



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

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, July 18, 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. 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>	
4. 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>	
5. 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 June 20, 2011, City Council Minutes p. 3	
b. Approve application for OLCC Change of Ownership for Diamonds Garden Restaurant p. 9	
c. Acknowledge report of the June 27, 2011, Public Safety and Public Works Committee meetings p. 15	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Recognition of John Minton	Presentation
b. Legislative Update p. 26	Information
c. Other	
9. RESOLUTIONS	

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.

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10. FIRST READING OF ORDINANCE

 11. SECOND READING OF ORDINANCE

 12. OTHER BUSINESS

 13. ADJOURNMENT

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The Dallas City Council met in regular session on Monday, June 20, 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: Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Council President Wes Scroggin and Councilor Jackie Lawson.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Police Chief John Teague, Community Development Director Jason Locke, Administrative Services Manager Robert Spivey, 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.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Lorraine Anderson indicated that since she spoke to the Council last month, she did some research and found it was unusual to go to a one-rate system for the Dallas Aquatic Center. She stated park departments operate on a two rate system to give citizens a break since they pay for the facilities through their taxes. She indicated she found approximately twenty parks departments in Oregon that had swimming pools and was only able to find two other facilities that had a single rate structure besides Dallas, adding all others operated on a two-rate system. She reported the Dallas Aquatic Center staff didn't police out-of-district users, noting they should consult with the other facilities to see how that works. Ms. Anderson reviewed the rates for several other aquatic facilities. Ms. Anderson offered her research to the Councilors and stated she didn't know if there were any open minds there to look the information over and consider that other cities can do a two-rate system. She added she believed the Dallas staff just didn't want to be bothered. Ms. Anderson commented that the Dallas Aquatic Center had been very crowded the past two years since the rates were decreased and noted the Council couldn't tell what was going to happen with the promotional rates based on only three months' data. Ms. Anderson declared the in-district people were going to resent the single rate structure, adding she had an annual pass for the past five years but didn't see why she should continue if the City was going to treat residents that way.

Tanya Silva, Polk County Public Health Department, discussed the proposed no smoking ordinance. She stated the reason the Health Department was involved was because smoking was not healthy for the smoker or for those exposed to second-hand smoke. She reviewed a list of other cities that had gone smoke-free. She acknowledged there were other pollutants in the air, from vehicles and industry but noted there was some success by the government in reducing that exposure. Ms. Silva added enforcement of the smoking ban would be the same as with the alcohol ban; alcohol was legal to drink, but there were signs in the park saying alcohol was not allowed there. She stated she didn't want the Council to look at it as offending a few people, but rather passing the ordinance would possibly save lives.

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitor Center, thanked Mr. Locke for speaking at the Chamber luncheon earlier in the day.

PUBLIC HEARINGS

CONSENT AGENDA

It was moved by Councilor Marshall and seconded by Councilor Wilson to approve the Consent Agenda as presented. The motion carried unanimously with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

Items approved by the Consent Agenda: a) June 6, 2011, City Council minutes; b) reappointments to Library Board and Economic Development Commission.

ITEMS REMOVED FROM CONSENT AGENDA

1 There were none.

2 **REPORTS OR COMMENTS FROM COUNCIL**

3 Councilor Wilson reported she had walked through the portion of the new park trail off Barberry
4 and Hawthorne Avenue that was done and also walked under the bridge at the Dallas Aquatic
5 Center. She stated when it was completed it would be an outstanding thing for the community.
6 She added she met neighbors along the trail that were much in favor of the trail after seeing what
7 was being done.

8 Councilor Woods advised that at the last MWACT meeting, the state discussed several projects
9 that would be happening this summer and he informed the Council about those that might impact
10 Dallas residents.

11 Councilor McDonald stated several weeks back he reported that West Coast Bank had a rating of
12 a D- from Weiss Ratings. He indicated that since then, their rating was upgraded to a C-, adding
13 while it wasn't the best rating, it was an improvement.

14 **REPORTS FROM CITY MANAGER AND STAFF**

15 **2011-2012 GENERAL LIABILITY, PROPERTY & AUTOMOBILE INSURANCE RENEWAL**

16 Councilor Woods declared an actual conflict of interest and asked to be excused from the Council
17 at 7:16 p.m.

18 Mr. Ken Woods, Jr. addressed the Council as the Insurance Agent of Record.

19 Mr. Woods presented the general liability, property, and automobile insurance renewal proposal
20 from City/County Insurance Services (CIS). He explained he did try quoting other companies,
21 but very few will write policies for governments in Oregon and no one was interested in
22 providing a quote for Dallas.

23 It was moved by Councilor Stewart and seconded by Councilor Wilson to authorize the City
24 Manager to sign the recommended general liability, property, and automobile insurance proposal
25 from CIS. The motion carried unanimously with Councilor Jim Fairchild, Councilor Beth Jones,
26 Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor
27 LaVonne Wilson voting YES.

28 **2011-2012 WORKERS COMPENSATION INSURANCE RENEWAL**

29 Mr. Woods presented the workers' compensation proposal from City/County Insurance Services
30 (CIS). He noted he tried quoting two other carriers, but Liberty NW declined to quote and SAIF
31 only offered standard plans, so they were not competitive with CIS's retro plan.

32 It was moved by Councilor McDonald and seconded by Councilor Fairchild to authorize the City
33 Manager to sign the workers' compensation insurance proposal from CIS. The motion carried
34 unanimously with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark McDonald,
35 Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor LaVonne Wilson voting
36 YES.

37 Mr. Wyatt discussed some additional benefits provided by CIS.

38 Councilor Woods rejoined the Council at 7:37 p.m.

39 **UPDATE ON DALLAS AQUATIC CENTER PROMOTIONAL RATES**

40 Mr. Wyatt reviewed the staff report. He explained many of the pools in Oregon were run by
41 Recreation Districts, which were completely different than city-run pools. He explained
42 Recreation District residents paid extra taxes for the Recreation District, so they typically received
43 discounts for that reason. He noted as efficient as the Dallas Aquatic Center was, if there was a
44 Recreation District, it would greatly reduce user fees.

45 Councilor McDonald stated the Council should wait until the current promotional rate period
46 expired, noting one quarter's time for comparison was very short in any case. He noted in
47 response to Ms. Anderson's work and what she heard from other residents, the Council should

1 wait to make the proposed rates permanent. He commented the Dallas Aquatic Center was here
2 to enhance the resident's lives and questioned why the Council needed to make it more attractive
3 to outsiders. He added he had heard from quite a few people that the Dallas Aquatic Center was
4 becoming more crowded and they had less access, which concerned him. He acknowledged he
5 would like to see more income, but it was built for Dallas residents. Mr. Wyatt explained it was
6 brought back to the Council because that was what staff was asked to do. He stated the Dallas
7 Aquatic Center would run the way the Council wanted it to run, noting if they wanted to reduce
8 rates for residents it would be a general fund impact.

9 Councilor Woods asked if the current promotional rates resulted in an increase for City residents.
10 Mr. Wyatt stated the current promotional rates reflected a slight increase for residents and
11 significantly lower rates for out of town people. Councilor Jones recommended doing the
12 promotional rates each year or only from time to time to generate excitement. Councilor Wilson
13 stated Councilors McDonald and Jones made good points and she appreciated Ms. Anderson's
14 comments. She acknowledged the current system leaned more on residents than non-residents
15 and recommended going forward the Council monitor things and if they found something needed
16 to be changed or revised they should do what was right for the residents. Councilor Fairchild
17 stated he wanted the Dallas Aquatic Center busy. He stated it was primarily built for the
18 residents, but it was also a good regional item. He indicated the question seemed to be if three
19 months of data on the promotional rate was a good barometer of its success and recommended
20 extending the promotional rate an additional three months. He noted the Tualatin Rec District tax
21 rates were higher than Dallas's total City rates. Councilor Stewart stated the numbers provided
22 by staff may have been skewed because other local facilities were down. Mr. Locke explained
23 those facilities were back on line prior to the April start of the promotional rates. He noted while
24 those other facilities were closed a number of people used our facility and liked ours so much they
25 transferred over.

26 EVENT PARKING REQUEST

27 Mr. Wyatt reviewed the staff report.

28 It was moved by Councilor Woods and seconded by Councilor Marshall to authorize 20 parking
29 spaces be reserved for a car club visit on the south side of Mill Street between Main and Church
30 Streets on June 25, 2011. The motion carried unanimously with Councilor Jim Fairchild,
31 Councilor Beth Jones, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray
32 Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

33 GOOD VIBRATIONS REQUEST FROM VISITORS CENTER

34 Mr. Wyatt reviewed the request form the Visitor Center.

35 It was moved by Councilor Wilson and seconded by Councilor Marshall to authorize the City
36 Manager to work with the Visitors Center to facilitate the Good Vibrations Motorcycle Rally on
37 Saturday, July 16, 2011. The motion carried unanimously with Councilor Jim Fairchild,
38 Councilor Beth Jones, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray
39 Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

40 SUMMERFEST REQUEST FROM CHAMBER OF COMMERCE

41 Mr. Wyatt reviewed the request from the Chamber of Commerce.

42 It was moved by Councilor Fairchild and seconded by Councilor Stewart to authorize the City
43 Manager to work with the Chamber to facilitate Summerfest on July 28 through 30, 2011. The
44 motion carried unanimously with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
45 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
46 and Councilor Ken Woods, Jr. voting YES.

47 PROJECT CARDS

48 Mr. Wyatt indicated staff had completed the first round of project cards and recommended the
49 Councilors take them with them wherever they go. He explained the cards included all they
50 would need to know about several projects the City was working on.

1 OTHER

2 Mr. Wyatt stated he had gotten a few requests to cancel the July 5 Council meeting, noting there
3 were no items to discuss and there were already a couple Councilors who were unavailable. It
4 was moved by Councilor Wilson and seconded by Councilor Stewart to cancel the July 5, 2011,
5 City Council meeting. The motion carried unanimously with Councilor Jim Fairchild, Councilor
6 Beth Jones, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray Stewart,
7 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

8 **RESOLUTIONS**

9 **Resolution No. 3227** – A Resolution establishing a schedule of rates and fees to be paid by
10 persons using the Dallas Aquatic Center, and repealing Resolution No. 3152.

11 Councilor Fairchild moved to postpone voting on Resolution No. 3227 for three months and
12 extend the promotional rate for that same three months. Councilor Woods seconded the motion
13 for discussion. Mr. Shetterly indicated that since the current resolution expired on June 30, he
14 could amend Resolution No. 3227 to extend the promotional rates until September 30, 2011.
15 Councilors Fairchild and Woods agreed to that friendly amendment to the motion. The motion to
16 amend Resolution No. 3227 to extend the current promotional rates until September 30, 2011,
17 carried unanimously with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
18 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
19 and Councilor Ken Woods, Jr. voting YES.

20 A roll call vote was taken and Mayor Dalton declared Resolution No. 3227 to have PASSED BY
21 A UNANIMOUS VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
22 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
23 and Councilor Ken Woods, Jr. voting YES.

24 **Resolution No. 3228** – A Resolution establishing permit fees for the Oregon Mechanical
25 Specialty Building Code and repealing prior conflicting Resolutions.

26 A roll call vote was taken and Mayor Dalton declared Resolution No. 3228 to have PASSED BY
27 A MAJORITY VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Kevin
28 Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
29 voting YES and Councilor Mark McDonald voting NO.

30 **Resolution No. 3229** – A Resolution establishing permit fees for the Oregon Plumbing Specialty
31 Code and repealing prior conflicting Resolutions.

32 A roll call vote was taken and Mayor Dalton declared Resolution No. 3229 to have PASSED BY
33 A MAJORITY VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Kevin
34 Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
35 voting YES and Councilor Mark McDonald voting NO.

36 **Resolution No. 3230** – A Resolution establishing permit fees for the Oregon Structural Specialty
37 Building Code and repealing prior conflicting Resolutions.

38 A roll call vote was taken and Mayor Dalton declared Resolution No. 3230 to have PASSED BY
39 A MAJORITY VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Kevin
40 Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
41 voting YES and Councilor Mark McDonald voting NO.

42 **Resolution No. 3231** – A Resolution authorizing the transfer of budgetary funds.

43 Mr. Wyatt reviewed the proposed transfers.

44 A roll call vote was taken and Mayor Dalton declared Resolution No. 3231 to have PASSED BY
45 A UNANIMOUS VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
46 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
47 and Councilor Ken Woods, Jr. voting YES

48 **Resolution No. 3232** – A Resolution adopting the budget of the City of Dallas, Oregon, for the

1 fiscal period beginning July 1, 2011, and ending June 30, 2012, making budgeted appropriations
2 and levying taxes for said fiscal period.

3 Councilor McDonald asked how different the budget was as far as the tax rate from the proposed
4 budget. Mr. Wyatt explained the line item numbers hadn't changed, nor had the tax rate.

5 A roll call vote was taken and Mayor Dalton declared Resolution No. 3232 to have PASSED BY
6 A UNANIMOUS VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
7 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
8 and Councilor Ken Woods, Jr. voting YES.

9 **Resolution No. 3233** – A Resolution declaring the City of Dallas' election to receive State
10 Revenues.

11 A roll call vote was taken and Mayor Dalton declared Resolution No. 3233 to have PASSED BY
12 A UNANIMOUS VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
13 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
14 and Councilor Ken Woods, Jr. voting YES.

15 **FIRST READING OF ORDINANCE**

16 **SECOND READING OF ORDINANCE**

17 **Ordinance No. 1737:** An Ordinance amending provisions of the Dallas City Code Section 5.210,
18 relating to smoking.

19
20 In response to a question, Mr. Shetterly explained the ordinance stated there would be no smoking
21 in any city park except one designated place in Dallas City Park to be determined by the City
22 Manager. He added by allowing the City Manager to determine the location, that location could
23 be moved without amending the ordinance if the first location didn't work. In response to another
24 question, Mr. Shetterly stated as the ordinance was written, there is no smoking allowed in the
25 parking lots within all parks, but the City Manager could designate one area of the City Park
26 parking lot as the smoking area. Councilor McDonald stated the ordinance was too ambiguous
27 about where the smoking area was going to be. He commented that he was at the City Park the
28 previous weekend about 50 yards from the play area and the only smoke near the children was
29 coming from a barbecue pit, which didn't stop the children from playing. He stated smoking was
30 unpopular, but was also on the decline, adding education would be far more effective than passing
31 Ordinance No. 1737. Councilor Stewart indicated his understanding that the issue was to be
32 reviewed in a year, noting that wasn't included in the ordinance. Mr. Shetterly explained that
33 didn't need to be included in the ordinance. Councilor Jones stated she appreciated the efforts to
34 keep the children safer, but was concerned that the law would be self-enforced. She explained
35 that when the Council created laws that were not enforceable, it diluted power and didn't look
36 good. Councilor Jones stated the petition the Councilors received in support of the smoking ban
37 was circulated at a MOPS group, noting she contacted many signers and most were not aware that
38 it was already illegal to smoke within 25 feet of the play structures and roofed areas. She
39 commented the City was remiss in not posting signs about the current ordinances. Councilor
40 Jones indicated she would like to have signs posted around all the play structures and picnic
41 structures for a year under the existing ordinance.

42
43 It was moved by Councilor McDonald and seconded by Councilor Jones to table the ordinance
44 until Councilor Jones' suggestion had been explored. Mr. Shetterly explained the motion would
45 be to table the ordinance indefinitely until staff brought it back to the Council.

46
47 Councilor McDonald Mark stated he didn't see any signs in the park about the smoking policy,
48 noting smokers were reasonable and respectful. He stated the City should explore informing the
49 public through proper signage. Mr. Wyatt stated they were mistaking the issue and explained
50 staff hadn't received any complaints about people smoking near the playgrounds or out of control
51 smokers. He stated the ordinance was done not because of a law issue or an enforcement issue,
52 but rather it was a policy issue about what the Council wanted to do about making a smoke free
53 zone. Councilor McDonald asked what prompted the idea, noting there must have been some
54 event that precipitated it. Mr. Wyatt stated the Park and Rec Board wanted to pursue it.
55 Councilor Fairchild reported as a Park and Rec Board member, it had been a three or four year

1 process, adding one reason was simply that smoking was a problem and a health risk. Councilor
2 Jones stated she was hearing that there were no public complaints, but it had been pursued for
3 three or four years. Councilor Fairchild stated there had been complaints, but it was not a major
4 thing that people were jumping up and down on. Councilor Wilson pointed out the May 23
5 Admin meeting packet included a synopsis of all the people who spoke about this, noting most
6 discussion was for a smoking ban. She indicated with all that discussion, she didn't see how the
7 Council could not go forward. She added school facilities and restaurants were all no-smoking,
8 so the Council should recognize our citizens and make the parks no smoking. Councilor
9 McDonald disagreed with Councilor Wilson because in an outdoor area, especially in the City
10 Park, which was huge, there was ample room for people to separate themselves. He stated the
11 smoking ban was a total infringement on personal choice and liberty. The motion to table the
12 ordinance FAILED with Councilor Jones and Councilor McDonald voting YES and Councilor
13 Jim Fairchild, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
14 and Councilor Ken Woods, Jr. voting NO.

15 Mayor Dalton declared Ordinance No. 1737 to have passed its second reading. A roll call vote
16 was taken and Mayor Dalton declared Ordinance No. 1737 to have PASSED BY A MAJORITY
17 VOTE with Councilor Jim Fairchild, Councilor Kevin Marshall, Councilor Murray Stewart,
18 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and Councilor Beth Jones
19 and Councilor Mark McDonald voting NO.

20 **Ordinance No. 1739:** An Ordinance amending Dallas Development Code Section 2.2.120.L.,
21 relating to agricultural uses permitted in the RL district.

22
23 There was discussion about the ordinance requiring the chickens not be visible from the street. A
24 clerical correction was made to the ordinance included in the agenda packet to ensure the
25 Council's concerns were addressed. Item 1c was corrected to read "Raising of not more than five
26 (5) chickens – hens only – for personal, family or household use, provided the chickens are kept
27 in a coop or similar structure within a fenced area set back at least ten (10) feet from any property
28 line and not visible from any street."

29 Mayor Dalton declared Ordinance No. 1739 to have passed its second reading. A roll call vote
30 was taken and Mayor Dalton declared Ordinance No. 1739 to have PASSED BY A
31 UNANIMOUS VOTE with Councilor Jim Fairchild, Councilor Beth Jones, Councilor Mark
32 McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson,
33 and Councilor Ken Woods, Jr. voting YES.

34 **OTHER BUSINESS**

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

36 Read and approved this _____ day of _____ 2011.

37
38 _____
39 Mayor

40 ATTEST:
41 _____
42 City Manager

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 b	Topic: OLCC Liquor License Application Change of Ownership
Prepared By: Emily Gagner	Meeting Date: July 18, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the license be granted.

BACKGROUND:

The City received an OLCC application for change of ownership at 413 Main Street for Diamonds Garden Restaurant.

The Police Department has reviewed the application and found no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for Diamonds Garden Restaurant

OLCC report me original packet JK

PRIORS RAIN COP
DMV-w DL CCH
N-DEX OJIN Oth
By: W Date 7/13/11



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

REC'D JUN 27 2011

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
 - Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
 - Brewery Public House (\$252.60)
 - Winery (\$250/yr)
 - Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

Wants today

Applying as:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted Denied

By: _____ (signature) _____ (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: OLCC (Pending)

Date: 7/1/2011 SD

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① JIAN & HUI, INC. ③ _____

② _____ ④ _____

2. Trade Name (dba): DIAMONDS GARDEN RESTAURANT

3. Business Location: 413 MAIN ST., DALLAS POLK OR 97338
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 413 MAIN ST., DALLAS OR 97338
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 623-7978
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Diamonds Garden LLC Type of License: LDPS

8. Former Business Name: Diamonds Garden Restaurant

9. Will you have a manager? Yes No Name: JIAN C ZHEN
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? CITY OF DALLAS
(name of city or county)

11. Contact person for this application: JACK L LIU (503) 777-9027
(name) (phone number(s))
PORTLAND, OR 97206 (503) 777-9027 JP ACCOUNTING@YAHOO.COM
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Jian ce zhen Date 6/10/11 ③ _____

② _____ Date _____ ④ _____

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
Date _____

1-800-452-OLCC (6522)
www.oregon.gov/olcc

JUN 28 2011

7/13/11
clean sw



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): DIAMONDS GARDEN RESTAURANT City: DALLAS

1. Name: LI HUI CHAN
(last) (first) (middle)

2. Other names used (maiden, other): _____

3. Residence Address: _____ SALEM, OR 97301
(number and street) (city) (state) (ZIP code)

4. Home Phone: (_____) Business Phone: (503) 623-7978

5. *SSN: _____ Place of Birth: _____ DOB: _____ Sex: M ___ F X
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: _____ State: OR Spouse's name: _____

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___ Yes X No
If yes, when, where and name of premises? _____

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? ___ Yes X No
If yes, what, when and where? _____

10. Have you ever entered into a diversion agreement? ___ Yes X No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? ___ Yes X No
If yes, arrested/cited for: _____ Date _____ County/City/State/ _____

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___ Yes X No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___ Yes X No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___ Yes X No If yes, when: _____ where: _____

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 6/10/11

*SOCIAL SECURITY NUMBER DISCLOSURE As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 6/10/11

OSF/DMV
Search Completed



1-800-452-OLCC (6522)
www.oregon.gov/olcc

JUN 20 2011 (Rev 2/07)

INITIALS: [Signature]



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

7/13/11
Clear SW

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): DIAMONS GARDEN RESTAURANT City: DALLAS

1. Name: ZHEN JIAN CE
(last) (first) (middle)

2. Other names used (maiden, other):

3. Residence Address: [redacted] SALEM OR 97301
(number and street) (city) (state) (ZIP code)

4. Home Phone: Business Phone: (503) 623-7978

5. *SSN: [redacted] Place of Birth: [redacted] DOB: [redacted] Sex: M [X] F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: [redacted] State: OR Spouse's name: [redacted]

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes [X] No
If yes, when, where and name of premises?

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes [X] No
If yes, what, when and where? SPEEDING TICKET IN 1998

10. Have you ever entered into a diversion agreement? Yes [] No [X]
If yes, when and where?

11. Do you have any arrests or citations that have not been resolved? Yes [] No [X]
If yes, arrested/cited for: Date County/City/State/

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes [] No [X] If yes, what and where:
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes [] No [X] If yes, who?

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes [] No [X] If yes, when: where:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Jian ce zhen Date: 6/10/11

*SOCIAL SECURITY NUMBER DISCLOSURE As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Jian ce zhen Date: OSP/DMV

Search Completed

JUN 28 2011 (rev. 12/07)



4 51001A1

1-800-452-OLCC (6522) www.oregon.gov/olcc

INITIALS: Y Page 12 of 31



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: JIAN & HUI, INC. Phone: (503) 623-7978

Trade Name (dba): DIAMONDS GARDEN RESTAURANT

Business Location Address: 413 MAIN ST.

City: DALLAS ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 12PM to 9PM
Monday 11AM to 9PM
Tuesday 11AM to 9PM
Wednesday 11AM to 9PM
Thursday 11AM to 9PM
Friday 11AM to 9:30PM
Saturday 11AM to 9:30PM

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: 82 Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY
Investigator Verified Seating: ____ (Y) ____ (N)
Investigator Initials: _____
Date: _____

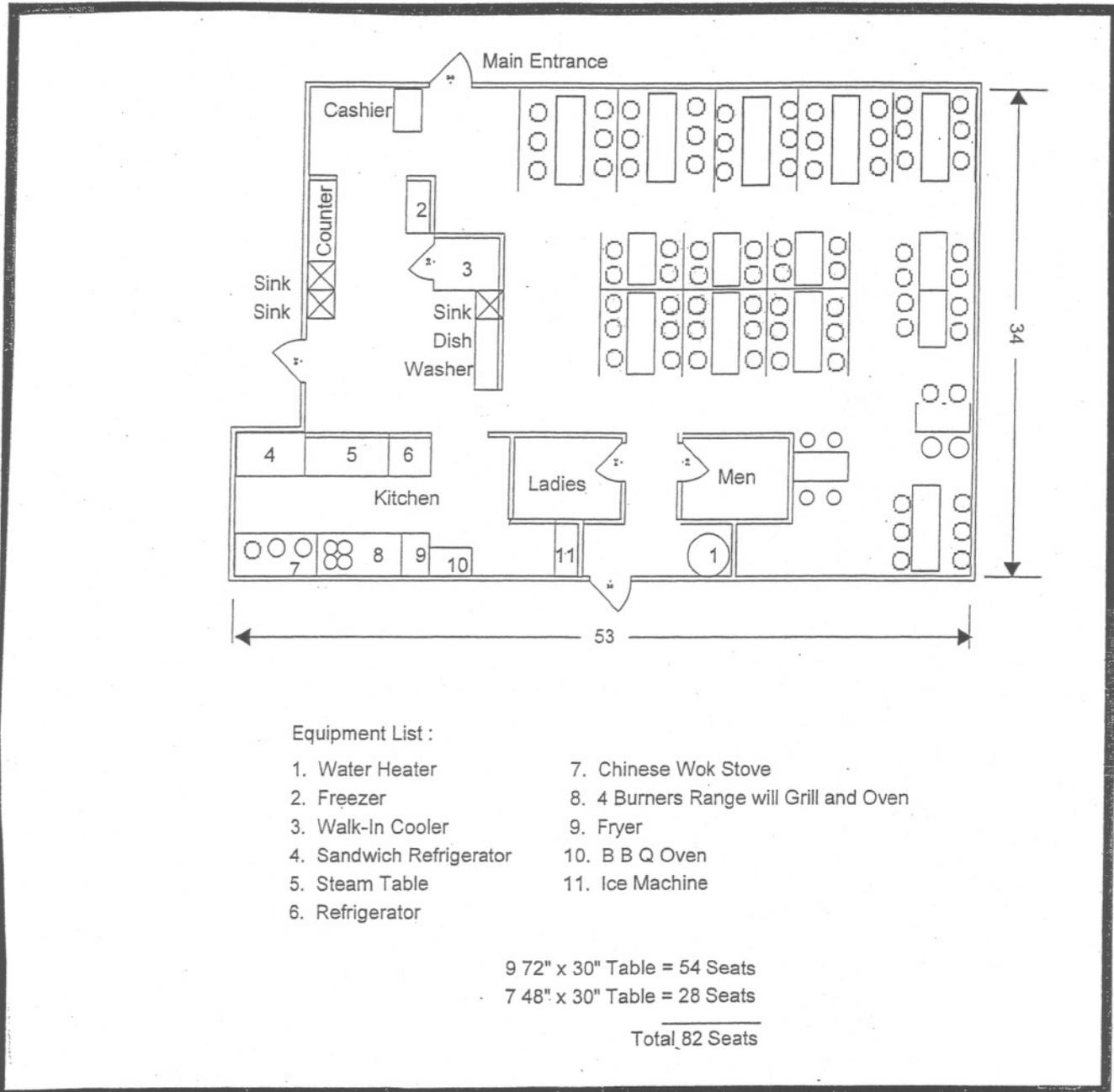
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Jiance zhen Date: 6/10/11



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- Your floor plan must be submitted on this form.
- Use a separate Floor Plan Form for each level or floor of the building.
- Applicants must provide a sketch that shows the specific area of the premises (e.g. dining area, bar, lounge, kitchen and restrooms). Full On-Premises (commercial establishments) applicants must also show dining tables. See example on back.



JIAN & HUI, INC
Applicant Name

DIAMONDS GARDEN RESTAURANT
Trade Name (dba):

DALLAS 97338
City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date: _____ Initials: _____

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

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Members Present: Chair Ken Woods, Jr. and Jim Fairchild. Excused: Mark McDonald, Kevin Marshall.

Also Present: Mayor Brian Dalton, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Police Chief John Teague, Fire Chief Bill Hahn, and Public Works Director Fred Braun.

Chair Woods called the meeting to order at 4:02 p.m.

Police Chief's Report

Chief Teague reported they currently have three full-time detectives working in the department. He noted there was one police officer on workers' compensation. Chief Teague discussed the process for filling the CSO/Records Clerk position, noting that should be filled soon. He added there would be four bicycle patrols during the summer who would also be working on public outreach.

Chief Teague announced that National Night Out would be held on August 2 and encouraged Councilor participation. He advised information on the time and place of community meetings would be passed on to the Councilors. Mr. Wyatt indicated he would like as many Councilors to attend meetings as possible, noting it was a good opportunity for them to engage the community.

Chief Teague reviewed a May 25 tabletop Emergency Management exercise on a flooding event. He noted he would review with the Council their roles during an emergency, the point of contact at the City, and how the Councilors could get information during an event at a future Council workshop.

Fire Chief's Report

Chief Hahn presented a PowerPoint on the relationship between the City and Southwestern Polk County Rural Fire Protection District.

Other

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

MEETING AGENDA

PUBLIC SAFETY COMMITTEE

Monday, June 27, 2011

4:00 p.m.

Ken Woods, Jr., Chair
Jim Fairchild
Mark McDonald
Kevin Marshall

1. Police Chief's report
2. Fire Chief's report
3. Other
4. Adjourn

UNDERSTANDING THE SOUTHWESTERN POLK COUNTY RURAL FIRE PROTECTION DISTRICT RELATIONSHIP

CITY AND THE RURAL DISTRICT

PRESENTATION BY FIRE CHIEF BILL HAHN

7/7/2011

1

Introduction

MISSION STATEMENT: SW POLK

- TO PREVENT OR MINIMIZE THE LOSS OF LIFE AND PROPERTY FROM FIRE, PROVIDE EMERGENCY MEDICAL SERVICE, MITIGATE OR REDUCE THE CONSEQUENCES OF NATURAL AND MAN MADE DISASTERS AND PROVIDE PUBLIC SUPPORT SERVICES AS A SECONDARY ACTIVITY.

7/7/2011

2

GOALS AND OBJECTIVES

"PROVIDE SAFE AND EFFECTIVE EMERGENCY SERVICES"

- REDUCTION OF INJURY AND LOSS OF LIFE FROM FIRE
- REDUCTION OF PROPERTY LOSS AND DAMAGE BY FIRE
- INCREASE FIRE PREVENTION AWARENESS AND PUBLIC EDUCATION ABOUT THE HAZARDS OF FIRE
- PROVIDE PUBLIC EDUCATION IN BASIC LIFE SUPPORT AND SAFETY MATTERS

7/7/2011

3

GOALS AND OBJECTIVES CONT'D.

- ASSIST THE PUBLIC IN TIMES OF NATURAL OR MAN-MADE EMERGENCIES
- PROVIDE THE PUBLIC NON-EMERGENCY SERVICE AS A SECONDARY ACTIVITY
- MAINTAIN A PROGRESSIVE AND WELL-TRAINED VOLUNTEER SYSTEM
- ACTIVELY SEEK AND RECRUIT NEW MEMBERS FOR VOLUNTEER SERVICE

7/7/2011

4

THE CONTRACT

CONTRACT ESTABLISHED BETWEEN THE DISTRICT AND CITY OF DALLAS IN:

1952

7/7/2011

5

CITY OF DALLAS FIRE CHIEF SERVES AS THE CHIEF OF THE DISTRICT

7/7/2011

6

THE CONTRACT

- PAY FOR PERSONNAL
 - 35% OF CHIEF'S SALARY / BENEFITS
 - 25% OF TRAINING OFFICER SALARY / BENEFITS
 - 15% OF FIRE INSPECTOR SALARY / BENEFITS
 - 20% OF LOGISTICS OFFICER SALARY / BENEFITS
- * Percentages are to cover job duties and not for responding to incidents

7/7/2011

7

CONTRACT CONT'D.

- VOLUNTEER COMPENSATION
- MONEY PAID DIRECTLY TO THE DALLAS VOLUNTEER FIREFIGHTER ASSOCIATION
- PROVIDE LOSAP CONTRUBUTION
- AMOUNT PREDETERMINED BETWEEN ASSOCIATION AND DISTRICT (DOES NOT INCLUDE WORKSMANS COMP. OR LIFE AND DISABILITY INSURANCE)

7/7/2011

8

CONTRACT CONT'D.

- 30% OF COST OF PHYSICIAN ADVISOR *
- 50% OF MAINTANCE COST OF RESCUE UNIT (NOT TO EXCEED \$2500) *
- 50% OF SPECIFIC LINE ITEMS: SUPPLIES, RADIOS/PAGERS, TURNOUTS, TELECOMMUNICATIONS, HEAT, POWER, TRAINING, UNIFORMS, COMPUTERS, BLDG. PROPERTY INSURANCE

* Additional expenses for special service charge to the District

7/7/2011

9

RESPONSES – STATION 110

- THREE UNITS OWNED BY THE DISTRICT ARE HOUSED IN THE DALLAS STATION
 - ◆ ENGINE 110, ENGINE 111, AND TENDER 112
- DALLAS UNITS THAT RESPOND AS MUTUAL AID
 - ◆ DUTY 110 – UNITS VARIES – STAFF UNIT
 - ◆ RESCUE 101
 - ◆ MEDIC UNITS

7/7/2011

10

RESPONSES

- NATURE CODES DETERMINE WHAT UNITS RESPOND
- STRUCTURE FIRE ALL SW UNITS FROM STATION 110, DALLAS, DUTY UNIT, RESCUE AND MEDIC UNIT
- MOTOR VEHICLE ACCIDENT – SW ENGINE, DALLAS - DUTY UNIT, RESCUE AND MEDIC UNIT

7/7/2011

11

RESPONSES

- DALLAS FIREFIGHTERS AND SW POLK ARE ONE IN THE SAME
- WHEN DISPATCHED ON CALLS EITHER CITY OR RUAL UNITS ARE TAKEN *
- EQUIPMENT ON DISTRICT UNITS ARE PROVIDED BY SW POLK

* CITY REMAINS PRIORITY

7/7/2011

12

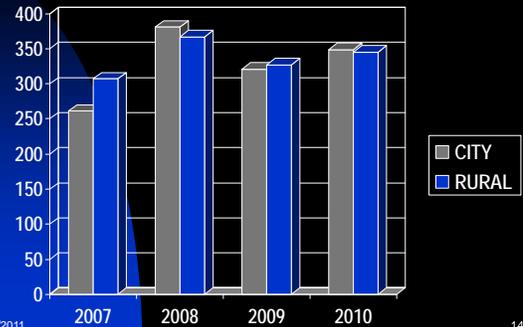
FIRE CALL RESPONSES

- RESPONSES TO SW CALL – FIREFIGHTERS RECEIVE POINTS AND ARE COMPENSATED BY SW
- SW APPARATUS FUEL AT THE MNOP STATION ON W. ELLENDALE

7/7/2011

13

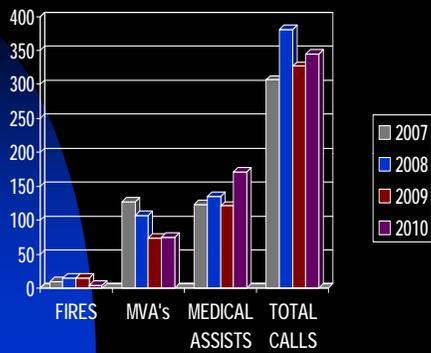
RESPONSE COMPARISON



7/7/2011

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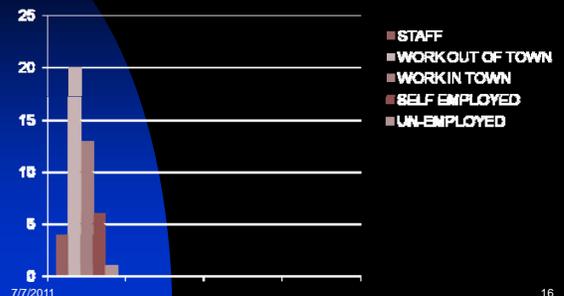
FIRES / MVA / MEDICAL / TOTAL



7/7/2011

15

VOLUNTEER RESPONDERS



7/7/2011

16

MVA's VS FIRES

MVA's

- DISTRICT ENG
- DUTY OFFICER *
- CITY RESCUE *
- MEDIC UNITS *

* DUTY OFFICER, RESCUE – CITY COST
 * MEDIC UNITS BILL PATIENTS TRANSPORTED
 * PERSONAL COSTS ARE PAID BY DISTRICT

FIRES

- DISTRICT ENG'S
- DISTRICT TENDER
- DUTY OFFICER *
- CITY RESCUE *
- SUPPORT UNIT *
- MEDIC UNIT *

* CITY UNITS COST IS PAID BY THE CITY
 * PERSONAL COSTS ARE PAID BY DISTRICT

7/7/2011

17

QUESTIONS

7/7/2011

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Members Present: Chair Jim Fairchild, Ken Woods, Jr. Excused: Mark McDonald, Kevin Marshall

Also Present: Mayor Brian Dalton, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Police Chief John Teague, Fire Chief Bill Hahn, and Public Works Director Fred Braun.

Chair Fairchild called the meeting to order at 4:17 p.m.

Public Works Director’s Report

Mr. Braun reviewed the recent operations at the water reservoir, including the installation of flashboards. He discussed water capacity at the reservoir and addressed water pressure issues on Douglas Street.

Mr. Braun discussed the recent street paving projects on Uglow and Jefferson Streets.

Mr. Braun presented a PowerPoint on CMOM (capacity/management/operation/maintenance of municipal sanitary sewer systems).

Other

There was no other business and the meeting was adjourned at 4:50 p.m.

MEETING AGENDA

PUBLIC WORKS COMMITTEE

Monday, June 27, 2011

4:00 p.m.

Jim Fairchild, Chair
Mark McDonald
Kevin Marshall
Ken Woods, Jr.

1. Public Works Director's report
2. Other
3. Adjourn

CMOM Program

The diagram shows a cross-section of a sewer system with a 'SINK LINE FOR LIFE' label. Below it is a photograph of a sewer overflow in a natural setting.

What is CMOM?

- C – Capacity
- M- Management
- O – Operation
- M – Maintenance of
- Municipal Sanitary Sewer Collection Systems

What is CMOM?

- It is a flexible, dynamic framework for municipalities to identify and incorporate widely accepted wastewater industry practices to:
 - Better manage, operate, and maintain collection systems
 - Investigate capacity constrained areas of the collection system
 - Respond to sanitary sewer overflow (SSO) events

What Does CMOM Require?

- Provide capacity to convey base and peak flow
 - AND –
- Proper management, operation and maintenance, at all times, of all parts of the collection system that you own or have operational control

Typical Collection System

The diagram illustrates the flow of wastewater from a 'RESIDENCE' and 'BUSINESS' through 'Private Service Laterals' and 'Local Main Sewer Line' to a 'Regional Trunk line Sewer' and finally to a 'Wastewater Treatment Plant'. It also shows 'Grease Trap', 'Cleanout', and 'Manhole' components.

C is for Capacity

The image shows a pipe and a graph. The graph plots 'Flow Rate (MGD)' on the y-axis against 'Pipe Diameter (in)' on the x-axis, showing a curve that increases with diameter.

 **Sewer System Capacity; Assuring Capacity**

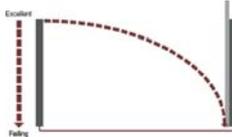
- Evaluation --Testing and Inspection
- Flow Monitoring
- Sewer System Testing
- Sewer System Inspection
- Sewer System Rehabilitation

 **Collection System Management**

- Organizational Structure
- Training
- Internal Communication
- Customer Service
- Management Information Systems
- SSO Notification Program
- Legal Authority
- Budgeting

 **Management: Manage the buried infrastructure**

- Inventory
- Condition and Criticality
- Assessment
- CMMS
- Preventive Maintenance
- Emergency Response Planning
- Asset Management



 **Manage the system**

FOG PROGRAM

"Requirements for Commercial Food Service Establishments (FSE) such as: Restaurants, Cafeterias, Buffets, Dining Halls, Caterers, Bakeries, Delicatessens, Lunch Counters and Food Shops that prepare and serve food items such as Ice Cream, Bagels, Cookies, Pretzels, Hot Dogs, et cetera."



 **Management, Legal Authority Sewer Use Ordinance & Pretreatment Program**

4.112 Prohibited Connection. No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of stormwater or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Pretreatment
4.150 Purpose and Policy. Sections 4.150 to 4.298 set forth uniform requirements for indirect discharges of pollutants from nondomestic sources into the wastewater collection and treatment system for the City of Dallas and enables the City to comply with all of the applicable state and federal laws.....

 **Collection System Operation**

- Budgeting
- Monitoring (including corrosion control)
- Safety
- Emergency Preparedness and Response
- Mapping
- New Construction
- Pump Stations

DALLAS REGION Prevent Overflows & Backups



Assessment
FOG control
Root Control
I/I Control

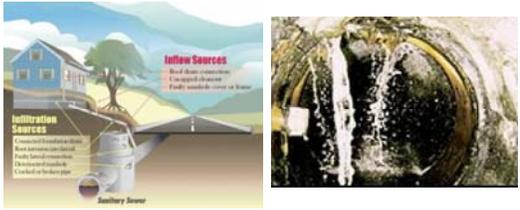
DALLAS REGION Operation & Maintenance Plan

- A description of the collection system management goals, staffing, information management, and legal authorities;
- A description of the overall condition of the collection system including a list of recent studies and construction activities;
- A schedule for the development and implementation of the full Collection System O & M Plan.
- A preventative maintenance and monitoring program for the collection system;
- Sufficient staffing to properly operate and maintain the sanitary sewer collection system;
- Identification of known and suspected overflows and back-ups, and a plan for addressing the overflows and back-ups consistent with the requirements of the NPDES permit;
- Sufficient funding and the source(s) of funding for implementing the plan;
- A description of the permittees and programs for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I.

DALLAS REGION Operation & Maintenance Plan

- The program shall include an inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts;
- An educational public outreach program for all aspects of I/I control, particularly private inflow.
- The permittee shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent high flow related unauthorized discharges from their collection systems and high flow related violations of the wastewater treatment plant's effluent limitations. Plans and programs to control I/I shall be described in the Collection System O & M Plan

DALLAS REGION Inflow & Infiltration



DALLAS REGION Inflow & Infiltration



Private laterals may represent 60% of wet weather flow

DALLAS REGION A CMOM Program

- Protects the Capacity of the collection system to convey wastewater.
- Manages the system cost-effectively
- Operates the system efficiently
- Maintains the system to prevent problems

 **Why Do We Need A CMOM?**

- It protects the environment
- It protects public health
- It ensures that the system is cost effectively managed.
- It ensures that the system is efficiently operated
- It ensures that the system is properly maintained
- DEQ will prohibit SSO's for all NPDES permits issued after January 2010.
- A proper CMOM program will protect the City from Regulatory fines and actions as a result of SSO's.



 **Questions**



DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	Agenda Item No. 8 b	Topic: Legislative Update
Prepared By: Emily Gagner	Meeting Date: July 18, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

As you are aware, the regular session of the 2011 legislature has closed. Little, if any, of the bills passed have much of an impact on the City. In past years (before the legislature went to annual sessions) we did have a Legislative Committee that met to discuss bills of interest to the City. We opted not to form that committee this year, as staff closely monitored the LOC emails and alerts and found no items of real concern. Please be assured if there was a hot-button topic, we would have brought it to the Council’s attention in a workshop or Council meeting.

We have received a summary of bills of interest from Representative Jim Thompson and I’ve included that information below:

Wine Industry

Economic development and economic expansion are high priorities within Representative Jim Thompson office. He was surprised, to see the amount of opposition to allowing wineries and vineyards to grow and achieve economic diversification by allowing events and activities where the vineyards or wineries wines are promoted. HB 3280, a bill that began as a permanent authorization for wine tasting rooms and other activities such as food service existing at the time of the legislation has gone through 23 sets of amendments that ended up further restricting the growth of this important industry to our state and Districts economy.

District 23 has between 8 and 10% of the total number of Wineries in the state. Over 200 people are employed with an annual payroll in excess of 5 million dollars. They also have 14 percent of the total acreage planted in vineyards. The growth of the wineries and vineyards in the state over the past 10 years has seen the number of wineries grow from 139 to 413 and the total acreage planted double to 20,500 acres.

Yet the legislature, which speaks every day about the need to create jobs, to improve the economy, and to build an environment for business to succeed has proposed in HB 3280 legislation that limits our agricultural wine industry from succeeding. The legislation limits income diversity by placing artificial and arbitrary caps on income earned from activities that are secondary and incidental to the growing of grapes or the production of wine. The legislation places limitations on the sampling of their products and the use of events and activities to promote their products. It is critical to the financial success and growth of a new start up and the sustainability of an established winery to allow events, food services and activities.

They do not try to limit activities and events at our agricultural businesses especially nurseries, bulb and flower farms, ranches that use the event(s) to promote their product. Strangely, however we do limit the income that can be earned from a farm stand designed to sell the farms and other agricultural products. The question is why. They pride ourselves in promoting Oregonians for Oregon. Recognizing that agricultural lands in Oregon is part of the land use legacy, but let's not be so myopic as to not recognize the uniqueness of our wine industry, its need for direct public access and the benefits that a healthy industry can bring to Oregon.

Redistricting

A key bill on agreement on constitutionally mandated legislative redistricting map was reached with bipartisan cooperation. For the first time in 71 years, both parties of the legislature agreed on a legislative redistricting map which was signed by the Governor. The map is based on hours of public testimony. It honors the statutory requirements to create districts of equal population, not divide communities of interest, and connect communities within districts by transportation links.

The boundaries of District 23 have changed adding parts of Yamhill County south, west and east of McMinnville. The boundary will go north from McMinnville along the east side of 18 to Dayton and back following the river, to the city limits of Salem. Some of the west Salem constituents will change to the 20th District however some of the Monmouth residents will come over to the 23rd District. Other changes will see Falls City and Sheridan being represented by the 10th District, Harrisburg and Halsey will be represented by the 11th District and residents of the Adair Village area will come to the 23rd from the 15th District.

SB 99 Health Insurance Exchange: *Creates a health insurance exchange as a central marketplace for health insurance has passed both houses and is now on the Governor's desk for his signature. The exchange provides one-stop shopping for individuals and small businesses to compare rates, benefits and quality among plans. It is intended to improve competition and transparency in the market for health insurance while setting standards for benefit level and cost. Qualified individuals and business stand to realize savings on health care costs including the opportunity to receive federal tax credits for plans purchased in the exchange. SB 99 A also gives employers the option to offer a defined contribution plan which employees can use to purchase their choice of plan. The bill also provides a way for employees to aggregate the contributions of multiple employers and offers unprecedented portability of coverage, allowing employees moving between jobs to maintain their health insurance plan, network and doctor. Beginning in 2014, consumers will be able to review plan options through a web site or with the assistance of a navigator or insurance agent who is designated to help individuals find the best insurance plan for their needs.*

Under the bill, the exchange is governed by an appointed board of directors who will make operational decisions. The board is required to receive approval from the legislature in February 2012 for their business plan as well as critical policies. These policies include:

- * Changes that impose qualification requirements for health plans that are stricter than federal requirements;*
- * Changes in the minimum benefit requirements that are above federal requirements;*

The bill has passed both houses of the legislature and has been sent to the Governor for signature.

Bills which received the highest interest measured by Constituent emails

HB 2700B: Linear Pipeline Projects: *House Bill 2700, substantially amended from its original form, would allow companies proposing to build hundreds of miles of Linear projects, such as power lines, gas lines, railroads, water or sewer lines etc to begin the application process for the permits necessary for their construction. Crossing private properties requires permission of the owner. This bill only deals with the DSL permit process and the ability of a public or private entity to apply for permits for certain types of projects and is intended to streamline the permitting process especially urban infrastructure. The bill*

requires that the person applying for a permit may not conduct removal or fill activity on that property until the person obtains:

- (a) The landowner's consent;
- (b) A right, title or interest with respect to the property that is sufficient to undertake the removal or fill activity; or
- (c) A court order or judgment authorizing the use of the property.

The bill has passed both the house and senate and is awaiting the Governor's signature

HB 2787: Concealed handguns The bill prohibited public bodies from releasing information that identifies holder of or applicant for concealed handgun license. It also authorized disclosure for criminal justice purposes or pursuant to court order. Passed the House, Pending in Senate

HB 2792: The bill specifies when firearms located on motorcycle, all-terrain vehicle or snowmobile are not readily accessible under unlawful possession of firearm law. Modifies provision under which person barred from possessing or purchasing firearm may petition for relief. Specifies that offense of operating snowmobile or all-terrain vehicle while carrying firearm or bow does not apply to person licensed to carry concealed handgun. The bill's conference committee report resolving differences in language between the house and senate versions of the bill is under consideration by the Senate.

HB 2800: Funding Farm to School program in Oregon. The bill directed Department of Education to award grants to school districts for reimbursement of costs incurred in purchasing Oregon food products that meet certain criteria and for funding food-based, agriculture-based and garden-based educational activities. Delivered to Governor for signature.

HB 2825: The bill provides for greater transparency and accountability of economic development tax incentives authorizes public access to economic development tax expenditure information. The bill has been signed by the Governor as Chapter 199, (2011 Laws). The bill will be effective 90 days after Sine Die (the end of the legislative session).

HB 2960: The bill directs State Department of Energy to establish clean energy deployment program to provide grants and loans to support energy efficiency or clean energy projects, including projects to weatherize, upgrade or retrofit public schools. Provides for establishment of pilot program within clean energy deployment program. The bill is awaiting the Governor's signature.

HB 3471: The bill waives the tuition and fees for a state institution of higher education, community college or Oregon Health and Science University for current or former foster child less than 25 years of age. The bill has passed both houses of the legislature and has been sent to the Governor for signature.

HB 2263: The bill creates a Task Force on establishing a State Bank of Oregon. It directs the task force to undertake studies and make recommendations on establishing state bank for Oregon that is modeled on Bank of North Dakota. The bill did not receive a hearing

Bills of Interest:

HB 3145: The bill provides updates to the Oregon Bottle Bill by expanding the system to include containers for most juice, tea, and sports/energy drinks, no later than January 1, 2017. The bill also encourages the development of a robust system of redemption centers, which will maintain consumer convenience while improving the redemption experience. If redemption rates fall below 80% after 2016 the deposit increase to 10 cents per container. The governor has signed the bill as Chapter 277, (2011 Laws): Effective date January 1, 2012.

HB 3258: Ban BPA's The bill created a unlawful practice of the manufacturing, distributing, selling or offering for sale child's beverage container, container of infant formula or reusable bottle made or lined

with bisphenol A or replacement material that is carcinogenic or is reproductive toxicant. The bill failed to pass from the house committee.

SB 442: "Wine Country License Plate" This bill establishes a license plate promoting "wine country". It will cost \$30 on top of regular fees for plates. Net proceeds, after manufacturing costs, would go to the Oregon Tourism Commission for specific promotions. The bill has passed the house and senate and is awaiting the Governor's signature.

SB 408: Juvenile sex offender registration. Depending upon the crime, SB 408 provides a second chance to a juvenile offender to seek a non-criminal record so they can better their future if the court grants them the second chance. The Attorney General's Sexual Assault Task force noted that juvenile sex offenders have a much lower rate of recidivism than adults. In fact, 85-95% of youth do not repeat. This bill has been signed by the governor and is now Chapter 271, 2011 Laws with an effective date of June 7, 2011.

SB 731: DNA evidence. This is a series of measures that provides a framework for dealing with DNA evidence. This bill is an extension of policy created by SB 310 during the 2009 session. Andrea Meyer, from the ACLU, initiated an interim work group involving the Sheriffs, Chiefs of police, and district attorneys that continues Oregon's recognition of the importance of DNA evidence in our criminal justice system. This bill has been signed by the Governor and is now Chapter 275, 2011 Laws effective June 7, 2011.

SB 65: Measurement of blood alcohol/DUII. This bill amends current statute and catches Oregon up with the National Committee on Uniform Traffic Laws/Uniform Vehicle code. This has been signed by the Governor and is now Chapter 260, 2011 Laws effective January 1, 2012.

House Bill 3075: This bill is designed to improve the safety of Oregon roadways by requiring ignition interlock devices for first time DUII offenders on diversion is currently under consideration in the budget committee. The bill has passed both houses and is now awaiting signature by the Governor.

There will be two interim legislative work sessions, September 21, 22 and 23 2011 and November 16, 17 and 18 2011 during which hearings will be held on issues that will be considered in the February 2012 session.

Also of interest from the League of Oregon Cities:

Minor PERS Legislation: Prior to adjournment the Legislature passed HB 2456, eliminating a tax benefit that would have been paid to future Public Employee Retirement System (PERS) retirees. Sponsored by the House Interim Rules Committee, HB 2456 prohibits the Public Employees Retirement Board (PERB) and any public employer from paying an increased benefit related to tax remedy provisions provided by Oregon laws to a non-resident of Oregon who is not subject to Oregon personal income tax. The measure applies to those persons who retire or withdraw from the PERS system after January 1, 2012. PERB estimates that it will cost \$445,000 to implement the bill for a savings of \$225,000 in the 2011-2013 biennium and does not anticipate rate benefits to occur until the 2015-2017 biennium.

HB 3672, the omnibus tax credit bill, was signed into law by Governor John Kitzhaber. The bill ends the existing Business Energy Tax Credit program, creates slimmed-down tax credit programs for transportation and conservation projects, and a grant-like program for renewable energy generation projects. These programs will be capped at \$20 million, \$28 million and \$3 million, respectively, per biennium. HB 3672 also caps, modifies and/or extends a number of other tax credits programs, including those for biomass, film and video production, research and development and e-commerce.

Fire Sprinkler-SDC Bills - Two bills that would have preempted the authority of local governments to levy appropriate system development charges (SDCs) for residential water connections failed to receive hearings during the legislative session.

HB 3038 would have prohibited a municipality from charging a higher SDC for a larger water meter connection if the larger meter was necessary to support a residential fire sprinkler system. This bill was referred to the House Rules Committee, but did not receive a hearing.

SB 840, introduced at the request of the Oregon Fire Chiefs Association and the Special Districts Association of Oregon, would have allowed municipalities to charge their standard SDC for residential water service, but also barred a municipality from charging more than 30 percent of the additional SDC for a larger water meter if it is needed to operate a residential fire sprinkler system. This bill did not receive a public hearing.

Court Fine Bill Goes to the Governor. HB 2712, which restructures court fines and the distribution of fine revenue, was approved by both chambers and now heads to the Governor John Kitzhaber's desk. Sponsored by the House Interim Committee on Judiciary, HB 2712 updates and simplifies the current statutory revenue and distribution structure related to criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors and violations other than parking infractions. All of the fine amounts are permanent and become effective January 1, 2012. The measure increases judicial discretion on the amount of fines imposed to 50 percent and reduces the amount of violation fines. Judicial discretion in school, construction and safety corridor zones is increased to 75 percent of the presumptive fine. The measure also temporarily extends the \$45 criminal surcharges established in HB 2287 (2009) from July 1, 2011 to January 1, 2012. As introduced, HB 2712 would have required municipal courts to send more fine revenue to the state and would have jeopardized funding for the Oregon Department of Public Safety Standards and Training and other system critical public safety functions. The League and other local public safety interests advocated for and got amendments giving local judges additional discretion in fine setting and protecting vital public safety functions.

Third-Party Solar System Property Tax Exemption Maintained HB 2563 became law, clarifying in statute that renewable energy systems installed by third parties on public buildings, non-profits, churches and schools are exempt from ad valorem property taxation. The exemption is limited to net metering facilities and systems designed to offset onsite electrical use. Eligible renewable energy systems include solar, geothermal, wind, water, fuel cell and methane gas. The clarification was necessary after a recent reinterpretation of statute by the Oregon Department of Revenue disallowed such systems from the exemption.

Large Value Property Tax Deferral Moves to Governor's Desk. HB 2569, which seeks to protect local governments from dramatic financial risks when centrally assessed property values are appealed, passed the Senate this week on a 30-0 vote. The bill had previously passed the House 57-3. The bill now moves to Governor Kitzhaber's desk. Introduced by an interim task force that included the League, HB 2569 allows county assessors to issue a deferred billing credit for a portion of any large value property taxes under appeal, reducing the negative revenue risk to local governments should they lose the appeal. Currently, disputed property taxes on large value properties are required to be paid while under appeal. During the appeal process, which very often may take years, interest accrues on these amounts at 12 percent. Should the appeal be decided in favor of the property owner, local governments, including cities, experience a loss of property tax revenue and are responsible for the high interest payments as well.

Changes in Condemnation Process Effective Now. The Legislature has passed a bill that makes immediate changes to the condemnation process. SB 619 provides a right to repurchase for property sale agreements tendered by a condemner, after the adoption of a resolution or ordinance for the acquisition of the property but before entry of a judgment in condemnation actions. The bill also stipulates that if the property sale agreement does not provide either of the following conditions, the owner may repurchase the property if it has not been used for a public purpose and 10 years have passed since the property's transfer date:

- The period of time in which a condemner must use the property for a public purpose; or
- A waiver by the former property owner for the right to repurchase.

City officials need to ensure that any property sale agreements tendered prior to condemnation action specify the above conditions, so that an automatic right to repurchase does not occur.

Chambers Vote Affirmatively on Wastewater and Solar Bills.

The Senate passed HB 3591, which requires the Oregon Department of Environmental Quality (DEQ) to consult with anyone applying for a variance, a temporary permit needed to discharge wastewater in excess of proscribed pollution limits. The consultation from DEQ would serve to minimize any negative economic impacts of the variance. HB 3591 also requires that the conditions of a variance be directly related to pollution reduction. In 2013, DEQ is required to submit a report to the Legislature detailing the number and type of variances granted, and the conditions imposed or contained in the variances.

Meanwhile, the House passed HB 3516, concurring with amendments made by the Senate. This bill exempts residential and commercial solar energy systems from land use restrictions and fees as long as they are parallel to a roof line and do not exceed the peak height of the roof on which they are placed. State code limits solar system height to 18 inches. HB 3516 continues to allow land use restrictions on locally and federally recognized historic buildings, conservation landmarks, and buildings within historic districts. Local governments may continue to inspect and charge fees for electrical, structural and other safety-related building permits associated with solar systems.

Controversial Water Quality Bill Does Not Advance. The Senate Environment and Natural Resources Committee, chaired by Senator Jackie Dingfelder (D-Portland), decided not to move HB 3613. This legislation, which became very controversial, sought to clarify the roles of the Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA) in enforcing clean water laws. The League will participate in an informal workgroup that will tackle this issue after the legislative session, seeking to draft a bill for 2012 that all interested parties can support. The League was concerned that HB 3613 inadvertently weakened existing clean water statutes at a time when municipalities and industry will be asked to comply with the most stringent water quality standards in the country. The League worked on potential amendments with the proponents of the bill, DEQ, ODA, the Oregon Department of Justice and several environmental groups. However, the parties could not agree to amendments prior to the June 1 legislative deadline that required bills to be passed by policy committees.

Removal-Fill Measure to Become Law. The full Senate approved HB 2700 B-Engrossed on a 20-9 vote. This bill, which has already been passed by the House, will broaden the definition of applicant for a removal-fill permit to include those proposing a removal or fill activity for construction or maintenance of a linear facility. Prior to this bill's passage, only a landowner or person authorized by a landowner to conduct a removal or fill activity could apply for a permit. As a result, cities and other potential applicants had to either receive permission from a landowner or acquire an ownership interest in the affected land before applying for a permit. Governor Kitzhaber is not expected to veto HB 2700, and the bill will become effective either when signed by the governor or after five days of passage, whichever comes first.

Enterprise Zone Extension Bill Moves to Governor. HB 3017, which extends the sunset date for the state's Enterprise Zone Program to 2025, was approved unanimously by the Senate and now heads to Governor Kitzhaber for his signature. A strong coalition of economic development practitioners representing multiple jurisdictions, including the League, worked under the umbrella of the Oregon Economic Development Association to bring about passage of this legislation.

FISCAL IMPACT:

None

ATTACHMENTS:

None