARK HOST

55 Mr. Lines reported that the Park Host was a suggestion that came from the Park
56 and Recreation Board in a motion from the October 27, 2010, meeting. Mr.
57 Wyatt stated that it was brought to council and they were looking at legal issues
58 including if this person would be a volunteer or a City employee.

59 SMOKING

60 Mr. Lines reported that we currently have an ordinance that states people must
61 be 25 feet away from building structures and play equipment in the park and if
62 the Board was interested in making the Parks entirely smoke free, this was an
63 opportunity for that discussion. Dick Hoffman asked about enforcement. Jackie
64 Lawson introduced Tyler Walker of Polk County Public Health Tobacco
65 Prevention who informed the Board that in Polk County, Independence is the
66 only city with a "No-Smoking" rule in their parks. Enforcement comes via word of

67 mouth with citizens educating one another and they were not using any law
68 enforcement; furthermore, they had not come across a situation where they
69 have needed law enforcement. She added there were other places working
70 on the enforcement piece and how they would get word to the citizens about
71 the change stressing the importance of spreading awareness and using it as an
72 educational tool similar to other policies such as the alcohol policy and the after
73 dark policy. When asked about signage Mr. Lines explained that currently the
74 state provided stickers. It was suggested that signs be posted and Ms. Lawson
75 asked if there would be state funding for new signage and Ms. Walker
76 responded that there could be. Mr. Castelli suggested that it could be easier to
77 enforce a rule of no-smoking throughout the parks due to the clear boundary
78 rather than arguments about whether someone was 25 feet away from a
79 structure or not. Mr. Hoffman added that there was currently a \$100 fine
80 associated with the ordinance. There was discussion about why this ordinance
81 didn't pass the first time it went to council and Mr. Wyatt replied that it was tied
82 to another ordinance and neither passed at that time. When asked about staff
83 consideration of this ordinance Mr. Lines answered that it would keep the parks
84 cleaner of cigarette butts. Mr. Hoffman suggested a place to put cigarettes at
85 the entrances and Mr. Wyatt stated that the one in front of City Hall doesn't
86 work and assumes that wouldn't work either. MS. LAWSON MADE A MOTION TO
87 RECOMMEND TO CITY COUNCIL THAT ALL OF THE DALLAS CITY PARKS AND THE
88 RICKREALL CREEK TRAIL SYSTEM BE MADE SMOKE FREE. THE MOTION SECONDED
89 AND CARRIED UNANIMOUSLY.

90 **PARK UPDATES**

91 ROTARY PARK PLAYGROUND EQUIPMENT

92 Carol Mannen noted that she saw an equipment delivery truck and asked if it
93 was the new playground equipment. Mr. Lines reported that we received all of
94 the equipment that was ordered for the three parks and that the Rotary Park
95 installation would be the priority. Mr. Hoffman asked if they caught the arsonist
96 and Mr. Lines responded that we had not. Mr. Lines continued that they are
97 currently discussing what would stay in the Brandvold section and what would
98 be removed, indicating the merry-go-round would stay and the swing-set from
99 Kingsborough Park would be moved to replace the existing swing set.

100 NEWLY ADOPTED PARK HOURS

Members Present: Chair LaVonne Wilson, Beth Jones, and Jackie Lawson. Excused: Wes Scroggin

Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, Assistant City Manager Kim Marr, Finance Director Cecilia Ward, Community Development Director Jason Locke, EMS Director Todd Brumfield, and Recording Secretary Emily Gagner.

Visitor: Joe Koubek

Chair Wilson called the meeting to order at 4:05 p.m.

Bank RFP Results

Ms. Ward reviewed the request for proposals (RFP) process, noting the City received three proposals. She indicated staff recommended awarding the banking services contract to West Coast Bank because they offer many more services than Citizens Bank. Councilor Lawson asked what those services were, adding she liked Citizens Bank because it was local. Ms. Ward explained that West Coast Bank offered purchasing cards and cash back on those cards, more on-line services, and checks would be available to view on-line for a longer time. In response to a question, Ms. Ward stated the only difference in fees were what was offered by West Coast Bank in additional services. Mr. Wyatt commented that it was a tough decision because staff liked both of the banks' proposals and staff. He added purchasing cards would save the City money in the long run. Councilor Wilson and Councilor Jones both indicated they had been happy with the service they received from West Coast Bank. Ms. Ward reported that she had called references for both banks and all the references spoke highly of the banks. Councilor Lawson stated she liked the people at West Coast Bank, but had pulled all her accounts from there because too often there were accounting errors that the bank couldn't find. Mr. Wyatt noted they had a new manager that had been there for about six months.

It was moved by Councilor Jones and seconded by Councilor Wilson to recommend to the full Council to award banking services to West Coast Bank. The motion carried by a majority with Councilor Lawson voting no.

Request for No Smoking in City Parks

Mr. Wyatt indicated this came from the Park Board, noting the Board feels strongly about making all the City parks non-smoking. He added staff supports that. Mr. Wyatt stated there would not be "smoking police," but it would give staff the authority to stop someone from smoking, something they felt was needed. Councilors Jones and Lawson expressed their support of this action.

It was moved by Councilor Lawson and seconded by Councilor Jones to recommend the Council consider making all City parks no-smoking areas. The motion carried unanimously.

Enterprise Zone Discussion

Mr. Locke reviewed his staff report. He indicated he was assisted by Art Fish from Business Oregon, who recommended the City reward job creation, not facility construction. Mr. Locke stated the proposal would add a waiver that could be used to buy down SDC or building permit fees based on the number of jobs that were created that paid 150% of the Polk County average wage, which was currently about \$45,000. He advised this would reward good-wage job creation, not the building of a facility. Mr. Locke reviewed the

1 referred to the Council but would be brought at a later date, as the SDC and Building Permit fee
2 changes required some administrative work first.

3 It was moved by Councilor Scroggin and seconded by Councilor Fairchild to approve the Consent
4 Agenda as presented with items d and e removed. The motion carried unanimously.

5 Items approved by the Consent Agenda were: a) March 7, 2011, City Council minutes; b) report
6 of March 28, 2011, Administrative Committee Meeting; c) report of March 28, 2011, Building
7 and Grounds Committee Meeting; f) proposed City Manager's evaluation form; g) pursue
8 broadcasting Council meetings; h) proposed ambulance rate change; i) proposed water rate
9 change; and h) proposed sewer rate change.

10 **ITEMS REMOVED FROM CONSENT AGENDA**

11 **APPROVE NO-SMOKING DESIGNATION OF ALL CITY PARKS**

12 Councilor McDonald asked how much public involvement the City had regarding this issue. He
13 indicated he did not want to restrict the public's use of the parks in a way that they couldn't use
14 them. He stated the parks were very important to everyone in the community and recommended
15 designating smoking areas in the parks and providing receptacles for cigarette waste. He added a
16 no smoking designation would keep a large number of people out. Mayor Dalton responded that
17 no smoking in the parks had been the subject of a number of meetings. Mr. Wyatt added this
18 recommendation came from the Park and Recreation Board, who had met several times on the
19 topic. Councilor Fairchild reported that as a long time member of the Park Board, they had talked
20 with a number of people who used the park and no smoking is the preferred direction from the
21 majority of people. Council President Scroggin stated there was some history on the subject, as
22 the concerts at the Academy Building are smoke free, and all school fields are no smoking for
23 games. He added it was past due and shouldn't be a great surprise to anyone. Councilor Wilson
24 indicated parents would be very pleased to have no smoking in the parks, adding the parks were
25 primarily for younger people. Councilor McDonald stated young people did use the parks, but
26 many different types of people also used them. Councilor Jones indicated that she uses the parks
27 a lot and felt very confident that she represented families. She added the Council couldn't take
28 every item to the people, which was why they voted for the Councilors to represent them.

29 It was moved by Councilor Wilson and seconded by Councilor Scroggin to direct staff to prepare
30 an Ordinance to designate all City parks, including the Rickreall Creek trail System as no-
31 smoking areas. The motion carried by a majority with Councilor McDonald voting NO.

32 **APPOINT TIM GRIMES TO THE BUDGET COMMITTEE**

33 Councilor McDonald indicated this was the first he had heard of a spot being open. He asked if
34 the vacancy on the Budget Committee was advertised. Mr. Wyatt stated there was an
35 advertisement and the City did receive applications for several vacant committee positions.

36 It was moved by Councilor Wilson and seconded by Councilor Woods to appoint Tim Grimes to
37 fill a vacant seat on the Budget Committee, with a term ending December 31, 2012. The motion
38 carried unanimously.

39 **REPORTS OR COMMENTS FROM COUNCIL**

40 Councilor Fairchild reported on his attendance at the National League of Cities Congressional
41 Conference in Washington, D.C. He noted no City funds were used for the trip.

42 **ACTION ITEM FROM MARCH 28 ADMINISTRATIVE COMMITTEE: AWARD BANK**
43 **SERVICES RFP**

44 Councilor Wilson reviewed the staff report regarding the Bank Service RFP results.

45 Councilor Woods stated the City used to do business with as many local banks as possible and
46 asked if that was still the case. Mr. Wyatt stated the services advertised in the RFP were mostly
47 the City's checking account and noted the rest of the City's money was spread among various
48 institutions. Councilor McDonald reported that the independent rating for West Coast Bank was
49 abysmal, adding they may have good customer service, but from a financial standpoint it was not

1 Beth Jones, Councilor Jackie Lawson, and Councilor Ken Woods, Jr. voting YES and Councilor
2 Mark McDonald voting NO.

3 **FIRST READING OF ORDINANCE**

4 **Ordinance No. 1737:** An Ordinance amending provisions of the Dallas City Code Section 5.210
5 relating to smoking.

6 Councilor McDonald stated he still felt like everyone in Dallas paid taxes and should be free to
7 enjoy the parks. He indicated to exclude smokers entirely from the parks was not correct, adding
8 some people could only go outside to smoke and this took away quite a bit of their freedom.
9 Councilor Lawson stated that just because the parks were no-smoking, that didn't mean smokers
10 couldn't participate in activities at the park. Councilor Fairchild noted smokers could walk into
11 the street or outside the park to smoke.

12 Mayor Dalton declared Ordinance No. 1737 to have passed its first reading.

13 **Ordinance No. 1738:** An Ordinance amending Dallas City Code Section 5.102 relating to
14 discharge of weapons; and declaring an emergency.

15 Mr. Wyatt explained that the emergency clause on the ordinance allowed it to go into effect
16 immediately upon passage, which was necessary due to the turkey harvest that would happen on
17 Douglas Street. Mr. Shetterly added that there was a time limit on the permit for the turkey
18 harvest, so there would still be a second reading of the ordinance at the next meeting, but it would
19 go into effect immediately.

20 Mayor Dalton declared Ordinance No. 1738 to have passed its first reading.

21 **SECOND READING OF ORDINANCE**

22 **Ordinance No. 1736:** An Ordinance amending Dallas City Code Section 9.850 relating to
23 Development Fee Waivers.

24 Mayor Dalton declared Ordinance No. 1736 to have passed its second reading. A roll call vote
25 was taken and Mayor Dalton declared Ordinance No. 1736 to have PASSED BY A
26 UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor
27 Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, and Councilor Ken Woods, Jr.
28 voting YES.

29 **OTHER BUSINESS**

30 There being no further business, the meeting adjourned at 7:44 p.m.

31 Read and approved this _____ day of _____ 2011.

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ATTEST:

Mayor

City Manager

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**DALLAS CITY COUNCIL
Monday, May 2, 2011
Council Chambers**

The Dallas City Council met in regular session on Monday, May 2, 2011, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council members present: Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin Marshall, and Councilor Ken Woods, Jr. Councilor LaVonne Wilson participated via telephone.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Deputy Police Chief Tom Simpson, Fire Chief Bill Hahn, Finance Director Cecilia Ward, Public Works Director Fred Braun, and Recording Secretary Emily Gagner.

Mayor Brian Dalton led the Pledge of Allegiance.

SELECTION PROCESS TO FILL COUNCIL VACANCY

Mayor Dalton asked if anyone wanted to speak about the Councilor selection process. He reviewed the selection process that was adopted at the previous Council meeting.

The Councilors turned in their ballots, and then Councilor Wilson announced her vote. The result of the voting was five votes for Murray Stewart (Council President Scroggin, Councilor Fairchild, Councilor Marshall, Councilor Wilson, and Councilor Woods), two votes for Kelly Gabliks (Councilor Jones and Councilor Lawson), and one vote for Steven DeDominick (Councilor McDonald). Mr. Stewart was sworn in and seated.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Victor Reppeto stated he wanted to speak about the proposed change to limit chickens in the backyard only. He provided a map showing his property and explained how the proposed change would be restrictive on his property. He suggested changing the language to "not visible from the street." Mr. Wyatt explained the definition of a rear yard according to the Code and stated Mr. Reppeto's coop was within the back yard so it would satisfy the Code with the proposed changes.

Kelly Gabliks thanked the Councilors for developing a way for people to apply to fill the Council vacancy. She congratulated Councilor Stewart on his selection.

David Marvin stated he came back to Dallas last year to make a motion picture. He indicated he graduated from Dallas High. He explained he had provided the Councilors a description of his movie, and asked if there were any questions. There were none.

Faye Frei stated neither she nor her husband were smokers and never had been. She said she read in the local paper about the proposed smoking ban in the park and asked the Councilors to do some serious consideration, though it was admirable to be so concerned of everyone's health. She asked if they had considered that smokers were taxpayers who supported the upkeep of the park. She asked if they had given any thought that smokers were allowed to smoke within "x" number of feet outside public buildings and could walk up and down the sidewalk and smoke. She added there were no studies that showed that smoke affected others' health at all. Ms. Frei commented that the Councilors should back off and do some studying, adding they could talk to physicians and veterinarians who would back her up. She proclaimed the number one health risk in Dallas during winter when people were running around with colds and flu was men spitting all over parking areas, adding that medically was a serious health risk and a disease spreader. Ms. Frei said deer droppings and urine causes diseases for children and dogs, pointing out she had a vet bill for her dog caused by deer urine. She stated these things were a far greater risk to citizens' health than people smoking in the park. She then commended the Council in their thinking because she knew the Council wouldn't want the biomass facility in Dallas because of the pollution that would produce and the effect it would have on children's health. Ms. Frei concluded by quoting Lars Larsen, "Don't let your government walk on our rights as individual American citizens."

Tanya Silva stated she was a registered nurse and worked for Polk County Public Health as the

1 Tobacco Prevention Coordinator. She explained it was her job to keep Dallas residents and
2 children healthy, which included providing smoke-free public parks. She reviewed reasons to go
3 smoke-free. She discussed second-hand or environmental tobacco smoke, noting it posed a major
4 health risk to non-smokers through exposure to nicotine and other chemicals. She stated second
5 hand smoke was related to asthma, SIDS, and other issues in children as well as cancer in adults,
6 adding 800 Oregonians die annually due to second hand smoke. Ms. Silva explained there was no
7 safe level of second hand smoke inhalation. She also discussed the litter issues of cigarette butts,
8 noting smoke-free policies reduce litter. Ms. Silva stated 84% of Polk County adults didn't
9 smoke. She advised a smoke-free park didn't mean smokers couldn't use the parks.

10 Randi Phillips, Manager of Polk County Public Health stated she was there to express her support
11 of smoke free parks and congratulated the Council for making it a high priority. She commented
12 that everyone had a right to smoke and everyone had a right to breathe fresh air, adding smoke-
13 free policies were becoming the norm across the United States. She stated there was a lot of talk
14 about the right to smoke and indicated it was not a discrimination issue against smokers because
15 the City wasn't saying smokers couldn't use the parks. Ms. Phillips reported that in every age
16 group there was a decrease in cigarette consumption except in our youth. She stated we were
17 creating an environment that smoking was socially acceptable. She commented that enforcement
18 would be challenging, especially if there were designated smoking areas, so for ease of
19 enforcement, she recommended 100% smoke-free parks. Ms. Phillips reviewed a list of areas in
20 Dallas that were smoke free, including Sounds of Summer, Summerfest, Chemeketa, all school
21 grounds, West Valley Housing, and West Valley Hospital. Ms. Phillips expressed her support
22 and gratitude to the Council for exploring the option.

23 Glen Harmison reviewed Section 4 of the proposed ordinance and stated the current restriction of
24 25 feet was sufficient. He then reviewed the minutes of the April 4 Council meeting where there
25 was discussion that the current code was difficult to enforce, adding it did nothing to address
26 issues with litter and fire issues created by smoking in the park. He commented that it was
27 unfortunate that people littered other things besides used cigarettes and that was no reason to
28 restrict smokers. He stated if the present laws of underage smoking were enforced, a great deal of
29 the litter problem would be eliminated. He asked if there had been a recent fire in the parks due
30 to cigarettes, adding Oregon law required cigarettes sold here be made with fire-retardant paper to
31 prevent fires from starting. Mr. Harmison stated the proposed smoking ban would have a
32 negative fiscal impact to the City because it would affect the car show, family reunions, and
33 Frisbee golf course. He said if signs were posted in areas of no smoking and signs with no
34 littering, it was his opinion it would cut down on the litter. He stated he had toured three parks
35 and there were no signs anywhere and he only saw one butt, but he did see other litter and dog
36 poop. He stated he surveyed several people in the park that day and they all didn't think it would
37 be right to stop smoking in the park. He asked the Council to enforce the current laws and vote
38 no on the bill.

39 Korena Lund stated she loved living in Dallas and felt especially blessed to have a beautiful and
40 safe park system where her kids could have picnics and get exercise. She stated she attended a
41 Council meeting last June as a concerned citizen to tell the Council about adults, the majority of
42 which were care providers, smoking in the children's play area despite the ordinance that banned
43 that. She added she had requested proper signage be installed. Ms. Lund said she was excited
44 when she read in the IO that the Council was considering a smoking ban and reminded the
45 Council she had submitted a letter the past week that included 2 sheets of 49 signatures of
46 concerned parents and grandparents in support of the ban. She added 47 of the 49 signatures were
47 collected in a two-hour time span. Ms. Lund commented that the Council vision statement said
48 the City's desire was to foster an environment in which Dallas residents can take advantage of a
49 vital, growing, and diversified community that provides a high quality of life. She said the facts
50 show that smoking and second hand smoke pollute the earth and injure and kill people.

51 Julie Crow stated she was a little ticked off about what she was hearing. She indicated she paid
52 taxes on those parks as well as anyone else. She added she went by two parks every day and had
53 never seen a smoker except in the Arboretum where they tended to keep away from the children.
54 She declared that she had children that were asthmatics and she smoked most of her life and none
55 of them were asthmatics now. She said she was also a little upset about the infringements of her
56 rights to have fresh air also and to be left alone. Ms. Crow indicated she didn't throw her butts on
57 the ground, she put them in her purse when she was done. She said she was so furious this had

1 even come up and felt she was being clutched, every right was being squeezed and the Council
2 would ring every single bit of it out. She said it wouldn't stop with just the smoking; the biomass
3 coming in was far worse than any second hand smoke that was coming up and the Council hadn't
4 even started yet. She commented that if the Council started encroaching on everyone's rights
5 they would never know when to stop and they needed to learn to stop. She noted everyone was
6 adults and could go ask a smoker not to smoke around the children, adding she had never heard
7 anyone refuse such a request. She said she raised four children and never had a problem moving
8 away from other people her smoking offended. She said she didn't smoke around other non-
9 smokers. Ms. Crow commented that the Council had made no allowances for smokers. She
10 advised Mr. Fairchild did point out there should be a spot where smokers could go and that was
11 pooh-poohed away. She said she was offended at the whole entire thing and was outraged and
12 upset. She told the Council she fully intended to blog about this and do whatever she could to
13 stop this from going on. She added there was one more thing she had a problem with - that she
14 was watching lemmings because everyone was walking in lock step and no one was discussing
15 anything or having an argument. She said no one had gone out of their way to find out what was
16 going on.

17 Alan Minton stated that with bills like this, he wonders at what point we tell parents they can't
18 have children because they smoke. He reported the founding fathers raised tobacco to create an
19 economy for this country, adding it was legal to grow and purchase tobacco, legal to tax it, but
20 just not legal to smoke it. He stated the proposed ordinance was made without any consideration
21 for those who do smoke. He asked for more statistics on who smoked in Polk County because it
22 should be more than 16%. He proclaimed the Council was taking away liberties and that was a
23 frightening thing.

24 Pamela "P.J." Johnson thanked the Council for the forum tonight and noted she was an avid
25 smoker. Ms. Johnson stated she was in favor of the proposed ban on smoking, adding she didn't
26 think it was discrimination, but was a health issue. She discussed smoking in high school and
27 commented we had come so far with smoking only because of environmental policies and what
28 kids were now taught in school. Ms. Johnson explained she had grandchildren and didn't smoke
29 in front of them because she had no right to do that. She said she would be more than happy to
30 smoke in a designated area.

31 Joe Koubek stated he was speaking in support of Ordinance 1737. He said when he went to the
32 parks, he expected to breathe fresh air and added he didn't appreciate the butts left by smokers.
33 He indicated he had witnessed many fires in the park that were proven to have been caused by
34 cigarettes.

35 Lynette Henshaw asked if people could smoke in the parking lot if they weren't allowed to smoke
36 in the park. Mayor Dalton stated that would be discussed prior to the vote on the ordinance.

37 **PUBLIC HEARINGS**

38 There were no public hearings.

39 **CONSENT AGENDA**

40 It was moved by Councilor Marshall and seconded by Council President Scroggin to approve the
41 Consent Agenda as presented. The motion carried unanimously with Council President Wes
42 Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor
43 Mark McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne
44 Wilson, and Councilor Ken Woods, Jr. voting YES.

45 Item approved by the Consent Agenda was: a) April 18, 2011, City Council minutes.

46 **ITEMS REMOVED FROM CONSENT AGENDA**

47 There were none.

48 **REPORTS OR COMMENTS FROM COUNCIL**

49 Councilor Woods stated he was on the committee for the Dallas High School Athletics Hall of
50 Fame and reported the banquet would be held on May 13 to honor former athletes who have done

1 **RESOLUTIONS**

2 **Resolution No. 3225** – A Resolution designating the week of May 15-21, 2011, as Emergency
3 Medical Services Week.

4
5 Councilor McDonald indicated he had spoken out about the use of resolutions, because it was his
6 opinion that there was nothing in the Charter, what was in the Charter was very limited, and there
7 was nothing in the Code section governing the actions of the Council pertaining to resolutions.
8 He said even the guide to maintaining the Code stated the general ordinances were those that deal
9 with administrative organization or were regulatory in nature and yet the Council was making
10 resolutions that dealt directly with administration and regulation, so the guide specifically says
11 you are to use general ordinances or special ordinances. He indicated it was not that he didn't
12 want to have Emergency Services Week, but it was the fact that the Council was relying on an
13 ambiguity of the law that might leave the City open to a class action lawsuit. He reported he had
14 spoken to various attorneys and gained insight through other municipal attorneys that say what
15 the Council is doing is very ambiguous as far as the law was concerned. He thought if the
16 Council was going to adopt resolutions, they should amend the Charter to allow them to use
17 resolutions for administrative purposes. He added that was just his opinion.

18 A roll call vote was taken and Mayor Dalton declared Resolution No. 3225 to have PASSED BY
19 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
20 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin
21 Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
22 voting YES.

23 **FIRST READING OF ORDINANCE**

24 **SECOND READING OF ORDINANCE**

25 **Ordinance No. 1737:** An Ordinance amending provisions of the Dallas City Code Section 5.210
26 relating to smoking.

27 Councilor Lawson stated she had been a strong proponent of this from a couple years ago, and
28 never expected any discussion because it had been unanimously supported. She indicated she had
29 heard from some people who she did respect as considerate smokers, though they were in the
30 extreme minority. She commented that smokers generated an extraordinary amount of litter
31 which was a burden on the taxpayers because of the staff time to remove it. She advised she felt
32 the small minority could be responsible and she proposed having one designated smoking area in
33 one parking lot of the Dallas City Park. Councilor Lawson said she would hate for Dallas to lose
34 an event such as the car show because of those who are smokers. She commented that she hoped
35 that if the City provided one designated smoking area, people would be considerate and use the
36 provided receptacle. She added parents could avoid that area, especially if the boundaries were
37 made very obvious.

38 Councilor McDonald reported he had heard from quite a few citizens who are very upset and were
39 all against the ban in City parks. He commented that he assumed in the summer there were
40 barbecues being used in the parks and those produced carbon monoxide and other chemicals. He
41 added cars threw off more toxic chemicals than the occasional cigarette smoke in a City park. He
42 stated the proposed smoking ban was a complete usurpation of rights and noted he hadn't had one
43 person that was in support of it.

44 Councilor Fairchild agreed with Councilor Lawson adding he would like to see a designated
45 smoking area. He indicated the status quo at Sounds of Summer was that people could move into
46 the street and smoke there, although he didn't know if that was totally legal. He added that was
47 what he envisioned in the park, though he was in favor of banning smoking in the parks.
48 Councilor Stewart asked for clarification as to where the Councilors were suggesting the smokers
49 go, which parking lots, and how far away.

50 Councilor Jones reported she had given the subject a lot of thought over the past couple weeks
51 and if it was up to her, the world would be no smoking, but she realized that would not be good
52 for everyone. She stated she thought about how the current ordinance was not respected or
53 enforced, noting the amendment wouldn't change anything. Councilor Jones advised she had

1 decided she wouldn't support no smoking in the parks in an effort to protect freedoms, adding it
2 wouldn't change anything if she did support it.

3 Council President Scroggin advised he did support the proposed ban, adding he had been a
4 Rotarian for many years and didn't feel the ban would put the car show in jeopardy. He stated he
5 attended car shows that didn't allow smoking and they were still very well attended. Council
6 President Scroggin indicated the proposed smoking ban had come from the Park Board several
7 times and kept coming back because they wanted this, noting the Council was finally getting
8 around to it. He pointed out that when the Sounds of Summer concerts were made smoke free,
9 people said attendance would drop, but that didn't happen. He explained he supported people
10 being able to smoke in their cars.

11 Councilor Marshall stated it seemed perhaps the Council could keep the 25 foot restriction and
12 leave off the parking lot.

13 Councilor Lawson advised postponing action on the ordinance or sending it back for more
14 refinement.

15 It was moved by Councilor Wilson and seconded by Councilor McDonald to send the ordinance
16 back to the Administrative Committee for further review. The motion carried unanimously with
17 Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor
18 Jackie Lawson, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray
19 Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

20 **Ordinance No. 1738:** An Ordinance amending Dallas City Code Section 5.102 relating to
21 discharge of weapons; and declaring an emergency.

22 Mayor Dalton declared Ordinance No. 1738 to have passed its second reading. A roll call vote
23 was taken and Mayor Dalton declared Ordinance No. 1738 to have PASSED BY A MAJORITY
24 VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones,
25 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor
26 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and Councilor Mark McDonald
27 voting NO.

28 **OTHER BUSINESS**

29 There being no further business, the meeting adjourned at 8:27 p.m.

30 Read and approved this _____ day of _____ 2011.

31

32

33

34

Mayor

35 ATTEST:

36

37

City Manager

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: GASB 54 Compliance – Fund Balance Policy
Prepared By: Cecilia Ward	Meeting Date: May 23, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend to full council approval of Fund Balance Policy

BACKGROUND:

In February 2009, the Governmental Accounting Standards Board issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which requires the City Council to make certain decisions regarding the use of resources and classifications of ending fund balance in order for the Comprehensive Annual Financial Report (CAFR) to be in compliance with generally accepted accounting principles (GAAP). Fiscal year 2010-2011 is the first year the city must implement this new statement. The intent of GASB 54 is to improve the usefulness of the amounts reported in ending fund balances on the year-end financial reports.

With GASB 54, a hierarchy of fund balance classifications has been created. These classifications are based primarily on the extent to which governments are bound by the constraints placed on resources reported in those funds. This approach is intended to provide users more consistent and understandable information about a fund’s net resources.

GASB 54 changes how governmental fund balances are presented and clarifies the use of governmental fund types. There are now five potential categories for fund balance: Nonspendable, Restricted, Committed, Assigned, and Unassigned. The significant changes to the governmental fund types are the new definitions for special revenue funds and capital project funds. This statement is not applicable to proprietary funds.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed City of Dallas Fund Balance Policy

PURPOSE OF POLICY: The purpose of this policy is to outline the procedure for categorizing the different components of ending fund balance in conformity with GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions". The goal of Statement 54 is to better define the constraints placed on the different components that make up fund balance.

FUND BALANCE DEFINITION: Accountants use the term **FUND BALANCE** to describe the difference between the assets and liabilities reported in a governmental fund. Typically a financial reporting unit (i.e. business, proprietary fund, fiduciary fund) reports all related assets and all related liabilities. The difference between the two is labeled NET ASSETS and might be described as a measure of net worth. Because governmental funds report only a subset of related assets (i.e. financial assets) and liabilities (i.e. those normally expected to be liquidated with current financial resource), the difference between the two is more of a measure of liquidity than of net worth. Accountants underscore this distinction by using the term **FUND BALANCE** in governmental funds, rather than the term net assets employed elsewhere. As an approximate measure of liquidity, fund balance is similar to the working capital of a private-sector business.

BACKGROUND: GASB adopted Statement No. 54 "FUND BALANCE REPORTING" in February 2009 with an effective date starting with fiscal year 2010-11. Starting with the 2010-11 fiscal year the Financial Statements shall indicate the breakdown of fund balance into five categories.

POLICY: The components of fund balance will be categorized into one of five categories:

Nonspendable - Represents assets that are nonliquid (such as inventory) or legally or contractually required to be maintained intact (such as the principal amount of an endowment).

Restricted – Limitations imposed by creditors, grantors, contributors, or laws and regulations of other governments. Limitations may also be imposed by law through constitutional provisions or enabling legislation.

Committed – When constraints are created by the governing body on how it will spend its resources. These are enacted via legislation, resolution or ordinance and are in place as of the end of the fiscal period. The constraints remain binding until formally rescinded or changed by the same method the constraints were created. The difference between Restricted and Committed is that under Committed, the governing body can remove constraints it has imposed upon itself.

Assigned – Designation of amounts by the City Manager or Finance Director to be used for a specific purpose narrower than the purpose of the fund. City Council has delegated decision making authority to the City Manager or Finance Director for that purpose. Less formality is necessary in the case of assigned fund balance.

1. City Council delegates to the City Manager or Finance Director the responsibility to insure that unappropriated ending fund balance along with other cash carry forward is adequate to fund operations until tax revenue is available in November each year.
2. The City will consider all amounts as budgeted to be designated as **assigned**, unless amounts are otherwise committed in the form of resolution or restricted if it meets the limitations discussed above. Any balances that are budgeted as unappropriated will be considered by the City to be unassigned.

Unassigned – The excess of total ending fund balance over nonspendable, restricted, committed and assigned amounts. Only the General Fund has an unassigned category since money remaining in any other fund is automatically designated or assigned to the purposes of that fund.

GASB 54 redefined Special Revenue Funds to allow ending fund balances to be classified only as restricted or committed. For some of the city’s special revenue funds, this necessitates the City Council to provide direction on the intended use of resources for the future. Following is a list of the city’s Special Revenue Funds and their expected ending fund balance classifications:

Category	Fund	Restricted by:
Restricted	Street Fund	State Statute
Restricted	System Development Fund	State Statute
Restricted	Urban Renewal	State Statute
Restricted	Grant Fund	Grantors Intent
Committed	Trust Fund	Individual Trust Intent/Resolution

Order of spending resources- When both restricted and unrestricted resources are available for use, it is the City’s policy to use restricted resources first, then unrestricted resources (committed, assigned and unassigned) as they are needed. When unrestricted resources (committed, assigned and unassigned) are available for use it is the City’s policy to use committed resources first, then assigned, and then unassigned as they are needed.

In summary, new categories for fund balance consider “the extent to which the government is bound to honor constraints on the specific purposes for which amounts in the fund can be spent”.

DATE ADOPTED: [June 6, 2011](#)

REVISED:



Community Development Department

Memo

To: Admin Subcommittee
From: Jason Locke, Community Development Director & Emily Gagner, City Recorder
Date: May 23, 2011
Re: Movie and Film Regulations and Permitting

The City of Dallas currently has no provisions for movie production or filming within the City Limits that may need to utilize public facilities such as streets, parks, and/or public buildings. Major productions could have significant impacts on said facilities and the health, safety, and welfare of the community. That being said, staff is proposing that the City Council adopt an Ordinance that regulates film and movie production within the City Limits and provides for a permitting process for both major and minor productions. The permit process would allow staff to ensure the City's interests were protected.

The proposed regulations cover commercial film production activities. They do not and are not intended to affect home movies, student productions, or news reports.

A major film would be any commercial filming activities that utilize public services or that affect normal city operations. A minor film is any commercial filming activity that does not utilize public services or affect normal City operations.

Fees would be set by resolution and are proposed to be as follows:

Minor Film Permit: \$100.00

Major Film Permit: \$1,000.00

If additional City services were required, such as public safety services, road closures, public utilities, etc., the cost of providing those services would be charged at the City rate on an hourly basis.

ORDINANCE NO. _____

An Ordinance relating to motion picture and film production and establishing permit requirements.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to the Dallas City Code:

7.925 Policy

Sections 7.925 through 7.929 establish procedures for the review and issuance of city filming permits for the production of commercial filming activities, within the City of Dallas. This purpose of sections 7.925 through XX.XXX is to facilitate film production within the city while protecting the health and safety of those who might be affected by such production activities, and protecting public property and services.

7.926 Definitions. As used in sections 7.925 through 7.929, the following definitions apply:

(1) "Commercial film production activities" means activities involving the use of motion picture, videotaping or any other type of moving image cameras or recording equipment, whether in tangible or electronic format, within the City of Dallas that include product or service advertisement, the creation or filming of a product for sale, or the use of actors, models, sets, and props for the purpose of generating revenue.

(3) "Non-commercial" or "personal use" means filming activities that involve film production activities for personal, family or household purposes.

(4) "News purposes" means film production activity conducted for newspapers, television news and other news media for the purpose of reporting on persons, electronic news gathering, events, or scenes that are in the news.

7.927 Permits Required.

(1) No person may engage in commercial film production activities of any type within the City of Dallas until a Film Production Permit has been issued. Failure to present a permit upon request of any authorized city official may result in immediate termination of any filming activity.

(2) The following persons or entities are not required to obtain a permit:

- (a) News media, when engaged in filming activities for news purposes;
- (b) Non-commercial or personal filming activities;
- (c) Nonprofit organizations agencies engaged in filming activities related to or in support of their nonprofit purposes;
- (d) Students engaged in filming activities related to school.

7.928 Film Production Permit.

(1) Any person intending to engage in commercial film production activities for which a permit is required under 7.927 shall complete a Film Production Application provided by the City. The permit application form will not be processed until it is submitted with the signature of the applicant and payment of all required fees, deposits, and any insurance certificate required under this section.

(a) Film Production Permit (Major). An application for a Film Production Permit for commercial filming activities that utilize public services or that affect normal city operations or activities including, but not limited to, street closures, public safety services, park closures, special parking needs, excessive noise and traffic alterations must be filed at least 21 days prior to commencing production activities.

(b) Film Production Application (Minor). An application for a Film Production Permit for commercial filming activities that do not utilize public services or affect normal City operations or activities must be received no later than seven days prior to the commencement of filming activities.

(2) The City Manager may require written evidence of permits or coordination with other public agencies that have jurisdiction within the City of Dallas upon submission of an application for a Film Production Permit. Compliance with the requirements of such other agencies will be additional requirements for the City's permit.

(3) Prior to the issuance of a Film Production Permit, the applicant must provide a certificate of insurance to the city for general liability which lists the City of Dallas as an additional insured. The certificate must remain in effect for

the duration of the filming period. The required minimum amounts of coverage are as follows:

- (a) General Aggregate \$1,000,000
- (b) Each Occurrence \$1,000,000
- (c) Errors and Omissions \$1,000,000

(4) If, in the City Manager’s opinion, potential damage from the commercial filming activities could exceed the insurance limits stated above, the City Manager may require that additional insurance or other adequate security be obtained to cover the potential liability.

(5) Prior to issuance of a Film Production Permit, the applicant must submit an agreement to the city that requires the applicant to indemnify the city and releases the city from all liabilities that may result from filming operations within city limits. The applicant shall be liable for all damages to public property resulting from filming operations and shall be responsible for restoring or repairing any area damaged or disrupted before leaving the site. If the site is not repaired or restored to the city’s satisfaction, the City Manager or his or her designee may have the necessary restoration or repairs performed, in which case the applicant shall reimburse the city for such work within ten (10) days of completing the filming activities.

(6) The City Manager or designee will issue a film production permit when he or she has reviewed the application and determined that the application complies with the requirements of sections 7.925 to 7.929. A permit will not be issued under the following conditions:

- (a) If production is likely to result in endangering public health or safety.
- (b) If the production threatens to damage public property without due compensation or adequate security.
- (c) If the production will be a detriment to the operations of the city.

The City Manager may impose any special conditions the City Manager determines necessary to protect the public health, safety, and welfare. The applicant must comply with such conditions prior to permit issuance and during the permit period.

(7) A Film Production Permit is valid for a period of sixty (60) days from date of approval unless otherwise specified in the permit. If an extension of the permit is required, a written request indicating the intended duration of the extension, accompanied by payment of a permit extension fee as provided in section 7.929, must be submitted to the city at least 48 hours prior to the expiration of the initial permit period. If a permit is extended, all of the terms and conditions of the initial permit will continue for the extended period.

7.929 Film and Video Permit Fees.

(1) Fees for issuance of a Film Production Permit (Major) and Film Production Permit (Minor) under section 7.928(1) and for extension of a Film Production Permit under section 7.928(7) will be established from time to time by resolution of the City Council.

(2) If city services are required in connection with the filming activities, including, but not limited to public safety services, road closures and public utilities, the cost of providing such services will be charged at the City rate on an hourly or direct cost reimbursement basis, in addition to the applicable permit fee.

Read for the first time:
Read for the second time:
Passed by the City Council:
Approved by the Mayor:

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 5	Topic: Council Rules of Procedure
Prepared By: Emily Gagner	Meeting Date: May 23, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval to set up review of Council Rules of Procedure manual

BACKGROUND:

The Admin Committee first reviewed the proposed Council Rules of Procedure on January 27, 2009. At that time, the Committee indicated they would provide suggested changes to Lane Shetterly for his review. The attached document reflects the changes proposed by the Councilors and Mr. Shetterly.

Mayor Dalton told Mr. Frohnmayer at the Council Goals workshop that staff was in the process of working on a procedures manual and that would be a Council Goal to finalize those.

FISCAL IMPACT:

None

ATTACHMENTS:

Draft Council Rules of Procedure



City Council Rules of Procedure

First Review Date January 27, 2009
Adopted by Council Resolution xxxx on xxxx, 2011

SECTION 1 – PURPOSE

The purpose of this document is to outline the rules of the Council and procedures for Council proceedings.

SECTION 2 – AUTHORITY

The Charter of the City of Dallas provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council and shall remain in effect until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy.

SECTION 3 – GENERAL RULES

3.1 Open Meetings

All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law (ORS 192.610 to 192.690) which is herein incorporated by reference into these rules. To the extent that any local procedure conflicts with the Public Meetings Law, the latter shall prevail. No final action of the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.

3.2 Quorum

A majority of the members of the Council shall constitute a quorum for its business.

3.3 Rules of Order

Proceedings of the Council shall be conducted according to the provisions of the City's Charter, the City Code, these rules, and, when not so governed, in accordance with the parliamentary procedure contained in *Robert's Rules of Order*. However, strict adherence to the requirements of these rules is not required. No action of the Council shall be in violation of this section or deemed invalid for the reason that the action was not in conformance with *Robert's Rules of Order*. Any Councilor may move a question, second a motion, debate and vote.

3.4 Address by Council Members

Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager or the City Attorney. The City Manager may respond directly or may redirect the inquiry to a staff member.

SECTION 4 – COUNCIL MEETINGS

4.1 Regular Meeting

The Dallas City Council will meet in regular session at least once per month. The regular meeting shall be held on the first and third Monday of each month at such place and hour as the Council may prescribe. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next business day.

4.2 Work Sessions

In addition to the regular meetings of the Council under Rule 4.1, a meeting, or any portion thereof, may be designated as a work session. The City Council may hold a work session on the second Wednesday of each month in the Council Chambers or at another time and place in the City that the Council may prescribe. Work sessions will be used to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject. Typically, a work session designation indicates that matters of substance will be discussed, but that final action will not be taken. Notice of work sessions shall be given in the same manner as notice of regular meetings. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer by a majority vote of the Council members.

4.3 Special Meetings

The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council for a time not earlier than three nor later than forty-eight hours after the notice is given. Only the subject(s) listed on the special meeting agenda may be acted upon.

4.4 Emergency Meetings

In the case of an actual emergency, an emergency meeting of the Council may be called by common consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. Attempts will be made to contact the media to provide notice of the emergency meeting.

4.5 Executive Session

Executive sessions shall be held in accordance with the Oregon Public Meetings Law. Matters discussed in executive session shall be exempt from public disclosure pursuant

to state statutes. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered. To make a final decision, the Presiding Officer shall call the meeting into open session or place the decision on the agenda of a future open session. Executive session shall be closed to all persons except:

- a) The City Council;
- b) Persons reporting to the Council on the subject of the executive session;
- c) The City Manager unless directed otherwise by the Council;
- d) News media representatives, unless excluded by the Public Meeting Law (The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session);
- e) And other persons authorized by the City Council to attend.
- f) No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

The Mayor may call any regular, special, or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings. Prior to opening an executive session, the Presiding Officer shall announce:

- a) The purpose of the executive session;
- b) The state statute authorizing the executive session; and
- c) Notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public.

4.6 Cancellation of Meeting

Upon a majority vote of the members of the City Council present, a meeting may be cancelled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the bulletin board at City Hall, distributed to members of the media, and to interested citizens.

4.7 Americans With Disabilities Act

All meetings of the Council shall be held in compliance with the Americans with Disabilities Act.

4.8 Attendance Duty

It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII, Section 32 that a Council office shall be deemed vacant upon a Councilor's absence from the city for 30 days without the consent of

Council or upon the absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- a) Illness;
- b) Family obligations;
- c) Employment requirements;
- d) Scheduled vacations; or
- e) Other City business

4.9 Excused Absence

When any Council member cannot attend a meeting of the Council, the member shall notify the City Recorder prior to the meeting. If there are no objections from other Councilors, the City Recorder may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

SECTION 5 – THE PRESIDING OFFICER

5.1 Mayor

The Mayor shall preside at all regular and special meetings, work sessions, and executive sessions of the City Council. The Mayor is entitled to vote in case of a tie vote of the Council, except on the final passage of an ordinance. The Mayor shall preserve order and enforce the rules of the Council.

5.2 Council President

At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of his office, the President shall act as Mayor.

5.3 Sergeant at Arms

The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms.

5.4 Absence of Mayor and Council President

In the absence of the Mayor and Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. The Presiding Officer will immediately assume the duty of Sergeant at Arms, or appoint a designee to do so. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.

SECTION 6 – DECORUM AND ORDER

6.1 Presiding Officer

The Presiding Officer shall enforce the rules of the Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order, subject to the appeal to the Council. The Presiding Officer shall enforce order, prevent personal attacks or impugning members' motives, and restrict in debate to the question under discussion.

6.2 Councilors

Councilors shall maintain order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the order of conduct or these Rules. Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

6.3 Rules of Debate

6.3 Staff and Public

All persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.

6.5 Removal of Any Person

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the matter of order or procedure. The Presiding Officer or Sergeant at Arms may summon the assistance of the City of Dallas Police to assist in maintaining order. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule.

SECTION 7 – AGENDA AND ORDER OF BUSINESS

7.1 Setting the Agenda

The Mayor and City staff shall determine the business to be placed on the Council meeting agenda. Any Councilor may request that an item be placed on the Council agenda.

7.2 Consent Agenda

A consent agenda will be among the first items on the Council agenda. At the beginning of the Council meeting, the Presiding Officer will ask if any Council member wishes to have any item removed from the consent agenda for deliberation. If any Council member requests that an item be removed, it will be removed. Any item removed from the consent agenda shall be discussed and acted upon following approval of other consent agenda items. When there are no more items to be removed, the Presiding Officer will ask the Council for a motion to approve the consent agenda.

7.3 Agenda Distribution

Promptly after it is developed, the agenda for a regular meeting or work session shall be distributed with any supporting materials not later than 48 hours prior to the meeting to members of the Council, staff, news media, and interested citizens who have requested the agenda. The agenda for a special or emergency meeting shall be made available as appropriate under the circumstances.

7.4 Special Accommodations

All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City Manager's office at least 48 hours prior to the meeting time to request necessary accommodations. Such notice shall provide the telephone number at which the City Manager may be contacted.

7.5 Alteration of the Agenda

- a) New Matters: Except in emergency meetings, matters not on the printed agenda may come before the Council as determined by the Presiding Officer or a majority of the Council.

7.6 Order of Business

The general rule to the business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor’s attendance or absence in the record, under the guidelines set forth in Section 4.8 and 4.9 to establish a quorum is present to conduct business.
- c) **Pledge of Allegiance** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Comments from the Audience** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting. Participants must state their name and address for the record prior to addressing the Council. Testimony will be limited to three minutes unless additional time is granted by the Presiding Officer. Items brought before the Council from the public during public testimony should be referred to the staff for appropriate action and a report returned to the Council if requested.
- e) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action.
- f) **Consent Agenda** – The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion.
- g) **Items Removed from Consent Agenda** – Any item removed from the consent agenda will be discussed, and if appropriate, acted upon.
- h) **Reports or Comments from the Council Members** – Special reports from various boards and commissions may be given at this time. In addition, awards, proclamations, or Council liaison reports may also be presented.
- i) **Reports from City Manager and Staff** – Time provided for City staff to bring administrative action (items that require formal action or Council direction) before the Council.
- j) **Resolutions** – Resolutions shall be read and a roll call vote taken.
- k) **First Reading of Ordinances** – The Mayor shall declare an Ordinance to have passed its first reading.
- l) **Second Reading of Ordinances** – Unless an emergency was declared, an Ordinance will be brought for a second reading at the Council meeting following the first reading. After the Mayor has declared the Ordinance to have passed its second reading, a roll call vote will be taken.
- m) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be specifically listed on the agenda, but formal action on these matters should be deferred until a subsequent Council meeting.

- n) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

7.7 Recess

The Presiding Officer may recess any meeting of the Council upon the consensus of the majority of the members present. The Presiding Officer shall announce the time in which the meeting shall reconvene.

SECTION 8 – MINUTES

8.1 Recording of minutes

Minutes are the official record of the City Council meetings. They record the substance of a meeting and should be a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript. It is general practice to sound record the meetings of the City Council for back up reference. Minutes will be made available to the public within a reasonable time after the meeting. The minutes are to include, at a minimum:

- a) Councilors present;
- b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c) The result of all votes and the vote of each Councilor by name;
- d) The substance of any discussion on any matter; and
- e) A reference to any public document discussed.

8.2 Distribution of Minutes

Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval.

8.3 Correction and Approval of the Minutes

Approval of the minutes usually takes place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the consent agenda. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the consent agenda being approved. For extensive amendments, the minutes should be pulled off the consent agenda for consideration. All corrections will appear in the minutes of the meeting when the changes took place.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

SECTION 9 – VOTING

9.1 Method of Voting

The vote on any question shall be taken by voice or by roll call vote. The vote shall be taken by roll call at the direction of the Mayor or at the request of any Councilor. The minutes shall reflect the vote of each Councilor by name. The Mayor is entitled to vote in case of a tie vote of the City Council, except on the final passage of an ordinance.

9.2 Order of Voting

Roll call votes shall be called in alphabetical order by last name.

9.3 Vote Required to Decide a Question

Except as otherwise provided in the City Charter, the concurrence of a majority of the whole number of the council is necessary to decide a question.

9.4 Abstention

Abstentions are discouraged. For the purposes of Rule 9.3 above, an abstention shall not be considered an affirmative vote. Councilors who have an actual conflict of interest or a disqualifying bias should declare their conflict or bias and decline to participate rather than abstaining (See Rule 10, below).

SECTION 10 – CONFLICT OF INTEREST / BIAS / EX-PARTE CONTACT

10.1 Conflict of Interest

Prior to participating in any decision, a Councilor shall declare any potential or actual conflict of interest. No Councilor shall participate in any manner regarding an agenda item if doing so would create an actual conflict of interest, except as otherwise provided by state law.

- a) "Potential Conflict of Interest" means any action by a Councilor which would be to the private pecuniary benefit or detriment of the Councilor or a member of the Councilor's household, or a business with which the Councilor or member of the Councilor's household is associated. "Potential conflict of interest" does not include pecuniary affects arising out of:
 - i. Membership in a particular occupation or class required by law as a prerequisite to holding the office of Councilor; or
 - ii. An action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the Councilor or a member of the Councilor's household belongs.
- b) "Actual Conflict of Interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in (a) of this section.

10.2 Bias

No Councilor shall participate in any manner in a quasi-judicial decision if the Councilor has actual bias regarding the decision.

- a) "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.
- b) "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

10.3 Ex-Parte Contact

Before participating in any quasi-judicial decision, a Councilor shall declare any ex-parte contacts. An ex-parte contact is an oral or written communication with a member of the Council regarding the merits of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

SECTION 11 – COUNCIL STANDING COMMITTEES (DCC 2.050)

The Mayor shall at the first regular meeting in January of each year, or as soon thereafter as convenient, appoint Council standing committees. Each Council standing committee shall comply with the Council Rules of Procedure, subject to the following exceptions and additions:

- a) The Mayor shall appoint a chair of the Council standing committees to serve as presiding officer.
- b) Council standing committees shall consist of:
 - i. Committee on public works.
 - ii. Committee on public safety.
 - iii. Committee on public building and grounds.
 - iv. Committee on public administration.
- c) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

CITY OF DALLAS
CITY COUNCIL RULES OF PROCEDURE
ACKNOWLEDGMENT

I have received, read and understand the contents of the City Council Rules of Procedure. I agree to comply with the provisions of the City Council Rules of Procedure.

Signature _____

Printed Name _____ Date _____

(This form should be signed, dated and returned to the City Manager's office.)

Building and Grounds Committee
Monday, May 23, 2011

1
2

3 Members Present: Chair Jackie Lawson, Beth Jones, Murray Stewart, and LaVonne Wilson. Excused: Wes
4 Scroggin.

5 Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, Assistant City Manager Kim Marr, Finance
6 Director Cecilia Ward, Community Development Director Jason Locke, City Attorney Lane Shetterly, and
7 Recording Secretary Emily Gagner.

8 Visitors: Jim Fairchild, Korina Lund, Joe Koubek, Tanya Silva

9 Chair Lawson called the meeting to order at 4:01 p.m.

10 **First Quarter Dallas Aquatic Center and Building Department Reports**

11 Mr. Locke reviewed the reports for the first quarter for Community Development and Aquatic Center.
12 Councilor Stewart joined the meeting at 4:02 p.m.

13 **Community Development Director's Report**

14 Mr. Locke reported that he was seeing increased activity in Planning and Building, mostly in commercial
15 construction and remodeling. He added he had submitted written testimony for a hearing in the Legislature
16 related to continuation of the Enterprise Zone program. He noted it looked as if that was moving forward.
17 Mr. Locke stated the official census numbers and recalculated PSU numbers show a population decrease of
18 950 people. He indicated he was looking at appealing that number, noting the process was involved but
19 the City's state revenue shares relied on that population number. Mr. Wyatt explained the decrease in pop-
20 ulation was not because 950 people left the City, but because the PSU estimates were off.

21 **Other**

22 There was no other business and the meeting was adjourned at 4:06 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, May 23, 2011

4:00 p.m.

Jackie Lawson, Chair
Beth Jones
Wes Scroggin
Murray Stewart
LaVonne Wilson

1. First Quarter Dallas Aquatic Center and Building Department Reports
2. Community Development Director's report
3. Other
4. Adjourn

COMMUNITY DEVELOPMENT

City Manager	Jerry Wyatt	Building Official	Ted Cuno
Director	Jason Locke	Building Inspector	Troy Skinner
Assistant	Kris Pierce	Planner	John Swanson
Building & Grounds	Ken Stoller	Code Enforcement	Ed Totten

Jan. - Mar. 2011 Quarterly Report - Planning, Building, Code Enforcement

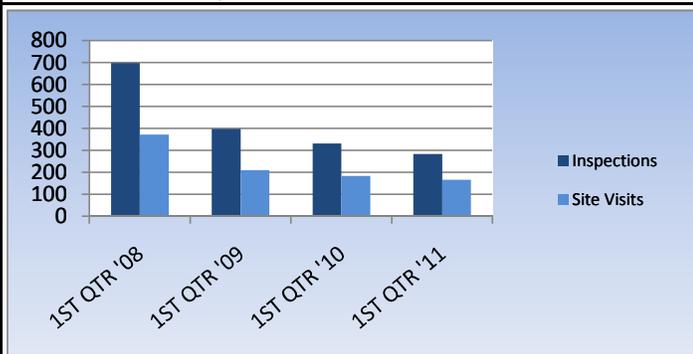
REVENUES	1ST QTR 11'	Fiscal YTD
Planning	1ST QTR '11 \$ 28,946	\$ 37,116
Building	1ST QTR '11 \$ 44,019	\$ 100,761

LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Type II	Misc.	Zone Change
1ST QTR '11	5	0	1	1	0	1	0	1	0
YTD 2011	5	0	1	1	0	1	0	1	0
1ST QTR '10	3	2	2	0	1	0	0	0	1
YTD 2010	9	8	4	0	3	1	1	10	1

INSPECTIONS AND SITE VISITS

1ST Quarter: Inspections - 283 Site Visits - 167
Year to Date: Inspections - 283 Site Visits - 167



CODE ENFORCEMENT

1ST QTR 11' Open Cases: 76

New Cases processed in in November

6.505 Abandoned Vehicles	28
6.32 Vehicles Stored on Street	50
5.584 Vehicles Stored on Prop	23
5.582 Junk	6
5.556 Scattering Rubbish	33
6.125 Obstructions	20
5.588 Graffiti	5
Other Ordinances	14
Code Citations	4
Towed Vehicles	1

Number of Followups 426

BUILDING PERMIT SUMMARY

Permit Use	1ST QTR '11	1ST QTR '10	YTD Total 2011	Annual Total 2010	YTD Valuation 2011	Annual Valuation 2010
New Single Family	4	7	4	23	623,338	4,862,655
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	0	1	0	800,000
Residential Remodel	7	18	7	56	35,916	1,074,556
Residential Accessory Building	1	3	1	7	3,500	101,777
New Commercial	2	1	2	3	1,477,007	54,000
Commercial Remodel	17	12	17	69	1,540,700	3,267,328
New Industrial	0	0	0	0	0	0
Industrial Remodel	0	0	0	1	0	12,160
Public Building	0	0	0	0	0	0
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
Total All Categories	31	41	31	160	3,680,461	\$10,172,476

Month	Inspections	Site Visits	YTD	Inspections	Site Visits
1ST QTR '08	698	372	2008	2471	1348
1ST QTR '09	398	210	2009	1561	881
1ST QTR '10	332	184	2010	1570	959
1ST QTR '11	283	167	2011	283	167

DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

JANUARY 2011 MONTHLY REPORT

REVENUE		Month	Fiscal YTD
Jan-11	\$26,705	\$213,325	
Jan-10	\$27,678	\$240,912	

Current Members:	
Annual	824
3-month Water Aerobics	16

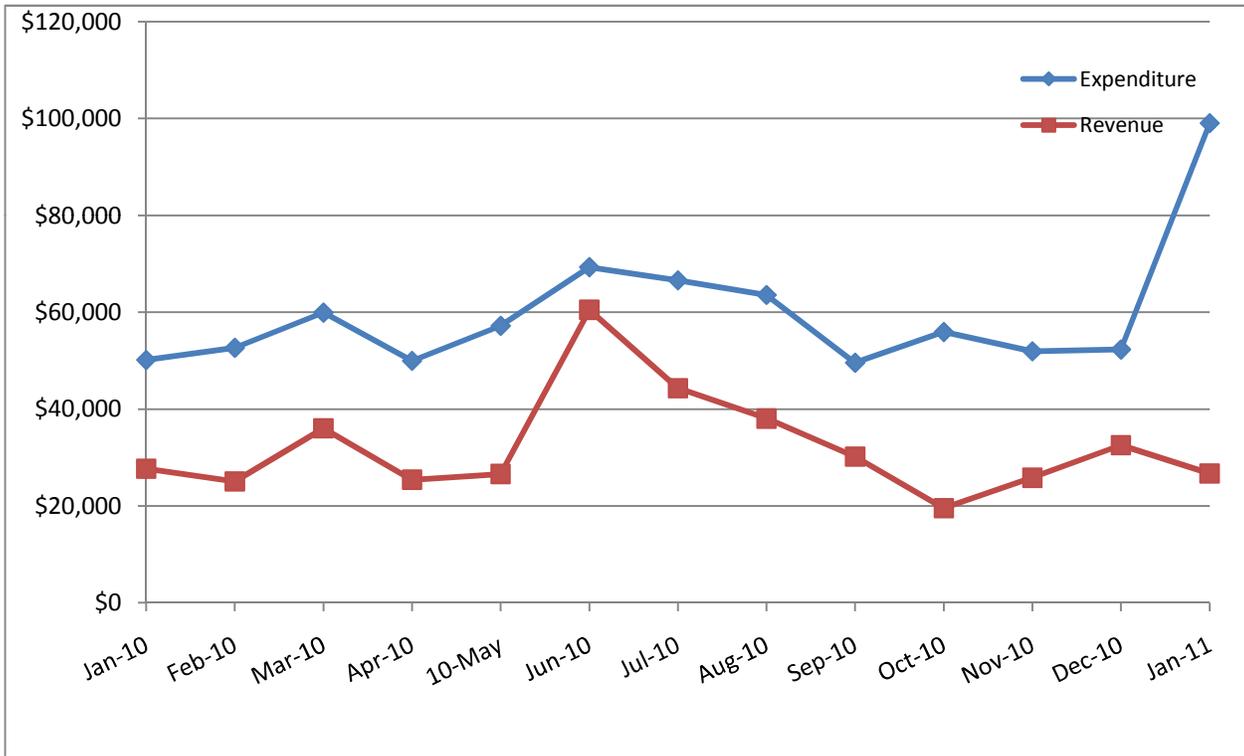
EXPENDITURES		Month	Fiscal YTD
Jan-11	\$99,017**	\$449,649	
Jan-10	\$50,128	\$428,833	

Jan-11	11,675
YTD	46,406

**includes \$50k+ PERS

Utility Costs:	Jan-11	Fiscal YTD
Natural Gas	\$5,878	\$37,736
Electricity	\$5,999	\$37,332

R/E Ratio = 52.2%
 (Revenue/Expenditure)



DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

FEBRUARY 2011 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
	Feb-11	\$24,603
	Feb-10	\$25,038

Current Members:	
Annual	843
3-month Water Aerobics	19

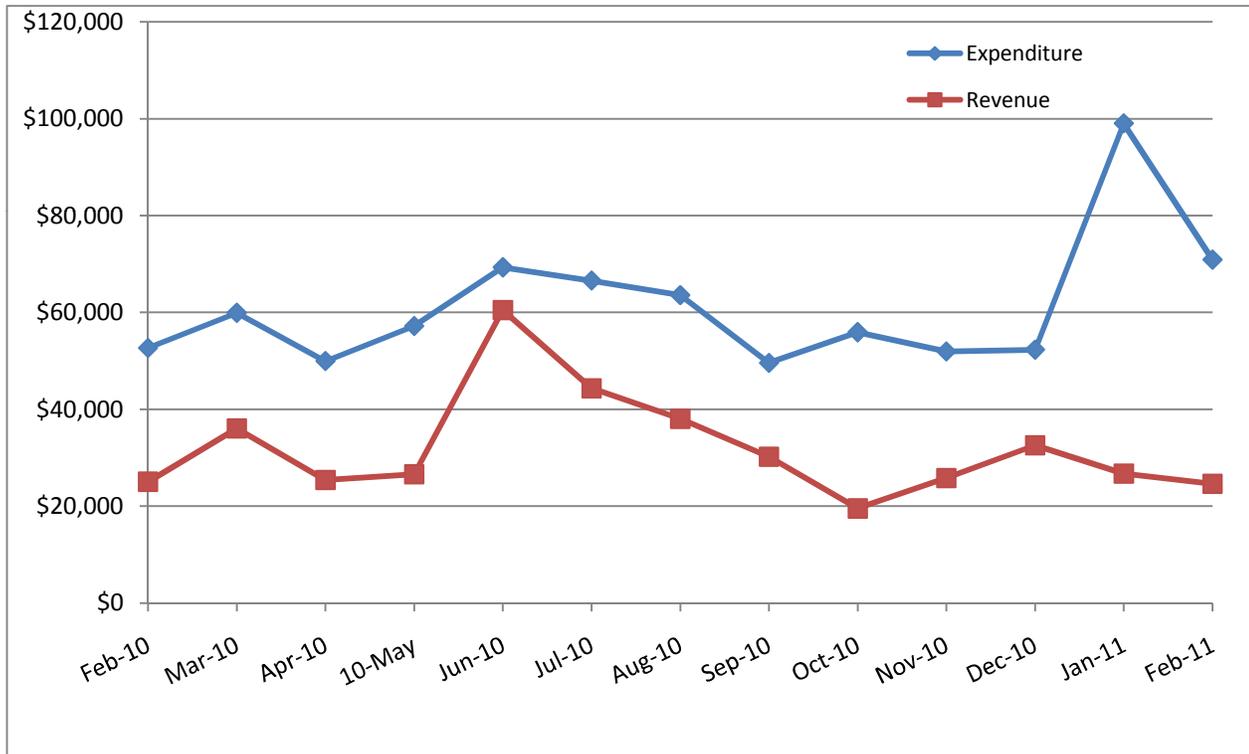
EXPENDITURES	Month	Fiscal YTD
	Feb-11	\$70,878**
	Feb-10	\$52,654

Monthly Attendance:	
Feb-11	8,906
YTD	55,494

** \$24K in PERS

Utility Costs:	Feb-11	Fiscal YTD
Natural Gas	\$6,131	\$43,867
Electricity	\$5,839	\$43,171

R/E Ratio = 45.5%
 (Revenue/Expenditure)



DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

MARCH 2011 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
	Mar-11	\$36,209
	Mar-10	\$36,030
		\$274,010
		\$301,981

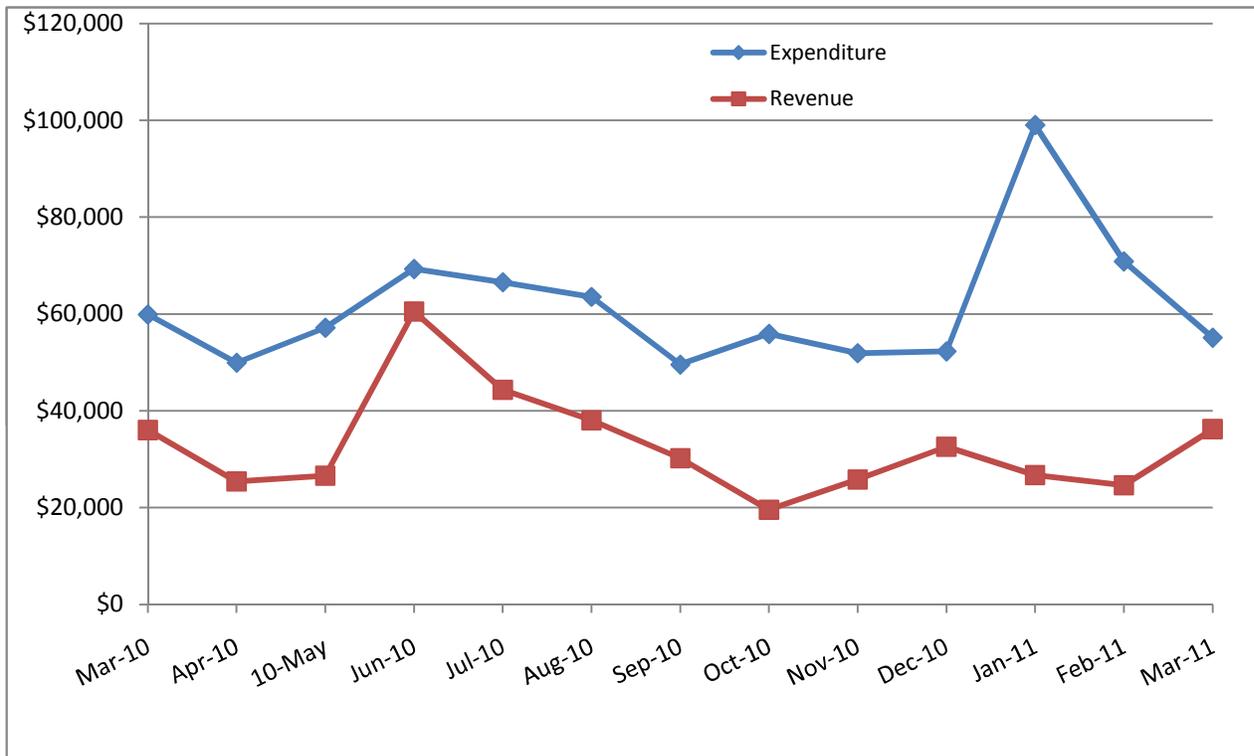
Current Members:	
Annual	845
3-month Water Aerobics	20

EXPENDITURES	Month	Fiscal YTD
	Mar-11	\$55,117
	Mar-10	\$59,908
		\$584,495
		\$541,632

Monthly Attendance:	
Mar-11	11,232
YTD	87,106

Utility Costs:	Mar-11	Fiscal YTD
Natural Gas	\$5,902	\$49,876
Electricity	\$5,303	\$48,475

R/E Ratio = 46.8%
 (Revenue/Expenditure)



DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 a i	Topic: Smoking Policy for City Parks
Prepared By: Emily Gagner	Meeting Date: June 6, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to direct staff to place the smoking in the parks ordinance for second reading/roll call vote at the June 20, 2011, Council meeting.

BACKGROUND:

There has been a great deal of discussion among the Park Board, Administrative Committee, and Council, as well as input from citizens, regarding our proposed smoking ban in all City Parks (minutes of those meetings are included in the Admin Committee packet). At their May 23 meeting, the Administrative Committee moved to recommend the Council adopt a policy that would make all parks no smoking except for one designated location in Dallas City Park to be determined by staff. The motion also included a request that the issue be reviewed by the Administrative Committee in one year.

FISCAL IMPACT:

None

ATTACHMENTS:

Redlined version of smoking ordinance with Admin Committee's proposed changes

ORDINANCE NO. _____

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.
- (2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.
- (3) On or within 25 feet of the external boundaries of the following:
 - (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.
 - (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.
 - (c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.
 - (d) Any bus shelter structure.
- (4) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail, except that the City Manager shall designate one smoking area within the Dallas City Park where smoking will be permitted.

(5) The restrictions of subsections (1), (2) and (3) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(6) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(7) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section. The area designated for smoking within the Dallas City Park pursuant to section (4) shall be identified by signs and markings as a smoking area.

(8) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

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

Read for the first time: April 18, 2011

Read for the second time: ~~May 2~~June 20, 2011

Adopted by the City Council: ~~May 2~~June 20, 2011

Approved by the Mayor: ~~May 2~~June 20, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 a ii	Topic: GASB 54 Fund Balance Policy
Prepared By: Emily Gagner	Meeting Date: June 6, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to adopt the Fund Balance Policy as presented.

BACKGROUND:

In February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which requires the City Council to make certain decisions regarding the use of resources and classifications of ending fund balance in order for the Comprehensive Annual Financial Report (CAFR) to be in compliance with generally accepted accounting principles (GAAP). Fiscal year 2010-2011 is the first year the city must implement this new statement. The intent of GASB 54 is to improve the usefulness of the amounts reported in ending fund balances on the year-end financial reports.

With GASB 54, a hierarchy of fund balance classifications has been created. These classifications are based primarily on the extent to which governments are bound by the constraints placed on resources reported in those funds. This approach is intended to provide users more consistent and understandable information about a fund's net resources.

GASB 54 changes how governmental fund balances are presented and clarifies the use of governmental fund types. There are now five potential categories for fund balance: Nonspendable, Restricted, Committed, Assigned, and Unassigned. The significant changes to the governmental fund types are the new definitions for special revenue funds and capital project funds. This statement is not applicable to proprietary funds.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed City of Dallas Fund Balance Policy

PURPOSE OF POLICY: The purpose of this policy is to outline the procedure for categorizing the different components of ending fund balance in conformity with GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions". The goal of Statement 54 is to better define the constraints placed on the different components that make up fund balance.

FUND BALANCE DEFINITION: Accountants use the term **FUND BALANCE** to describe the difference between the assets and liabilities reported in a governmental fund. Typically a financial reporting unit (i.e. business, proprietary fund, fiduciary fund) reports all related assets and all related liabilities. The difference between the two is labeled NET ASSETS and might be described as a measure of net worth. Because governmental funds report only a subset of related assets (i.e. financial assets) and liabilities (i.e. those normally expected to be liquidated with current financial resource), the difference between the two is more of a measure of liquidity than of net worth. Accountants underscore this distinction by using the term **FUND BALANCE** in governmental funds, rather than the term net assets employed elsewhere. As an approximate measure of liquidity, fund balance is similar to the working capital of a private-sector business.

BACKGROUND: GASB adopted Statement No. 54 "FUND BALANCE REPORTING" in February 2009 with an effective date starting with fiscal year 2010-11. Starting with the 2010-11 fiscal year the Financial Statements shall indicate the breakdown of fund balance into five categories.

POLICY: The components of fund balance will be categorized into one of five categories:

Nonspendable - Represents assets that are nonliquid (such as inventory) or legally or contractually required to be maintained intact (such as the principal amount of an endowment).

Restricted – Limitations imposed by creditors, grantors, contributors, or laws and regulations of other governments. Limitations may also be imposed by law through constitutional provisions or enabling legislation.

Committed – When constraints are created by the governing body on how it will spend its resources. These are enacted via legislation, resolution or ordinance and are in place as of the end of the fiscal period. The constraints remain binding until formally rescinded or changed by the same method the constraints were created. The difference between Restricted and Committed is that under Committed, the governing body can remove constraints it has imposed upon itself.

Assigned – Designation of amounts by the City Manager or Finance Director to be used for a specific purpose narrower than the purpose of the fund. City Council has delegated decision making authority to the City Manager or Finance Director for that purpose. Less formality is necessary in the case of assigned fund balance.

1. City Council delegates to the City Manager or Finance Director the responsibility to insure that unappropriated ending fund balance along with other cash carry forward is adequate to fund operations until tax revenue is available in November each year.
2. The City will consider all amounts as budgeted to be designated as **assigned**, unless amounts are otherwise committed in the form of resolution or restricted if it meets the limitations discussed above. Any balances that are budgeted as unappropriated will be considered by the City to be unassigned.

Unassigned – The excess of total ending fund balance over nonspendable, restricted, committed and assigned amounts. Only the General Fund has an unassigned category since money remaining in any other fund is automatically designated or assigned to the purposes of that fund.

GASB 54 redefined Special Revenue Funds to allow ending fund balances to be classified only as restricted or committed. For some of the city’s special revenue funds, this necessitates the City Council to provide direction on the intended use of resources for the future. Following is a list of the city’s Special Revenue Funds and their expected ending fund balance classifications:

Category	Fund	Restricted by:
Restricted	Street Fund	State Statute
Restricted	System Development Fund	State Statute
Restricted	Urban Renewal	State Statute
Restricted	Grant Fund	Grantors Intent
Committed	Trust Fund	Individual Trust Intent/Resolution

Order of spending resources- When both restricted and unrestricted resources are available for use, it is the City’s policy to use restricted resources first, then unrestricted resources (committed, assigned and unassigned) as they are needed. When unrestricted resources (committed, assigned and unassigned) are available for use it is the City’s policy to use committed resources first, then assigned, and then unassigned as they are needed.

In summary, new categories for fund balance consider “the extent to which the government is bound to honor constraints on the specific purposes for which amounts in the fund can be spent”.

DATE ADOPTED: [June 6, 2011](#)

REVISED:

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 a iii	Topic: Council Rules of Procedure
Prepared By: Emily Gagner	Meeting Date: June 6, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval to set up review of Council Rules of Procedure manual

BACKGROUND:

The Administrative Committee first reviewed the proposed Council Rules of Procedure on January 27, 2009. They reviewed an updated version (reflecting suggestions made by Lane and the Councilors) of the proposed rules at the May 23 meeting. The Administrative Committee made a motion to recommend setting up a review of the proposed Council Rules of Procedure manual and suggested having a Council retreat.

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 a	Topic: Building Permit Fee Schedules
Prepared By: Jason Locke, Com Dev Director	Meeting Date: June 6, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION: Direct staff to prepare resolutions amending permit fees for plumbing, mechanical, and structural specialty permits (Not residential 1 and 2 family), and prepare a resolution authorizing a temporary (6-month) 10% reduction for SDC's not to exceed \$10,000 associated with the issuance of structural permits.

BACKGROUND: The Admin Committee reviewed this proposal at their March 28, 2011 meeting and recommended moving forward with the matter. The original proposal to the committee was:

Currently, building permit fees and all associated fees are adjusted by the CPI-W rate beginning every July 1 (1.85% this year). After an analysis of quality of service, other jurisdictions rates, and a need to generate revenue to cover the cost of services being provided, staff is proposing that the following changes be made.

- 1) *Raising the base rate for any permit to \$75 (including plumbing and mechanical).*
- 2) *Revising two valuation categories at the upper end of the range.*

Existing: \$50,000-\$100,000 and \$100,001 and up

Proposed: \$50,000-\$150,000 and \$150,001 and up
- 3) *Increasing the rate for the bottom two valuation categories by an average of 10% and increasing the rate for the top two valuation categories by 33% and 35% respectively. This has the effect of lessening the current discount for larger projects.*
- 4) *Changing the percentage of the amount charged for Plan Review from 65% of the building permit fee to 85% and changing the percentage of the Fire, Life, and Safety review from 40% to 60% of the building permit amount. (FLS only applies to commercial projects).*

This action would increase the costs of permits beyond the CPI rate, but come closer to actual cost recovery.

After the Admin Committee made their recommendation, staff met with the Marion Polk Homebuilders Association, who had issues with the rates being proposed for 1 and 2 family building permits. It was proposed and agreed that 1 and 2 family building permits should, at this time, remain

as they are with only the built-in CPI increase, and that the SDC reduction would not apply. Staff will be working with the MPHBA to negotiate an agreeable permit rate revision, which could potentially be brought back to the Council later this year.

What is being proposed at this time:

- 1) Base rate increase to \$75 for plumbing, mechanical, and structural permits.
- 2) Revising two structural permit valuation categories at the upper end of the range.

Existing: \$50,000-\$100,000 and \$100,001 and up

Proposed: \$50,000-\$150,000 and \$150,001 and up

- 3) Decreasing the rate for the \$4,001-25,000 structural valuation category by 5% , increasing the \$25,001-50,000 category approximately 13%, and increasing the rate for the top two valuation categories by 48% and 52% respectively. This has the effect of lessening the current discount for larger projects.
- 4) Changing the percentage of the amount charged for Plan Review for structural permits from 65% of the building permit fee to 85% and changing the percentage of the Fire, Life, and Safety review from 40% to 60% of the building permit amount.

Keep in mind that none of the above applies to 1 and 2 family building permits except the base rate increase for plumbing and mechanical permits.

These proposed rates have been submitted to the State Building Codes Division in accordance with applicable requirements.

FISCAL IMPACT:

The revised permit rates would generate approximately \$35-40,000/year based on current year activity, with SDC discounts offsetting approximately half of that.

ATTACHMENTS:

- 1) Draft resolutions for plumbing, mechanical, and structural permits.
- 2) Table showing existing and proposed new structural permit rates

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Plumbing Specialty Code and repealing prior conflicting Resolutions.

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

Section 1. The following are hereby adopted as the permit fees for the Oregon Plumbing Specialty Code under Dallas City Code 8.105:

FEE SCHEDULE			
Description	#	Cost ea.	Total cost
New residential (one – or – two – family)			
1 bathroom/1 kitchen (<i>includes: first 100 feet of water/sewer lines, hose bibs, ice maker, under-floor low-point drains and rain-drain packages</i>)		\$229.68	\$
2 bathrooms/1 kitchen		\$302.43	\$
3 bathrooms/1 kitchen		\$375.18	\$
Each additional bathroom (over 3)		\$72.74	\$
Each additional kitchen (over 1)		\$18.18	\$
Remodel/alteration (minimum fee)		\$75.00	\$
Each fixture, appurtenance, and piping		\$18.18	\$
Storm water retention/detention facility		\$63.26	\$
Irrigation systems		\$50.60	\$
Piping or private storm drainage systems exceeding the first 100 feet		\$27.84	\$
Residential (one – or - two family) fire sprinklers			
0 to 2,000 square feet		\$75.00	\$
2,001 to 3,600 square feet		\$75.00	\$
3,601 to 7,200 square feet		\$75.00	\$
7,201 square feet and greater		\$75.00	\$
Manufactured dwelling or pre-fab			
Connections to building sewer and water supply		\$50.60	\$
RV and manufactured dwelling parks			
First 10 or fewer spaces		\$430.44	\$
Each additional 10 spaces		\$279.92	\$
Commercial, industrial, and dwellings other than one- or two-family			
Minimum fee		\$75.00	\$
Each fixture		\$18.97	\$
Piping (based on number of feet)		\$0.50	\$

Miscellaneous fees			
Specialty fixtures		\$50.60	\$
Re-inspection (no. of hrs. x fee per hr.)		\$75.00	\$
Special requested inspections (no. of hrs. x fee per hr.)		\$75.00	\$
Medical gas piping	Minimum fee		\$240.39
Enter value of installation and equipment \$ _____.			
Enter fee based on installation and equipment value.			\$
APPLICANT USE			
(A) Enter subtotal of above fees			\$
(B) Investigative fee (equal to [A])			\$
© Enter 12% surcharge (.12 x [A+B])			\$
(D) Plan review (30% of [A])			\$
TOTAL fees and surcharges (A through D):			\$

Section 2. The above fees shall automatically be adjusted each July 1, beginning July 1,2012, based on the percentage of change in the Portland, Oregon Consumer Price Index (CPI-W) second half report, published in the preceding February of each year.

Section 3. This resolution shall take effect on July 1, 2011 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted June 20, 2011
Approved June 20, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Mechanical Specialty Building Code and repealing prior conflicting Resolutions.

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

Section 1. The following are hereby adopted as the permit fees for the Oregon Mechanical Specialty Building Code under Dallas City Code 8.105:

FEE SCHEDULE			
Residential	#	Cost ea.	Total cost
Furnace/burner including ducts and vents			
Up to 100k BTU/hr.		\$51.66	\$
Over 100k BTU/hr.		\$54.03	\$
Heaters/stoves/vents			
Unit heater		\$51.66	\$
Wood/pellet/gas stove/flue		\$49.30	\$
Repair/alter/add to heating appliance/ refrigeration unit or cooling system/ absorption system		\$51.66	\$
Evaporated cooler		\$49.30	\$
Vent fan with one duct/appliance vent		\$4.74	\$
Hood with exhaust and duct		\$7.12	\$
Floor furnace including vent		\$51.66	\$
Gas piping			
One to four outlets		\$3.16	\$
Additional outlets (each)		\$1.06	\$
Air-handling units, including ducts			
Up to 10,000 CFM		\$51.66	\$
Over 10,000 CFM		\$54.03	\$
Compressor/absorption system/heat pump			
Up to 3 hp/100k BTU		\$51.66	\$
Up to 15 hp/500k BTU		\$54.03	\$
Up to 30 hp/1,000 BTU		\$54.03	\$
Up to 50 hp/1,750 BTU		\$54.03	\$
Over 50 hp/1,750 BTU		\$54.03	\$
Incinerators			
Domestic incinerator		\$51.66	\$
Commercial			
Enter total valuation of mechanical system and installation costs \$ _____			

Enter fee based on valuation of mechanical system, etc. \$			
Miscellaneous fees	Items	Cost ea.	Total cost
Re-inspection		\$75.00	\$
Specially requested inspections (per hr.)		\$75.00	\$
Regulated equipment (un-classed)		\$75.00	\$
APPLICANT USE			
(A) Enter subtotal of above fees (or enter set minimum fee of \$ 75.00)			\$
(B) Investigative fee (equal to [A])			\$
(C) Enter 12% surcharge (.12 x [A+B])		*040	\$
(D) Seismic fee, 1% (.01 x [A])			\$
(E) Plan review (25% of [A])			\$
TOTAL fees and surcharges (A through E):			\$

Section 2. The above fees shall automatically be adjusted each July 1, beginning July 1, 2012, based on the percentage of change in the Portland, Oregon Consumer Price Index (CPI-W) second half report, published in the preceding February of each year.

Section 3. This resolution shall take effect on July 1, 2011 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted: June 20, 2011
Approved: June 20, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Structural Specialty Code and repealing prior conflicting Resolutions.

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

Section 1. The following are hereby adopted as the permit fees for the Oregon Structural Specialty Code under Dallas City Code 8.105:

<u>Valuation</u>	<u>Permit Fee</u>
\$1.00 to \$4000	\$75.00
\$4,001 to \$25,000	\$75.00 for the first \$4000 plus \$9.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$264.00 for the first \$25,000 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$50,001 to \$150,000	\$464.00 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$150,000 or fraction thereof
\$150,001 and up	\$1164.00 for the first \$150,000 plus \$6.00 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours.....**\$75.00** per hour
2. Re-inspection fees..... **\$75.00** each
3. Inspections for which no fee is specifically indicated.....**\$75.00** per hour
4. Additional plan review required by changes, Additions or revisions to approved plans.....**\$75.00** per hour

Section 2. The structural plan review fee shall be **85%** of the structural permit fee.

Section 3. The Fire Life Safety plan review fee shall be **60%** of the structural permit fee.

Section 4. The above fees shall automatically be adjusted each July 1, beginning July 1, 2012, based on the percentage of change in the Portland, Oregon Consumer Price Index (CPI-W) second half report, published in the preceding February of each year.

Section 5. This resolution shall take effect on July 1, 2011 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted: June 20, 2011
Approved: June 20, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Structural Specialty Permit fee table

Dollar Value	CPI ONLY	\$75 base + new rate		Difference
	1.85%			
20,000.00		65%	85%	
plan review	214.46	235.00		
	139.40	152.75	199.75	
Total fee	353.86	387.75	434.75	80.89
100,000.00				
plan review	676.21	835.00		
	439.54	542.75	709.75	
Total fee	1,115.75	1,377.75	1,544.75	429.00
150,000.00				
plan review	873.21	1,185.00		
	567.59	770.25	1,007.25	
Total fee	1,440.80	1,955.25	2,192.25	751.45
250,000.00				
plan review	1,267.21	1,785.00		
	823.69	1,160.25	1,517.25	
Total fee	2,090.90	2,945.25	3,302.25	1,211.35
500,000.00				
plan review	2,252.21	3,285.00		
	1,463.94	2,135.25	2,792.25	
Total fee	3,716.15	5,420.25	6,077.25	2,361.11
1,000,000.00				
plan review	4,222.21	6,285.00		
	2,744.44	4,085.25	5,342.25	
Total fee	6,966.65	10,370.25	11,627.25	4,660.60

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 b	Topic: Award of Contract for 2011 Street Resurfacing Project
Prepared By: Fred Braun	Meeting Date: June 6, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to award contract for the 2011 Street Resurfacing Project to North Santiam Paving Company of Stayton, in the amount of \$169,609. Approve bid alternate for paving SE Uglow Avenue from SE Mill Street to SE Clay Street in the amount of \$59,381.50.

BACKGROUND:

The approved 2010-11 budget for the City of Dallas included paving projects totaling more than \$300,000. Revenues of approximately \$150,000 were included based upon the enacted street utility fee. Due to voter rejection of the fee, projects on NE Dallas Drive and NE Polk Station Road were eliminated. Projects on Mill Street (base project) and SE Uglow Avenue (bid alternate) were retained. Additionally, the City and ODOT negotiated paving of the state highway in Dallas along SE Jefferson and SE Washington Streets and a portion Main Street. The estimated cost of the highway paving was \$120,000, with ODOT and the City participating in the cost equally. The IGA with ODOT has been approved and all paving on the State Highway must be completed by June 30, 2011. The project will be fully completed by early July.

A cost breakdown and revenue source for each segment of the project is as follows:

Roadway	Cost	Revenue #1	Revenue #2
State Highway Segment	\$ 105,604.00	\$52,802 City*	\$52,802 ODOT
Mill Street Segment	\$ 64,005.00	\$48,000 City*	\$16,005 Utility
SE Uglow Avenue Segment	\$ 59,381.50	\$48,000 City*	\$11,381 Utility
Totals:	\$ 228,990.50	\$148,802	\$80,188

*City funds for overlays are from ODOT federal exchange program
Utility funds are programmed funds from water and sewer operating budgets

The City formally advertised the Project during April 2011. Bids were opened on May 19, 2011. A total of 6 bids were received by the deadline and accepted. A summary of the bids received and accepted is as follows:

1) North Santiam Paving Company	\$ 169,609.00
2) Baker Rock Resources	\$ 169,647.00
3) Roy Houck Construction	\$ 185,491.50
4) Salem Road & Driveway	\$ 186,202.50
5) Cemex	\$ 208,513.50
6) Knife River Corporation	\$ 219,568.00

The low bid of \$169,609 is less than the amount budgeted for the project and below the engineer's estimate of \$200,000. I have given notice of our intent to award this contract to the low bidder, North Santiam Paving Company, Inc.

FISCAL IMPACT:

The project is included in the approved FY 2010-11 budget.

ATTACHMENTS: None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 c	Topic: Award Contract for Dallas Fire Station Seismic Rehabilitation Project
Prepared By: Fred Braun	Meeting Date: June 6, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to award contract for Dallas Fire Station Seismic Rehabilitation Project to Baldwin General Contracting, Inc., of Albany, in the amount of \$669,000.

BACKGROUND:

The City of Dallas Fire Station was evaluated for operability following a moderate or higher seismic event. It was determined that the facility would sustain major damage and recommended that the City consider a project to strengthen the building.

In October 2009, the City applied for funding through the Oregon Seismic Rehabilitation Grant Program (SRGP) in order to strengthen the building. In January 2010 the City was awarded SRGP funding. The project consists of construction of additional lateral shear walls, horizontal diaphragm strengthening, a new elevator and miscellaneous remodeling associated with the strengthening of the building. There is no local match requirement associated with the grant.

The City formally advertised the Project during April 2011. A mandatory pre-bid project walkthrough was held on May 18, 2011. Prospective bidders were required to attend the walkthrough. Bids were opened on May 26, 2011. A total of 6 bids were received by the deadline. Five of the bids were accepted and one was rejected due to non-conformance with the bid instructions. A summary of the bids received and accepted is as follows:

- | | |
|--|------------|
| 1) Baldwin General Contracting, Inc. | \$ 669,000 |
| 2) Skyward Construction, Inc. | \$ 678,289 |
| 3) Woodburn Construction Co. | \$ 699,000 |
| 4) Jaeger & Erwert General Contractors | \$ 771,555 |
| 5) Dalke Construction Co. | \$ 898,000 |

The low bid of \$669,000 is less than the amount budgeted for the project and below the engineer's estimate of \$800,000. I have given notice of our intent to award this contract to the low bidder, Baldwin General Contracting, Inc.

FISCAL IMPACT:

The project is grant-funded through the Seismic Rehabilitation Grant Program.

ATTACHMENTS: None

2.2.120.L. Agricultural Uses in RL District

1. The following agricultural uses are permitted in the RL District:

a. Gardens, accessory to residential use.

b. Community Gardens.

c. Raising of not more than five (5) chickens -- hens only -- for personal, family or household use, provided the chickens are kept in a coop or similar structure within a fenced area set back at least ten (10) feet from any property line and not visible from any street.

~~Raising of not more than five (5) chickens -- hens only -- for personal, family or household use only, provided area is fenced and chicken coup is setback at least ten (10) feet from property line; no roosters allowed.~~

d. Raising of rabbits and similar small animals, excluding swine.

e. Raising of cattle, lamas, sheep, and similar livestock within a fenced area, with a minimum lot size of one (1) acre for the first animal and provided one-half acre for every additional head of livestock.

2. The following agricultural uses are not allowed:

a. Raising of livestock or other animals for commercial purposes.

b. Veterinary clinics, animal boarding, kennels and similar uses.

c. Animal cemeteries, crematoria, and similar uses.

3. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.

ORDINANCE NO. 1739

An Ordinance amending Dallas Development Code Section 2.2.120.L., relating to agricultural uses permitted in the RL district.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas Development Code Section 2.2.120.L. is hereby amended as follows:

2.2.120.L. Agricultural Uses in RL District

1. The following agricultural uses are permitted in the RL District:
 - a. Gardens, accessory to residential use.
 - b. Community Gardens.
 - c. Raising of not more than five (5) chickens – hens only – for personal, family or household use only, provided area is fenced and chicken coup is setback at least ten (10) feet from property line; no roosters allowed.
 - d. Raising of rabbits and similar small animals, excluding swine.
 - e. Raising of cattle, lamas, sheep, and similar livestock within a fenced area, with a minimum lot size of one (1) acre for the first animal and provided one-half acre for every additional head of livestock.
2. The following agricultural uses are not allowed:
 - a. Raising of livestock or other animals for commercial purposes.
 - b. Veterinary clinics, animal boarding, kennels and similar uses.
 - c. Animal cemeteries, crematoria, and similar uses.
3. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.

Read for the first time: June 6, 2011
Read for the second time: June 20, 2011
Passed by the City Council: June 20, 2011
Approved by the Mayor: June 20, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER