



City Council

Mayor
Brian Dalton

Council President
Wes Scroggin

Councilor
Jim Brown

Councilor
Jim Fairchild

Councilor
Beth Jones

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

Interim City Manager
Jon Nelson

City Attorney
Lane Shetterly

Admin Svc Director
Robert Spivey

Community Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Chief of Police
John Teague

Engineering Director
Fred Braun

City Recorder
Emily Gagner

Dallas City Council Agenda

Monday, August 20, 2012, 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. COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council on any matters other than public hearings.</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. Approve minutes of July 16, 2012, City Council meeting p. 3	
b. Approve minutes of August 13, 2012, special City Council meeting p. 6	
c. Acknowledge report of July 23, 2012, Administrative Committee meeting p. 8	
d. Acknowledge report of July 23, 2012, Building and Grounds Committee meeting p. 45	
e. Recommend approval of OLCC application for New Outlet for C-Stop #7790 p. 59	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	

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.

<p>8. REPORTS FROM CITY MANAGER AND STAFF</p> <ul style="list-style-type: none"> a. SDC Discount program p. 72 b. Revisions to DCC 5.228 – Truancy p. 81 c. City Manager's update p. 82 d. Cancel August 27 Public Safety/Public Works Committee Meetings p. 85 e. Other 	<p>Discussion</p> <p>Discussion / Motion</p> <p>Information</p> <p>Motion</p>
<p>9. RESOLUTIONS</p> <ul style="list-style-type: none"> a. <u>Res. No. 3253</u> – A Resolution authorizing the transfer of budgetary funds. p. 86 	<p>Roll Call Vote</p>
<p>10. FIRST READING OF ORDINANCE</p> <ul style="list-style-type: none"> a. <u>Ord. No. 1747</u> – An Ordinance amending provisions of the Dallas City Public Contracting Regulations; and creating new provisions. p. 90 b. <u>Ord. No. 1748</u> – An Ordinance amending Dallas City Code Section 2.700 relating to public records retention. p. 117 c. <u>Ord. No. 1749</u> – An Ordinance establishing a special exception to the prohibition against service of city water to property outside the city limits and outside the urban growth boundary; and declaring an emergency. p. 119 	<p>First Reading</p> <p>First Reading</p> <p>First Reading</p>
<p>11. SECOND READING OF ORDINANCE</p>	
<p>12. EXECUTIVE SESSION UNDER ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.</p>	
<p>13. OTHER BUSINESS</p>	
<p>14. ADJOURNMENT</p>	

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

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4 The Dallas City Council met in regular session on Monday, July 16, 2012, 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 Brown, Councilor Jim
8 Fairchild, Councilor Beth Jones, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor
9 LaVonne Wilson, and Councilor Ken Woods, Jr. Absent: Councilor Jackie Lawson

10 Also present were: Acting City Manager Kim Marr, City Attorney Lane Shetterly (via telephone),
11 Chief of Police John Teague, Finance Director Cecilia Ward, Director of Administrative Services
12 Robert Spivey, Engineering and Environmental Services Director Fred Braun, and Recording
13 Secretary Emily Gagner.

14 Mayor Dalton welcomed Nancy Boyer, Executive Director of the Mid-Willamette Valley Council
15 of Governments (COG) and Jon Nelson, retired City Manager from Corvallis. He also welcomed
16 members of Boy Scout Troop 288 who were working on their communications merit badge.
17 Mayor Dalton explained City Attorney Lane Shetterly was present via telephone.

18 Mayor Brian Dalton invited the Boy Scouts to lead the Pledge of Allegiance.

19 **COMMENTS FROM THE AUDIENCE**

20 Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center,
21 updated the Council on the upcoming Summerfest event. She noted they held the official kick-off
22 party earlier in the day and had a full crowd, including lots of City staff representation. Ms. Pope
23 reported there were 65 local business sponsors this year and she reviewed the schedule of events.
24 Mayor Dalton commented there was a great presentation at the kickoff. Mr. Fairchild thanked
25 Ms. Pope for acknowledging the great work the staff did for the City and the Chamber.

26 **PUBLIC HEARING**

27 **CONSENT AGENDA**

28 It was moved by Councilor Woods and seconded by Councilor Marshall *to approve the Consent*
29 *Agenda as presented.* The motion CARRIED UNANIMOUSLY.

30 Items approved by the Consent Agenda: a) the July 2, 2012, special City Council meeting
31 minutes; b) the July 2, 2012, City Council minutes; c) report of the June 27, 2012, Citizens
32 Advisory Committee for Residential Street Funding meeting; and d) recommended priorities for
33 LOC Policy Committee.

34 **ITEMS REMOVED FROM CONSENT AGENDA**

35 There were no items removed from the Consent Agenda.

36 **REPORTS OR COMMENTS FROM COUNCIL**

37 Heather Enderle, Student Body Liaison, introduced McKenzie Darr, who would be taking her
38 place the following year. Mr. Dalton thanked Ms. Enderle for her service.

39 **DISCUSS CITY COUNCIL TABLE AT BREAKFAST IN THE PARK**

40 Mayor Dalton explained a Council table at Breakfast in the Park was brought up at the last
41 Council meeting and advised any Councilor who was interested in helping with that to talk to Ms.
42 Gagner and Councilor Jones after the meeting to work out the details.

43 **REPORTS FROM CITY MANAGER AND STAFF**

44 **DISCUSS PROPOSAL FROM COG REGARDING CITY MANAGER SEARCH**

45 Mayor Dalton introduced Nancy Boyer from the Mid-Valley Council of Governments (COG).
46 Ms. Boyer stated this was the Council's recruitment so her job was to make sure everything they
47 wanted to happen did so in an efficient manner. She indicated the proposed steps were flexible so
48 the Council could revise them or add more. Ms. Boyer stressed she wanted the Council to feel
49 good about their candidate.

50 Council President Scroggin asked if there were a lot of searches for City Manager going on right

1 now. Ms. Boyer stated there weren't a lot, adding no other city the size of Dallas was currently
2 looking.

3 Council President Scroggin asked if Ms. Boyer would advertise the opening outside of Oregon.
4 She indicated the Council would decide where the opening was advertised, but recommended
5 using the League of Oregon Cities, the Association of Washington Counties, and ICMA.

6 Councilor Brown asked if a city manager position was typically advertised with a salary
7 commensurate with experience. Ms. Boyer stated the Council would provide a hiring range
8 which would help the candidates narrow themselves down. She explained she would do a quick
9 survey of cities similar in size to Dallas so the Council had an idea of comparable salaries.

10 Council President Scroggin asked what a reasonable time frame would be for the process. Ms.
11 Boyer indicated she'd provided a draft schedule which showed the process taking three to four
12 months to get to the interview stage, with interviews happening the first week in November.

13 Councilor Wilson asked if Ms. Boyer would do comparables with population and services, noting
14 Dallas provided more services than many other cities. Ms. Boyer indicated she would start the
15 comparables with size but could also look at whether they were a full service city or not.

16 Councilor Brown asked if January or February was an ideal time to hire someone since it was not
17 at the end of a fiscal year. Ms. Boyer explained that was a good time because it was when cities
18 normally started looking at the next year's budget, and it would allow the new city manager to be
19 an integral part of that budget process.

20 Councilor Fairchild acknowledged the Council made the final decision, but wanted to know how
21 Ms. Boyer proposed getting input from the community and staff. Ms. Boyer explained the first
22 part of the process was putting together a profile, noting the Councilors should listen to the
23 community to include their input in the profile. She added it was a good time to get staff involved
24 as well. She indicated the next time the Council should get input was during the interview
25 process. She advised they could have community members involved in an interview panel as well
26 as staff. She also recommended having current city managers in a panel to get a more technical
27 read. Ms. Boyer stated the Council could also have a meet and greet reception for the top two
28 finalists to solicit feedback on the candidates as well.

29 Councilor Marshall asked if Ms. Boyer would do an initial screening of the applicants. Ms. Boyer
30 explained that was why profile development was important. She indicated she would bring back
31 ten or fifteen candidates with information about their strengths and weaknesses, noting the
32 Council could always look at all the applicants. She added she would provide the Council a list of
33 all applicants with basic information about each in case the Council wanted to look at one or two
34 others. She stated once the Council had the applicants more narrowed down she would perform a
35 more thorough background and reference check.

36 It was moved by Councilor Stewart and seconded by Councilor Scroggin *to direct the Mayor to*
37 *engage the MWVCOG to pursue working with the City to find a City Manager candidate to*
38 *review in accordance to the proposal.* The motion carried unanimously.

39 DISCUSS APPOINTMENT OF MANAGER PRO TEM

40 Mayor Dalton introduced Jon Nelson. Mr. Nelson indicated he started in 1981 in Missoula,
41 Montana, where he interned. He noted he also received his Masters in Public Administration
42 from the University of Montana. He explained he was then hired as the Assistant City Manager
43 in Pendleton and then hired as the City Manager one year later. Mr. Nelson stated from 1993 to
44 2011, he served as the City Manager of Corvallis. He indicated he was complimented when Ms.
45 Marr called him to ask if he would be interested in the interim position. Mr. Nelson advised he
46 was interested but also enjoyed his retirement and also enjoyed free time with his wife and family.
47 He stated he would be available to start on July 23 if the Council was interested.

48 Councilor Brown stated he remembered Mr. Shetterly saying something about the interim being
49 about a .8 FTE. Mr. Shetterly explained the salary offered to Mr. Nelson was 80% of Mr. Wyatt's
50 final compensation. In response to a question, Mr. Nelson explained he hoped to only work 4 to 6
51 months, but would be willing to work beyond that if it was needed.

52 It was moved by Councilor Marshall and seconded by Councilor Wilson *to appoint Jon Nelson as*
53 *City Manager Pro Tem, effective July 23, and to authorize the Mayor to execute the proposed*

1 contract for his services, subject to the satisfactory outcome of a background check. The motion
2 carried unanimously.

3 Councilor Fairchild stated he had known Mr. Nelson for about 18 years and he would be a good
4 fit for the community in the interim.

5 **HIRING TWO SEASONAL WORKERS**

6 Mr. Spivey explained the City looked at an opportunity to bring on extra help for the summer for
7 miscellaneous projects and to help clean out Ash Creek where there were regular flooding issues.
8 He noted the Charter required Council approval to hire anyone under an interim city manager.
9 Councilor Wilson asked who the City was planning to hire. Mr. Spivey explained he was still in
10 the hiring process, noting there were ten applicants.

11 It was moved by Councilor Fairchild and seconded by Councilor Brown to *approve the hiring of*
12 *two seasonal laborer positions to work in the parks and streets divisions.* The motion carried
13 unanimously.

14 **OTHER**

15 Ms. Marr explained the annual City picnic was scheduled for August 6 and asked the Council's
16 approval to cancel the August 6 Council meeting. It was moved by Councilor Marshall and
17 seconded by Council President Scroggin *to cancel the August 6 City Council meeting.* The
18 motion carried unanimously.

19 **RESOLUTIONS**

20 **FIRST READING OF ORDINANCE**

21 **SECOND READING OF ORDINANCE**

22 **OTHER BUSINESS**

23 Mayor Dalton pointed out a letter from the auditor for each of the Councilors, noting it was a
24 requirement that the Council be informed of their presence. Councilor Woods asked if it was a
25 routine audit. Mayor Dalton explained it was the annual audit.

26 Council President Scroggin announced he would not be running for reelection. He explained he
27 was not making the decision because of what was going on with the City currently, noting the
28 current situation only reaffirmed his belief that the current leaders and staff could carry on and
29 provide the best service to the community he loved. Council President Scroggin pledged to serve
30 out his term. Mayor Dalton thanked Council President Scroggin for his honorable service over
31 many years.

32 Mayor Dalton advised Council President Scroggin, Mr. Shetterly, Ms. Marr, and he would work
33 with Ms. Boyer to schedule the upcoming meetings needed, noting it may require some
34 workshops or extra meetings.

35 There being no further business, the meeting adjourned at 7:24 p.m.

36 Read and approved this _____ day of _____ 2012.

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38 _____
39 Mayor

40 ATTEST:
41 _____
42 Interim City Manager

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4 The Dallas City Council met in special session on Monday, August 13, 2012, at 7:00 p.m. in the
5 Council Chambers of City Hall with Mayor Brian Dalton presiding.

6 **ROLL CALL**

7 Council members present: Council President Wes Scroggin, Councilor Jim Brown, Councilor Jim
8 Fairchild, Councilor Beth Jones, Councilor Jackie Lawson (arrived at 7:03 p.m.), Councilor
9 Murray Stewart, and Councilor Ken Woods, Jr. Absent: Councilor LaVonne Wilson and
10 Councilor Kevin Marshall.

11 Also present were: Interim City Manager Jon Nelson, City Attorney Lane Shetterly, Community
12 Development/Operations Director Jason Locke, Fire Chief Bill Hahn, Finance Director Cecilia
13 Ward, and Recording Secretary Emily Gagner.

14 Mayor Dalton led the Pledge of Allegiance.

15 **COMMENTS FROM THE AUDIENCE**

16 Faye Frei spoke to the Council about a concern of hers regarding Summerfest, particularly the
17 street closures on Friday and Saturday.

18 Councilor Lawson arrived at 7:03 p.m.

19 Ms. Frei expressed her concern for business owners that were affected by the Summerfest street
20 closures. She stated she spoke with business owners and heard concerns from them regarding the
21 street closures whether or not they were affected by them. She encouraged the Council to think
22 about people living on minimum wages who were sent home because the streets were closed. She
23 also indicated she was concerned about handicap access with the street closures. Ms. Frei
24 explained she was going to go to Taters with a handicap friend of hers on the Saturday of
25 Summerfest and a police officer refused to allow them to cross the street to get to the Taters
26 parking lot. She asked why police officers were above the laws giving handicapped people
27 access. She asked when runners should be given priority over businesses and their income. She
28 also asked when laws regarding handicap access became subservient to runners.

29 **ADOPT HIRING STANDARDS FOR CITY MANAGER**

30 Nancy Boyer, Executive Director of Mid-Willamette Valley Council of Governments
31 (MWVCOG) explained the first thing to do was ask for public input on the hiring process and
32 draft profile.

33 Mayor Dalton asked for public comments on the profile and hiring process schedule. There were
34 none.

35 Ms. Boyer reviewed the salary information she provided, explaining she included cities that were
36 20% higher and 20% lower than Dallas in population and were in all geographic areas. She noted
37 several cities didn't provide fire service, although La Grande, Cornelius, and Hermiston appeared
38 to be full-service cities. Ms. Boyer indicated there didn't seem to be any direct correlation of the
39 services provided to the salary. She reviewed the information provided on other benefits provided
40 by the comparable cities. She explained the last time Dallas advertised for a city manager, the
41 range was listed at \$110,000 to \$130,000.

42 There was some discussion about the salary range for the current recruitment process. The
43 consensus of the Council was to offer a range of \$115,000 to \$130,000.

44 There was discussion about some minor typographical errors on the profile. Ms. Boyer agreed to
45 make those minor changes.

46 Mr. Shetterly clarified that the advertisement included "EOE" which was the equal opportunity
47 employment statement required by the City's Affirmative Action Plan.

48 It was moved by Councilor Lawson and seconded by Councilor Fairchild *to adopt the City*
49 *Manager profile with the changes discussed with a salary range of \$115,000 to \$130,000 and the*
50 *recruitment schedule.* The motion carried unanimously.

1 Ms. Boyer reviewed the draft ad, which she explained would include the hiring range of \$115,000
2 to \$130,000 as agreed by the Council. She discussed the possible advertising locations.

3 Councilor Fairchild stated he liked the idea of advertising in the local paper as a transparency
4 issue. In response to a question, Mr. Nelson explained ICMA was where city managers went if
5 they were looking for work.

6 Councilor Brown asked if it would be advisable to say the deadline of September 10 “or until
7 filled.” Ms. Boyer explained that would make it harder to review applications, adding she liked a
8 firm closing deadline so the Council knew who their pool of applicants was. Mr. Nelson
9 explained if the Council didn’t like the pool of applicants, they could reopen the position. Mr.
10 Shetterly advised a firm closing date also kept the Council on schedule.

11 It was moved by Council President Scroggin and seconded by Councilor Brown *to advertise the*
12 *City Manager position in the League of Oregon Cities newsletter and website, the Association of*
13 *Washington Cities website, the City of Dallas website, the MWVCOG website, the ICMA*
14 *newsletter, and the Itemizer Observer.* The motion carried unanimously.

15 **EXECUTIVE SESSION UNDER ORS 192.660(2)(e)**

16 Mayor Dalton recessed the meeting at 7:39 p.m. for an executive session to conduct deliberations
17 with persons designated by the governing body to negotiate real property transactions.

18 Mayor Dalton reconvened the Council meeting at 8:24 p.m.

19 **OTHER BUSINESS**

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

21 Read and approved this _____ day of _____ 2012.
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23 _____
24 Mayor

25 ATTEST:

26 _____
27 Acting City Manager

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

Also Present: Interim City Manager Jon Nelson, Mayor Brian Dalton, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, Director of Administrative Services Robert Spivey, and Recording Secretary Emily Gagner.

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

Chair Wilson welcomed Interim City Manager Jon Nelson and the public.

Comments from the Public

Chair Wilson asked for comments from members of the audience.

Russ Thommen, introduced himself as a representative from the Senior Center and introduced Jerry Piering, Jerry Wennstrom, and June Krause from the Center as well.

Joe Koubek explained he was speaking as a private citizen in favor of a ban on open burning. He explained it was a matter of public health, public safety, and politeness to ones neighbors. He recommended working with Allied Waste to make adjustments to the yard debris pick-up schedule if needed.

Outside City Water Issue

Mr. Locke reviewed the staff report. He explained when the Council adopted the new outside water rules, it took into account that properties must be in the urban growth boundary and have access to a water main of adequate capacity or there could be a pre-existing agreement. Mr. Locke reported that a couple months ago, a situation was brought to the staff's attention on a property on Webb Lane that was outside city limits and the urban growth boundary. He explained there was a home at 14100 Webb Lane that has been supplied with City water from an adjacent home going back to the early 1980's. At that time, the two homes, which are adjacent to each other, were owned by the same family. Mr. Locke explained that since then there had been a shuffling of ownership, with 14100 Webb Lane being sold to another party and sold again to the current owners. The owner of the home that is legally supplied with water but illegally supplying the neighboring house had indicated to the current owner of 14100 Webb Lane that city water would no longer be available. Based on the fact that 14100 Webb Lane has been relying on city water for their potable water since the 1980's, he recommended the Committee direct staff to prepare an ordinance granting an exception to allow the provision of that water due to special and unusual circumstances. He noted all other requirements would apply and explained capacity was not an issue.

Councilor Lawson asked if there were legal ramifications since the property at 14100 Webb Lane was sold without the lack of water being disclosed. Mr. Locke stated that would be between the current owners and perhaps the past owners and was a civil issue. Mr. Shetterly stated it looked like there were some things involved in previous transactions between the parties, so on one hand for the city to sanction the existing situation with a special ordinance, the Council would be saving Mr. Dickens from the problem of having no water. He indicated the Council was also absolving anyone who made them a guilty party in a previous transaction. He noted Mr. Dickens would probably rather have water than a cause of action against a previous owner. Councilor Stewart asked the cost of providing Mr. Dickens with water and wondered if he had been getting free water in the past. Mr. Locke explained there was no cost to the city, as Mr. Dickens

1 would pay for the water connection, adding all water being used was billed through the current water me-
2 ter.

3 Council President Scroggin asked if the Dickens could partition the property in the future and sell part of
4 it. Mr. Locke explained there would be included in any agreement with Mr. Dickens a statement saying
5 specifically what would be provided and noting that there would be no additional water hook-ups allowed
6 in the future. Council President Scroggin wondered if the Council granted water to Mr. Dickens what he
7 would pay. Mr. Locke stated it would be \$11,000 or \$12,000 paid up front.

8 Councilor Lawson asked if the Council would get a lot more people making similar requests if they grant-
9 ed an exception to Mr. Dickens. Mr. Locke indicated that was the reason they would use a special ordi-
10 nance, which allowed exceptions only in specific circumstances. He noted there were no other properties
11 with the same circumstances as Mr. Dickens' that he was aware of.

12 Council President Scroggin asked if the other property was on a meter. Mr. Locke stated they were.
13 Council President Scroggin asked if there was a tremendous amount of water used on that meter since it
14 was taking care of two houses. Mr. Locke explained they did not use a tremendous amount of water be-
15 cause they were not huge houses and they didn't use it to irrigate.

16 It was moved by Council President Scroggin and seconded by Councilor Jones to direct staff to prepare an
17 ordinance granting an exception to allow the provision of water to 14100 Webb Lane due to special and
18 unusual circumstances. The motion carried unanimously.

19 **Open Burning Discussion**

20 Mr. Locke stated this issue had come up in the past on a regular basis, noting when it was last brought be-
21 fore the Public Safety Committee there was a lot of discussion but no action taken. He explained the City
22 currently did not regulate open burning of any kind but did follow the DEQ burn dates. Mr. Locke report-
23 ed that staff found itself in the unenviable position of fire and code enforcement staff responding to 30 to
24 40 complaints each year over which they had no authority. He advised if staff suspected someone was
25 burning something other than allowed materials, they called DEQ, who then did a cursory investigation
26 and usually just sent a letter to the property owner. Mr. Locke advised the Council that Monmouth went
27 through this process in 2010 and instituted a ban on all backyard burning except for ceremonial fires, such
28 as campfires of a certain size. He noted they hadn't had issues in terms of enforcement. Mr. Locke
29 acknowledged this could be a touchy subject with strong opinions on all sides of the issue. He indicated
30 he wanted to know whether it was something the Committee wanted to discuss more thoroughly or if they
31 wanted to move it forward to the full Council for discussion.

32 Councilor Stewart asked what other cities did. Mr. Locke indicated there were three basic schools of
33 thought. Some jurisdictions had an outright ban with no burning allowed at all; others required a permit
34 through the Fire Department at a nominal fee to burn within specific regulations; while others didn't regu-
35 late it at all. He noted the biggest issue with open burning was burn barrels because many used them to
36 burn garbage.

37 Councilor Stewart asked how the City would regulate fire pits, adding he didn't know how the Council
38 could tell people what they couldn't do on their property. He indicated he liked the permit idea with in-

1 formation going out that if someone burned something bad, they would be fined severely. He added he
2 hated to take away the rights of people to do simple things.

3 Council President Scroggin stated he thought backyard burning in city limits had run its course, especially
4 with increasingly smaller lots and yard debris pickup with the garbage service. He recommended the
5 Council work with the city's waste hauler to have additional yard debris pickup events outside of the
6 curbside pickup. He suggested they could have two days each year where they could pick up larger piles
7 of yard debris. Council President Scroggin indicated that with talk about the environment and air quality,
8 it was time for the Council to do something.

9 Councilor Lawson stated she was in favor of a permit process, adding if someone was burning and didn't
10 get a permit, there should be a fine. Councilor Jones agreed with Councilor Lawson on her support of a
11 permit.

12 Mr. Shetterly indicated that one thing the Council could do if they went with a permit process would be to
13 incorporate the DEQ rules, which already made it illegal to burn household waste, into the City Code. He
14 explained the DEQ was not big on enforcing their rules, but if the City incorporated the DEQ rules, we
15 would have an enforcement option.

16 It was moved by Councilor Lawson and seconded by Councilor Stewart to carry the topic forward to the
17 Council for further discussion. The motion carried unanimously.

18 **Senior Center Update**

19 Mr. Spivey reviewed the staff report. He stated if a CDBG grant was awarded there would be a lot of
20 strings attached to that money and the building constructed with those funds. He explained for the first
21 five years of occupancy, the building could only be used for events for people sixty and older. Mr. Spivey
22 reported the Seniors had been working hard to raise operating funds.

23 Councilor Stewart asked what the anticipated annual operating costs would be for a new center. Mr.
24 Spivey indicated it should be about \$35,000 to \$40,000 per year to operate with no staffing. He noted the
25 City did not have a line item associated with maintenance and operation of the center.

26 Councilor Lawson asked what size the center would be, noting \$1.5 million didn't seem like a lot of mon-
27 ey for construction. Mr. Spivey stated the size would be determined by the amount of money received and
28 they wouldn't know an exact number until they had an architect on board.

29 Councilor Lawson asked what the backup plan would be if the Seniors couldn't pay the operating costs.
30 Mr. Spivey advised the Council would have to look at their options and weigh those, adding that was on
31 the list of things that needed to be determined prior to building the center. In response to a question, Mr.
32 Spivey indicated after five years of occupancy, all strings were cut and the building could be used for
33 whatever the City wanted.

34 Council President Scroggin asked how other municipalities addressed operation and maintenance of their
35 senior centers. Mr. Spivey explained some cities partnered with the seniors. One city was given a large
36 sum of money that they used for operations, but they didn't have a plan for when that ran out. In response
37 to a question, Mr. Spivey stated the seniors would be responsible for utilities, insurance, general mainte-
38 nance, and upkeep inside and outside of the new center.

1 Councilor Stewart asked how the money was raised for the operating fund. Mr. Spivey stated a significant
2 amount of money was provided by matching funds. Mr. Thommen indicated that when his wife, who was
3 the president of the seniors, passed away he put up \$25,000 of matching money, noting they raised way
4 over \$25,000. He explained another gentleman put up \$20,000 and matched that to \$15,000. He reported
5 that once the Senior Center was built, they could also apply for grant money from other foundations for
6 operating funds.

7 **Public Contracting Updates**

8 Mr. Shetterly indicated the ordinance included in the agenda was intended to clean up the City's Code to
9 bring it into compliance with changes in the state law. He noted there wasn't much that would affect the
10 City's day-to-day contracting.

11 It was moved by Council President Scroggin and seconded by Councilor Stewart to recommend the Coun-
12 cil adopt an ordinance updating the Public Contracting section of the Dallas City Code. The motion car-
13 ried unanimously.

14 **Records Retention Ordinance Updates**

15 Mr. Shetterly explained that the Secretary of State's office adopted a very comprehensive records retention
16 schedule for cities to follow, adding the City also had its own retention ordinance that was similar to the
17 state's but was not as comprehensive. He reported that Ms. Gagner had come into situations where there
18 were conflicts between our ordinance and the state requirements. Mr. Shetterly indicated that rather than
19 try to follow both retention requirements, it seemed easiest to adopt a retention schedule by reference to
20 the state rule so the City was in compliance with state requirements. He advised that since this Council
21 couldn't adopt future amendments by the state, the ordinance included an annual review by the City Man-
22 ager so the Council could update the code accordingly. Mr. Shetterly noted that so much expertise was put
23 into the state retention schedule that it made sense to adopt what they did and continue to do.

24 It was moved by Council President Scroggin and seconded by Councilor Stewart to recommend the Coun-
25 cil adopt an ordinance revising the Records Retention requirements. The motion carried unanimously.

26 **Administrative Services Director's Report**

27 Mr. Spivey reported that since January, 14 people had left, including 9 part time workers, and 26 people
28 had started work, 20 of which were part time aquatic center or ambulance workers.

29 Mr. Spivey indicated the renovation of Kingsborough park was done except for the installation of soccer
30 goals. He announced the Hiebert section of the Rickreall Creek Trail could begin construction as early as
31 next spring, noting the City did obtain an easement to that property from Mr. Hiebert.

32 **Finance Director's Report**

33 Ms. Ward reported that the auditors were in the previous week to do their preliminary work. She ex-
34 plained they reviewed the City's policies and procedures and reviewed all the budget resolutions and other
35 required documentation. Ms. Ward noted the auditors would return on September 10, by which time she
36 would have the books closed for FY 2011-12.

1 Ms. Ward indicated that in June, they issued 127 garage sale permits. She stated so far in July they issued
2 94 permits.

3 Council President Scroggin asked if there were more garage sale permits issued now that people could
4 have two per year. Ms. Ward stated there were 20 more garage sale permits issued this year than last year,
5 adding many people had expressed their appreciation at being able to hold two sales each year.

6 Councilor Lawson asked if the garage sale signs were coming back. Ms. Ward stated the \$5 increase may
7 have helped, as there really weren't many issues.

8 **Other**

9 Mr. Nelson stated he served on the State Infrastructure Finance Authority Board and they wanted all pro-
10 jects, such as the Senior Center, to be successful. With that in mind, they would make sure there was an
11 agreement in place for operations and maintenance as well as adequate reserve funds.

12 There was no other business and the meeting was adjourned at 4:48 p.m.



Administrative Committee

AGENDA

July 23, 2012

4:00 PM

**Council
Chambers,
Dallas City Hall,
187 SE Court St,
Dallas, OR
97338**

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

1. Call to Order
2. Comments from the Public

This time is provided for citizens to address the Committee on any matters, including agenda items. This is the only time during the meeting that the public will be allowed to speak.

3. Outside City Water Issue
4. Open Burning Discussion
5. Senior Center Update
6. Public Contracting Updates
7. Records Retention Ordinance Updates
8. Administrative Services Director's Report
9. Finance Director's Report
10. Other
11. Adjournment



Memo

To: Admin Committee
From: Jason Locke, Community Development/Operations Director *JL*
Date: July 23, 2012
Re: Outside City Water Exception Request– 14100 Webb Lane

Dallas City Code Section 4.486 specifies how and under what conditions the City supplies water to properties outside the City Limits. Generally, a property must either 1) be within the Urban Growth Boundary and have direct access to a water main of adequate size and capacity, or 2) have a pre-existing agreement. If neither of those 2 situations are met, the City does not supply the property with water.

In this situation, a property owner (David Dickens) at 14100 Webb Lane has a home that has been supplied with city water from the adjacent home without the city's knowledge or approval. This situation has been occurring since the early 1980's, and a number of ownership changes have occurred on both properties. Recently, the owner of the adjacent home has indicated to Mr. Dickens that city water would not be available in the future. There is little or no potential for an adequate well to supply the residence.

Given that the residence at 14100 Webb Lane has used City water for many years, and that there is a 6" water main located in Webb Lane, staff is recommending that the Committee direct staff to prepare an ordinance granting an exception to allow the provision of city water at 14100 Webb Lane due to the special and unusual circumstances, and that all of the requirements of Section 4.486 will apply.

Attachments: Aerial photo showing the properties in question
 Letter from David and Margaret Dickens
 Dallas City Code and Application

Map



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

Printed 05/29/2012

06-07-12 P03:10 RC

The City of Dallas Regional
187 SE Court Street
Dallas, Oregon

June 7, 2012

Jason Locke
Community Development
Operational Director
Dallas, Oregon

Dear Jason Locke

We purchased our home at 14100 Webb lane in Dallas Oregon in November of 2005. While we were in negotiations with the owner we were told to take a drink of the well water, which tasted very good. It was after the final papers were signed that we were told that we would have to pay the neighbor for the water. As it turned out we found that the neighbor had used a water line from his house to ours to supply water as well as to another house.

We found out after moving in the well had gone dry.

Had we been told the truth we would have not bought the house. We realize that you have requirements for the water use but this situation has left us with no choice for water. We would appreciate it if you could consider this as a special situation this is a hard ship, which we ask for consideration.

The lady next door says that she will not give permission to any new buyer access to the Water.

We would appreciate any assistance that you can give us so that we may have water for our home.

Sincerely

David & Margaret Dickens

David Dickens
Margaret Dickens

ORDINANCE NO. 1702

An Ordinance amending provisions of the Dallas City Code Section 4.486, relating to service of city water to property outside city limits.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 4.486 is hereby amended to read as follows:

4.486 Service of City Water to Property Outside City Limits

(1) Property located outside the city limits but within the urban growth boundary of the city may be served by city water for domestic use only, and subject to the following conditions:

(a) There must be a water main line of adequate size, as determined by the City Manager, located in front of the property, such that the property can be served by a service lateral line.

(b) City water main line extensions will not be permitted outside the city limits for the purpose of serving water to properties outside the city limits.

(2) Property located outside the city limits and outside the urban growth boundary of the city may not be served with city water except as provided in a written agreement for the provision of such water service entered into prior to May 20, 2009

(3) The owner or person applying for the provision of water to property outside the city limits under subsections (1) and (2), above, shall, as a condition of such service:

(a) Pay all costs of installing such water service, which costs may include, but are not limited to, cutting and replacing of pavement, boring, and all permits, labor, services and materials, all according to standards and specifications determined by the city;

(b) Pay city water, transportation and parks system development charges, in effect as of the date of application for water service; and

Ordinance -- Page 1

(c) Execute such development agreements, agreements not to remonstrate against the assessment of future improvement costs and formation of a local improvement district, and consent to annexation of the property served by city water, as the City Manager may require.

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

Read for the first time: April 6, 2009
Read for the second time: April 20, 2009
Adopted by the City Council: April 20, 2009
Approved by the Mayor: April 20, 2009



JAMES B. FAIRCHILD, MAYOR

ATTEST:



JERRY WYATT, CITY MANAGER



Fee: \$100.00

Paid: _____

APPLICATION FOR OUTSIDE CITY WATER SERVICE

(Dallas City Code Section 4.486)

Applicant(s) (must be owner of the property): _____

Address of Property where water service is requested: _____

Applicant mailing address: _____

Applicant Phone #: _____

Is the property inside the Urban Growth Boundary: Y N Pre-existing Agreement? Y N

Is there a Water Main line located in front of the property: Y N Size: _____

Please attach: a legal description of the property and a map showing the location of the property

I (We) the undersigned, understand that we will be responsible to pay all the costs of installing the water service, as well as Street, Water, and Parks SDC's, and that we will be required to sign and record with the Polk County Clerk's Office an agreement not to remonstrate against the assessment of future improvement costs and/or the formation of a local improvement district, and consent to annexation of the property served by city water, as the City Manager may require.

Note: No cross-connection with existing water supplies will be permitted. A backflow device will be required for all installations. City water is for domestic use only.

APPLICANT SIGNATURE(s)

_____, Date: _____

_____, Date: _____

Received: _____

Reviewed by Public Works: _____

APPROVED: _____ Date: _____

_____, City Manager

SDC's Paid: _____ Waiver received: _____ Backflow installed: _____



Community Development/Operations Department

Memo

To: Admin Committee
From: Jason Locke, Community Development/Operations Director
Date: July 23, 2012
Re: Open Burning Discussion

A red handwritten signature, likely of Jason Locke, located to the right of the 'From:' field.

The issue of open burning within the City Limits has come up at the Council a couple of times before, most recently at the Public Safety Committee in 2009. There was discussion but no action taken. The city currently does not regulate open burning (ie: burn barrels, slash and yard debris burning) other than to follow the Oregon Department of Forestry open burn dates.

Both the Dallas Fire Department and the Code Enforcement Officer receive numerous calls about burning, smoke, etc during the allowable burn times.

Attached please find a memo from Fire Chief Bill Hahn as well as the Ordinance adopted by the City of Monmouth in 2010. Monmouth has had few issues with the ban.

Staff recommends that the Committee discuss this matter and, if there is a desire to move forward, bring the matter to the full Council for discussion.

May 21, 2012

To: Jason Locke

From: Bill Hahn, Fire Chief

Subject: On May 18, 2009, I proposed to the Public Safety Committee that the City adopt a ban on backyard burning within Dallas.

Issue: A backyard burning ban will reduce life and property at risk through reduction in fires caused by backyard burns, reduce air pollution to our community, reduce calls generated by backyard burning that at times are reported as structure or high risk fires requiring an emergency response, and allow Dallas Fire & EMS services to concentrate on service issues that affect a broader range of its constituents.

Since Allied Waste Service of Dallas began the new curbside-recycling program in July of 2008, and have included within their fees the pickup of yard debris like grass clippings, small branches, gardening debris, etc. there is no need for burning in Dallas.

Dallas would be following the direction taken by the City of Salem in 1994, the City of Keizer in 2000 and the City of Monmouth in 2010.

Enforcement: I would encourage this to be done by the Codes Enforcement individual of the City. After burn ban is instituted an individual would receive a warning, second offences would result in a fine set by the Council, through staff recommendations.

Recommendation: Dallas Fire & EMS service would encourage the Administration Committee to recommend to the full Council the creation of a burn ban for our community.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Regulating Open Burning)

ORDINANCE NO. 1278

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The following section is hereby added to the Monmouth City Code:

43.665 Open burning.

(1) As used in this section, "open burning" means:

- (a) Burning in open, outdoor fires; and
- (b) Burning in burn barrels.

(2) No person shall initiate, or allow to be initiated or maintained, any open burning of any material, except as provided in subsection (3), below.

(3) The prohibition on open burning in subsection (2), above, shall not apply to:

(a) Charcoal or wood barbecues having a grill surface no larger than three feet by five feet in size.

(b) Recreational fires and ceremonial fires. For the purpose of this subparagraph, "recreational fire and ceremonial fire" means an outdoor fire having a total fuel area of 3 feet or less in diameter and 2 feet or less in height, burning only clean, dry firewood or charcoal for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(c) Fires set or permitted by a public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, open space management, or for training purposes or "burn-to-learn" fires conducted by and under the supervision of Polk County Fire District No.1.

(4) Violation of this section is a civil infraction.

Section 2. This ordinance shall take effect November 1, 2010.

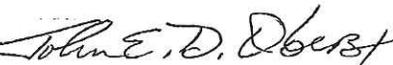
Read for the first time: March 2, 2010

Read for the second time: March 16, 2010

Adopted by the City Council: March 16, 2010

Approved by the Mayor: March 16, 2010

ATTEST:



John E. D. Oberst, Mayor



Phyllis L. Bolman, City Recorder

DALLAS CITY COUNCIL

ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 5	Topic: Dallas Area Senior Center Update
Prepared By: Robert Spivey	Meeting Date: July 23, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Kim Marr		

RECOMMENDED MOTION:

None

BACKGROUND:

The Dallas Area Senior Center is currently located in a section of the Dallas Public Library. Several years ago, the Seniors requested their own facility and the City began the process of selecting a site and identifying funds for construction. It was determined that a grant be used for the construction of a building on city property, specifically in the main city park.

The grant could not be secured due to an existing Community Development Block Grant being used by Polk CDC. Until the grant was drawn down, the state grant would not be available.

Polk CDC has met the state requirements and the funds are available and ready to be applied for.

The grant amount would be for \$1.5M and would cover the costs of construction. The Seniors have raised over \$150k to cover annual operating costs. The current position of the city is that the ongoing costs of operation and maintenance be self funded from the Seniors.

The first five years of the building being occupied come with significant restrictions from the State. These limitations on use are designed to ensure the funds are used as intended, the building of a senior center. The Seniors and city representatives have met with individuals from the state to better understand the scope and intent of these restrictions.

The next steps in the process include applying for the grant, securing an architect for preliminary design and the development of an operating budget for the center.

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL
ADMINISTRATIVE SUBCOMMITTEE REPORT

To: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 6	Topic: Public Contracting Amendments
Prepared By: Emily Gagner	Meeting Date: July 23, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Kim Marr		

RECOMMENDED MOTION:

Motion to recommend the Council adopt the revised Public Contracting Ordinance

BACKGROUND:

In 2011, the legislature made some changes to the public contracting code. In order to ensure our code is in compliance with the 2012 legislation, Lane has drafted an amendment to our code. Lane’s explanation of those changes is described briefly below:

New section 2.369 picks up the new authority we have to give a preference to Oregon-based contract proposals. It is permissive, but we need to adopt the local authority in order to give the preference. I assume the council will want the city to be able to do this.

The rest of the amendments are all directed at incorporating the requirement that we use a "qualified based selection" process for certain architectural, engineering, land surveyor, photogrammetrist (people who construct maps from aerial photos) and certain transportation planning services over \$100,000. Rather than try to restate in our code all of the particulars of the statutory and administrative rule requirements for these contracts, I have just proposed that we incorporate the administrative rules by reference (see new section 2.382).

FISCAL IMPACT:

None

ATTACHMENTS:

Compared version of proposed Public Contracting Ordinance

2.350 Short Title.

The provisions of this subchapter, and all rules adopted hereunder, may be cited as the City Public Contracting Regulations.

[Section 2.350 added by Ordinance No. 1651, passed February 22, 2005.]

2.352 Purpose.

In adopting the public contracting regulations, it is the city's policy to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:

- (1) Promoting impartial and open competition;
- (2) Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
- (3) Taking full advantage of evolving procurement methods that suit the contracting needs of the city as they emerge within various industries.

[Section 2.352 added by Ordinance No. 1651, passed February 22, 2005.]

2.354 Interpretation.

In furtherance of the purpose of the objectives set forth in subsection 2.352, it is the city's intent that its public contracting regulations be interpreted to authorize the full use of all contracting powers and authorities described in ORS chapters 279A, 279B and 279C.

[Section 2.354 added by Ordinance No. 1651, passed February 22, 2005.]

2.356 Application.

The city public contracting regulations apply to all public contracts of the city, except for the classes of contracts that are declared exempt in the Oregon Public Contracting Code, this subchapter, or in rules adopted by the city manager and the following.

- (1) Between governments. Contracts between the city and a public body or agency of the state or its political subdivisions, or between the city and an agency of the federal government.
- (2) Grants.
 - (a) A grant contract is an agreement under which the city is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee, and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions.
 - (b) The making or receiving of a grant is not a public contract subject to the Oregon Public Contracting Code.
 - (c) However, any grant made by the city for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that ensure that expenditures of the grant to design or contract the public works project are made in accordance with the Oregon Public Contracting Code and these regulations.
- (3) Legal witnesses and consultants. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the city is or may become interested.

- (4) Real property. Acquisitions or disposals of real property or interests in real property.
- (5) Oregon corrections enterprises. Procurements from an Oregon corrections enterprises program.
- (6) Finance. Contracts, agreements or other documents entered into, issued or established in connection with:
 - (a) The incurring of debt by the city, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
 - (b) The making of program loans and similar extensions or advances of funds, aid or assistance by the city to a public or private person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law, other than for the construction of public works or public improvements;
 - (c) The investment of funds by the city as authorized by law, or
 - (d) Banking, Money management or other predominantly financial transactions of the city that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon the findings of the city manager.
- (7) Employee benefits. Contracts for employee benefit plans as provided in ORS 243.105 1., 243.125 4., 243.221, 243.275, 243.291, 243.303 and 243.565.
- (8) Exempt under state laws. Any other public contract specifically exempted from the Oregon Public Contracting Code by another provision of law.
- (9) Federal law. Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these regulations, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these regulations.

[Section 2.356 added by Ordinance No. 1651, passed February 22, 2005.]

2.358 City Regulations.

Except as expressly delegated under these regulations, the city reserves to itself the exercise of all the duties and authority of a contract review board under state law, including but not limited to, the power and authority to:

- (1) Solicitation methods applicable to contracts. Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;
- (2) Brand name specifications. Exempt the use of brand name specifications for public improvement contracts;
- (3) Waiver of performance and payment bonds. Approve the partial or complete waiver of the requirements for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies;
- (4) Electronic advertisement of public improvement contracts. Authorize the use of electronic advertisements for public improvement contracts in lieu of publication in a newspaper of general circulation; and
- (5) Appeals of debarment, prequalification decisions and public contracts exceeding \$50,000. Hear properly filed appeals of the city manager's determination of debarment, concerning prequalification or public contracts greater than \$50,000.

[Section 2.358 added by Ordinance No. 1651, passed February 22, 2005.]

2.360 Model Rules.

The Model Rules adopted by the Attorney General under ORS 279A.065 are adopted as supplemental to this subchapter and the public contracting rules adopted by the city manager, and will apply only to the extent that they do not conflict with the contracting regulations adopted by the city and rules adopted by the city manager.

[Section 2.360 added by Ordinance No. 1651, passed February 22, 2005.]

2.362 Authority of City Manager.

(1) General authority. The city manager shall be the purchasing manager for the city, and is hereby authorized to award all city contracts for which there is an appropriation.

(a) Subject to the provisions of this subchapter, the city manager may adopt and amend all rules, regulations, procedures and forms required or permitted to be adopted by public contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the city's contracting needs.

(b) Without limiting the generality of the foregoing, the city manager shall adopt public contracting rules for the award of personal services contracts and concession agreements, and shall hear all solicitation and award protests.

(2) Standards for contracting rules. When adopting public contracting rules, the city manager shall establish practices and procedures that:

(a) Do not encourage favoritism or substantially diminish competition;

(b) Allow the city to take advantage of the cost-saving benefits of alternative contracting methods and practices;

(c) Give preference to goods and services that have been manufactured or produced in the State of Oregon, if the price, fitness, availability and quality are otherwise equal; and

(d) Give preference to goods that are certified to be made from recycled products, when such goods are available, can be substituted for non-recycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from non-recycled products.

(3) Delegation of city manager's authority. Any of the responsibilities or authorities of the city manager under this subchapter may be delegated and sub-delegated by written directive of the city manager.

[Section 2.362 added by Ordinance No. 1651, passed February 22, 2005.]

2.364 Mandatory Review of Rules.

Whenever the Oregon State Legislative Assembly enacts laws that cause the attorney general to modify its Model Rules, the city manager shall review the city public contracting regulations and recommend to the city council or adopt any modifications required to ensure compliance with statutory changes.

[Section 2.364 added by Ordinance No. 1651, passed February 22, 2005.]

2.366 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Award. The selection of a person to provide goods, services or public improvements under a public contract. The award of a contract is not binding on the city until the contract is executed and delivered by the city to such person.

Bid. A binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

Concession agreement. A contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from real property owned or managed by the city, and under

which the concessionaire makes payments to the city based, at least in part, on the concessionaire's revenues or sales. The term concession agreement does not include a mere rental agreement, license or lease for the use of premises.

Contract price. The total amount paid or to be paid under a contract, including any approved alternates, and any fully executed change orders or amendments.

Contract review board or local contract review board. The city council.

Cooperative procurement. A procurement conducted by or on behalf of one or more contracting agencies.

Debarment. A declaration by the city manager, under ORS 279B.130 or ORS 279C.440, that prohibits a potential contractor from competing for the city's public contracts for a prescribed period of time.

Disposal. Any arrangement for the transfer of property by the city under which the city relinquishes ownership.

Emergency. Circumstances that create a substantial risk of loss, damage or interruption of services, or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

Energy savings performance contract. A contract with a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures that guarantee energy savings or performance.

Findings. The statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations; value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability, performance and funding sources.

Goods. Any item or combination of supplies, equipment, materials or other personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto.

Informal solicitation. A solicitation made in accordance with the city public contracting regulations to a limited number of potential contractors, in which the city manager attempts to obtain at least three written quotes or proposals.

Invitation to bid. A publicly advertised request for competitive sealed bids.

Model Rules. The public contracting rules adopted by the attorney general under ORS 279A.065.

Offeror. A person who submits a bid, quote or proposal to enter into a public contract with the city.

Oregon Public Contracting Code. ORS chapters 279A, 279B and 279C.

Person. A natural person or any other private or governmental entity, having the legal capacity to enter into a binding contract.

Personal services contract. A contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communications skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants and property managers. The city manager shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services. Personal services contracts in the nature of consultant contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000 are subject to the provisions of section 2.382.

Proposal. A binding offer to provide goods, services or public improvements, with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A proposal may be made in response to a request for proposals or under an informal solicitation.

Public contract. A sale or other disposal, or a purchase, lease, rental or other acquisition, by the city of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.

Public improvement. A project for construction, reconstruction or major renovation on real property by or for the city. Public improvement does not include:

- (a) Projects for which no funds of the city are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
- (b) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

Purchasing manager. The city manager, or a designee appointed by the city manager to exercise the authority of the purchasing manager under these public contracting regulations.

Qualified pool. A pool of vendors who are pre-qualified to compete for the award of contracts for certain types of contracts or to provide certain types of services.

Quote. A price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

Request for proposals. A publicly advertised request for sealed competitive proposals.

Services. All types of services (including construction labor) other than personal services.

Solicitation. An invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the city with respect to a proposed project, procurement or other contracting opportunity. The word solicitation also refers to the process by which the city requests, receives and evaluates potential contractors and awards public contracts.

Solicitation agent. With respect to a particular solicitation, the city manager or a person designated by the city manager to conduct the solicitation and make an award.

Solicitation documents. All informational materials issued by the city for a solicitation, including but not limited to, advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.

Standards of responsibility. The qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility, if the offeror has:

- (a) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the offeror to meet all contractual responsibilities;
- (b) A satisfactory record of performance. The city manager shall document the record of performance of an offeror, if the city manager finds the offeror to be not responsible under this paragraph;
- (c) A satisfactory record of integrity. The city manager shall document the record of integrity of an offeror, if the city manager finds the offeror to be not responsible under this paragraph;
- (d) Qualified legally to contract with the city;
- (e) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the city manager concerning responsibility, the city manager shall base the determination of responsibility upon any available information or may find the offeror non-responsible; and
- (f) Not been debarred by the city and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

Surplus property. Personal property owned by the city that is no longer needed for use by the department to which it has been assigned.

[Section 2.366 added by Ordinance No. 1651, passed February 22, 2005.]

2.368 Process for Approval of Special Solicitation Methods and Exemptions.

(1) Authority of the city council. In its capacity as the contract review board for the city, the city council, upon its own initiative or upon request of the city manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts, as provided in this section.

(2) Basis for approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the city council that contains the following:

- (a) The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
- (b) The estimated contract price or cost of the project, if relevant;
- (c) Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
- (d) Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;
- (e) A description of the proposed alternative contracting methods to be employed; and
- (f) The estimated date by which it would be necessary to let the contract(s).

In making a determination regarding a special selection method, the city council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.

(3) Hearing.

(a) The city shall approve the special solicitation or exemption after a public hearing before the city council, following notice by publication in at least one newspaper of general circulation in the city area.

(b) At the public hearing, the city shall offer an opportunity for any interested party to appear and present comment.

(c) The city council will consider the findings, and may approve the exemption as proposed or as modified by the city council, after providing an opportunity for public comment.

(4) Special requirements for public improvement contracts.

(a) Notification of the public hearing for exemption of a public improvement contract, or class of public improvement contracts, shall be published in a trade newspaper of general statewide circulation at least 14 days prior to the hearing.

(b) The notice shall state that the public hearing is for the purpose of taking comments on the city's draft findings for an exemption from the standard solicitation method. At the time of the notice, copies of the draft findings shall be made available to the public.

(5) Commencement of solicitation prior to approval.

(a) A solicitation may be issued prior to the approval of a special exemption under this section, provided that the closing of the solicitation may not be earlier than five days after the date of the hearing at which the city council approved the exemption.

(b) If the city council fails to approve a requested exemption, or requires the use of a solicitation procedure other than the procedures described in the issued solicitation documents, the issued solicitation may either be modified by addendum, or cancelled.

[Section 2.368 added by Ordinance No. 1651, passed February 22, 2005.]

2.369 Preferences for Oregon Goods and Services.

(1) When the city receives offers identical in price, fitness, availability and quality, and chooses to award a contract, the city shall award the contract based on preference for the bidder or proposer among those submitting identical offers who is offering goods or services, or both, or personal services, that are manufactured, produced or to be performed in Oregon in the manner provided in OAR 137-046-0300.

(2) The city may, in a solicitation document for goods, services or personal services, a specified percentage preference of not more than ten percent for goods fabricated or processed entirely in Oregon or services or personal services performed entirely in Oregon in the manner provided in ORS 279A.128 and OAR 137-046-0300(5).

2.370 Solicitation Methods for Classes of Contracts.

The following classes of public contracts, and the method(s) that are approved for the award of each class, are hereby established by the city council.

(1) Purchases from nonprofit agencies for disabled individuals. The city shall give a preference to goods, services and public improvements available from qualified nonprofit agencies for disabled individuals, in accordance with the provisions of ORS 279.835 through 279.850.

(2) Public improvement contracts.

(a) Any public improvement. Unless otherwise provided in these regulations or approved for a special exemption, public improvement contracts in any amount may be issued only under an invitation to bid.

(b) Non-transportation public improvements up to \$100,000. Public improvement contracts, other than contracts for a highway, bridge or other transportation project, for which the estimated contract price does not exceed \$100,000 may be awarded using an informal solicitation for quotes.

(c) Transportation public improvements up to \$50,000. Contracts for which the estimated contract price does not exceed \$50,000 for highways, bridges or other transportation projects may be awarded using an informal solicitation for quotes.

(d) City-funded privately constructed public improvements. The city may contribute funding to a privately-constructed public improvement project, without subjecting the project to competitive solicitation requirements, if all of the following conditions are met with respect to the entire public improvement project:

(i) The city's contribution to the project may not exceed 25% of the total cost of the project;

(ii) The city must comply with all applicable laws concerning the reporting of the project to the Bureau of Labor and Industries as a public works project;

(iii) The general contractor for the project must agree, in writing, to comply with all applicable laws concerning reporting and payment of prevailing wages for the project;

(iv) The funds contributed to the project may not provide a pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;

(v) To protect the city against defective performance and claims for payment, the performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds, or other cash-equivalent security that is acceptable to the city manager; and

(vi) The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers compensation and liability insurance, and to protect and provide indemnification to the city for all claims for payment, injury or property damage arising from or related to the construction of the project.

(3) Personal services contracts other than personal services contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000.

(a) Any personal services contract. Personal services contracts in any amount may be awarded under a publicly advertised request for competitive sealed proposals.

(b) Personal service contracts not exceeding \$150,000. Contracts for personal services for which the estimated contract price does not exceed \$150,000 may be awarded using an informal solicitation for proposals.

(c) \$75,000 award from a qualified pool. Contracts for personal services for which the estimated contract price does not exceed \$75,000 may be awarded by direct appointment, without competition, from a qualified pool.

(d) Personal service contracts not exceeding \$20,000 per year. Contracts for which the city manager estimates that payments will not exceed \$20,000 in any fiscal year or \$150,000 over the full term, including optional renewals, may be awarded under any method that the city manager deems is in the city's best interest, including by direct appointment.

(e) Personal service contracts for continuation of work. Contracts of not more than \$150,000 for the continuation of work by a contractor, who performed preliminary studies, analysis or planning for the work under a prior contract, may be awarded without competition; if the prior contract was awarded under a competitive process, and the city manager determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

(f) Personal services contracts in the nature of contracts for architect, photogrammetrist, transportation planner, and surveyor or related services that exceed \$100,000 are subject to the provisions of section 2.382.

(4) Contracts for goods and services.

(a) Any procurement. The procurement of goods or services, or goods and services in any amount may be made under either an invitation to bid or a request for proposals.

(b) Procurements up to \$150,000. The procurement of goods or services, or goods and services, for which the estimated contract price does not exceed \$150,000 may be made under an informal solicitation for either quotes or proposals.

(5) Contracts subject to award at the city manager's discretion. The following classes of contracts may be awarded in any manner that the city manager deems appropriate to the city's needs, including by direct appointment or purchase. Except where otherwise provided, the city manager shall make a record of the method of award.

(a) Advertising. Contracts for the placing of notice or advertisements in any medium.

(b) Amendments. Contract amendments shall not be considered to be separate contracts, if made in accordance with the public contracting regulations.

(c) Animals. Contracts for the purchase of animals.

(d) Contracts up to \$5,000. Contracts of any type for which the contract price does not exceed \$5,000 without a record of the method of award.

(e) Copyrighted materials; library materials. Contracts for the acquisition of materials entitled to copyright, including but not limited to, works of art and design, literature and music, or materials, even if not entitled to copyright, purchased for use as library lending materials.

(f) Equipment repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.

(g) Government-regulated items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.

(h) Insurance. Insurance and service contracts, as provided for under ORS 414.115, 414.125, 414.135 and 414.145.

(i) Non-owned property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the city.

- (j) Sole source contracts. Contracts for goods or services that are available from a single source may be awarded without competition.
- (k) Specialty goods for resale. Contracts for the purchase of specialty goods by the city for resale to consumers.
- (l) Sponsor agreements. Sponsorship agreements, under which the city receives a gift or donation in exchange for recognition of the donor.
- (m) Structures. Contracts for the disposal of structures located on city-owned property.
- (n) Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued contracts, and are not subject to competitive procurement procedures.
- (o) Temporary extensions or renewals. Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
- (p) Temporary use of city-owned property. The city may negotiate and enter into a license, permit or other contract for the temporary use of city-owned property without using a competitive selection process, if:
 - (i) The contract results from an unsolicited proposal to the city, based on the unique attributes of the property or the unique needs of the proposer;
 - (ii) The proposed use of the property is consistent with the city's use of the property and the public interest; and
 - (iii) The city reserves the right to terminate the contract without penalty, in the event that the city determines that the contract is no longer consistent with the city's present or planned use of the property, or the public interest.
- (q) Used property. The city manager may contract for the purchase of used property by negotiation, if such property is suitable for the city's needs and can be purchased for a lower cost than substantially similar new property.
 - (i) For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the city.
 - (ii) The city manager shall record the findings that support the purchase.
- (r) Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services and other utilities.
- (6) Contracts required by emergency circumstances.
 - (a) In general. When the city manager determines that immediate execution of a contract within the city manager's authority is necessary to prevent substantial damage or injury to persons or property, the city manager may execute the contract without competitive selection and award or city council approval, but, where time permits, the city manager shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.
 - (b) Reporting. If the city manager enters into an emergency contract, the city manager shall, as soon as possible, in light of the emergency circumstances:
 - (i) Document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the city and the public; and
 - (ii) Notify the city council of the facts and circumstances surrounding the emergency execution of the contract.
- (7) Federal purchasing program. Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration ("GSA"), as provided in this subsection.

(a) The procurement must be in accordance with procedures established by the GSA for procurements by local governments, and under purchase orders or contracts submitted to and approved by the city manager.

(b) The price of the goods or services must be established under price agreements between the federally approved vendor and the GSA.

(c) The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the city.

(d) If a single purchase of goods or services exceeds \$150,000, the city manager must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by the GSA represent the best value for the city. This paragraph does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

(8) Cooperative procurement contracts. Cooperative procurements may be made without competitive solicitation, as provided in the Oregon Public Contracting Code, ORS 279A.180 through 279A.225.

(9) Surplus property.

(a) General methods. Upon a determination by the city manager that the method of disposal is in the best interest of the city, surplus property may be disposed of by any of the following methods. Factors that may be considered by the city manager include costs of sale, administrative costs, and public benefits to the city. The city manager shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.

(i) Governments. Without competition, by transfer or sale to another city department or public agency.

(ii) Auction. By publicly advertised auction to the highest bidder.

(iii) Bids. By public advertised invitation to bid.

(iv) Liquidation sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

(v) Fixed price sale. The city manager may establish a selling price, based upon an independent appraisal or published schedule of value generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.

(vi) Trade-in. By trade-in, in conjunction with the acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.

(vii) Donation. By donation to any organization operating within, or providing a service to residents of, the city, which the Internal Revenue Service recognizes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(b) Disposal of property with minimal value.

(i) Surplus property with a value of less than \$500, or for which the costs of sale are likely to exceed sales proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste.

(ii) The city manager making the disposal shall make a record of the value of the item and the manner of disposal.

(c) Personal-use items.

(i) An item (or indivisible set) of specialized and personal use, other than police officers' handguns, with a current value of less than \$100 may be sold to the employee or the retired or terminated employee for whose use it was purchased.

(ii) These items may be sold for fair market value, without bid, and by a process deemed most efficient by the city manager.

(d) Police officers' handguns.

(i) Upon honorable retirement from service with the city, a police officer may purchase the handgun that he or she was using at the time of retirement.

(ii) The purchase price shall be the fair market value of the handgun, as determined by an independent appraisal performed by a qualified weapons appraiser.

(iii) An officer electing to exercise this option shall notify the city at least 30 days prior to his or her expected retirement date, and request an appraisal of the handgun.

(iv) Upon receipt of the appraisal fee from the officer, the city shall arrange for appraisal.

(v) A copy of the completed appraisal shall be provided to the officer, who shall have up to 30 days from the date of retirement to purchase the handgun for the appraised fair market value.

(e) Restriction on sale to city employees. City employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder, until at least three days after the first date on which notice of the sale is first publicly advertised.

(f) Conveyance to purchaser. Upon the consummation of a sale of surplus personal property, the city shall make, execute and deliver a bill of sale, signed on behalf of the city, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

(10) Concession agreements.

(a) General. No part of a concession agreement shall contain or constitute a waiver of any generally applicable rules, code provisions or requirements of the city concerning regulation, registration, licensing, inspection, or permit requirements for any construction, rental or business activity.

(b) Classes of contracts eligible for award without competition. The following concession agreements may be awarded by any method deemed appropriate by the city manager, including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.

(i) Contracts under \$5,000. Contracts under which the city manager estimates that receipts by the city will not exceed \$5,000 in any fiscal year and \$50,000 in the aggregate.

(ii) Single event concessions. Concessions to sell or promote food, beverages, merchandise or services at a single public event shall be awarded, based on any method determined by the city manager to provide a fair opportunity to all persons desiring to operate a concession, but in which the promotion of the public interest and success of the event shall be of predominant importance.

(c) Competitive award. Concession agreements solicited by the city for the use of designated public premises for a term greater than a single event shall be awarded as follows:

(i) Small concessions. For concession agreements for which the concessionaire's projected annual gross revenues are estimated to be \$500,000 or less, the city manager has discretion to use either an informal solicitation or formal request for proposals process applicable to contracts for personal services. If the proposals received indicate a probability that the concessionaire's annual gross revenues will exceed \$500,000, the city manager may, but shall not be required to, reissue the solicitation as a request for proposals.

(ii) Major concessions. Concession agreements for which the concessionaire's projected annual gross revenues under the contract are estimated to exceed \$500,000 annually shall be awarded using a request for proposals.

[Section 2.370 added by Ordinance No. 1651, passed February 22, 2005.]

2.372 Informal Solicitation Procedures.

The city may use the following procedure for informal solicitations in lieu of the procedures set forth in the Model Rules.

(1) Informally solicited quotes and proposals.

(a) Solicitation of offers.

(i) When authorized by these regulations, an informal solicitation may be made by general or limited advertisement to a certain group of vendors, by direct inquiry to persons selected by the city manager, or in any other manner that the city manager deems suitable for obtaining competitive quotes or proposals.

(ii) The city manager shall deliver, or otherwise make available, to potential offerors a written scope of work, a description of how quotes or proposals are to be submitted, and a description of the criteria for award.

(b) Award.

(i) The city manager shall attempt to obtain a minimum of three written quotes or proposals before making an award.

(ii) If the award is made solely on the basis of price, the city manager shall award the contract to the responsible offeror that submits the lowest responsive quote.

(iii) If the award is based on criteria other than, or in addition to, price, the city manager shall award the contract to the responsible offeror that will best serve the interest of the city, based on the criteria for award.

(c) Records.

(i) A written record of all persons solicited and offers received shall be maintained.

(ii) If three offers cannot be obtained, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.

(2) Qualified pools.

(a) General. To create a qualified pool, the city manager may invite prospective contractors to submit their qualifications to the city for inclusion as participants in a pool of contractors qualified to provide certain types of goods, services or projects, including personal services and public improvements.

(b) Advertisement.

(i) The invitation to participate in a qualified pool shall be advertised, in the manner provided for advertisements of invitations to bid and requests for proposals, by publication, in at least one newspaper of general statewide circulation.

(ii) If qualification will be for a term that exceeds one year or allows open entry on a continuous basis, the invitation to participate in the pool must be re-published at least once per year, and shall be posted at the city's main office and on its website.

(c) Contents of solicitation. Requests for participation in a qualified pool shall describe the scope of goods or services or projects for which the pool will be maintained, and the minimum qualifications for participation in the pool, which may include, but shall not be limited to, qualifications related to financial stability, contracts with manufacturers or distributors, certification as an emerging small business, insurance, licensure, education, training, experience and demonstrated skills of key personnel, access to equipment, and other relevant qualifications that are important to the contracting needs of the city.

(d) Contract.

(i) The operation of each qualified pool may be governed by the provisions of a pool contract to which the city and all pool participants are parties.

(ii) The contract shall contain all terms required by the city, including, without limitation, terms related to price, performance, business registration or licensure, continuing education, insurance, and requirements for the submission, on an annual or other periodic basis, of evidence of continuing qualification.

(iii) The qualified pool contract shall describe the selection procedures that the city may use to issue contract job orders.

(iv) The selection procedures shall be objective and open to all pool participants, affording them the opportunity to compete for or receive job awards.

(v) Unless expressly provided in the contract, participation in a qualified pool does not entitle a participant to the award of any city contracts.

(e) Use of qualified pools. Subject to the provisions of these regulations concerning methods of solicitation for classes of contracts, the city manager shall award all contracts for goods or services of the type for which a qualified pool is created from among the pool's participants, unless the city manager determines that the best interests of the city require solicitation by public advertisement, in which case, pool participants shall be notified of the solicitation and invited to submit competitive proposals.

(f) Amendment and termination. The city manager may discontinue a qualified pool at any time, or may change the requirements for eligibility as a participant in the pool at any time, by giving notice to all participants in the qualified pool.

(g) Protest of failure to qualify. The city manager shall notify any applicant who fails to qualify for participation in a pool that it may appeal a qualified pool decision to the city council, in the manner described in section [2.378](#).

(h) This section does not apply to consultant contracts in the nature of contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000, which are subject to the provisions of section 2.382.

[Section 2.372 added by Ordinance No. 1651, passed February 22, 2005.]

2.374 Use of Brand Name Specifications.

(1) In general. Specifications for contracts shall not expressly or implicitly require any product by one brand name or mark, nor the product of one particular manufacturer or seller, except for the following reasons:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or

(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the city; or

(c) There is only one manufacturer or seller of the product of the quality required; or

(d) Efficient utilization of existing equipment, systems or supplies requires the acquisition of compatible equipment or supplies.

(2) Authority of city manager. The city manager shall have authority to determine whether an exemption for the use of a specific brand name specification shall be granted, by recording findings that support the exemption based on the provisions of section [2.368](#)(5).

(3) Brand name or equivalent. Nothing in this section prohibits the city from using a "brand name or equivalent" specification, from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the city, or from establishing a qualified product list.

[Section 2.374 added by Ordinance No. 1651, passed February 22, 2005.]

2.376 Bid, Performance and Payment Bonds.

- (1) City manager may require bonds. The city manager may require bid security and a good and sufficient performance and payment bond, even though the contract is of a class that is exempt from the requirement.
- (2) Bid security. The city manager shall determine whether, and in what amount, bid security for all public contracts shall be required, except for public improvement contracts for which bid security shall be governed by ORS279C.
- (3) Performance bonds.
 - (a) General. Except as provided in these regulations or, in the case of public improvement contracts, unless the city manager requires otherwise, all public contracts are exempt from the requirement for the furnishing of a performance bond.
 - (b) Cash-in-lieu. The city manager may permit the successful offeror to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond.
- (4) Payment bonds.
 - (a) General. Except as provided in these regulations, or otherwise required by the city manager, all public contracts, other than public improvement contracts, are exempt from the requirement of a payment bond.
- (5) Surety; obligation.
 - (a) Each performance bond and each payment bond must be executed by a surety company or companies holding a certificate of authority to transact surety business in Oregon.
 - (b) The bonds may not constitute the surety obligation of an individual or individuals.
 - (c) The performance and payment bonds must be payable to the city, or to the public agency or agencies for whose benefit the bond is issued, as specified in the solicitation documents, and shall be in a form approved by the city manager.
- (6) Emergencies. In cases of emergency, or when the interest or property of the city probably would suffer material injury by delay or other cause, the requirement of furnishing a good and sufficient performance bond and a good and sufficient payment bond for the faithful performance of any public contract may be excused by the city manager, if a declaration of such emergency is made in accordance with the provisions of section [2.370\(6\)](#), unless the city requires otherwise.

[Section 2.376 added by Ordinance No. 1651, passed February 22, 2005.]

2.378 Appeal of Debarment, Prequalification Decision or City Manager's Decision on Public Contracts Greater than \$50,000.

- (1) Right of appeal. Any person who has been debarred from competing for city contracts, or for whom prequalification has been denied, revoked or revised, or is a part to a city manager's decision on a public contract greater than \$50,000, may appeal the city manager's decision to the city council, as provided in this section.
- (2) Filing of appeal. The person must file a written notice of appeal with the city manager, within three business days after the prospective contractor's receipt of notice of the determination of debarment, denial of prequalification, or the city manager's decision regarding a public contract greater than \$50,000.
- (3) Notification of city council. Immediately upon receipt of such notice of appeal, the city manager shall notify the city council of the appeal.
- (4) Hearing. The procedure for an appeal under this section shall be as follows:
 - (a) Promptly upon receipt of notice of appeal, the city manager shall notify the appellant of the time and place of the hearing.

(b) The city council shall conduct the hearing and decide the appeal within 30 days after receiving notice of the appeal from the city manager.

(c) At the hearing, the city council shall consider de novo:

(i) The notice of debarment, notice of denial, revocation or revision of prequalification, or the city manager's decision on a public contract greater than \$50,000;

(ii) The standards of responsibility upon which the decision on prequalification was based;

(iii) The reasons listed for debarment, the reasons for the city manager's decision on the public contract; and

(iv) Any evidence provided by the parties.

(5) Decision. The city council shall set forth in writing the reasons for the decision.

(6) Costs.

(a) The city council may allocate the city council's costs for the hearing between the appellant and the city.

(b) The allocation shall be based upon facts found by the city council and stated in the city council's decision that, in its opinion, warrant such allocation of costs.

(c) If the city council does not allocate costs, the costs shall be paid by the appellant, if the decision is upheld, or by the city, if the decision is overturned.

(7) Judicial review. A decision of the city council may be reviewed only upon a petition in the Circuit Court of Polk County filed within 15 days after the date of the city council's decision.

(8) This section does not apply to consultant contracts in the nature of contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000, which are subject to the provisions of section 2.382.

[Section 2.378 added by Ordinance No. 1651, passed February 22, 2005.]

2.380 Public Improvements and Related Contracts.

Except as otherwise provided in these public contract regulations or in public contracting rules adopted by the city manager, public improvements and related contracts shall be subject to the provisions of ORS279C and governed by the attorney general's Model Rules.

2.382 Consultant Contracts for Architect, Photogrammetrist, Transportation Planner, Land Surveyor or Related Services.

(1) Consultant contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000 shall be governed by the provisions of ORS 279C and by the attorney general's Model Rules.

(2) For the purpose of this section:

(a) "Architect" means a person who is registered and holds a valid certificate in the practice of architecture in the State of Oregon, as provided under ORS 671.010 to 671.220.

(b) "Consultant" means an architect, engineer, photogrammetrist, transportation planner, land surveyor or provider of related services. A consultant includes a business entity that employs architects, engineers, photogrammetrists, transportation planners, land surveyors or providers of related services, or any combination of the foregoing; provided, that with respect to a contract entered into under section 2.382, the consultant must be an architect, engineer, photogrammetrist, transportation planner or land surveyor.

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(c) "Land surveyor" means a person who is registered and holds a valid certificate in the practice of land surveying in the State of Oregon, as provided under ORS 672.002 to 672.325, and includes all terms listed in ORS 672.002(5).

(d) "Photogrammetrist" means a person who performs photogrammetric mapping within the meaning of ORS 672.002.

(e) "Related services" means personal services, other than architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects, including but not limited to landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraisal services, commissioning services, project management services, construction management services and owner's representation services or land-use planning services.

(f) "Transportation planner" means a person who provides transportation planning services, as defined in ORS 279C.100 for project-specific transportation planning involved in the preparation of categorical exclusions, environmental assessments, environmental impact statements and other documents required for compliance with the National Environmental Policy Act, 42 U.S.C. 4321, et seq.

[Section 2.380 added by Ordinance No. 1651, passed February 22, 2005.]

DALLAS CITY COUNCIL
ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 7	Topic: City Records Retention Ordinance Update
Prepared By: Emily Gagner	Meeting Date: July 23, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Kim Marr		

RECOMMENDED MOTION:

Motion to recommend the Council adopt the revised Records Retention Ordinance

BACKGROUND:

Dallas City Code 2.700 deals with records retention. The current Code is very dated and does not conform to the State requirements for municipal records retention. In order to correct this, staff proposes changing our Code to simply adopt the State’s retention schedule, which in most cases is actually more stringent than our current Code. Attached is the proposed ordinance (in compared format) that accomplishes that.

FISCAL IMPACT:

None

ATTACHMENTS:

Compared version of proposed Records Retention Ordinance

2.700 Retention Schedule.

(1) The retention schedule for city general records adopted by the Oregon Secretary of State, Archives Division, in effect as of [the effective date of this ordinance], as set forth in Oregon Administrative Rules 160-200-0005 through 160-200-0140, is hereby adopted as the retention schedule for public records of the City of Dallas.

(2) The city manager, or the city manager's designee, will review the retention schedule for city general records adopted by the Oregon Secretary of State annually, and make recommendations as appropriate to amend this section as necessary to maintain the City of Dallas retention schedule current with any changes adopted by the Archives Division.

City officers are required to keep the following record or records of a similar nature on the schedule below:

RETAIN PERMANENTLY:

- ~~—Annexation files~~
- ~~—Annual reports~~
- ~~—Annual summaries of building permits~~
- ~~—Annual summaries of public works projects~~
- ~~—Assessment District File for each improvement containing legal papers pertaining thereto~~
- ~~—Audit reports~~
- ~~—Cash receipts journal of record~~
- ~~—Certificates of bonds and interest coupons destroyed~~
- ~~—Certificate of records authorized to be destroyed~~
- ~~—Check and warrant register or cash payments book~~
- ~~—Council minutes and resolutions~~
- ~~—Deeds and title papers (for property owned by city)~~
- ~~—Foreclosure proceedings and sale files~~
- ~~—General journals~~
- ~~—General ledgers~~
- ~~—Lien docket for bonded and unbonded assessments~~
- ~~—List of outstanding checks or warrants not presented for payment~~
- ~~—Master maps~~
- ~~—One copy of adopted published budget for each year~~
- ~~—Original ordinances~~
- ~~—Plans municipal for buildings or plants~~
- ~~—Police department arrest reports~~
- ~~—Police department finger print records~~
- ~~—Vacation, dedication and widening files~~

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- Water consumption records reservoirs and treatment plants
- Water users index (card record of present and past water services)

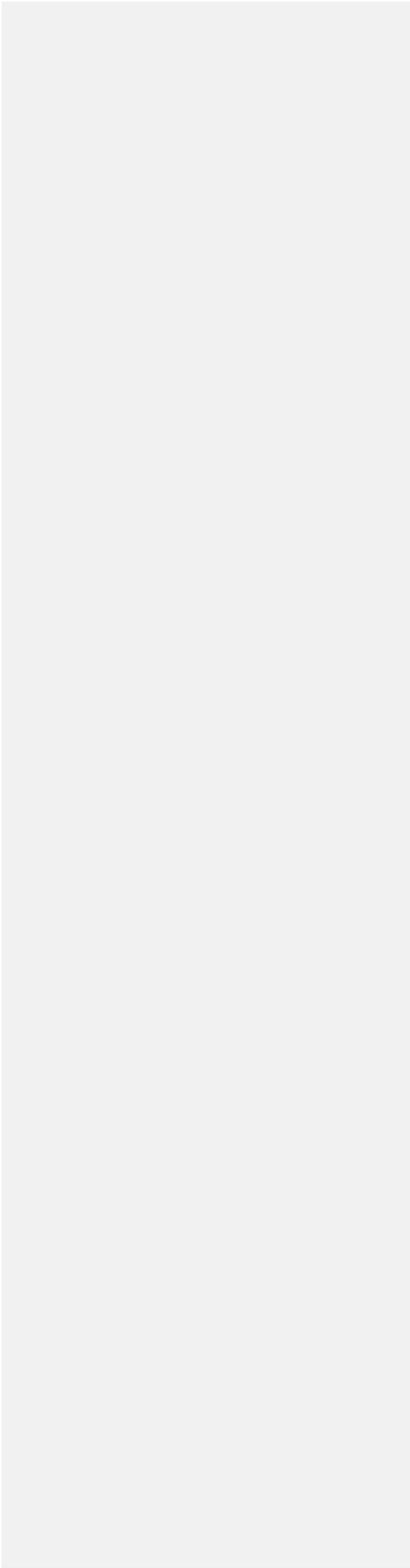
RETAIN SEVEN YEARS:

- Bank deposit books or slips and stubs
- Budget file containing department estimates, publication, etc.
- Budget ledgers for revenue and expenditures
- Building permit duplicates with plans
- Cost and work ledgers
- Duplicates of receipts issued by any department or officer except water cash stubs
- Employee earnings card and file
- Engineer and surveyors field notes
- Journal vouchers for above ledgers (cost and work ledgers, stores ledgers and misc., rec. ledgers, budget ledgers for revenue and expenditures)
- Official oaths
- Paid or canceled warrants and checks with bank statement
- Paid vouchers with bills, invoices and purchase order attached
- Records of collateral pledged
- Redeemed bonds and interest coupons with register (keep certificate of destruction)
- Sewage disposal plant operation reports
- Stores ledgers and misc. acct. rec. ledgers
- Water department acct. rec. records
- Water department cash receipts stubs
- Water department meter books
- Water users card index

RETAIN THREE YEARS:

- Committee reports
- Contracts and leases (after expiration date)
- Insurance policies, fidelity bonds, and records relating to claims after expiration
- Election records (result to be recorded in minutes)
- Monthly payroll sheets and journals
- Monthly reports
- Monthly time sheet or card for summary
- Officers monthly reports fire chief, police chief, etc.
- Police department citations
- Record of formal bid and advertising for bids on contracts and purchases where required
- Reports of boards and commissions
- Requisitions

- ~~—Time slips daily~~
- ~~—Trial balances~~
- ~~—Water department monthly billing recap or summary sheet~~
- ~~—Water department tap orders new services~~
- ~~—Water department turn on and turn off cards for water service~~



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

Also Present: Interim City Manager Jon Nelson, Mayor Brian Dalton, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, Administrative Services Director Robert Spivey, and Recording Secretary Emily Gagner.

Chair Lawson called the meeting to order at 4:48 p.m.

Comments from the Public

Chair Lawson asked for comments from audience members. There were none.

Armory Site Update

Mr. Locke reported the old Armory building had been completely demolished and removed, noting there was an old heating oil tank discovered during the process that was also removed. He explained the Oregon Military Department (OMD) submitted the required paperwork to DEQ and were waiting for that review and sign-off, adding the soil was tested and there was nothing significant found. Mr. Locke indicated the Urban Renewal Agency hadn't received a contract or sales agreement yet because the OMD was waiting to get the tank issue wrapped up. He stated when the hole from the tank removal was filled in, staff required they do some engineering so there wouldn't be issues with future buildings on the lot and were satisfied with that aspect.

Carnegie Building Update

Mr. Locke indicated the Carnegie building was vacated over the past winter and was in rough condition inside. He noted there were also some issues on the outside. He explained that at the next Administrative Committee meeting, staff may bring a list of property that could be surplused, including some with structures. He stated he was working with Mr. Nelson as well as others to determine the best avenue to dispose of some properties.

Councilor Wilson stated she hoped the Council looked at what value the Carnegie building gave the community. She added it could be a real draw for urban renewal.

Council President Scroggin asked if there were any restrictions placed on the building by the historical society. Mr. Locked explained it was not on the historic register.

Community Development/Operations Director's Report

Mr. Locke reviewed his division reports. He indicated everything was going well at the Dallas Aquatic Center, noting there was a minor glitch that required replacing the main control unit, but that was a relatively inexpensive repair at \$3,500. He added attendance was good.

Mr. Locke reported an increase in building activity, noting he would come to the Council in October to discuss the results of the SDC credit. From the land use side of things, Mr. Locke indicated the City had prevailed at LUBA regarding the Walmart appeal. He explained the partition appeal also got resolved through a Circuit Court decision.

1 Mr. Locke pointed out a typical code enforcement weekly report that was included in the packet to give the
2 Committee an idea of what Code Enforcement was working on at any given time.

3 Councilor Lawson asked the status of the Blue Garden property. Mr. Locke indicated there were a couple
4 parties interested in purchasing the building, noting it was difficult to get someone interested in the preser-
5 vation aspect that would be willing to do the considerable work required to make the building usable. He
6 acknowledged it would be a big project, but one important to the downtown. Mr. Locke noted in terms of
7 dealing with the owner, there was very little communication with her.

8 Council President Scroggin reported that there were cars parked all over the property that used to be
9 Pankratz, adding they were parked all over the street on the weekends as well. Mr. Locke indicated the
10 parking of vehicles on the street was not a code violation, although using the neighboring property was. He
11 explained the problem was that business was too successful for that location.

12 **Other**

13 There was no other business and the meeting was adjourned at 5:07 p.m.



Building & Grounds Committee

AGENDA

July 23, 2012

4:00 PM

**Council
Chambers,
Dallas City Hall,
187 SE Court St,
Dallas, OR
97338**

1. Call to Order
2. Comments from the Public

This time is provided for citizens to address the Committee on any matters, including agenda items. This is the only time during the meeting that the public will be allowed to speak.

3. Armory Site Update
4. Carnegie Building Update
5. Community Development/Operations
Director's Report
6. Other
7. Adjournment

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



Memo

To: Buildings and Grounds Committee
From: Jason Locke, Community Development/Operations Director 
Date: July 23, 2012
Re: Status of Armory site and Carnegie Building

Armory Site: The building has been completely removed. There was an underground tank discovered and removed. The OMD has submitted paperwork to the DEQ regarding the tank removal, and are waiting for review and an OK from DEQ. The City has not received a sales contract from OMD with the agreed upon terms as of yet, but we expect it shortly.

Carnegie Building: The building has been vacated and was in rough condition both inside and out. City staff has done considerable cleanup on the inside, and will be completing the outside in the coming month. In addition, staff is determining what the best and most cost-effective HVAC solution is for the building. We anticipate having the HVAC installed this fall. After that, staff will present some options to the Council regarding the disposition of the building in conjunction with some other properties that should be considered for surplus.



Community Development/Operations Department

Memo

To: Buildings and Grounds Committee
From: Jason Locke, Community Development/Operations Director
Date: July 23, 2012
Re: Department Report

An update of various Community Development/Operations activities and information is attached.

Monthly Report Dallas Aquatic Center

Month June 2012

Revenue	June	Fiscal YTD
General Admission	\$ 13,082	\$ 145,599
Annual Membership	\$ 11,650	\$ 112,494
Concessions/Pro	\$ 3,941	\$ 52,835
Pool Rentals/ Parties	\$ 2,060	\$ 25,382
Other	\$ 11,522	\$ 80,593
Total \$	\$ 42,255	\$ 416,903

Expenditures	June	Fiscal YTD

Memberships:	June	May
Annual Pass	888	890
Bill to Insurance Ann Pass	35	35
6-mo Swim Team	1	1
total	924	926
3-mo Water Aerobics	12	17
Monthly Attendance:	YTD	
June	8,150	109,677

	June	YTD
Natural Gas		
Electricity		

Volunteers:	This Month:	YTD
Junior Guards # 16	142	1359
Water Aerobics # 12	130	1577
Halloween Event #19		100
Kids Triathlon		

PW OPERATIONS

Projects to complete

- ~~1) Court St water line repairs from Main to Church (plus new valves on Main)~~
- ~~2) I&I projects: Manhole grouting A-Denton line~~
- 3) Shop siding and windows
- 4) Install new lights at shops
- 5) Install 2 Dallas signs, Godsey and E. Ellendale
- ~~6) Grind and overlay Court St from Jefferson through Church intersection~~
- ~~7) Weed spraying~~
- ~~8) Police parking signs and 3 hour in back of city hall~~
- ~~9) Cleaning sewers maintenance and Camera~~
- 10) Street signs upgrades
- ~~11) Start street painting~~
- ~~12) Crosswalk at Jasper and Ellendale~~
- ~~13) ADA ramps: Morrison School and north side of Washington (E-W only)~~
- ~~14) ADA space at Fire station~~
- ~~15) Replace City Hall Sewer lateral~~
- ~~16) Dig out RR stuff on Church prior to overlay~~
- ~~17) Courts street sign and RG work~~
- ~~18) Monmouth Cutoff shoulder rock~~
- ~~19) No outlet sign on Collins drive~~
- 20) Mike and Megan Water and meter reading
- 21) River Drive pumps
- 22) Asphalt berms – 665 River at hill and 1311 Fairview
- 23) Storm drain ditch redo at 665 River
- 24) Bridlewood pump station generator and enclosure
- 25) Ash Creek cleanout
- 26) NE Quadrant Kings Valley Hwy drainage (CIP)
- 27) Smoke test River Dr Lift station basin
- 28)

Recent Business Activity

- Verizon Wireless Communication facilities – approved but not installed
- New construction; Bike Shop and Residence at 365 Main St. – still developing construction plans
- West Valley Hospital Phase Remodel – in progress
- LimeBerry Frozen Yogurt open and very busy
- Tan Republic open at Jasper Crossing
- Former TTM Building – new company moving in – American Winery Services, LLC
- Armory Demolition – building gone; environmental issues being resolved
- Paradise book shop moved into twice the space on Main Street
- Wal-Mart remodel and expansion – Appeal heard by LUBA
- Cupcake shop under ownership reorganization – plan to reopen soon
- Garden center business to open soon on Mill Street
- Itinerant Merchant activity high this year – farm stands
- Polk County Bounty Farmers Market having best year ever (3rd year)

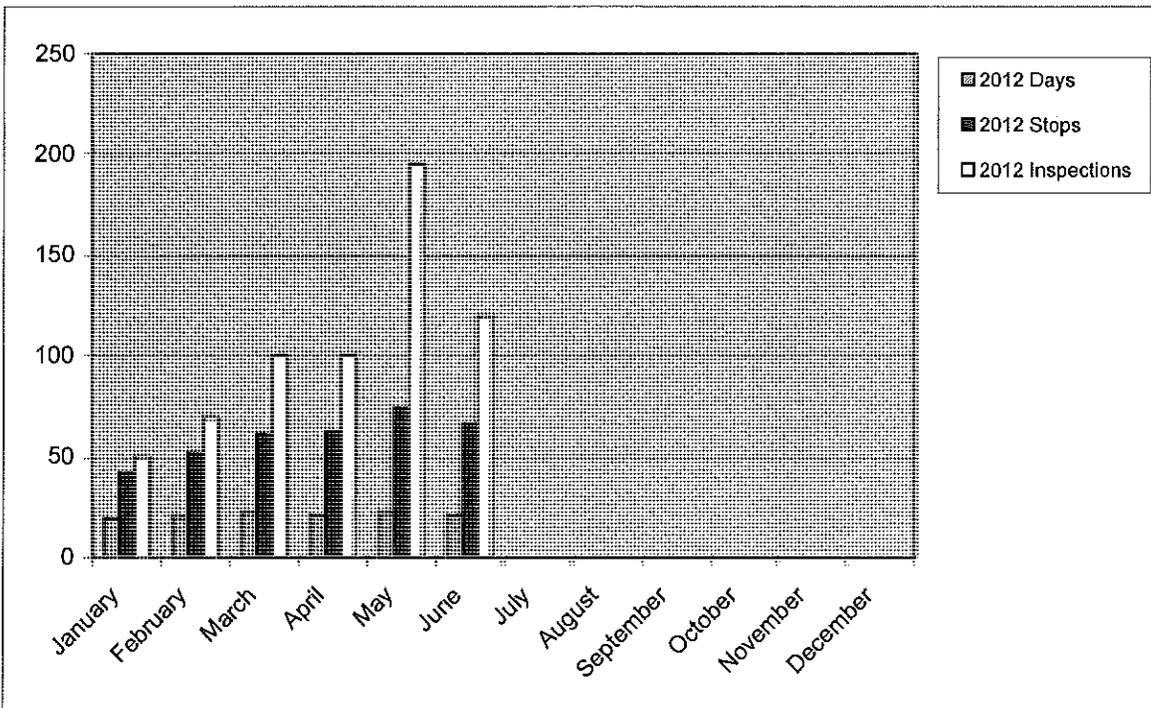
Dallas, OR updated July 2012

Vacant Commercial Property Street Address	Property Owner	Property Mgmt. / Contact	Status
143 SW Court St. 168/172 SW Court St.	S & G Dallas LLC S & G Dallas LLC	Jennifer Hand - Gall Real Estate Jennifer Hand Gall Real Estate	1050 sq.ft. / \$.95 per sq. ft. listed for sale \$250,000
180 SE Mill St. 180 1/2 SE Mill St	Ronald Burch Ronald Burch	Angor / 503-623-5561 Angor / 503-623-5561	1200 sq.ft. / \$600 per month 2000 sq.ft. / \$821 permonth
156 SW Ash St.	Jeff Thomas	503-930-6694	\$1500 per month
820 SW Church St	Jackie and Eric Jacobs	Savannah Realty 503-569-0241	listed for sale \$450,000
680 Main Street 742 Main Street Suite A 827 Main Street	Loren and Gary Cooley Judy Friesen Jennifer Goodman	Les Ohler 503-623-5033 Jennifer Goodman	14,500 sq.ft. for sale \$300,000 5000 sq.ft. negotiable no info available
233 SW Washington	Kaur Parvinder	Kaur Parvinder	not available / used for storage
165 Orchard Drive	Cory and Melinda Seibert	503-623-6221	for sale or lease - negotiable
289 E. Ellendale	Julia Cummings Trust	Angor / 503-623-5561	1020 s.ft. / \$962 per month
210 W. Ellendale	Commercial Investment Assoc.	C.I.A. / Mitch Teal 503-851-8325	\$15 per sq.ft. annual
Vacant Industrial Property 1270 Monmouth Cutoff	Citizen Soldier LLC	Larry Bennett 503-508-4536	for sale or lease - sectional
888 Monmouth Cutoff	McKibbon	David	(2000 sq.ft \$1100) (2500 sq.ft. \$1400)
1378 Jefferson St.	AFB Enterprises Inc.	C.I.A./ Mitch Teal 503-851-8325	110,000 sq. ft. / \$0.36 per sq.ft. monthly

BUILDING

2012

	Days	Stops	Inspections	Average Stops	Average Inspections
January	19	42	50	2.21	2.63
February	20	52	69	2.60	3.45
March	22	61	100	2.77	4.54
April	21	62	100	2.95	4.76
May	22	74	195	3.36	8.86
June	21	66	120	3.14	5.71
July					
August					
September					
October					
November					
December					
YTD Total	125	357	634	2.85	5.07





Quick Find ▶ File #:
My Lists ▶ Address:



Home ▶ My Tasks ▶ Add ▶ Find ▶ Reports ▶ Admin ▶ Support Center ▶ Other Options ▶ Logout

18
20 Open Activities Assigned To Police Clerk:



View

Calendar
To Do List

FILE NUMBER	PRIORITY	ACTIVITY TYPE	ASSIGNED DATE	DUE DATE	CREATED BY	APPROVAL STATUS
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Lists

ALL [dropdown] 180 Day Expiration Annexation [dropdown] ALL [dropdown] ALL [dropdown]

Assigned To
Assigned By
Department
All
Upcoming

11-000455 Normal Inspection 06/16/2012 06/18/2012 - 02:27 PM Police Clerk
 File Type: NEW CASE
 Activity Desc: ET...RE-INSPECT-CITE *Review Today*
 Description: LEVENS ST...505 SW...JUNK: LARGE PILE OF JUNK WOOD STORED ON THE SOUTHWEST CORNER OF THE PROPERTY...OLD TANNERY BUILDING IN NEED OF REMOVAL
 Citizens: CHARLIE TEAL (Involved Citizen), GREGORY KOLOEN ()
 Alerts:

12-000010 Normal Inspection 07/14/2012 07/17/2012 - 01:40 PM Police Clerk
 File Type: NEW CASE
 Activity Desc: ET...RE-INSPECT *July 17, 12*
 Description: JONATHAN AVE...1610 SE...LIC#TJJ178...1993 WHITE TOYOTA CAMRY STORED ON THE STREET W/CURRENT TAGS...DEBRIS UNDER CAR...OTHER CASE ON THIS CAR LAST YEAR
 Citizens: TAINA STURDIVANT (Property Owner)
 Alerts:

12-000215 Normal Inspection 06/04/2012 10/26/2012 - 08:06 AM Police Clerk
 File Type: NEW CASE
 Activity Desc: ET...RE-INSPECT *Oct 26, 12*
 Description: ELLENDALE AVE...573 E SP#38...MR REDDING IS THE OWNER OF THE MANUFACTURED HOME AND IS WORKING TOWARD FIXING AND CLEANING UP THE THE TRAILER
 Citizens: JUSTIN REDDING (Property Owner)
 Alerts:

12-000244 Normal Interview 07/03/2012 07/27/2012 - 07:54 AM Police Clerk
 File Type: NEW CASE
 Activity Desc: ET...RE-INSPECT *July 27, 12*
 Description: FAIRVIEW AVE...1343 SW...ZONING: A METAL OUT BUILDING TO THE NORTH OF HOME ATTACHED TO HOME AND EXTENDING TO WITH IN 12 TO 14 INCHES OF THE NORTH PROPERTY LINE FENCE...
 Citizens: ALEJANDRO CALVO (Complainant), ROSS WILLETT (Property Owner)
 Alerts:

12-000255 Normal Inspection 07/09/2012 07/16/2012 - 04:09 PM Police Clerk
 File Type: NEW CASE
 Activity Desc: ET...RE-INSPECT *Today*
 Description: WASHINGTON ST...484 SW...ATTRACTIVE NUISANCE...VACANT PROPERTY OPEN TO THE PUBLIC...BACKYARD GATE AND DOOR TO HOME OPEN...
 Citizens: RES-OR FRT II LLC (Property Manager)
 Alerts:

12-000290	Normal	Inspection	07/09/2012	07/28/2012 - 01:46 PM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>July 28, 12</i></p> <p>Description: SHELTON ST...1307 SE...SCATTERING RUBBISH: SCREEN DOOR, MATTRESS/BOX SPRING AND MISC WOOD STORED ON THE PROPERTY IN PUBLIC VIEW</p> <p>Citizens: CHRISTOPHER WENDLANDT (Property Owner)</p> <p>Alerts:</p>					
12-000297	Normal	Inspection	06/26/2012	07/24/2012 - 08:26 AM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>July 24, 12</i></p> <p>Description: ASH ST...717 SE...DANGEROUS BUILDING: A WOOD SHED ATTACHED TO THE SOUTHEAST CORNER OF HOME FALLING DOWN...</p> <p>Citizens: DONALD EWING (Property Owner)</p> <p>Alerts:</p>					
12-000302	Normal	Inspection	07/03/2012	07/10/2012 - 08:43 AM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>Today</i></p> <p>Description: ELLENDALE AVE...573 E...SCATTERING RUBBISH: SCRAP WOOD, OLD DOOR AND A PILE OF TRASH SOUTH OF BULL PEN...NORTH OF BULL PEN PILES OF WASTE CONCRETE AND YARD DEBRIS...INSIDE BULL PIN, MATTRESS/BOX SPRINGS, OLD TRASH FURNITURE AND MISC WOOD AND METAL</p> <p>Citizens: ROBERT DANIELL (Property Owner)</p> <p>Alerts:</p>					
12-000329	Normal	Inspection	07/09/2012	07/17/2012 - 01:51 PM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>Closed - car re-moved</i></p> <p>Description: ORCHARD AVE...254 SE...LIC#968BQC...1991 BLACK CHEVY FOUR DOOR STORED ON THE STREET W/CURRENT TAGS...AN ANONYMOUS COMPLAINT...OTHER CASE ON THIS CAR</p> <p>Citizens: STUART GARTHE (Property Owner)</p> <p>Alerts:</p>					
12-000332	Normal	Inspection	07/07/2012	07/16/2012 - 01:39 PM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>Today</i></p> <p>Description: JASMINE LN...700 BLK SE...OBSTRUCTING THE STREET AND SIDEWALK WITH A LARGE PILE OF DIRT</p> <p>Citizens: LYN WILSON (Property Owner)</p> <p>Alerts:</p>					
12-000333	Normal	Inspection	07/14/2012	07/21/2012 - 02:02 PM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>July 21, 12</i></p> <p>Description: DOUGLAS ST...391 NW...LIC#U377947...2006 TRAILER STORED ON STREET W/CURRENT TAGS...HONDA CIVIC CHAINED TO THE TRAILER...BLOCKED TIRES</p> <p>Citizens: DAVID BUFKA (Property Owner), ERIC BUFKA (Involved Citizen)</p> <p>Alerts:</p>					
12-000335	Normal	Inspection	07/14/2012	07/16/2012 - 02:19 PM	Police Clerk
<p>File Type: NEW CASE</p> <p>Activity Desc: <u>ET...RE-INSPECT</u> <i>Closed - Re moved</i></p> <p>Description: MILL ST...591 SE...NO PLATE...A GRAY CARGO TRAILER STORED ON THE STREET W/DEBRIS UNDER</p>					

TRAILER...OTHER CASES ON THE TRAILER...HEAVY DAMAGE TO THE LEFT REAR CORNER...OTHER CASES: 08-000669, 10-000098, 10-000225, 10-000305, 10-000435 AND 12-000335

Citizens: ALBERT CHAMP (Property Owner)

Alerts:

12-000336 Normal Inspection 07/09/2012 07/23/2012 - 02:41 PM Police Clerk

File Type: NEW CASE

Activity Desc: ET...RE-INSPECT *Today - Due feuly 23, 12*

Description: ELLENDALE AVE...573 E SP#22 & SP#21...OPEN SEWAGE LINES ... THE GROUND STUBS HAVE NO CAPS...SEWAGE SMELL

Citizens: ROBERT DANIELL (Property Owner)

Alerts:

12-000338 Normal Inspection 07/10/2012 07/17/2012 - 02:16 PM Police Clerk

File Type: NEW CASE

Activity Desc: ET...RE-INSPECT *July 17, 12*

Description: LYLE ST...1236 SE...SCATTERING RUBBISH: IN THE FRONT YARD MATTRESS/BOX SPRING CUPS, TRANSMISSION, PICK UP BED FULL OF TRASH AND MISC JUNK/TRASH

Citizens: BILLY BROYLES (Property Owner)

Alerts:

12-000339 Normal Inspection 07/10/2012 07/17/2012 - 03:00 PM Police Clerk

File Type: NEW CASE

Activity Desc: ET...RE-INSPECT *July 17, 12*

Description: LYLE ST...1236 SE...NO PLATE...A LARGE BOAT AND TRAILER STORED ON THE FRONT YARD .. APPEARS INOPERABLE WITH ENGINE PARTS LAYING ON THE GROUND...

Citizens: BILLY BROYLES (Property Owner)

Alerts:

12-000340 Normal Inspection 07/10/2012 07/17/2012 - 03:18 PM Police Clerk

File Type: NEW CASE

Activity Desc: ET...RE-INSPECT *July 17, 12*

Description: LEWIS ST...1240 SE...LIC#ZWE078...1986 YELLOW CHEVY 2 DOOR CAR STORED ON THE PROPERTY W/EXPIRED TAGS...I PUBLIC VIEW...

Citizens: ASHLEY GREENWADE (Tenant)

Alerts:

12-000341 Normal Inspection 07/10/2012 07/17/2012 - 03:31 PM Police Clerk

File Type: NEW CASE

Activity Desc: ET...RE-INSPECT *July 17, 12*

Description: LEWIS ST...1240 SE...LIC#780CMM...1998 BLUE CHEVY 4 DOOR STORE ON PROPERTY W/EXPIRED TAGS...IN PUBLIC VIEW

Citizens: ASHLEY GREENWADE (Tenant)

Alerts:

12-000342 Normal Inspection 07/10/2012 07/17/2012 - 03:35 PM Police Clerk

File Type: NEW CASE

Activity Desc: ET...RE-INSPECT *July 17, 12*

Description: LEWIS ST...1240 SE...LIC#AEP601...1971 GREEN FORD P/U STORED ON PROPERTY IN PUBLIC VIEW W/EXPIRED TAGS

Citizens: ASHLEY GREENWADE (Tenant)

Alerts:

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 e	Topic: OLCC Liquor License Application for New Outlet
Prepared By: Emily Gagner	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the license for a new outlet 129 East Ellendale Avenue.

BACKGROUND:

The City received an OLCC application for a new outlet at 129 East Ellendale Avenue for C-Stop #7790. The Police Department has reviewed the application and found no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for C-Stop #7790



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Master File!

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 _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

Limited Partnership

Corporation

Limited Liability Company

Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

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: LV8

Date: 5/31/12

90-day authority: Yes No

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

① Convenience Retailers LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): C-Stop #7790

3. Business Location: 129 E. Ellendale Ave Dallas Polk OR 97338

(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 7180 Koll Center Parkway, Suite 100 Pleasanton CA 94566

(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (925) 884-0800

(phone) (fax)

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

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: Carol Korn

(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Dallas

(name of city or county)

11. Contact person for this application: Jenny Phung

(name) (phone number(s))

7180 Koll Center Parkway, Suite 100 permits@pcandf.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 [Signature] Date 5/22/12 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
MAY 25 2012

May 22, 2012

COPY

Jenny Phung
Pacific Convenience & Fuels LLC
2603 Camino Ramon, Suite 350
San Ramon, CA 94583-9180

RE: Changes to Corporate Structure for Convenience Retailers LLC (Master File)

Thank you for the information you submitted on the changes to the membership of Convenience Retailers LLC. Our records will now show the approved structure as:

Pacific Convenience & Fuels LLC Sole member

Pacific Convenience & Fuels LLC is approved as:

PCF Investco, LLC Sole Member

PCF Invesco, LLC is approved as:

Sotech LLC 90% Membership Interest

Sotech, LLC is approved as:

Sam Hirbod 100% Membership Interest

Golden State Oil LLC 10% Membership Interest

Golden State Oil LLC is approved as:

David Delrahim 100% Membership Interest

Please note that OAR 845-006-0475(4)(a)(b) requires that you obtain prior approval from the Commission of any change or control of 10% or more of ownership interest (3% or more if proposed member is a corporate officer or director) and that you notify the Commission immediately in writing of changes in officers and directors.

If you have any questions, I can be reached at (503) 872-5193.

Sincerely,

Mary L. Olsen
License Investigator



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name C-stop 2. City Dallas
 3. Name Korn Carol Lynn
 (Last) (First) (Middle)
 4. Other names used (maiden, other) _____
 5. *SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M F
 (State of Country) (mm) (dd) (yyyy)

*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). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. 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]

9. Driver License or State ID # [REDACTED] 10. State OR
 11. Residence Address [REDACTED] Albany OR 97321
 (number and street) (city) (state) (zip code)
 12. Mailing Address (if different) [REDACTED] Albany OR 97321
 (number and street) (city) (state) (zip code)
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) _____

15. Do you have a spouse or domestic partner? Yes No
 If yes, list his/her full name: [REDACTED]

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No

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

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.
 If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name C-stop 21. City Dallas

22. Do you have any arrests or citations that have not been resolved? Yes No Unsure
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.) Yes No Unsure
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.) Yes No Unsure
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?
 Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol? N/A Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.
n/a

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?
 N/A Yes No Unsure If yes or unsure, explain:
n/a

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon? N/A Yes No Unsure If yes or unsure, explain:
n/a

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 8.8.2012



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: Convenience Retailers LLC Year Filed: 2007

Trade Name (dba): C-Stop #7790

Business Location Address: 129 E. Ellendale Ave

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

1. Pacific Convenience and Fuels, LLC
(managing member)

100%

2. Sam Hirbad
(members)

President

3. _____

4. _____

5. _____

6. _____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: _____ DOB: _____

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

Signature: [Signature] (name) President (title) Date: 5/22/12



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: Pacific Convenience and Fuels, LLC Year Filed: 2008

Trade Name (dba): C-Stop #7790

Business Location Address: 129 E. Ellendale Ave

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

1. PCF Investco, LLC
(managing member)

100%

2. _____
(members)

3. _____

4. _____

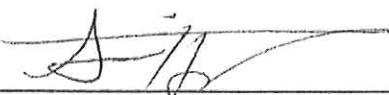
5. _____

6. _____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: _____ DOB: _____

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

Signature: 
(name)

Sam Hirbod
(title)

Date: 5/22/12



OREGON LIQUOR CONTROL COMMISSION LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: PCF Investco, LLC Year Filed: 2008

Trade Name (dba): C-Stop #7790

Business Location Address: 129 E. Ellendale Ave

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

- 1. Golden State Oil, LLC
(managing member)
- 2. Sotech, LLC
(members)
- 3. _____
- 4. _____
- 5. _____
- 6. _____

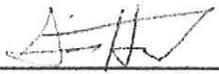
10%

90%

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: _____ DOB: _____

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

Signature:  Sam Hirbat Date: 5/22/12
(name) (title)



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: Golden State Oil, LLC Year Filed: 2007

Trade Name (dba): C-Stop #7790

Business Location Address: 129 E. Ellendale Ave

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

1. David Delrahim
(managing member)

100%

2. _____
(members)

3. _____

4. _____

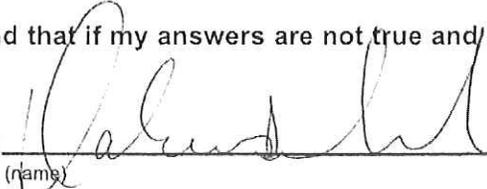
5. _____

6. _____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: _____ DOB: _____

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

Signature:  Date: 5/18/12
(name) (title)



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: Sotech, LLC Year Filed: 2007

Trade Name (dba): C-Stop #7790

Business Location Address: 129 E. Ellendale Ave

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

1. Sam Hirbod
(managing member)

100%

2. _____
(members)

3. _____

4. _____

5. _____

6. _____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: _____ DOB: _____

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

Signature:  Sam Hirbod Date: 5/22/12
(name) (title)



STATEMENT OF FUNDING SOURCES

Please Print or Type

Each person who invests money in this licensed business must complete this form which will become a part of the permanent file. The information must be printed legibly in ink or typed.

New outlet, change of ownership, change of location

Not including amounts you will owe on contract, what is the approximate total amount you will put into this business to buy or start it up? (For example: advance rent payment, down payments on contracts, buying inventory, remodeling, city and licensing fees, purchasing stock in a corporation or membership interest in an LLC.)

Total \$

OR

Change to existing license (greater privilege, additional privilege, change in legal entity, extension of premises, remodel)

What is the approximate total amount you will put into making the change you are requesting? (For example: buying inventory, remodeling, city and licensing fees, purchasing stock in a corporation or membership interest in an LLC.)

Total \$

Identify where you got your investment money. List the full name of the bank, lender, or person who loaned or gave you money. The total in this section should be equal to, or more than, the total amount listed above.

Bank of America	\$ <input type="text" value="750,000"/>
<u>MASTERS FILE</u>	\$ <input type="text"/>
<u>LV</u>	\$ <input type="text"/>
	\$ <input type="text"/>

Sworn Statement: I swear the above information is true, accurate and complete. I understand that the OLCC may require me to give proof of the above information and that if the information is not true, accurate or complete the OLCC may prosecute me criminally for False Swearing under ORS 162.075. The OLCC may also refuse to grant my license application or if the license is granted may act to revoke my license based on a false sworn statement.

Trade Name (d.b.a.) C-Stop #7790 City Dallas

Printed Name Sam Hirbod

Signature Date 5/22/12



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Convenience Retailers LLC Phone: (925)884-0800

Trade Name (dba): C-Stop #7790

Business Location Address: 129 E. Ellendale Ave.

City: Dallas ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 5 AM to 11 PM
Monday 5 AM to 11 PM
Tuesday 5 AM to 11 PM
Wednesday 5 AM to 11 PM
Thursday 5 AM to 11 PM
Friday 5 AM to 11 PM
Saturday 5 AM to 11 PM

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: _____ Outdoor: NA
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

NA 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: [Signature] Date: 5/22/12



OREGON LIQUOR CONTROL COMMISSION
OFF-PREMISES SALES INVENTORY

Please Print or Type

Applicant Convenience Retailers LLC

Business Name C-Stop # 7790

City Dallas

The Commission will refuse an Off-premises Sales license at a premises that sells motor vehicle fuel (gas pumps), unless the applicant maintains a wide variety of grocery inventory available for sale. [OAR 845-005-0326(4)(b)]

"Wide variety" means an inventory at a cost to the applicant of at least \$5,000 of foods that satisfy the general public's ordinary eating habits and personal and household products. You cannot count alcoholic beverages or tobacco products. You cannot count snack food items that exceed ten percent of the inventory. Grocery inventories may be verified by an Inspector during premises visits. Below are examples of products that can (yes) and cannot (no) be counted toward the \$5000 inventory.

- | | |
|---|-------------------|
| <u>YES</u> | <u>NO</u> |
| MILK | APPLIANCES |
| BREAD | BEER & WINE |
| CANDY | FISHING BAIT |
| CANNED FOOD | HARDWARE PRODUCTS |
| DRUGS | MOTOR OIL |
| FRESH FRUIT | SPORTING GOODS |
| FRESH VEGETABLES | TOBACCO PRODUCTS |
| JUICE | |
| MEAT | |
| PAPER PRODUCTS
(such as Kleenex, disposable diapers, etc.) | |
| PREPARED FOOD TO GO
(sandwiches, hot dogs, etc.) | |
| PET FOOD | |
| SOAP | |
| SODA POP | |

I certify that I have and will maintain inventory at my premises that meets or exceeds the requirements as stated above.

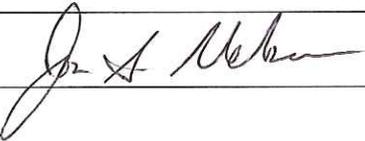
Applicant(s) Signature  Date 5/22/12

9079 SE McLoughlin Blvd., Portland, OR 97222-7355 ● PO Box 22297, Milwaukie, OR 97269-2297
 Ph:(503) 872-5070 ● www.oregon.gov/olcc

(rev. 12/07)

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8a	Topic: SDC Discount Program
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson, Interim City Manager		

RECOMMENDED ACTION: The Council should make a determination as to whether or not the SDC discount program adopted by Resolution 3241 applies only to single family dwellings, or to duplexes and multifamily units as well.

BACKGROUND: The City Building Division issued a building permit for a duplex on Jonathan Avenue back in July 2012. At the time, the SDC discount was incorrectly applied (so that each unit received the full discount) to the permit. Subsequently, staff recognized the error and contacted the contractor, stated that the discount had been given in error, and requested payment of the discounted amount (\$11,761), as it was staff's position that the SDC discount applied only to single family homes. The contractor, Fowler Homes, has submitted a letter in support of the discount being granted for their duplex project. This issue needs to be clarified by the Council so that any future projects within the SDC discount program timeframe (ends October 1) are treated equitably and in accordance with the intent of the Council.

FISCAL IMPACT: If the Council determines that the SDC discount does apply to duplexes, that would result in a loss of \$11,761 to the water and sewer SDC funds.

ATTACHMENTS:

- Minutes from the Admin Committee recommending the SDC waiver program
- Resolution 3241 adopting the SDC discount program
- e-mail from Jason Locke to Paul Trahan regarding SDC calculation error
- Letter from Paul Trahan regarding the SDC's for a duplex



JASON LOCKE <jason.locke@dallasor.gov>

sdc

1 message

JASON LOCKE <jason.locke@dallasor.gov>

Tue, Jul 24, 2012 at 3:42 PM

To: Lane Shetterly <lane@siso-law.com>

Lane, minutes from the Admin cmtee, pretty clear it only applies to SFR.

SDC Discount Program

Mr. Locke stated the idea of reducing systems development charges (SDCs) surfaced a while back and it had come up a few times over the past couple years. He reported that the City only issued 13 single family residential permits in 2011, which was a fairly low number. He indicated the idea of waiving some of the SDCs was to see if that would spur construction activity for single family dwellings. He reviewed the proposed dual-track incentive. Staff proposed waiving the single family dwelling sewer SDC of \$3,834 and for dwellings under 1,700 square feet, staff proposed waiving half of the water SDC, or \$1,876. He explained that smaller homes used less water, adding this incentive encouraged building energy-efficient homes.

Mr. Locke reviewed the staff report. He noted by waiving the sewer SDC and half of the water SDC, that would be a reduction of almost 50% of the SDCs for a single family residence. He explained staff recommended doing the reduction in SDC for the next nine months, until October 1. He added staff would come back to the Administrative Committee in September to give an assessment of how it worked and the impacts to capital improvements. Mr. Locke mentioned other jurisdictions had done this throughout the state with some more successful than others. He indicated from the perspective of spurring development, this was an approach staff would like to take. Mr. Wyatt pointed out that homes over 1,700 square feet would still save the cost of the sewer SDC.

Councilor Lawson asked if staff had talked to realtors. She expressed her concern that if there was success in spurring new construction, it would create a glut in the market for existing homes. Mr. Locke stated that was hard to say, adding it was a supply and demand issue. He noted it should create more activity in both the new and existing house markets.

Yolanda Zuger, a local realtor, stated she was confident reducing fees would allow Dallas to become competitive with areas like South Salem, where they were dropping prices. She noted this proposal should stimulate activity and get things going on the vacant lots in town that were starting to get overgrown.

Nancy Rogers, another local realtor, stated she knew of several builders who wanted to build a home for the home tour. She added this proposal would allow builders to get their fees down, which they would pass on to consumers, which would be very beneficial. She stated it would start momentum and help fill in subdivisions. She indicated if the City looked at it from the standpoint that though they were initially reducing revenue by cutting the SDCs, it wouldn't take long to make that up with the taxes that would be paid on the new homes.

Chad Woods, a local realtor, indicated he recently showed a lady several homes in Dallas and there was not one single-story home that fit her needs. He expressed his concern about cutting off the water SDC credit at homes smaller than 1700 square feet because a lot of three bedroom, two bath homes were over that amount, up to 2,200 square feet. He stated when homes were smaller than 1,700 square feet, builders tended to narrow doors, which made it more difficult for people with walkers to navigate.

Mr. Locke explained the 1,700 square foot limit was only for the forgiveness of half of the water SDC credit, noting all single family homes would receive the sewer SDC credit. He noted the water SDC size limit was partially tied to usage and capacity issues.

Councilor Wilson stated the proposal would benefit realtors and builders, noting it was beneficial for people who couldn't find what they wanted so they wouldn't go out of town. She added the Council would review it again in September to see what impacts there were.

There was discussion about how the timing would work for the SDC credit. Mr. Shetterly stated he and Mr. Locke could work out that issue, noting it would typically apply to when the SDC would be payable.

Councilor Lawson stated that along the idea of incentives, there were a lot of houses on the market and she wondered what the City could do to provide incentives for existing homes on the market. Mr. Wyatt explained there was nothing the City could do because that was all in the private sector.

Councilor Jones stated she was under contract to build a home with Fowler, and declared an actual conflict of interest.

It was moved by Councilor Wilson and seconded by Councilor Lawson to recommend adoption of a resolution by the full Council to implement the proposed

SDC discounts. The motion carried unanimously with Councilor Jones not voting due to her actual conflict of interest.

Online Utility/Court Payments

Jason Locke
Community Development/Operations Director
City of Dallas
503.831.3565
Fax 503.623.2339

RESOLUTION NO. 3241

A Resolution temporarily waiving certain System Development Charges.

WHEREAS, the recent national and state economic recession has had continuing adverse impacts on home sales and new home construction, an important sector of the local economy; and

WHEREAS, System Development Charges (SDCs) imposed on new development by the City of Dallas are necessary to meet the capital improvement needs of the City, but can be a constraint on new construction during this period of recovery from economic recession; and

WHEREAS, recognizing the constraints on the housing market and residential real estate development during this period of economic recovery, the City Council of the City of Dallas desires to extend special assistance and support to foster and encourage the development of new housing to meet the needs of the community by temporarily reducing certain SDCs on certain residential construction, as provided herein, and finds that it is in the best interest of the City to do so;

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

Section 1. That all sanitary sewer SDCs be waived on all new home construction for which SDCs would otherwise be due and payable, as provided in Dallas City Code section 4.645, during the period of this resolution.

Section 2. That one-half of water SDCs be waived on new home construction for residential units having a living area size of less than 1700 square feet, as determined in accordance with the Dallas Development Code, for which SDCs would otherwise be due and payable in full, as provided in Dallas City Code section 4.645, during the period of this resolution.

Section 3. This Resolution shall take effect on upon adoption, and is repealed on October 1, 2012.

Adopted: February 6, 2012
Approved: February 6, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER



JASON LOCKE <jason.locke@dallasor.gov>

Re: Duplex SDC's

1 message

JASON LOCKE <jason.locke@dallasor.gov>

Thu, Aug 9, 2012 at 7:39 AM

To: "Trahan, Paul" <PaulT@jwfowler.com>

Cc: JON NELSON <jon.nelson@dallasor.gov>, Lane Shetterly <lane@siso-law.com>, TED CUNO <TED.CUNO@dallasor.gov>

Paul, Councilor Jones wants this SDC discount matter to go to the City Council on August 20. Please provide a letter to me as to why you feel that the SDC discount that was given to Fowler homes (in error as expalined below) is valid for your duplex. Thanks

Jason Locke
Community Development/Operations Director
City of Dallas
503.831.3565
Fax 503.623.2339

On Tue, Jul 24, 2012 at 7:50 AM, Trahan, Paul <PaulT@jwfowler.com> wrote:

Will do Jason

On another subject, can you forward on the correct Type I application form? Thanks

Paul K. Trahan

Vice President
Land Acquisition and Development
The FIFE Group
PO Box 968
Dallas, OR 97338
Phone (503) 831-6136

NOTICE: This electronic mail message and any files transmitted with are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.

From: JASON LOCKE [mailto:jason.locke@dallasor.gov]
Sent: Tuesday, July 24, 2012 7:49 AM
To: Trahan, Paul
Cc: TED CUNO; Troy Skinner; CECILIA WARD
Subject: Duplex SDC's

Paul, please pass this along to Michael. Per our conversation yesterday, Permit # 13036 was issued for a duplex. We erroneously applied the SDC discount, which is specifically for single-family homes. That being the case, our Building Official will be preparing an additional bill for the unpaid SDC's in the amount of

\$11,761.00. Sorry for the inconvenience. Please contact Ted for more info.

Jason Locke

Community Development/Operations Director

City of Dallas

503.831.3565

Fax 503.623.2339

Fowler Homes

A James W. Fowler Affiliate

August 13, 2012

Mr. Jason Locke
Community Development Director
City of Dallas
187 SE Court St.
Dallas, OR 97338

08-14-12 A10:55 RCVD

RE: Invoice for additional SDC fees – Permit 13036 – Resolution No. 3241

Dear Jason:

On July 17, 2012, Fowler Homes paid for and was issued building permit no 13036 for construction of a duplex located on 1507 and 1509 SE Jonathan Ave. Subsequent to that issuance, Fowler Homes was sent an invoice for an additional \$11,761.00 apparently, for additional SDC fees that should have been collected at the time of permit issuance. Your email to me stated "We erroneously applied the SDC discount, which is specifically for single-family homes."

Unfortunately Fowler Homes entered into a contract to build the duplex for the Buyer and the price was calculated based on representations made by your staff and the reading of Resolution No. 3241 waiving certain System Development Charges.

Resolution 3241 contains certain statements which support the Councils desire to help stimulate economic recovery such as:

- "the recent national and state economic recession has had continuing adverse impacts (emphasis added) on home sales and new home construction, an important sector of the local economy;"
- "System Development Charges (SDC's) imposed on new development by the City of Dallas are necessary to meet the capital improvement needs of the City, but can be a constraint on new construction during this period of recovery from economic recession;" (emphasis added)
- "recognizing the constraints on the housing market and residential real estate development during this period of economic recovery, the City Council of the City of Dallas desires to extend special assistance and support to foster and encourage the development of new housing (emphasis added) to meet the needs of the community by temporarily reducing certain SDC's on certain residential construction, as provided herein, and finds that it in the best interest of the City to do so;"

Section 1 – "That all sanitary sewer SDC's be waived on all new home construction for which SDC's would otherwise be due and payable, as provided in Dallas City Code section 4.645, during the period of this resolution."

The language "all new home construction" infers exactly as stated; all new home construction. Section 1 does not limit the waving of the SDC's to just new Single Family Detached homes.

Section 2 – "That one-half of water SDC's be waived on new home construction for residential units"

Again, the language "new home construction for residential units, does not specify only single family detached homes, but refers to "residential units".



Where dreams are built.

It is clear that during the Administrative Committee meeting of January 23rd, you were speaking of "Single family dwellings" as reflected in the minutes of that meeting. Regrettably, the resolution as drafted and approved is not so specific, it references "all new home construction" and "new home construction for residential units".

We are requesting that you reconsider your decision to charge Fowler Homes the additional SDC fees for permit number 13036. Had we have known that attached new homes were not included in the Resolution; we would have built two separate homes saving the \$11,761; an amount that is considerable to a home Buyer in todays market.

If in fact the City Council meant to only waive the SDC's for new Single Family Detached units, then they should amend Resolution 3241 to state so.

Sincerely,



Paul K. Trahan

August 13, 2012

To: Mayor and City Council

From: Jon Nelson, Interim City Manager and John Teague, Chief of Police

Re: Dallas City Code 5.228 Truancy

Issue: Revisions to DCC 5.228 Truancy

Discussion: Oregon state law does not speak specifically to truancy. It does require school-age children to attend school and it requires parents to send their children to school, but state law has no means of holding children accountable if they refuse to attend school. Laws holding children accountable must be enacted at the local level.

Earlier in the year, Superintendent Christy Perry facilitated a discussion about truancy and about students' consequences for truancy. Stakeholders included the School District, the Dallas Police Department, Polk County Juvenile Department, including Sanction Court, Polk County Circuit Court, and, because some of the school district lies in the county, Polk County Sheriff's Office. Part of that discussion regarded revisions to the City's current truancy code.

The current truancy code is more precisely a daytime curfew code; that is, it addresses school-age children who are not in school *and* are in a public place during school hours. A true truancy code specifically addresses truancy and will allow enforcement action to be taken even if a child is not in a public place, including at home.

Staff can bring recommendations to the Public Safety Committee. If so directed, City Attorney Shetterly will prepare a draft ordinance revising the code, and Chief Teague will then organize a stakeholder's meeting for review of the revised code prior to presentation to the Public Safety Committee.

Fiscal Impact: 1) Small amount of staff time for preparation. 2) The Police Department estimates the additional calls for service can be absorbed within current resources.

Alternative(s): 1) Take no action and leave current truancy code as written. 2) Direct staff to present a revised truancy code to the Public Safety Committee.

Staff Recommendation(s): Staff recommends revising the current code.

August 15, 2012

To: Mayor and City Council

From: Jon Nelson

Re: City Manager's Update

Thank you for the welcome I have received since beginning service as the interim city manager on July 23. I continue to be impressed with the dedication and professionalism of the organization.

Since starting, I have "made the rounds" to meet employees, community members, Polk County Administrator Greg Hansen, and Chamber Executive Director Chelsea Pope. I also met with School Superintendent Christy Perry.

In meetings with department heads we discussed departmental issues for the balance of the calendar year. I wanted to share the major issues the departments will be working on that are in addition to the day-to-day, on-going commitments and project work underway. I have also noted upcoming policy discussions beginning on page 2.

Administration

- Coverage and staffing support alternatives
- Support for City Council and new city manager recruitment
- Mayor and Council elections
- Librarian recruitment, Senior Center project, and sports program development

Community Development/Operations

- Economic Development facilitation, including Weyerhaeuser auction repercussions, and FY 2012-13 economic development work program
- Downtown Urban Renewal project development
- Aquatic Center revenue development
- Residential Street Funding Committee support

Engineering and Environmental Services

- Watershed study and associated recommendations follow-up
- Utilities/SDC rates and charges review
- Residential Street Funding Committee support
- Design services for the following 2013/14 Capital Improvement Projects:

- o Rickreall Creek Trail project
- o Aquatic Center pedestrian bridge/sanitary siphon replacement
- o Main Street/downtown streetscape project
- o I & I reduction project (insitu-form Rickreall Creek interceptor line)

Finance

- Audit completion and work on associated recommendations
- Policy development and updates: fraud, credit cards, travel and training
- Financial reporting tools development

Fire

- Merger study development and participation
- Fire training facility
- Staffing alternatives for coverage, education, and inspector functions
- Electronic charting for Medicare and Medicaid ambulance reimbursements

Police

- Policy manual update completion
- On-going, City-related investigation support
- Staffing: recruitments, new hires, and associated reorganization of prevention, evidence, and records functions.

Upcoming Policy Related Discussions

This fall, several policy related discussions will be coming forward for City Council consideration. They include the following:

Criminal Offense Citations in Municipal Court

City-related criminal citations were transferred in 2010 from the City of Dallas to the Polk County Circuit Court. Staff would like to review this transfer. There are livability and revenue and cost issues associated with Municipal Court adjudicating this caseload.

Economic Development Trust Fund

Consistent with Dallas Municipal Code and the approved budget, staff is preparing a work program recommendation for the Economic Development Commission that will require City Council review and approval. Funds are projected to be less than the budgeted amount of \$53,000.

Recreation Budget

Consistent with Dallas Municipal Code and the approved budget, staff is preparing a work program recommendation for the Park Board that will require

City Council review and approval. Funds are currently budgeted in the amount of \$20,000, but this includes Sounds of Summer expenditures as well.

Transient Lodging Tax Trust Fund

Consistent with Dallas Municipal Code and the approved budget, 70% of the annual deposits are directed to the Dallas Area Visitors Center. The 30% balance of anticipated receipts (\$21,750) plus past years' fund balance (\$13,000) are to be used as directed by City Council. Enabling legislation recognizes the legitimate general fund services support (police, fire, parks, etc.) used by the visitors paying the tax. City staff will be developing a recommendation for City Council consideration.

As you can see, there is a lot of activity in the works. Please call me if you have questions or feedback.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 d	Topic: Cancel August 27 Public Safety/Public Works Committee Meetings
Prepared By: Emily Gagner	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Motion to cancel the August 27 Public Safety and Public Works Subcommittee meetings.

BACKGROUND:

After discussions with staff, we have no agenda items for the August 27 Public Works and Public Safety Committee meetings. In light of this, we recommend canceling these meetings.

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: Resolution #3253 – Budget Amendment
Prepared By: Cecilia Ward	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Approval of Resolution No. 3253

BACKGROUND:

Oregon Budget Law allows for unanticipated changes to the budget throughout the fiscal year. ORS 294.463 allows for appropriation transfers which includes intra-and inter-fund transfers between appropriation categories and contingency transfers. Appropriation transfers require a budget resolution.

Following are the necessary transfers:

General Fund:

From:	To:	Purpose:	Amount:
Contingency	Facilities Department - capital outlay	HVAC System for Carnegie Building. Dependent on usage of building.	\$25,000
Contingency	Ambulance Department - travel and training	EMS grant match. Training of electronic patient files.	\$ 3,800
Contingency	Parks Department - professional services	Tree removal in city park.	\$ 2,500

Fleet Fund:

From:	To:	Purpose:	Amount:
Contingency	Capital Outlay - vehicles	Additional equipment for new fire department vehicles.	\$ 6,000

Sewer Fund:

From:	To:	Purpose:	Amount:
Contingency	Capital Outlay - equipment replacement	Pump replacement due to winter storm damage. This will be reimbursed by FEMA or insurance.	\$ 90,000

Grant Fund:

From:	To:	Purpose:	Amount:
CDBG Grant (Revenue)	Watershed Protection Grant (Revenue)	Grant from Oregon Business Development Department for Rickreall Watershed Management Strategies Assessment (Source Water Protection)	\$ 30,000
CDBG Grant (Expenditure)	Watershed Protection Grant (Expenditure)	Grant from Oregon Business Development Department for Rickreall Watershed Management Strategies Assessment (Source Water Protection)	\$ 30,000

FISCAL IMPACT:

General Fund: \$31,300
Fleet Fund: \$ 6,000
Sewer Fund: \$90,000
Grant Fund: \$ 0

ATTACHMENTS:

Resolution

RESOLUTION NO. 3253

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$25,000 from the General Fund, Operating Contingency, to the General Fund, Facilities Department, for unanticipated HVAC system for Carnegie Building; and

WHEREAS, it is necessary to transfer the appropriation authority of \$3,800 from the General Fund, Operating Contingency, to the General Fund, Ambulance Department, for unanticipated EMS grant match; and

WHEREAS, it is necessary to transfer the appropriation authority of \$2,500 from the General Fund, Operating Contingency, to the General Fund, Parks Department, for unanticipated tree removal in city park; and

WHEREAS, it is necessary to transfer the appropriation authority of \$6,000 from the Fleet Fund, Operating Contingency, to the Fleet Fund, Capital Outlay-Vehicles, for unanticipated additions to Fire Department vehicles; and

WHEREAS, it is necessary to transfer the appropriation authority of \$30,000 from the Grant Fund, CDBG Grant (Revenue), to the Grant Fund, Watershed Protection Grant (Revenue), for unanticipated grant from OBDD; and

WHEREAS, it is necessary to transfer the appropriation authority of \$30,000 from the Grant Fund, CDBG Grant (Expenditure), to the Grant Fund, Watershed Protection Grant (Expenditure), for unanticipated grant from OBDD; and

WHEREAS, it is necessary to transfer the appropriation authority of \$90,000 from the Sewer Fund, Operating Contingency, to the Sewer Fund, Capital Outlay-WWTF equipment replacement for pump replacement; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$25,000 from the General Fund, Operating Contingency, to the General Fund, Facilities Department.

Section 2. That the City Manager be, and he hereby is, authorized and to transfer the appropriation authority of \$3,800 from the General Fund, Operating Contingency, to the General Fund, Ambulance Department.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$2,500 from the General Fund, Operating Contingency, to the General Fund, Parks Department.

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$6,000 from the Fleet Fund, Operating Contingency, to the Fleet Fund, Capital Outlay-Vehicles.

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$30,000 from the Grant Fund, CDBG Grant (Revenue), to the Grant Fund, Watershed Protection Grant (Revenue), for unanticipated grant from OBDD.

Section 6. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$30,000 from the Grant Fund, CDBG Grant (Expenditure), to the Grant Fund, Watershed Protection Grant (Expenditure), for unanticipated grant from OBDD.

Section 7. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$90,000 from the Sewer Fund, Operating Contingency, to the Sewer Fund, Capital Outlay-WWTF equipment replacement for pump replacement.

Section 8. This Resolution shall be effective upon its passage.

Adopted: August 20, 2012
Approved: August 20, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON, CITY MANAGER PRO TEM

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10 a	Topic: Ord. No. 1747 regarding Public Contracting Regulations
Prepared By: Emily Gagner	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Allow first reading of ordinance

BACKGROUND:

This ordinance serves to clean up our code with regards to public contracting in order to bring it into compliance with changes in state law. There is little that will affect the day-to-day contracting procedure.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance No. 1747

ORDINANCE NO. 1747

An Ordinance amending provisions of the Dallas City Public Contracting Regulations; and creating new provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2.356, 2.366, 2.368, 2.370, 2.372, 2.374, 2.376 and 2.378 of the Dallas Public Contracting Regulations (Dallas City Code Sections 2.350 through 2.380) are hereby amended, and Sections 2.369 and 2.382 are added to and made a part thereof, as follows:

2.356 Application.

The city public contracting regulations apply to all public contracts of the city, except for the classes of contracts that are declared exempt in the Oregon Public Contracting Code, this subchapter, or in rules adopted by the city manager and the following.

(1) Between governments. Contracts between the city and a public body or agency of the state or its political subdivisions, or between the city and an agency of the federal government.

(2) Grants.

(a) A grant contract is an agreement under which the city is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee, and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions.

(b) The making or receiving of a grant is not a public contract subject to the Oregon Public Contracting Code.

(c) However, any grant made by the city for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that ensure that expenditures of the grant to

design or contract the public works project are made in accordance with the Oregon Public Contracting Code and these regulations.

(3) Legal witnesses and consultants. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the city is or may become interested.

(4) Real property. Acquisitions or disposals of real property or interests in real property.

(5) Oregon corrections enterprises. Procurements from an Oregon corrections enterprises program.

(6) Finance. Contracts, agreements or other documents entered into, issued or established in connection with:

(a) The incurring of debt by the city, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;

(b) The making of program loans and similar extensions or advances of funds, aid or assistance by the city to a public or private person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law, other than for the construction of public works or public improvements;

(c) The investment of funds by the city as authorized by law, or

(d) Banking, Money management or other predominantly financial transactions of the city that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon the findings of the city manager.

(7) Employee benefits. Contracts for employee benefit plans as provided in ORS 243.105, 243.125, 243.221, 243.275, 243.291, 243.303 and 243.565.

(8) Exempt under state laws. Any other public contract specifically exempted from the Oregon Public Contracting Code by another provision of law.

(9) Federal law. Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when

federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these regulations, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these regulations.

2.366 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Award. The selection of a person to provide goods, services or public improvements under a public contract. The award of a contract is not binding on the city until the contract is executed and delivered by the city to such person.

Bid. A binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

Concession agreement. A contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from real property owned or managed by the city, and under which the concessionaire makes payments to the city based, at least in part, on the concessionaire's revenues or sales. The term concession agreement does not include a mere rental agreement, license or lease for the use of premises.

Contract price. The total amount paid or to be paid under a contract, including any approved alternates, and any fully executed change orders or amendments.

Contract review board or local contract review board. The city council.

Cooperative procurement. A procurement conducted by or on behalf of one or more contracting agencies.

Debarment. A declaration by the city manager, under ORS 279B.130 or ORS 279C.440, that prohibits a potential contractor from competing for the city's public contracts for a prescribed period of time.

Disposal. Any arrangement for the transfer of property by the city under which the city relinquishes ownership.

Emergency. Circumstances that create a substantial risk of loss, damage or interruption of services, or a substantial threat to property, public health,

welfare or safety; and require prompt execution of a contract to remedy the condition.

Energy savings performance contract. A contract with a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures that guarantee energy savings or performance.

Findings. The statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations; value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability, performance and funding sources.

Goods. Any item or combination of supplies, equipment, materials or other personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto.

Informal solicitation. A solicitation made in accordance with the city public contracting regulations to a limited number of potential contractors, in which the city manager attempts to obtain at least three written quotes or proposals.

Invitation to bid. A publicly advertised request for competitive sealed bids.

Model Rules. The public contracting rules adopted by the attorney general under ORS 279A.065.

Offeror. A person who submits a bid, quote or proposal to enter into a public contract with the city.

Oregon Public Contracting Code. ORS chapters 279A, 279B and 279C.

Person. A natural person or any other private or governmental entity, having the legal capacity to enter into a binding contract.

Personal services contract. A contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communications skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service

provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants and property managers. The city manager shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services. Personal services contracts in the nature of consultant contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000 are subject to the provisions of section 2.382.

Proposal. A binding offer to provide goods, services or public improvements, with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A proposal may be made in response to a request for proposals or under an informal solicitation.

Public contract. A sale or other disposal, or a purchase, lease, rental or other acquisition, by the city of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.

Public improvement. A project for construction, reconstruction or major renovation on real property by or for the city. Public improvement does not include:

- (a) Projects for which no funds of the city are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
- (b) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

Purchasing manager. The city manager, or a designee appointed by the city manager to exercise the authority of the purchasing manager under these public contracting regulations.

Qualified pool. A pool of vendors who are pre-qualified to compete for the award of contracts for certain types of contracts or to provide certain types of services.

Quote. A price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

Request for proposals. A publicly advertised request for sealed competitive proposals.

Services. All types of services (including construction labor) other than personal services.

Solicitation. An invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the city with respect to a proposed project, procurement or other contracting opportunity. The word solicitation also refers to the process by which the city requests, receives and evaluates potential contractors and awards public contracts.

Solicitation agent. With respect to a particular solicitation, the city manager or a person designated by the city manager to conduct the solicitation and make an award.

Solicitation documents. All informational materials issued by the city for a solicitation, including but not limited to, advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.

Standards of responsibility. The qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility, if the offeror has:

- (a) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the offeror to meet all contractual responsibilities;
- (b) A satisfactory record of performance. The city manager shall document the record of performance of an offeror, if the city manager finds the offeror to be not responsible under this paragraph;
- (c) A satisfactory record of integrity. The city manager shall document the record of integrity of an offeror, if the city manager finds the offeror to be not responsible under this paragraph;
- (d) Qualified legally to contract with the city;

(e) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the city manager concerning responsibility, the city manager shall base the determination of responsibility upon any available information or may find the offeror non-responsible; and

(f) Not been debarred by the city and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

Surplus property. Personal property owned by the city that is no longer needed for use by the department to which it has been assigned.

2.368 Process for Approval of Special Solicitation Methods and Exemptions.

(1) Authority of the city council. In its capacity as the contract review board for the city, the city council, upon its own initiative or upon request of the city manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts, as provided in this section.

(2) Basis for approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the city council that contains the following:

(a) The nature of the contract or class of contracts for which the special solicitation or exemption is requested;

(b) The estimated contract price or cost of the project, if relevant;

(c) Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;

(d) Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;

(e) A description of the proposed alternative contracting methods to be employed; and

(f) The estimated date by which it would be necessary to let the contract(s).

In making a determination regarding a special selection method, the city council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.

(3) Hearing.

(a) The city shall approve the special solicitation or exemption after a public hearing before the city council, following notice by publication in at least one newspaper of general circulation in the city area.

(b) At the public hearing, the city shall offer an opportunity for any interested party to appear and present comment.

(c) The city council will consider the findings, and may approve the exemption as proposed or as modified by the city council, after providing an opportunity for public comment.

(4) Special requirements for public improvement contracts.

(a) Notification of the public hearing for exemption of a public improvement contract, or class of public improvement contracts, shall be published in a trade newspaper of general statewide circulation at least 14 days prior to the hearing.

(b) The notice shall state that the public hearing is for the purpose of taking comments on the city's draft findings for an exemption from the standard solicitation method. At the time of the notice, copies of the draft findings shall be made available to the public.

(5) Commencement of solicitation prior to approval.

(a) A solicitation may be issued prior to the approval of a special exemption under this section, provided that the closing of the solicitation may not be earlier than five days after the date of the hearing at which the city council approved the exemption.

(b) If the city council fails to approve a requested exemption, or requires the use of a solicitation procedure other than the procedures described in the issued solicitation documents, the issued solicitation may either be modified by addendum, or cancelled.

2.369 Preferences for Oregon Goods and Services.

(1) When the city receives offers identical in price, fitness, availability and quality, and chooses to award a contract, the city shall award the contract based on preference for the bidder or proposer among those submitting identical offers who is offering goods or services, or both, or personal services, that are manufactured, produced or to be performed in Oregon in the manner provided in OAR 137-046-0300.

(2) The city may, in a solicitation document for goods, services or personal services, a specified percentage preference of not more than ten percent for goods fabricated or processed entirely in Oregon or services or personal services performed entirely in Oregon in the manner provided in ORS 279A.128 and OAR 137-046-0300(5).

2.370 Solicitation Methods for Classes of Contracts.

The following classes of public contracts, and the method(s) that are approved for the award of each class, are hereby established by the city council.

(1) Purchases from nonprofit agencies for disabled individuals. The city shall give a preference to goods, services and public improvements available from qualified nonprofit agencies for disabled individuals, in accordance with the provisions of ORS 279.835 through 279.850.

(2) Public improvement contracts.

(a) Any public improvement. Unless otherwise provided in these regulations or approved for a special exemption, public improvement contracts in any amount may be issued only under an invitation to bid.

(b) Non-transportation public improvements up to \$100,000. Public improvement contracts, other than contracts for a highway, bridge or other transportation project, for which the estimated contract price does not exceed \$100,000 may be awarded using an informal solicitation for quotes.

(c) Transportation public improvements up to \$50,000. Contracts for which the estimated contract price does not exceed \$50,000 for highways, bridges or other transportation projects may be awarded using an informal solicitation for quotes.

(d) City-funded privately constructed public improvements. The city may contribute funding to a privately-constructed public improvement project, without subjecting the project to competitive solicitation requirements, if all of the following conditions are met with respect to the entire public improvement project:

(i) The city's contribution to the project may not exceed 25% of the total cost of the project;

(ii) The city must comply with all applicable laws concerning the reporting of the project to the Bureau of Labor and Industries as a public works project;

(iii) The general contractor for the project must agree, in writing, to comply with all applicable laws concerning reporting and payment of prevailing wages for the project;

(iv) The funds contributed to the project may not provide a pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;

(v) To protect the city against defective performance and claims for payment, the performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds, or other cash-equivalent security that is acceptable to the city manager; and

(vi) The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers' compensation and liability insurance, and to protect and provide indemnification to the city for all claims for payment, injury or property damage arising from or related to the construction of the project.

(3) Personal services contracts other than personal services contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000.

(a) Any personal services contract. Personal services contracts in any amount may be awarded under a publicly advertised request for competitive sealed proposals.

(b) Personal service contracts not exceeding \$150,000. Contracts for personal services for which the estimated contract price does not exceed \$150,000 may be awarded using an informal solicitation for proposals.

(c) \$75,000 award from a qualified pool. Contracts for personal services for which the estimated contract price does not exceed \$75,000 may be awarded by direct appointment, without competition, from a qualified pool.

(d) Personal service contracts not exceeding \$20,000 per year. Contracts for which the city manager estimates that payments will not exceed \$20,000 in any fiscal year or \$150,000 over the full term, including optional renewals, may be awarded under any method that the city manager deems is in the city's best interest, including by direct appointment.

(e) Personal service contracts for continuation of work. Contracts of not more than \$150,000 for the continuation of work by a contractor, who performed preliminary studies, analysis or planning for the work under a prior contract, may be awarded without competition; if the prior contract was awarded under a competitive process, and the city manager determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

(f) Personal services contracts in the nature of contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000 are subject to the provisions of section 2.382.

(4) Contracts for goods and services.

(a) Any procurement. The procurement of goods or services, or goods and services in any amount may be made under either an invitation to bid or a request for proposals.

(b) Procurements up to \$150,000. The procurement of goods or services, or goods and services, for which the estimated contract price

does not exceed \$150,000 may be made under an informal solicitation for either quotes or proposals.

(5) Contracts subject to award at the city manager's discretion. The following classes of contracts may be awarded in any manner that the city manager deems appropriate to the city's needs, including by direct appointment or purchase. Except where otherwise provided, the city manager shall make a record of the method of award.

(a) Advertising. Contracts for the placing of notice or advertisements in any medium.

(b) Amendments. Contract amendments shall not be considered to be separate contracts, if made in accordance with the public contracting regulations.

(c) Animals. Contracts for the purchase of animals.

(d) Contracts up to \$5,000. Contracts of any type for which the contract price does not exceed \$5,000 without a record of the method of award.

(e) Copyrighted materials; library materials. Contracts for the acquisition of materials entitled to copyright, including but not limited to, works of art and design, literature and music, or materials, even if not entitled to copyright, purchased for use as library lending materials.

(f) Equipment repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.

(g) Government-regulated items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.

(h) Insurance. Insurance and service contracts, as provided for under ORS 414.115, 414.125, 414.135 and 414.145.

(i) Non-owned property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the city.

(j) Sole source contracts. Contracts for goods or services that are available from a single source may be awarded without competition.

(k) Specialty goods for resale. Contracts for the purchase of specialty goods by the city for resale to consumers.

(l) Sponsor agreements. Sponsorship agreements, under which the city receives a gift or donation in exchange for recognition of the donor.

(m) Structures. Contracts for the disposal of structures located on city-owned property.

(n) Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued contracts, and are not subject to competitive procurement procedures.

(o) Temporary extensions or renewals. Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.

(p) Temporary use of city-owned property. The city may negotiate and enter into a license, permit or other contract for the temporary use of city-owned property without using a competitive selection process, if:

(i) The contract results from an unsolicited proposal to the city, based on the unique attributes of the property or the unique needs of the proposer;

(ii) The proposed use of the property is consistent with the city's use of the property and the public interest; and

(iii) The city reserves the right to terminate the contract without penalty, in the event that the city determines that the contract is no longer consistent with the city's present or planned use of the property, or the public interest.

(q) Used property. The city manager may contract for the purchase of used property by negotiation, if such property is suitable for

the city's needs and can be purchased for a lower cost than substantially similar new property.

(i) For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the city.

(ii) The city manager shall record the findings that support the purchase.

(r) Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services and other utilities.

(6) Contracts required by emergency circumstances.

(a) In general. When the city manager determines that immediate execution of a contract within the city manager's authority is necessary to prevent substantial damage or injury to persons or property, the city manager may execute the contract without competitive selection and award or city council approval, but, where time permits, the city manager shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

(b) Reporting. If the city manager enters into an emergency contract, the city manager shall, as soon as possible, in light of the emergency circumstances:

(i) Document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the city and the public; and

(ii) Notify the city council of the facts and circumstances surrounding the emergency execution of the contract.

(7) Federal purchasing program. Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration ("GSA"), as provided in this subsection.

(a) The procurement must be in accordance with procedures established by the GSA for procurements by local governments, and

under purchase orders or contracts submitted to and approved by the city manager.

(b) The price of the goods or services must be established under price agreements between the federally approved vendor and the GSA.

(c) The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the city.

(d) If a single purchase of goods or services exceeds \$150,000, the city manager must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by the GSA represent the best value for the city. This paragraph does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

(8) Cooperative procurement contracts. Cooperative procurements may be made without competitive solicitation, as provided in the Oregon Public Contracting Code, ORS 279A.180 through 279A.225.

(9) Surplus property.

(a) General methods. Upon a determination by the city manager that the method of disposal is in the best interest of the city, surplus property may be disposed of by any of the following methods. Factors that may be considered by the city manager include costs of sale, administrative costs, and public benefits to the city. The city manager shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.

(i) Governments. Without competition, by transfer or sale to another city department or public agency.

(ii) Auction. By publicly advertised auction to the highest bidder.

(iii) Bids. By public advertised invitation to bid.

(iv) Liquidation sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

(v) Fixed price sale. The city manager may establish a selling price, based upon an independent appraisal or published schedule of value generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.

(vi) Trade-in. By trade-in, in conjunction with the acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.

(vii) Donation. By donation to any organization operating within, or providing a service to residents of, the city, which the Internal Revenue Service recognizes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(b) Disposal of property with minimal value.

(i) Surplus property with a value of less than \$500, or for which the costs of sale are likely to exceed sales proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste.

(ii) The city manager making the disposal shall make a record of the value of the item and the manner of disposal.

(c) Personal-use items.

(i) An item (or indivisible set) of specialized and personal use, other than police officers' handguns, with a current value of less than \$100 may be sold to the employee or the retired or terminated employee for whose use it was purchased.

(ii) These items may be sold for fair market value, without bid, and by a process deemed most efficient by the city manager.

(d) Police officers' handguns.

(i) Upon honorable retirement from service with the city, a police officer may purchase the handgun that he or she was using at the time of retirement.

(ii) The purchase price shall be the fair market value of the handgun, as determined by an independent appraisal performed by a qualified weapons appraiser.

(iii) An officer electing to exercise this option shall notify the city at least 30 days prior to his or her expected retirement date, and request an appraisal of the handgun.

(iv) Upon receipt of the appraisal fee from the officer, the city shall arrange for appraisal.

(v) A copy of the completed appraisal shall be provided to the officer, who shall have up to 30 days from the date of retirement to purchase the handgun for the appraised fair market value.

(e) Restriction on sale to city employees. City employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder, until at least three days after the first date on which notice of the sale is first publicly advertised.

(f) Conveyance to purchaser. Upon the consummation of a sale of surplus personal property, the city shall make, execute and deliver a bill of sale, signed on behalf of the city, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

(10) Concession agreements.

(a) General. No part of a concession agreement shall contain or constitute a waiver of any generally applicable rules, code provisions or requirements of the city concerning regulation, registration, licensing, inspection, or permit requirements for any construction, rental or business activity.

(b) Classes of contracts eligible for award without competition. The following concession agreements may be awarded by any method deemed appropriate by the city manager, including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.

(i) Contracts under \$5,000. Contracts under which the city manager estimates that receipts by the city will not exceed \$5,000 in any fiscal year and \$50,000 in the aggregate.

(ii) Single event concessions. Concessions to sell or promote food, beverages, merchandise or services at a single public event shall be awarded, based on any method determined by the city manager to provide a fair opportunity to all persons desiring to operate a concession, but in which the promotion of the public interest and success of the event shall be of predominant importance.

(c) Competitive award. Concession agreements solicited by the city for the use of designated public premises for a term greater than a single event shall be awarded as follows:

(i) Small concessions. For concession agreements for which the concessionaire's projected annual gross revenues are estimated to be \$500,000 or less, the city manager has discretion to use either an informal solicitation or formal request for proposals process applicable to contracts for personal services. If the proposals received indicate a probability that the concessionaire's annual gross revenues will exceed \$500,000, the city manager may, but shall not be required to, reissue the solicitation as a request for proposals.

(ii) Major concessions. Concession agreements for which the concessionaire's projected annual gross revenues under the contract are estimated to exceed \$500,000 annually shall be awarded using a request for proposals.

2.372 Informal Solicitation Procedures.

The city may use the following procedure for informal solicitations in lieu of the procedures set forth in the Model Rules.

(1) Informally solicited quotes and proposals.

(a) Solicitation of offers.

(i) When authorized by these regulations, an informal solicitation may be made by general or limited advertisement to a certain group of vendors, by direct inquiry to persons selected by the city manager, or in any other manner that the city manager deems suitable for obtaining competitive quotes or proposals.

(ii) The city manager shall deliver, or otherwise make available, to potential offerors a written scope of work, a description of how quotes or proposals are to be submitted, and a description of the criteria for award.

(b) Award.

(i) The city manager shall attempt to obtain a minimum of three written quotes or proposals before making an award.

(ii) If the award is made solely on the basis of price, the city manager shall award the contract to the responsible offeror that submits the lowest responsive quote.

(iii) If the award is based on criteria other than, or in addition to, price, the city manager shall award the contract to the responsible offeror that will best serve the interest of the city, based on the criteria for award.

(c) Records.

(i) A written record of all persons solicited and offers received shall be maintained.

(ii) If three offers cannot be obtained, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.

(2) Qualified pools.

(a) General. To create a qualified pool, the city manager may invite prospective contractors to submit their qualifications to the city for inclusion as participants in a pool of contractors qualified to provide certain types of goods, services or projects, including personal services and public improvements.

(b) Advertisement.

(i) The invitation to participate in a qualified pool shall be advertised, in the manner provided for advertisements of invitations to bid and requests for proposals, by publication, in at least one newspaper of general statewide circulation.

(ii) If qualification will be for a term that exceeds one year or allows open entry on a continuous basis, the invitation to participate in the pool must be re-published at least once per year, and shall be posted at the city's main office and on its website.

(c) Contents of solicitation. Requests for participation in a qualified pool shall describe the scope of goods or services or projects for which the pool will be maintained, and the minimum qualifications for participation in the pool, which may include, but shall not be limited to, qualifications related to financial stability, contracts with manufacturers or distributors, certification as an emerging small business, insurance, licensure, education, training, experience and demonstrated skills of key personnel, access to equipment, and other relevant qualifications that are important to the contracting needs of the city.

(d) Contract.

(i) The operation of each qualified pool may be governed by the provisions of a pool contract to which the city and all pool participants are parties.

(ii) The contract shall contain all terms required by the city, including, without limitation, terms related to price, performance, business registration or licensure, continuing education, insurance, and requirements for the submission, on an annual or other periodic basis, of evidence of continuing qualification.

(iii) The qualified pool contract shall describe the selection procedures that the city may use to issue contract job orders.

(iv) The selection procedures shall be objective and open to all pool participants, affording them the opportunity to compete for or receive job awards.

(v) Unless expressly provided in the contract, participation in a qualified pool does not entitle a participant to the award of any city contracts.

(e) Use of qualified pools. Subject to the provisions of these regulations concerning methods of solicitation for classes of contracts, the city manager shall award all contracts for goods or services of the type for which a qualified pool is created from among the pool's participants,

unless the city manager determines that the best interests of the city require solicitation by public advertisement, in which case, pool participants shall be notified of the solicitation and invited to submit competitive proposals.

(f) Amendment and termination. The city manager may discontinue a qualified pool at any time, or may change the requirements for eligibility as a participant in the pool at any time, by giving notice to all participants in the qualified pool.

(g) Protest of failure to qualify. The city manager shall notify any applicant who fails to qualify for participation in a pool that it may appeal a qualified pool decision to the city council, in the manner described in section 2.378.

(h) This section does not apply to consultant contracts in the nature of contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000, which are subject to the provisions of section 2.382.

2.374 Use of Brand Name Specifications.

(1) In general. Specifications for contracts shall not expressly or implicitly require any product by one brand name or mark, nor the product of one particular manufacturer or seller, except for the following reasons:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or

(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the city; or

(c) There is only one manufacturer or seller of the product of the quality required; or

(d) Efficient utilization of existing equipment, systems or supplies requires the acquisition of compatible equipment or supplies.

(2) Authority of city manager. The city manager shall have authority to determine whether an exemption for the use of a specific brand name

specification shall be granted, by recording findings that support the exemption based on the provisions of section 2.368(5).

(3) Brand name or equivalent. Nothing in this section prohibits the city from using a "brand name or equivalent" specification, from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the city, or from establishing a qualified product list.

2.376 Bid, Performance and Payment Bonds.

(1) City manager may require bonds. The city manager may require bid security and a good and sufficient performance and payment bond, even though the contract is of a class that is exempt from the requirement.

(2) Bid security. The city manager shall determine whether, and in what amount, bid security for all public contracts shall be required, except for public improvement contracts for which bid security shall be governed by ORS279C.

(3) Performance bonds.

(a) General. Except as provided in these regulations or, in the case of public improvement contracts, unless the city manager requires otherwise, all public contracts are exempt from the requirement for the furnishing of a performance bond.

(b) Cash-in-lieu. The city manager may permit the successful offeror to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond.

(4) Payment bonds.

(a) General. Except as provided in these regulations, or otherwise required by the city manager, all public contracts, other than public improvement contracts, are exempt from the requirement of a payment bond.

(5) Surety; obligation.

(a) Each performance bond and each payment bond must be executed by a surety company or companies holding a certificate of authority to transact surety business in Oregon.

(b) The bonds may not constitute the surety obligation of an individual or individuals.

(c) The performance and payment bonds must be payable to the city, or to the public agency or agencies for whose benefit the bond is issued, as specified in the solicitation documents, and shall be in a form approved by the city manager.

(6) Emergencies. In cases of emergency, or when the interest or property of the city probably would suffer material injury by delay or other cause, the requirement of furnishing a good and sufficient performance bond and a good and sufficient payment bond for the faithful performance of any public contract may be excused by the city manager, if a declaration of such emergency is made in accordance with the provisions of section 2.370(6), unless the city requires otherwise.

2.378 Appeal of Debarment, Prequalification Decision or City Manager's Decision on Public Contracts Greater than \$50,000.

(1) Right of appeal. Any person who has been debarred from competing for city contracts, or for whom prequalification has been denied, revoked or revised, or is a part to a city manager's decision on a public contract greater than \$50,000, may appeal the city manager's decision to the city council, as provided in this section.

(2) Filing of appeal. The person must file a written notice of appeal with the city manager, within three business days after the prospective contractor's receipt of notice of the determination of debarment, denial of prequalification, or the city manager's decision regarding a public contract greater than \$50,000.

(3) Notification of city council. Immediately upon receipt of such notice of appeal, the city manager shall notify the city council of the appeal.

(4) Hearing. The procedure for an appeal under this section shall be as follows:

(a) Promptly upon receipt of notice of appeal, the city manager shall notify the appellant of the time and place of the hearing.

(b) The city council shall conduct the hearing and decide the appeal within 30 days after receiving notice of the appeal from the city manager.

(c) At the hearing, the city council shall consider de novo:

(i) The notice of debarment, notice of denial, revocation or revision of prequalification, or the city manager's decision on a public contract greater than \$50,000;

(ii) The standards of responsibility upon which the decision on prequalification was based;

(iii) The reasons listed for debarment, the reasons for the city manager's decision on the public contract; and

(iv) Any evidence provided by the parties.

(5) Decision. The city council shall set forth in writing the reasons for the decision.

(6) Costs.

(a) The city council may allocate the city council's costs for the hearing between the appellant and the city.

(b) The allocation shall be based upon facts found by the city council and stated in the city council's decision that, in its opinion, warrant such allocation of costs.

(c) If the city council does not allocate costs, the costs shall be paid by the appellant, if the decision is upheld, or by the city, if the decision is overturned.

(7) Judicial review. A decision of the city council may be reviewed only upon a petition in the Circuit Court of Polk County filed within 15 days after the date of the city council's decision.

(8) This section does not apply to consultant contracts in the nature of contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000, which are subject to the provisions of section 2.382.

2.382 Consultant Contracts for Architect, Photogrammetrist, Transportation Planner, Land Surveyor or Related Services.

(1) Consultant contracts for architect, photogrammetrist, transportation planner, land surveyor or related services that exceed \$100,000 shall be governed by the provisions of ORS 279C and by the attorney general's Model Rules.

(2) For the purpose of this section:

(a) "Architect" means a person who is registered and holds a valid certificate in the practice of architecture in the State of Oregon, as provided under ORS 671.010 to 671.220.

(b) "Consultant" means an architect, engineer, photogrammetrist, transportation planner, land surveyor or provider of related services. A consultant includes a business entity that employs architects, engineers, photogrammetrists, transportation planners, land surveyors or providers of related services, or any combination of the foregoing; provided, that with respect to a contract entered into under section 2.382, the consultant must be an architect, engineer, photogrammetrist, transportation planner or land surveyor.

(c) "Land surveyor" means a person who is registered and holds a valid certificate in the practice of land surveying in the State of Oregon, as provided under ORS 672.002 to 672.325, and includes all terms listed in ORS 672.002(5).

(d) "Photogrammetrist" means a person who performs photogrammetric mapping within the meaning of ORS 672.002.

(e) "Related services" means personal services, other than architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects, including but not limited to landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraisal services, commissioning services, project management services, construction management services and owner's representation services or land-use planning services.

(f) "Transportation planner" means a person who provides transportation planning services, as defined in ORS 279C.100 for project-specific transportation planning involved in the preparation of categorical exclusions, environmental assessments, environmental impact statements

and other documents required for compliance with the National Environmental Policy Act, 42 U.S.C. 4321, et seq.

Section 2. All other sections of the Dallas Public Contracting Regulations not expressly amended by this ordinance are hereby readopted, ratified and confirmed.

Read for the first time: August 20, 2012
Read for the second time: September 4, 2012
Passed by the City Council: September 4, 2012
Approved by the Mayor: September 4, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON
CITY MANAGER PRO TEM

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10 b	Topic: Ord. No. 1748 regarding Public Contracting Regulations
Prepared By: Emily Gagner	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson		

RECOMMENDED MOTION:

Allow first reading of ordinance

BACKGROUND:

The Secretary of State's office has adopted a very comprehensive records retention schedule for cities to follow. The City has a records retention ordinance as well, but it is not as comprehensive as the state's. There are times when the two schedules are in conflict.

In order to simplify the records retention process, staff is proposing to adopt a retention schedule by referencing the state rule to ensure we are in compliance with state requirements. The ordinance includes an annual review by the City Manager so the Council may update the code as needed if the state updates its schedule.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance No. 1748

ORDINANCE NO. 1748

An Ordinance amending Dallas City Code Section 2.700 relating to public records retention.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code section 2.700 is hereby amended as follows:

2.700 Retention Schedule.

(1) The retention schedule for city general records adopted by the Oregon Secretary of State, Archives Division, in effect as of October 4, 2012, as set forth in Oregon Administrative Rules 160-200-0005 through 160-200-0140, is hereby adopted as the retention schedule for public records of the City of Dallas.

(2) The city manager, or the city manager's designee, will review the retention schedule for city general records adopted by the Oregon Secretary of State annually, and make recommendations as appropriate to amend this section as necessary to maintain the City of Dallas retention schedule current with any changes adopted by the Archives Division.

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

Read for the first time: August 20, 2012
Read for the second time: September 4, 2012
Passed by the City Council: September 4, 2012
Approved by the Mayor: September 4, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON
CITY MANAGER PRO-TEM

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	Agenda Item No. 10c	Topic: Ordinance 1749
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: August 20, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jon Nelson, Interim City Manager		

RECOMMENDED ACTION: Move Ordinance 1749 to a second reading.

BACKGROUND: At the July 23 Buildings and Grounds Committee meeting, the Committee directed staff to prepare an Ordinance for the City Council that allowed the property at 14100 Webb Lane to connect to city water. This is an exception to DCC Section 4.486 because the Committee found that there were unusual and unique circumstances associated with this property that are not generally found elsewhere. (The committee staff report and minutes can be found in the Consent Agenda section of the packet).

FISCAL IMPACT: The property owner at 14100 Webb Lane will be responsible for all installation costs and SDC's associated with the service, and will pay outside city water rates once connected.

ATTACHMENTS:

Ordinance 1749

SPECIAL ORDINANCE NO. 1749

An Ordinance establishing a special exception to the prohibition against service of city water to property outside the city limits and outside the urban growth boundary; and declaring an emergency.

WHEREAS, Dallas City Code Section 4.486 prohibits the provision of city water to property located outside the city limits and outside the urban growth boundary of the city except as provided in a written agreement for the provision of such water service entered into prior to May 20, 2009; and

WHEREAS, the dwelling located at 14100 Webb Lane, Dallas, Oregon, is located outside the city limits and outside the urban growth boundary of the city and does not have a written agreement for the provision of water service by the city, so is ineligible for city water service under Section 4.486; and

WHEREAS, said dwelling has, since the early 1980s, nevertheless been provided with city water through connection to city water service to the dwelling located at 14190 Webb Lane, without any agreement for or consent by the city to the provision of such water; and

WHEREAS, the owner of the dwelling located at 14190 Webb Lane has indicated to the owner of the dwelling located at 14100 Webb Lane that the provision of city water will be terminated and that city water would not be made available to the dwelling located at 14100 Webb Lane in the future; and

WHEREAS, the dwelling at 14100 is not within a water district or association, and the owner of the dwelling has determined that the property has little to no potential for an adequate well to supply water to the dwelling, such that the termination of water service through the dwelling located at 14190 Webb Lane will leave the dwelling located at 14100 Webb Lane without water service; and

WHEREAS, the owner of the dwelling located at 14100 Webb Lane does not have the legal right to enforce the provision of city water by the owner of the dwelling at 14190 Webb Lane or to otherwise connect to city water under Section 4.486; and

WHEREAS, there is in place a six-inch water main on Webb Lane adequate to provide service to the dwelling; and

WHEREAS, city staff, upon investigation, has determined that the owner of the dwelling at 14100 Webb Lane was unaware, when the owner acquired the property, of the manner and circumstances by which water was being provided to the property and has not engaged knowingly in any unlawful connection to or use of city water; and

WHEREAS, the loss of water service to the dwelling located at 14100 Webb Lane would constitute a health and safety emergency;

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

Section 1. Notwithstanding Dallas City Code Section 4.486 which prohibits the provision of city water to property located outside the city limits and outside the urban growth boundary of the city except as provided in a written agreement for the provision of such water service entered into prior to May 20, 2009, the dwelling located at 14100 Webb Lane will be eligible for city water service, subject to the condition that the owner of the dwelling will complete an Application for Outside City Water Service, pay all required fees, comply with all of the provisions of Section 4.486(3), and thereafter pay all service charges and fees, and comply with all rules and regulations regarding the provision of water service that may be adopted and amended from time to time.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect on its passage.

Read for the first time: August 20, 2012
Read for the second time: September 4, 2012
Passed by the City Council: September 4, 2012
Approved by the Mayor: September 4, 2012

BRIAN W. DALTON, MAYOR

ATTEST:

JON NELSON
CITY MANAGER PRO TEM