



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

TUESDAY, September 4, 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 August 20, 2012, City Council meeting	p. 3
b. Recommend approval of OLCC application for special event by Rogue Ales	p. 6
c. Acknowledge report of July 25, 2012, Citizens' Advisory Committee for Residential Street Funding meeting	p. 10
d. Confirm appointments to Library Board	p. 27
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	

Dallas City Council Agenda

Page 2

Our Vision

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

Our Mission

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

Our Motto

*Commitment to the Community.
People Serving People.*

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

a. SDC Discount Program update	p. 28	Information
b. Authorization to hire temporary Fire Marshal	p. 29	Motion
c. Ratification of new hire	p. 30	Motion
d. Authorization to hire EMS and Aquatic Center employees	p. 31	Motion
e. Other		
<hr/>		
9.	RESOLUTIONS	
<hr/>		
10.	FIRST READING OF ORDINANCE	
<hr/>		
11.	SECOND READING OF ORDINANCE	
a.	<u>Ord. No. 1747</u> – An Ordinance amending provisions of the Dallas City Public Contracting Regulations; and creating new provisions.	Roll Call Vote
b.	<u>Ord. No. 1748</u> – An Ordinance amending Dallas City Code Section 2.700 relating to public records retention.	Roll Call Vote
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.	Roll Call Vote
<hr/>		
12.	OTHER BUSINESS	
<hr/>		
13.	ADJOURNMENT	
<hr/>		

Note: The Council meeting will be held on Tuesday due to the Labor Day holiday.

1
2
3

4 The Dallas City Council met in regular session on Monday, August 20, 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, Community
11 Development and Operations Director Jason Locke, Deputy Chief of Police Tom Simpson,
12 Finance Director Cecilia Ward, Director of Administrative Services Robert Spivey, Engineering
13 and Environmental Services Director Fred Braun, and Recording Secretary Emily Gagner.

14 Mayor Dalton led the Pledge of Allegiance.

15 **COMMENTS FROM THE AUDIENCE**

16 Paul Trahan indicated he was speaking regarding agenda item 8a, the SDC Discount Program. He
17 commented that the SDC discount was a great idea and it was spurring growth. He explained
18 Fowler Homes would be building ten or more homes in Dallas because the SDC reduction helped
19 them get to the price point they needed to be. He discussed the language in the resolution, noting
20 it didn't speak to just limiting the SDC credit to single family detached homes, but rather new
21 residential units. He suggested the staff misinterpreted the resolution when the permit was issued
22 and charged them as if there was one hookup. He explained that subsequently, he received an
23 invoice for almost \$12,000, which was a 5-6% hit to the bottom line, adding builders were lucky
24 to get 7.5% out of a house. Mr. Trahan reported he sent a letter requesting that in this particular
25 case, the SDC discount be applied and asked the Council to allow waiving that charge.

26 Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center,
27 reported that Summerfest was a very good event with great community participation. She
28 thanked the Council for their support of the event and then thanked several staff members;
29 specifically Jason Locke, Steve Faxon, Ron Lines, Steve Dankenbring, and Eriks Gabliks.

30 Tim Davis, a realtor at Windermere, indicated he worked with Fowler Homes. He stated when he
31 heard of the issue before the Council, his first thought was to go to the Building Code to look at
32 the definitions, but all he found was ambiguity. He commented that he understood the intent of
33 the Committee when it drafted the motion because they mentioned single family detached homes,
34 but noted he didn't see that anywhere in the action. He urged the Council to consider Mr.
35 Trahan's appeal favorably because of the ambiguity of the resolution.

36 Nancie Rogers, a realtor at Windermere, stated she'd had a discussion regarding the SDC
37 discount in her office and was at the meeting to reiterate what Mr. Davis and Mr. Trahan had said.
38 She commented that in light of information she'd seen about potential development behind that
39 area, she felt there would be a need for duplexes to facilitate housing for that potential project.
40 She encouraged the Council to carefully review the matter.

41 **PUBLIC HEARING**

42 **CONSENT AGENDA**

43 It was moved by Councilor Scroggin and seconded by Councilor Wilson *to approve the Consent*
44 *Agenda as presented.* The motion CARRIED UNANIMOUSLY.

45 Items approved by the Consent Agenda: a) the July 16, 2012, City Council meeting minutes; b)
46 the August 13, 2012, special City Council meeting minutes; c) report of the July 23, 2012,
47 Administrative Committee meeting; d) report of the July 23, 2012, Building and Grounds
48 Committee Meeting; and e) recommend approval of OLCC application for a new outlet for C-
49 Stop #7790.

50 **ITEMS REMOVED FROM CONSENT AGENDA**

51 There were no items removed from the Consent Agenda.

52 **REPORTS OR COMMENTS FROM COUNCIL**

1 Several Councilors thanked Ms. Pope for her efforts with Summerfest.

2 **REPORTS FROM CITY MANAGER AND STAFF**

3 **SDC DISCOUNT PROGRAM**

4 Mr. Locke explained that as Mr. Trahan indicated, there was an issue that arose as part of the
5 SDC waiver program, noting the issue was encapsulated in the staff report. He asked the Council
6 to clarify the intent of Resolution 3241. He provided as background the information that duplexes
7 and single family dwellings were reviewed under the same building code so they were similar in
8 that way. He noted staff did not take a position either way, adding they had been administering it
9 as if it only applied to single family detached dwellings.

10 Councilor Brown asked how many more permits for duplexes could come in between now and
11 October 1. Mr. Locke stated it was possible to get another, but unlikely.

12 In response to a question, Mr. Locke explained that when the staff issued the permit, he was under
13 the impression that the discount applied to duplexes because they were reviewed under the same
14 code. In response to a question, Mr. Locke stated a duplex was two dwelling units that were
15 attached either by a common wall or with one unit directly above the other. He added that when
16 one got above a 2-family dwelling, it was a whole different code requirement that was labeled
17 multi-family.

18 It was moved by Councilor Brown and seconded by Councilor Stewart to interpret a home in
19 Resolution #3241 to include both single family detached and duplex construction as long as the
20 units fall within the square footage requirements of the resolution. The motion carried
21 unanimously.

22 In response to a question, Mr. Shetterly explained that the motion was as valid a legal action as a
23 resolution so the Council was not opening the City up to any more issues.

24 **REVISIONS TO DCC 5.228 - TRUANCY**

25 Mr. Shetterly stated that currently, the School District and Chief Teague both wanted to see an
26 amendment to the current Truancy Code. He explained the current daylight curfew ordinance,
27 which meant that if a student was found in a public place during the school day, the police had
28 probable cause to stop that student to determine if he or she was truant. He noted exceptions built
29 into the ordinance for home schooled kids or students going to appointments or with other
30 legitimate reasons to be out of school. He indicated it was a very standard daylight curfew
31 ordinance that most cities had. Mr. Shetterly reported that the School District was interested in
32 amending the ordinance so they could contact the police if a particular student hadn't been
33 attending school and have an officer go to that student's house to see why not. Mr. Shetterly
34 advised Mr. Nelson wanted to bring this to the Council's attention to see if there was interest in
35 bringing the topic to the Public Safety Committee to hash out the details.

36 The consensus of the Council was to bring the topic to the Public Safety Committee for further
37 discussion.

38 **CITY MANAGER'S UPDATE**

39 Mayor Dalton asked for questions regarding Mr. Nelson's update. There were none.

40 **CANCEL AUGUST 27 PUBLIC SAFETY/PUBLIC WORKS COMMITTEE MEETINGS**

41 It was moved by Councilor Marshall and seconded by Councilor Stewart to *cancel the August 27*
42 *Public Safety and Public Works Committee meetings*. The motion carried unanimously.

43 **OTHER**

44 Mr. Spivey reported nine cottonwood trees would be removed from Dallas City Park beginning
45 the next day, adding the Brandvold side of the park would be closed through Friday. Councilor
46 Fairchild asked if there was a plan to replace some of the trees to bring back some of the shade.
47 Mr. Spivey stated there were still a lot of trees so most of the cottonwoods wouldn't even be
48 missed.

49 Council President Scroggin asked how the bikes in the skate park were working out. Mr. Spivey

1 indicated he had yet to hear of an incident between the bikes and skateboarders.

2 **Resolution No. 3253** – A Resolution authorizing the transfer of budgetary funds.

3 Ms. Ward reviewed the staff report.

4 Councilor Brown asked if the total impact to the contingency fund would bring that number
5 below the threshold in the Fiscal Policy. Ms. Ward stated it wouldn't even be close.

6 A roll call vote was taken and Mayor Dalton declared Resolution No. 3253 to have PASSED BY
7 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Brown, Councilor
8 Jim Fairchild, Councilor Beth Jones, Councilor Kevin Marshall, Councilor Murray Stewart,
9 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

10 **FIRST READING OF ORDINANCE**

11 **Ordinance No. 1747** – An Ordinance amending provisions of the Dallas City Public Contracting
12 Regulations; and creating new provisions.

13 Mr. Shetterly explained that the 2011 Legislature adopted changes to the Public Contracting Code
14 so the City needed to amend our Code to address the state changes. He noted most of the changes
15 would likely never affect the City but this ordinance brought us in compliance with those
16 technical changes.

17 Mayor Dalton declared Ordinance No. 1747 to have passed its first reading.

18 **Ordinance No. 1748** – An Ordinance amending Dallas City Code Section 2.700 relating to public
19 records retention.

20 Ms. Gagner reviewed the staff report.

21 Mayor Dalton declared Ordinance No. 1748 to have passed its first reading.

22 **Ordinance No. 1749** – An Ordinance establishing a special exception to the prohibition against
23 service of city water to property outside the city limits and outside the urban growth boundary;
24 and declaring an emergency.

25 Mayor Dalton declared Ordinance No. 1749 to have passed its first reading.

26 **SECOND READING OF ORDINANCE**

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

28 Mayor Dalton recessed the meeting at 7:45 p.m. for an executive session to conduct deliberations
29 with persons designated by the governing body to negotiate real property transactions.

30 Mayor Dalton reconvened the Council meeting at 7:50 p.m.

31 **OTHER BUSINESS**

32 There being no further business, the meeting adjourned at 7:50 p.m.

33 Read and approved this _____ day of _____ 2012.

34

35

36

37

ATTEST:

38

39

Interim City Manager

Mayor

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 b	Topic: OLCC Liquor License Application for Special Event Brewery
Prepared By: Emily Gagner	Meeting Date: September 4, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the Special Event Brewery Application be approved.

BACKGROUND:

The City received an OLCC application from Rogue Ales for a special event license at 1313 Main Street (Old Mill Feed and Garden) on September 23. The Police Department has reviewed the application and found no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC Special Event Brewery Application



OREGON LIQUOR CONTROL COMMISSION

SPECIAL EVENT BREWERY-PUBLIC HOUSE APPLICATION

This license allows an Oregon Brewery-Public House Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises or in sealed containers for taking off of the special event licensed premises.

Process Time: OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #8 below (some events may need extra processing time).

License Fee: \$10 per license day or any part of a license day. Make payment by check or money order, payable to OLCC. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

License Days: In #8 below, you can apply for a maximum of 5 license days per application form.

1. Licensee Name (please print): Rogue River Brewing Co E-mail: ncronin@rogue.com
 2. Trade Name of Business: Rogue Ales 3. Fax: (503) 838-0322
 4. Address of **Annual** Business: 3590 Wynch rd 5. City/ZIP: Independence 94351
 6. Contact Person: Natascha Cronin 7. Contact Phone: 503 838 9813
 8. Date(s) of event: Sep. 23, 2012 9. Start/End hours of alcohol service: 11am to 4pm

LICENSED AREA BOUNDARIES: ORS 471.159 prohibits the OLCC from licensing an area that does not have defined boundaries. OLCC may require the licensed area to be enclosed and may require you to submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

10. Address of **Special Event** Licensed Area: 1313 Main St Dallas
 (Street) (City)

11. Identify the licensed area (for example: entire premises; a room within the premises; an area in a park; etc.):

Booth 10x10

12. List the primary activities within the licensed area (like: dinner; auction; beer festival; wine festival; food fair; art show; music; patron dancing; sports event; etc.). If entertainment will be offered in the areas where alcohol will be sold or consumed, please describe the entertainment, the times it will be offered, and list the targeted age of attendees:

Beyond the Harvest Celebration. We will have a booth in which we do 4oz samples & sell closed bottles. Also distribute info about the farm.

13. Will minors and alcohol be allowed together in the same area? Yes No

14. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? 300

PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA: If your answer to #14 is 501 or more, in addition to your answers to questions 15, 16, and 17, you will need to complete the OLCC's *Plan to Manage Special Events form* (available on www.oregon.gov/OLCC), unless the OLCC exempts you from this requirement.

15. Describe your plan to prevent problems and violations.

Each person will be asked if they are 21 or older. Under 30 will have ID checked. Only 4oz samples, no more than 3.

16. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors.

All asked 21 or over under 30 ID checked.

17. Describe your plan to manage alcohol consumption by adults.

Only 3 samples 4oz each. Sell closed bottles to go.

MANAGER AND SERVICE PERMITS: You must name a manager or managers who will be at the special event.

18. List name(s) of on-site manager(s): Natascha Cronin 19. Contact Phone: 503 838 9813

20. Service permit number of manager(s): 379387

LIQUOR LIABILITY INSURANCE: If the licensed area is open to the public and expected attendance is 301 or more per day in the licensed area, you must have at least \$300,000 of liquor liability insurance coverage as required by ORS 471.168.

21. Insurance Company: Liberty NW 22. Policy #: CO1173351 23. Expiration Date: 12/31/12

FOOD SERVICE: You must provide at all times and in all areas where alcohol service is available at least two different substantial food items (see the attached sheet for an explanation of this requirement).

24. Name at least two different substantial food items that you will provide: Vendor @ the event

① Tri-tip sandwiches ② Beer Cheese Soup

25. Licensee Name (please print): Dallas FFA / Roque

26. LICENSEE SIGNATURE: [Signature] 27. Date: 8/17/12

GOVERNMENT RECOMMENDATION: Once you've completed this form to this point, you must obtain a recommendation from the local city or county named in #28 below **before** submitting this application to the OLCC.

28. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: Dallas

CITY OR COUNTY USE ONLY

The city/county named in #28 above recommends:

Grant Acknowledge Deny (attach written explanation of deny recommendation)

City/County Signature: _____ Date: _____

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

OLCC USE ONLY

Fee Paid: _____ Date: _____ Receipt #: _____

License is: Approved Denied

Restrictions: _____

OLCC Signature: _____ Date: _____

Natascha Cronin

From: polk_county_food-bounces@lists.oregonstate.edu on behalf of Garrett, Amy
Sent: Wednesday, August 08, 2012 3:32 PM
To: Polk_county_food@lists.oregonstate.edu
Cc: Christie Hendersen
Subject: [Polk_county_food] September 23rd - Save the Date!
Attachments: ATT00264.txt

Sunday
September 23rd
11am - 4pm



BEYOND THE HARVEST

Celebrating the Season and Planning for the Next

11:00 - Nate Rafn
Cooking from the Bounty

12:00 - Edith Faulk
Food Preservation Basics

1:15 - Teresa Matteson
Managing Soil Quality

2:15 - Amy Garrett
Cover Crop Selection & Planting

3:15 - Todd Wilson
Pruning Fruit Trees

PLUS...Interesting Local Vendors
Come for one presentation
or come for all!

Pre-registration is required
This is a **FREE** event but seating is limited
For reservations, or more information



Call **503-831-1222**
or go to our web site,
oldmillfeed.com



Here's a great opportunity...

Bring in your **Soil Test Results**.
OSU Soil Scientists will be on hand
to help interpret it for you!



People's Choice

Tomato
Taste-Off



Beginning at 11am
Dallas FFA will be serving
Tri-tip Sandwiches made from
McK Ranch grass fed/grass finished beef



1313 MAIN STREET, DALLAS

If you are interested in a participating as a local vendor feel free to contact me.

Thanks!

Amy Garrett
Small Farms Instructor
OSU Extension Service
Benton, Linn, and Polk Counties
Soil Quality Network Project Manager
Amy.Garrett@oregonstate.edu
Phone: 541-766-3551 | Cell: 503-739-5985 | Fax: 541-766-3549

**CITIZENS ADVISORY COMMITTEE
FOR RESIDENTIAL STREET FUNDING
Wednesday, July 25, 2012
Council Chambers**

1
2
3
4
5 Mayor Brian Dalton called the Citizens' Advisory Committee for Residential Street
6 Funding meeting to order on Wednesday, July 25, 2012, at 5:31 p.m. in the Council
7 Chambers of City Hall.

8 Committee members present: Pete Christensen, Jared Cornman, Dale Derouin, Greg
9 Hansen, Ray Olmstead, Rich Wolcott, and Dave Weston. Members absent: Steve Large,
10 Nancie Rogers

11 Also present were: Interim City Manager Jon Nelson, Community
12 Development/Operations Director Jason Locke, Engineering and Environmental Services
13 Director Fred Braun, and Recording Secretary Emily Gagner.

14 Mayor Dalton introduced Jon Nelson, the Interim City Manager. He told the audience
15 members that he encouraged their participation. He asked the committee members to
16 introduce themselves.

17 Mayor Dalton explained the meetings would be cumulative.

18 **APPROVAL OF MINUTES**

19 Mayor Dalton asked if there were any changes to the minutes. There were no changes
20 and they were approved as presented.

21 **KEY TAKE-AWAYS**

22 Mayor Dalton reviewed the key take-away list from the previous meeting.

23 **EMAILED QUESTIONS AND ANSWERS**

24 Mayor Dalton reviewed the staff responses to the questions that the committee members
25 had sent in. He encouraged the committee to continue sending questions and ideas to
26 staff.

27 **RECAP OF VARIOUS REPAIR METHODS**

28 Mr. Locke reviewed the types of street repair and maintenance. He explained staff did a
29 lot of crack sealing but not a lot of slurry sealing or chip sealing. Mr. Christensen asked
30 the cost of chip seal. Mr. Braun responded that it was approximately 15 to 20 cents per
31 square foot. He indicated overlays were a dollar per square foot and reconstruction was
32 about \$5 per square foot. Mr. Christensen asked if chip sealing would be adequate for
33 temporary repairs. Mr. Braun stated chip sealing was used mainly on county roads,
34 noting it restored the wearing surface and filled minor cracks but didn't fix structural
35 issues with pavement. He explained it wasn't seen much in cities because it produced a
36 coarse wearing surface.

1 Mr. Braun reviewed the graph and funding scenarios included in the agenda packet. He
2 explained if the City plugged in approximately \$7.5 million, it could get rid of its
3 deferred maintenance in 2013. However, without a steady funding source after that, the
4 PCI would start to drop off again. Mr. Braun noted the do-nothing scenario showed that
5 by 2019, deferred maintenance costs would be \$12 million. Mr. Braun reviewed the third
6 funding scenario, which included a one-time expenditure of \$7.5 million as well as an
7 extra \$700,000 per year in addition to the current budget. That scenario would keep the
8 City's pavement at a PCI rating of about 81, which would keep the roads in excellent
9 shape.

10 DISCUSSION OF DEFERRED MAINTENANCE, ONE-TIME, SYSTEM-WIDE
11 UPGRADES, AND OTHER OPTIONS

12 Mr. Locke stated one way to fix the City's streets would be to do a bond and fix all the
13 roads at once. However, without additional funding, those streets would continue to
14 deteriorate. He stated if the operating budget was increased from \$200,000 to \$900,000,
15 that would allow the City to keep the streets at the level they were currently and they
16 wouldn't get any worse. He advised \$700,000 per year was a substantial increase and it
17 still wouldn't address the streets that currently needed work.

18 Mr. Braun stated it would cost about \$24 million to bring every street in Dallas to a PCI
19 of 100. He noted event that wouldn't last if there wasn't additional funding for
20 maintenance.

21 Mr. Derouin asked what the streets could look like by 2018 if the City maintained the
22 current funding levels. Mr. Braun stated there would be potholes, base failure,
23 alligatoring of the pavement, particularly in the residential areas. He noted the City could
24 keep the collectors and arterials in reasonable shape, but there was currently no money
25 for residential streets.

26 Mr. Wolcott asked if Mr. Braun used conservative estimates when calculating asphalt and
27 concrete costs. Mr. Braun replied that he projected the costs based on a standard inflation
28 index.

29 In response to a question, Mr. Braun stated the PCI had been going down for a number of
30 years, adding one thing that had kept the average up was that there were a lot of new
31 streets built in the 1990's and early 2000's. He explained the older parts of town had
32 declining PCI numbers for a long time with some roads in quite poor condition.

33 Audience member Jim Williams asked if there was a prioritized list of streets as far as
34 commercial, industrial, and then residential areas. Mr. Braun explained how the
35 Pavement Management program worked. He indicated staff input the street type, where
36 in the deterioration curve it was, and traffic volume. The program then generated a list of
37 streets by priority, maximizing the bang for the buck in expenditures. He noted
38 residential streets currently had a priority of zero. Mr. Braun stated the program may
39 suggest an overlay on a street that looked in better shape than a street that was falling
40 apart, but that was because it also calculated where the City could get the most benefit
41 out of the money spent. Mr. Braun pointed out it was a state-of-the-art program that was
42 used throughout the country using widely-accepted criteria.

1 Mr. Locke explained that the City didn't maintain state highways, including Kings Valley
2 Highway, Main and Jefferson Streets, East Ellendale and Fairview Avenues and part of
3 Washington Street so those projects were not factored in to the City's prioritized streets
4 list. He indicated when staff looked at what projects to do they based their decision on
5 street condition, best use of the limited dollars, and proximity to other needed projects,
6 noting if a street was close to another project, it could be done for less because the City
7 wouldn't have to pay mobilization costs twice. Mr. Locke stated collector and arterial
8 streets served more people than residential areas and moving goods and services did
9 factor in to the prioritization of streets.

10 Mayor Dalton stated there were a couple cases where the City of Dallas did partner with
11 ODOT to overlay certain critical pieces of road, splitting the cost 50/50. He noted ODOT
12 would not have fixed the roads if the City didn't help.

13 Mr. Christensen asked what it would cost per thousand of assessed value of the amounts
14 discussed in the different scenarios. Mr. Locke explained that would be discussed at the
15 next meeting.

16 Mr. Olmstead stated where he lived, the oldest road was built in 2001 with most being
17 built in 2005 and 2006, adding they already needed maintenance. He indicated one thing
18 that would help sell a street funding mechanism was an assurance that the quality of
19 streets was good to begin with, noting there was some pretty shoddy construction in the
20 past. He explained one city adopted a 2-year warranty requirement, but if any
21 deficiencies were found within that time frame, they required an additional 3-year
22 warranty for deficiencies. Mr. Locke explained the City had significantly improved
23 construction standards realizing there was no dedicated source to maintain local streets.
24 He noted the current design life and what was required for workmanship and warranties
25 was far greater than it used to be.

26 Mr. Olmstead asked the minimum overlay required on new residential construction. Mr.
27 Braun replied it was four inches. Mr. Olmstead commented that many cities still had a 2"
28 requirement. He asked the required base thickness. Mr. Braun stated it depended on the
29 soil, noting it could range from 12 inches on very hard soil to 24 inches for soft, clay soil.
30 In response to a question, Mr. Braun replied the compaction on the base was 95.

31 Mayor Dalton reported the Council had reviewed the standards a few years ago and
32 Dallas had some of the more stringent standards in the state. Mr. Locke explained only
33 two streets had been built since the new standards were adopted, but building to a 30-year
34 life was mandatory now. He noted better streets combined with less width balanced out
35 the costs.

36 Mr. Olmstead asked what percentage of Dallas had a clay base. Mr. Braun stated about
37 30%, with pockets throughout the community. Mr. Olmstead asked if the City could
38 require an increased base when they ran into clay. Mr. Hansen stated it didn't help,
39 noting the County put 42" of base on James Howe Road and the expansive soils were still
40 tearing the road apart.

41 Audience member Joe Koubek stated the state needed to take responsibility for their
42 roads, noting it was sad Dallas spent paving money on those highways instead of

1 pressuring ODOT. He encouraged Dallas to work with the League of Oregon Cities and
2 other groups to make it clear to the legislature the importance of fixing the gas tax
3 formula. He also stated the City needed to let the legislature know the damage studded
4 tires did to our roads, adding millions of dollars of damage on Oregon roads was caused
5 by studded tires.

6 OTHER

7 Mayor Dalton explained the next meeting would be about funding and a discussion about
8 what the options might be.

9 Mr. Olmstead asked what the possibility would be of having any car registered in Dallas
10 being taxed. He noted if something was done with property taxes, the same people would
11 be paying the bills. Mr. Locke stated property taxes were only one of a number of
12 options. He indicated it would be difficult, if not impossible, to have a special city-wide
13 registration fee. Mr. Weston asked if someone registered their car in Ontario but lived in
14 Dallas if Ontario would have to collect the fee. He added gas taxes were paid by users
15 whether or not they were in the city.

16 Mayor Dalton encouraged the committee members to give a thought to finances for the
17 next meeting.

18 ADJOURNMENT

19 There being no further business, the meeting was adjourned at 6:23 p.m.

Citizens' Advisory Committee for Residential Street Funding

AGENDA

Date:

July 25, 2012

Time:

5:30 p.m.

Location:

Dallas City Hall,
Council
Chambers

- Ø Call to Order
- Ø Roll Call
- Ø Approval of minutes
- Ø Key take-aways
- Ø Emailed questions and answers
- Ø Recap of various repair methods
- Ø Discussion of deferred maintenance, one-time, system-wide upgrades, and other options
- Ø Adjournment



**CITIZENS ADVISORY COMMITTEE
FOR RESIDENTIAL STREET FUNDING
Wednesday, June 27, 2012
Council Chambers**

1
2
3
4
5 Mayor Brian Dalton called the Citizens' Advisory Committee for Residential Street
6 Funding meeting to order on Wednesday, June 27, 2012, at 5:31 p.m. in the Council
7 Chambers of City Hall.

8 Committee members present: Jared Cornman, Greg Hansen, Steve Large, Ray Olmstead,
9 Nancie Rogers, and Dave Weston. Members absent: Pete Christensen, Dale Derouin,
10 and Rich Wolcott.

11 Also present were: Community Development/Operations Director Jason Locke,
12 Engineering and Environmental Services Director Fred Braun, and Recording Secretary
13 Emily Gagner.

14 Mayor Dalton commented that it was distressing that the City didn't have money to
15 maintain the streets properly. He advised the main purpose of the committee was to
16 advise the Council on how to adequately fund a maintenance program to keep the City's
17 streets in good repair in the face of insufficient funding.

18 Mayor Dalton stated the first meeting would provide the committee members the baseline
19 information about the City streets.

20 **EXISTING RESIDENTIAL STREET CONDITIONS**

21 Mr. Locke reviewed a PowerPoint, noting it would show where the city currently stood
22 with regard to street conditions and funding.

23 Mr. Braun reviewed the Pavement Condition Index (PCI) rating system, noting a "100"
24 indicated a street that was new or adequately maintained with overlays and a "0" was a
25 street that was at the end of its service life and had gone back to rock. Mr. Braun
26 explained the ratings for Dallas's streets were based on inspections by staff, who
27 measured certain types of distress and what the surface condition was like. Mr. Braun
28 indicated that for the first 75% of a street's life, it deteriorated slowly, but the last part of
29 its life, the deterioration happened rapidly. He advised that was why timely maintenance
30 was very important and ultimately saved a lot of money down the road.

31 Mr. Cornman asked about the typical life span of a street. Mr. Braun indicated a typical
32 collector street lasted 20 years and a typical residential street was about 30 years. Ms.
33 Rogers asked if a specific material was mandated for surfacing or repairing the roads.
34 Mr. Braun explained streets could use concrete or asphalt, noting concrete lasted longer
35 but was more expensive. He added that where studded tires were used, concrete didn't
36 last as well.

37 Mr. Large asked what defined a collector street. Mr. Locke explained the City
38 categorized streets based on their function, width, and purpose. He noted residential
39 streets were lowest on the hierarchy because they had the least traffic and were narrower.
40 After residential streets were collectors; intermediate streets like LaCreole and Miller.

1 He explained the highest streets were arterials such as Main, Jefferson, and Ellendale.
2 Mr. Cornman asked what the PCI was on Washington Street where it was recently
3 overlaid. Mr. Braun explained that was a state highway so ODOT maintained. He
4 indicated it was probably around a 50. Mayor Dalton indicated ODOT was responsible
5 for most of the arterials in Dallas, but they often didn't have the money to repair them
6 properly so the City sometimes chipped in to get them repaired.

7 CURRENT SOURCES OF RESIDENTIAL STREET MAINTENANCE FUNDING

8 Mr. Locke explained the street fund revenue came from state highway appropriations and
9 federal gas tax money and the amount stayed fairly steady. He noted the amount the City
10 received was based on a complex formula and staff didn't anticipate it changing much in
11 the foreseeable future.

12 STREET DEPARTMENT RESPONSIBILITIES

13 Mr. Locke reviewed the Street Department expenditures, noting approximately 1/3 of the
14 budget was used for personal services, which was the operations crew. He added the
15 crew was funded through the Water, Sewer, and Street funds because they helped
16 maintain all three systems. Mr. Locke indicated the materials and services budget was
17 pretty small, with the largest item being the electric payments to Pacific Power for street
18 lighting at about 13% of the total budget. Mr. Locke stated capital outlay made up less
19 than 1/3 of the budget with most of that being used to pay for the overlays that were done
20 each year. He explained \$80,000 of the Street Fund budget was transferred to the
21 General Fund to pay for administrative items such as payroll and accounts payable. Mr.
22 Locke commented that the operating contingency was in case of a catastrophe and staff
23 tried to keep that at a comfortable level.

24 Mr. Locke reviewed what the Street Department did and didn't do. He explained the City
25 didn't have the equipment for overlays, so we contracted that work out. Mr. Locke
26 advised the Street Division accomplished street sweeping, striping, maintenance of curbs,
27 signage, mowing the right-of-way, emergency response, crack sealing, bridge
28 maintenance, snow removal, and much more with basically three full-time equivalent
29 positions allocated to it.

30 OTHER

31 Audience member Gene Henshaw asked if any General Fund money went to streets. Mr.
32 Locke stated that no General Fund money went to the Street Fund.

33 Mayor Dalton reminded the committee that a couple years earlier, there was a vote on the
34 street fee that would have provided an extra \$350,000 a year for street maintenance. He
35 noted that was defeated, so that was why the committee was formed.

36 Mr. Locke explained it had been the Council's policy that money for contractual overlays
37 be spent only on arterial and collector streets, not residential streets. He indicated that
38 when the committee looked at the PCI list, the arterials and collectors would be addressed
39 through the existing funding stream. He added the City's limited resources were used on
40 arterials and collectors because of the commerce and economic impacts, noting everyone
41 had to drive on those streets.

1 Audience member Jim Brown asked about the large amount of contractual overlays in
2 2009-10. Mr. Braun explained that year was an anomaly because the City combined two
3 years' worth of overlays in that one year. He added that was the year the City received
4 American Recovery and Reinvestment Act (ARRA) funds.

5 Mr. Braun indicated there was a difference in the cost of deferred maintenance versus
6 bringing the road system up to an average PCI of 100. He explained the deferred
7 maintenance would bring the PCI average up to 70, and would cost about \$6 million. He
8 noted that to bring all the streets to a PCI of 100, it would cost over \$20 million. In
9 response to a question, Mr. Braun stated that spending \$6 million in deferred
10 maintenance would get the street system to a point where the City could then maintain it
11 at that level for about \$170,000 per year, at least in the short term.

12 Mayor Dalton reported that one useful thing to know was that a few years past, there
13 were a lot of houses built and System Development Charge (SDC) and developer fees
14 built the roads in those subdivisions. He explained that once the subdivisions were built,
15 those streets were turned over to the City and they became our maintenance issue. He
16 noted SDC funds were not allowed to be used for recurring maintenance and the taxes
17 from those new houses went to the General Fund, not the Street Fund, which added to the
18 funding issue. Mr. Locke stated that over the past six years and recognizing this long-
19 term issue, the City set the standard requirements for constructing residential streets that
20 were much higher than they used to be. He indicated the new standards required more
21 base and thicker asphalt with the understanding that the better a street was built, the
22 longer it would remain in good condition. Mayor Dalton added the City of Dallas had
23 extraordinarily wide streets that entailed a lot of extra maintenance. He noted that within
24 the last few years, the Development Code narrowed residential streets in part so they
25 would be less expensive to maintain.

26 SCHEDULE UPCOMING MEETINGS

27 Mayor Dalton indicated he would like the committee to meet once per month. In
28 response to a question, Mayor Dalton encouraged the committee members to talk to their
29 friends, neighbors, and other interested parties.

30 ADJOURNMENT

31 There being no further business, the meeting was adjourned at 6:17 p.m.

Dallas Street Funding CAC

KEY TAKEAWAYS

June 27, 2012

- *The City maintains 56+ miles of streets.*
- *The goal is to maintain an average PCI of 70 for all city streets.*
- *More than half of city streets are below PCI 75. Of those streets, 2/3 are in poor or very poor condition (requiring either thick overlays or reconstruction).*
- *The longer maintenance is deferred, the more expensive repairs become.*
- *Revenue to maintain streets comes from state and federal sources, no General Fund monies are used.*
- *Revenue from these sources will likely stay flat at between \$970,000 - \$1,000,000 per year into the foreseeable future.*
- *The City Council policy is to overlay Arterials and Collectors with available funds.*

RE: Dallas Street Maintenance Funding

EMILY GAGNER <emily.gagner@dallasor.gov>

Fri, Jun 29, 2012 at 10:47 AM

To: Brian Dalton <BRIAN.DALTON@dallasor.gov>, Dale Derouin <derouind@wvi.com>, Dave Weston <daveweston1@live.com>, Emily Gagner <EMILY.GAGNER@dallasor.gov>, Fred Braun <FRED.BRAUN@dallasor.gov>, Greg Hansen <hansen.greg@co.polk.or.us>, Jared Cornman <jared@cornpeople.com>, Jason Locke <JASON.LOCKE@dallasor.gov>, Jerry Wyatt <JERRY.WYATT@dallasor.gov>, Nancie Rogers <nancierogers@windermere.com>, Pete Christensen <plbarberry@msn.com>, Ray Olmstead <reolm2@msn.com>, Rich Wolcott <wolcott.rich@gmail.com>, Steve Large <steveclarge@msn.com>

Committee members,

In reponse to Ray' questions below, Jason asked me to send the attached State shared revenue info sheet. Jason also provided this explanation: *"Essentially registration and title fees are agglomerated with gas tax and other sources like the weight/mile tax, so those are already included our state shared revenue numbers. Also, as far as I know, there are no licensing/reg requirements for bikes."*

Keep the questions coming. We appreciate your work in tackling this difficult issue.

Emily Gagner
City of Dallas, Oregon
City Recorder/Asst to the City Mgr
187 SE Court St
Dallas, OR 97338
Ph: 503-831-3502
Fax: 503-623-2339
www.dallasor.gov

----- Forwarded message -----

From: **RAY AND SUE OLMSTEAD** <reolm2@msn.com>
Date: Thu, Jun 28, 2012 at 9:51 AM
Subject: RE: Dallas Street Maintenance Funding
To: EMILY GAGNER <emily.gagner@dallasor.gov>

[Quoted text hidden]

 **State Shared Revenue.pdf**
166K



RE: Dallas Street Maintenance Funding

RAY AND SUE OLMSTEAD <reolm2@msn.com>
To: EMILY GAGNER <emily.gagner@dallasor.gov>

Thu, Jun 28, 2012 at 9:51 AM

Emily,

Thank you for last night's meeting and the great information binder!

My thought as to whom should be providing the funding for the maintenance costs of the City of Dallas Streets is those who are using them. I found a vehicle registration by county spreadsheet on the Oregon Department of Motor Vehicles website this morning.

With the ever changing technologies powering vehicles, my thoughts are that road maintenance funding should come from vehicle registration/licensing fees instead of relying mainly on gas taxes. Clearly a semi-truck carrying 105,000 lbs impacts the roadways more severely than an a two-person electric car. Therefore, the road maintenance portion of the registration/licensing fee should reflect the amount of impact by the specific type of vehicle.

Does a process exist that would allow the Oregon DMV System to disburse road maintenance funding to a City or County?

Does the City of Dallas have access to DMV information regarding the number of motor vehicles registered within the city limits?

In my opinion, for cities that provide either standalone paths or portions of roadways dedicated to bicycle traffic, a road maintenance fee should be included in the bicycle licensing/registration process.

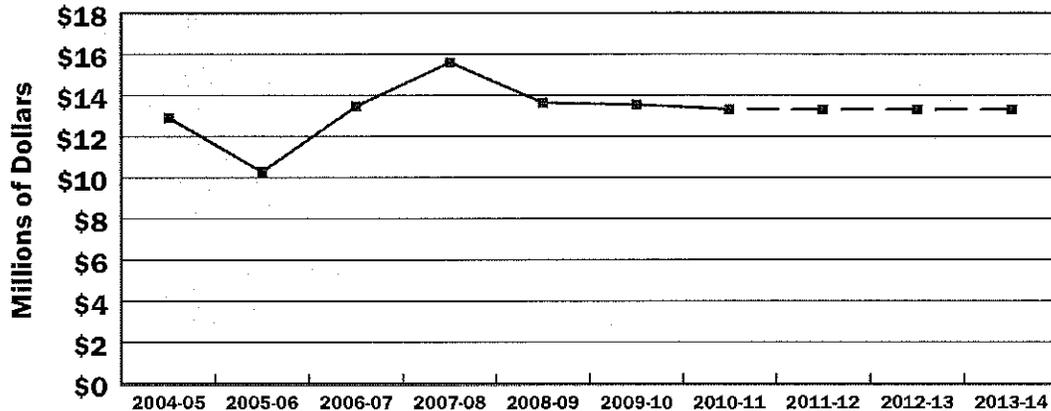
Take Care! Ray Olmstead

Projected 9-1-1 Tax Disbursements: All Cities

Year	Projected Disbursement*
2011-12	\$13,300,000
2012-13	\$13,300,000
2013-14	\$13,300,000

* Note: The statutory authorization for the 9-1-1 tax was renewed during the 2007 Legislature, and is now scheduled to sunset December 31, 2014.

Actual and Projected 9-1-1 Tax Disbursements



Highway Fund Revenue

According to Section 3, Article IX, of the Oregon Constitution, dollars from Oregon’s Highway Trust Fund must be used for road-related purposes. Highway fund revenues are distributed to the state, counties and cities.

After the costs of collection and administration are subtracted, the majority of highway fund revenues are divided between the state, counties and cities as follows: 15.57 percent to cities; 24.38 percent to counties; and 60.05 percent to the Oregon Highway Division, per ORS 366.524. Revenues are paid to cities on a monthly basis from net receipts collected by the following divisions of the Oregon Department of Transportation (ODOT): the Motor Vehicles Division (DMV), the Highway Division, and the Motor Carrier Transportation Branch. From the cities’ allocation, \$500,000 is used to fund the state’s special city allotment fund, which provides grants to small cities (population less than 5,000). In accordance with the ORS 366.805, this fund is matched with an additional \$500,000 from ODOT.

In 2001, DMV licensing and registration fees were increased by the Legislature in order to fund the Oregon Transportation Investment Act (OTIA I and II). These fee increases repay approximately \$500 million in bonds issued to fund bridges, the preservation of state highways, and capacity expansion projects. Once the debt is

retired, increased licensing and registration fee revenues will once again be distributed (per ORS 366.543) as follows: 50 percent to ODOT, 30 percent to counties and 20 percent to cities. ODOT refers to this revenue distribution as “wedge funding.” As a component of overall local transportation revenue, OTIA I dollars have, as predicted, shown a steady decline since the passage of the legislation, and this portion of funds will be nearly completely committed to debt service by the end of our projection period.

In 2003, the Legislature enacted the OTIA III program to provide funding for state and local bridge repair and replacement, highway modernization and local road and preservation projects. This legislation represented a significant commitment to improving Oregon’s highway, road and bridge infrastructure. Increases in title, registration and various DMV fees support bonds to fund these projects.

Cities’ share of OTIA III revenue is first used for debt service on bonds for the city portion of the \$300 million in local bridge projects. Any remaining revenue not used for these bonds is distributed through the highway fund on a per capita basis. This remaining revenue may fluctuate over time, but it is a source of new ongoing revenue.

2012 STATE SHARED REVENUE Estimates

Passed in 2009, the transportation package contained in HB 2001 provides a phased-in increase in revenues to cities from: a six cent increase in the state gas tax

beginning January 1, 2011; increases in vehicle title and registration fees; and weight-mile fees paid by truckers. This phase-in is reflected in the state estimates.

The following is a 10-year history of highway fund distributions to cities:

Actual Highway Fund Disbursements: All Cities

Year	Disbursement	Year	Disbursement
2001-02	\$95,287,682	2006-07	\$118,349,200
2002-03	\$95,441,094	2007-08	\$113,010,460
2003-04	\$105,666,309	2008-09	\$101,463,870
2004-05	\$117,270,950	2009-10	\$109,939,840
2005-06	\$119,868,238	2010-11	\$127,565,444

The table below shows a break-out of transportation disbursements into their component parts for our projection period. The projected disbursement to cities is as follows:

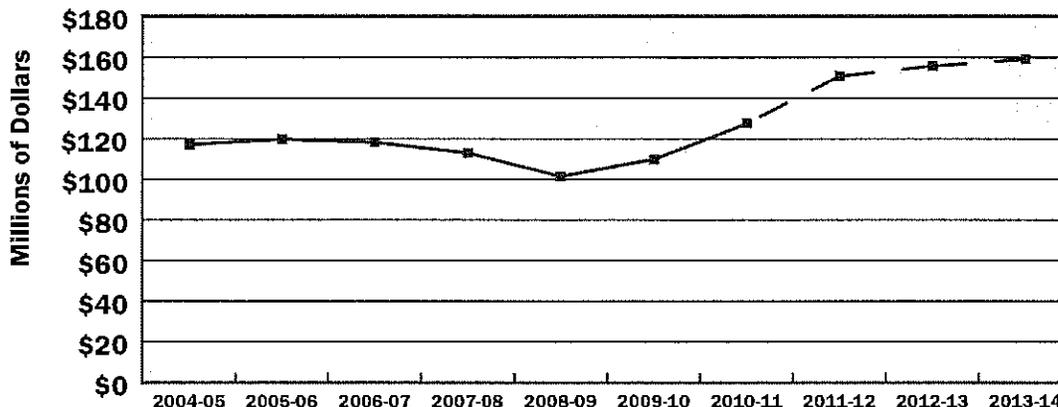
Projected Highway Fund Disbursements

	2011-12	2012-13	2013-14
Highway Fund per capita	\$87,353,417 \$32.29	\$88,671,161 \$32.47	\$90,602,179 \$32.82
OTIA I & II per capita*	\$394,120 \$0.15	\$393,720 \$0.14	\$338,440 \$0.12
2003 Legislation & OTIA III per capita*	\$11,324,133 \$4.19	\$14,019,939 \$5.13	\$14,366,914 \$5.20
2009 Transportation Package (HB 2001)** per capita	\$49,779,113 \$18.40	\$50,696,759 \$18.56	\$51,844,783 \$18.78
Grand Total per capita	\$150,916,473 \$54.83	\$155,893,855 \$56.12	\$159,298,017 \$56.75

* Note: The OTIA I, II & III per capita figures take into account estimated debt service on bonds for state and local projects.

** Note: The figures take into account the phase-in of HB 2001.

Actual and Projected Highway Fund Disbursements





Re: Historical Records for City of Dallas Streets

FRED BRAUN <fred.braun@dallasor.gov>

Tue, Jul 17, 2012 at 8:56 AM

To: reolm2@msn.com

Cc: EMILY GAGNER <EMILY.GAGNER@dallasor.gov>, JASON LOCKE <JASON.LOCKE@dallasor.gov>

Hello Ray,

Here is the information that you requested regarding streets:

1) Does the City of Dallas maintain historical records regarding the construction of new streets, re-construction of streets, street overlay projects, applications and/or waivers from the Utility Companies, etc.?

A1) Yes, the City keeps electronic copies of the plans for new street construction and reconstruction/maintenance. Other records, such as soils reports, field notes and lab density reports, etc. are kept for 10 years. However, streets that were constructed prior to about 1960 generally do not have design/construction records available. Utility applications (encroachment permits) are kept for 10 years.

2) Do these records also include records regarding the construction and/or repair of sidewalks and/or curbs?

A2) Yes, but only if these elements were included in the construction or maintenance project.

3) What is the procedure the City of Dallas follows regarding permitting/inspecting new construction, overlay projects, Utility work, etc?

A3) Applications for new construction or improvements submitted by a developer must be designed by a licensed engineer, and include soils reports and pavement design. Pavement design for the City of Dallas (since 2002) is based upon the Caltrans R-value/TI method, with a minimum of 4" of asphalt. This method is more conservative than the AASHTO method that is generally used throughout Oregon. City Staff reviews the submittal in accordance with the City Standards and Standard Specifications. Construction is observed by City Staff and outside testing agencies per the City of Dallas Standard Specifications for construction. Prior to acceptance by the City, the developer must submit a 2-year warranty bond for the work and As-Built project plans. Upon receipt of the bond and plans, the street is accepted into the City street system.

Paving projects, or overlays, are generally designed by City Staff in accordance with City Standards and approved by a licensed engineer. The project is bid and the lowest responsible bidder is awarded the contract. The contractor submits bonds and other required documentation in accordance with City and State requirements prior to the work. The work is inspected by City staff and outside testing agencies during construction in accordance with the project specifications and City Standard Specifications. Prior to final payment, the Contractor submits a warranty bond for the work.

Utility work is generally the same as work submitted by a developer, except that an encroachment permit is also required for any work within existing rights of way.

I hope that this answers your questions. If you have any additional questions, please do not hesitate to e-mail them to me.

Sincerely,

Fred Braun
City of Dallas

[Quoted text hidden]

TYPES OF STREET REPAIR and MAINTENANCE METHODS

Crack sealing - Injection of hot tar or asphalt into cracks and paving seams. Generally performed by City staff.

Slurry Seal - Very thin layer of a liquid mixture of asphalt and aggregate spread over the surface of the street. It is a hard wearing surfacing that protects, preserves and extends the pavement life. After curing it provides a pavement that is better to drive on, look at and will reduce the cost in the long run. (Cost is typically less than \$2 per square yard.)

Chip Seal - A thin layer of hot asphalt is applied to the street surface then small gravel is applied and leveled and compacted into place.

Overlay - A new layer of asphalt or concrete, which adds structural strength and seals the surface. Often grinding or inlays are needed to match pavement grades or remove severely distressed pavement. (Cost ranges from \$6 to \$16 per square yard, depending on the overlay thickness and preparation).

Reconstruction - The most expensive street treatment, reconstruction entails extensive street repair work that involves excavating the existing street and rebuilding gravel road base and surface layers. (Cost ranges from \$35 to \$55 per square yard depending on the pavement section and preparation).

Scenerio #1: No additional funding. Keep existing funding stable – approximately \$200 K /yr.

Comments: Over \$12 M of deferred maintenance by the end of 2019.
The PCI will decline to 58 by 2019 (fair to poor condition)
The average street will need a thick overlay and localized reconstruction.
Over ½ of the street system will require reconstruction by 2019.

Scenerio #2: Provide enough funding in 2013 to address deferred maintenance. No additional funding for maintenance.

Comments: Requires approximately \$7.5 Million. Keeps pavement maintenance funding at \$200K/yr thereafter.
PCI will improve to 83 for the overall street system in 2013 (very good condition)
PCI will decline thereafter, reaching a value of 76 by 2019. (good condition)
Deferred maintenance will increase from “0” in 2013, to approximately \$2.5 Million in 2019.

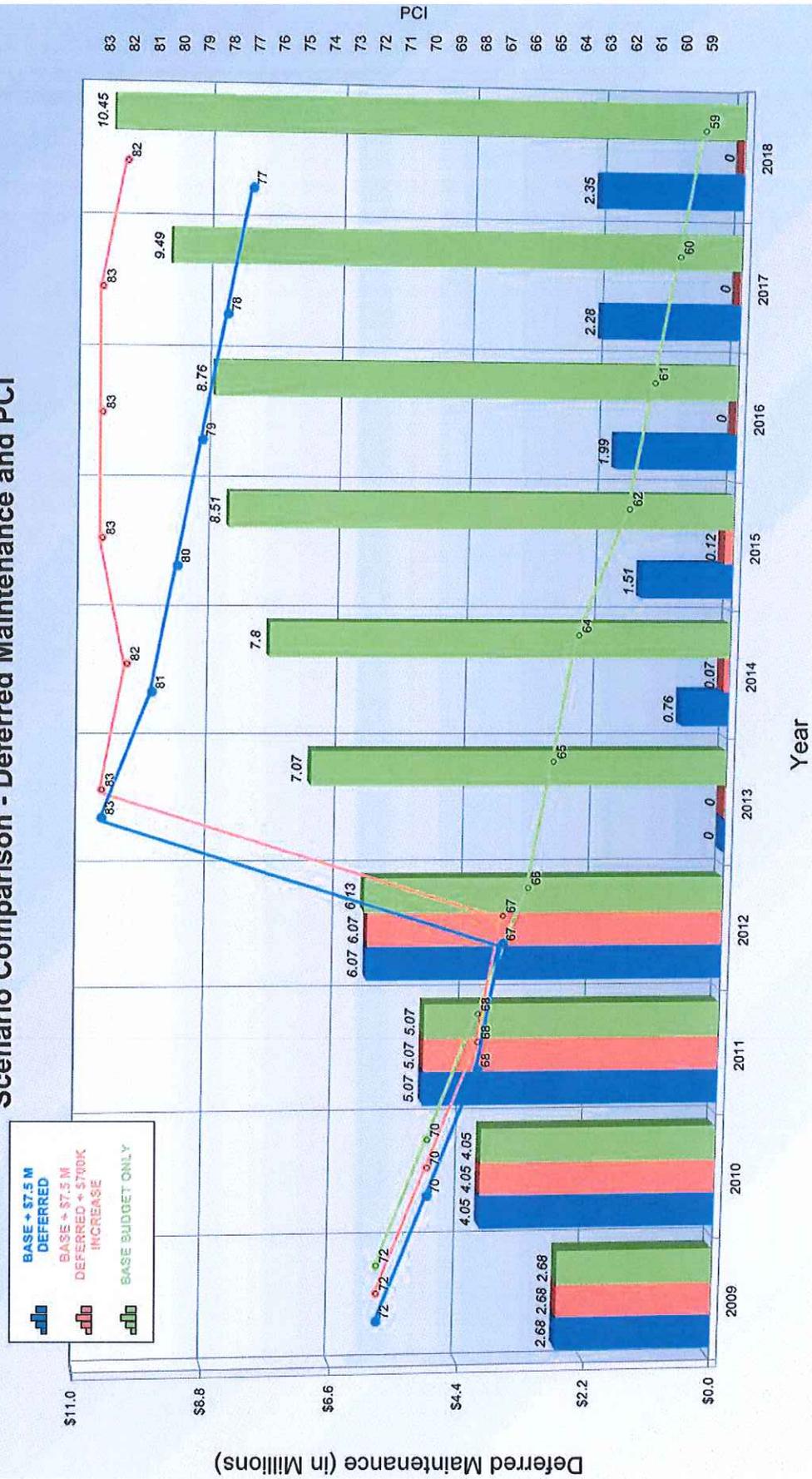
Scenerio #3: Provide enough funding to address deferred maintenance plus 10 years of ongoing maintenance.

Comments: Requires approximately \$14.5 Million. \$7.5 Million in 2013 for deferred maintenance.
Additional \$700K/yr thereafter for 10 years as an increase to the maintenance budget.
PCI will remain stable at 82-83 (streets will be in very good condition) thereafter.
No significant deferred maintenance thereafter.

Scenerio #4: Provide funding to fix all streets and bring overall PCI to 100 (perfect condition).

Comments: Requires approximately \$24 Million
Pavement maintenance budget can be “0” for approximately 10 years thereafter.
Very costly, nobody does this.

Scenario Comparison - Deferred Maintenance and PCI



DALLAS CITY COUNCIL

ADMINISTRATIVE STAFF REPORT

TO: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 d	Topic: Confirm Appointments to Library Board
Prepared By: Robert Spivey	Meeting Date: September 4, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

With approval of the consent agenda, the Council would appoint Cary Richey and Carol Christ to the Library Board.

BACKGROUND:

The Library Board had a vacancy created upon the resignation of Morty Feder. The city solicited applications for the opening. During this time, Marge Hilts verbally resigned, leaving two positions to fill.

Three applications were received and from the three, Cary Richey and Carol Christ are recommended by the Library Board to fill the openings.

Per Dallas City Code 2.510: *“The Dallas Public Library Board, which shall be advisory to the city council, is re-established. The board shall consist of five members, each of whom shall be appointed by the council”*

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8a	Topic: SDC Discount Program Update
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: September 4, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED ACTION: None. For information and discussion.

BACKGROUND: On February 6, 2012, the City Council adopted Resolution 3241, which was a waiver of the full sewer SDC and, in some cases, ½ the water SDC for residential one and two family dwellings. The purpose of the Resolution was to stimulate residential development within the city. The program is set to end on October 1, 2012.

As of August 29, 2012, the following has occurred under the SDC waiver program:

- Ø The City has issued 16 permits for single-family dwellings and 1 permit for a duplex.
- Ø Of those, all qualified for the sewer SDC waiver and 11 qualified for the water SDC reduction.
- Ø There are potentially 3-4 additional houses in the pipeline that we could see prior to the program expiration.

This is an increase of 5 single-family dwelling permits for the same time period last year, an increase of 50%.

It does appear that, based on our conversations with builders, the SDC discount program has had an impact on their decision to move forward with a project, whether pre-sold or a spec house. While the housing industry as whole has been getting better according to most indicators, it does appear that Dallas has benefitted from the waivers. Keep in mind that while SDC revenue has been reduced, building permit revenue has increased slightly based on the additional houses being built.

FISCAL IMPACT:

The total amount of sewer SDC revenue that was foregone was \$69,702, while water SDC revenue not collected was \$24,661, for a total of \$94,363.

ATTACHMENTS:

None

DALLAS CITY COUNCIL

ADMINISTRATIVE STAFF REPORT

TO: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 b	Topic: Authorization to hire temporary Fire Marshal
Prepared By: Robert Spivey	Meeting Date: September 4, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

Move to proceed with the hiring of a Temporary / Part Time Fire Marshal.

BACKGROUND:

On January 1, 2012, the Fire Marshal for the City of Dallas resigned and the position has not been filled.

In the absence of the regular Fire Marshal, the duties of the position have been spread out among staff, but have reached the point where it is no longer efficient to do so.

This temporary position would run until the selection process is completed for a regular Fire Marshal position. It is anticipated to take six to nine months, as it has been recommend to wait for the new City Manager to be part of the selection process.

This is also a part time position and will be scheduled for 24 hours per week. This is below the threshold for providing benefits pursuant to city policy and rules. At less than 28 hours, the city would only provide workers' compensation insurance and PERS if necessary.

Per the Dallas City Charter Chapter 5 Section 21 Subsection e: “...no manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the council.”

FISCAL IMPACT:

Approximately \$4,400 per month, well within the budgeted amount of \$6,845 per month

ATTACHMENTS:

None

DALLAS CITY COUNCIL

ADMINISTRATIVE STAFF REPORT

TO: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 c	Topic: Ratification of a new hire
Prepared By: Robert Spivey	Meeting Date: September 4, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

Move to ratify the hiring of a part-time paramedic.

BACKGROUND:

The Ambulance Department needs to be able to hire in a timely manner to provide necessary service coverage.

On August 1, 2012, a part time paramedic was hired to mitigate the impact of losing a full time paramedic.

Per the Dallas City Charter Chapter 5 Section 21 Subsection e: “...no manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the council.”

FISCAL IMPACT:

Minimal, within budget

ATTACHMENTS:

None

DALLAS CITY COUNCIL

ADMINISTRATIVE STAFF REPORT

TO: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 d	Topic: Authorization to hire EMS and Aquatic Center employees
Prepared By: Robert Spivey	Meeting Date: September 4, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

Move to allow the hiring of part-time lifeguards and part-time Emergency Medical Services personnel as needed.

BACKGROUND:

The Aquatic Center averages a turn-over rate of about three lifeguards per month. The attrition rate is significantly higher in the fall when many lifeguards reduce their hours or resign due to returning to school. The staffing levels of the Aquatic Center are critical and new hires need to be processed in a quick, efficient manner.

Within the EMS department, most staff work part time and are employed at multiple agencies. When one or more resign, critical services can be impacted if new personnel cannot be hired quickly to fill those rolls.

Per the Dallas City Charter Chapter 5 Section 21 Subsection e: “...no manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the council.”

FISCAL IMPACT:

Minimal, within budget

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11 a	Topic: Ord. No. 1747 regarding Public Contracting Regulations
Prepared By: Emily Gagner	Meeting Date: September 4, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

Adopt Ordinance 1747

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. 11 b	Topic: Ord. No. 1748 regarding Records Retention
Prepared By: Emily Gagner	Meeting Date: September 4, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED MOTION:

Adopt Ordinance No 1748

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

<i>City of Dallas</i>	Agenda Item No. 11c	Topic: Ordinance 1749
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: September 4, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Kim Marr, Acting City Manager		

RECOMMENDED ACTION:

Adopt Ordinance 1749

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