

**City Council**

- Mayor  
Brian Dalton
- Council President  
LaVonne Wilson
- Councilor  
Jim Brown
- Councilor  
Jim Fairchild
- Councilor  
Kelly Gabliks
- Councilor  
Beth Jones
- Councilor  
Jackie Lawson
- Councilor  
Kevin Marshall
- Councilor  
Murray Stewart
- Councilor  
Ken Woods, Jr.

**City Staff**

- City Manager  
Ron Foggin
- City Attorney  
Lane Shetterly
- Community Development/  
Operations Director  
Jason Locke
- Finance Director  
Cecilia Ward
- Fire Chief  
Bill Hahn
- Interim Chief of Police  
Tom Simpson
- Engineering Director  
Fred Braun
- City Recorder  
Emily Gagner
- Recording Secretary  
Jeremy Teal

**Dallas City Council Agenda**

**Mayor Brian Dalton, Presiding**

**Monday, November 4**

**7:00 pm**

**Dallas City Hall**

**187 SE Court St.**

**Dallas, OR 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.

Please note a supplemental budget will be considered at this meeting.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE	PG. 3
4. COMMENTS FROM AUDIENCE This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.	
5. PUBLIC HEARINGS 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.	
6. CONSENT AGENDA 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.  a. Approve minutes of October 7, 2013 City Council Meeting	PG. 5
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS  a. General comments from Councilors and Mayor  b. Report of the October 28 Public Works Committee meeting (Woods)  c. Report of the October 28 Public Safety Committee meeting (Jones)	PG. 9  PG. 31
9. REPORTS FROM CITY MANAGER AND STAFF  a. September Financial report	PG. 33 <b>Information</b>



**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

**City Hall**

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.

<ul style="list-style-type: none"> <li>b. Letter of support for Rickreall Watershed Council grant</li> <li>c. Other</li> </ul>	<p><b>Motion</b> PG. 59</p>
<p><b>10. RESOLUTIONS</b></p> <ul style="list-style-type: none"> <li>a. <u>Resolution No. 3282</u> – A Resolution adopting and appropriating a supplemental budget for fiscal year 2013-2014.</li> </ul>	<p><b>Roll Call vote</b> PG. 63</p>
<p><b>11. FIRST READING OF ORDINANCE</b></p> <ul style="list-style-type: none"> <li>a. <u>Ordinance No. 1758</u> – An Ordinance establishing water use regulations during drought or emergency.</li> </ul>	<p><b>First Reading</b> PG. 65</p>
<p><b>12. SECOND READING OF ORDINANCE</b></p>	
<p><b>13. OTHER BUSINESS</b></p>	
<p><b>14. ADJOURNMENT</b></p>	

Following the Council meeting, there will be a meeting of the Urban Renewal Agency Board of Directors.

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>3</b>	<b>Topic:</b> Statement of Support for the Guard and Reserve
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> November 4, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b>		

RECOMMENDED MOTION:

None

BACKGROUND:

According to the ESGR website, the Statement of Support Program is the cornerstone of ESGR’s effort to gain and maintain employer support for the Guard and Reserve. The intent of the program is to increase employer support by encouraging employers to act as advocates for employee participation in the military. Supportive employers are critical to maintaining the strength and readiness of the nation’s Guard and Reserve units.

The first Statement of Support was signed on December 13, 1972 in the Office of the Secretary of Defense by the Chairman of the Board of General Motors. President Nixon was the first President to sign a Statement of Support, and in 2005 every federal Cabinet Secretary and all federal agencies signed a Statement of Support to signify their continuing efforts to be model employers. Since its inception, hundreds of thousands of employers have signed Statements of Support, pledging their support to Guard and Reserve employees.

The City of Dallas will sign a statement of support pledge that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- We will provide our managers and supervisors with the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills Service members bring to the workforce and will encourage opportunities to employ Guardsmen, Reservists, and Veterans.
- We will continually recognize and support our country's Service members and their families in peace, in crisis, and in war.

FISCAL IMPACT:

None

ATTACHMENTS:

Sample Statement of Support



# STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE



We recognize the Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

**Therefore, we join other employers in pledging that:**

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills service members bring to the workforce and will encourage opportunities to hire Guardsmen, Reservists, and Veterans.
- We will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

\_\_\_\_\_  
Employer

James G. Rebholz  
National Chair, ESGR

Leon E. Panetta  
Secretary of Defense

\_\_\_\_\_  
Date



1 The Dallas City Council met in regular session on Monday, October 7, 2013, at 7:00 p.m. in the  
2 Council Chambers of City Hall with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President LaVonne Wilson, Councilor Jim Brown, Councilor  
5 Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, and  
6 Councilor Murray Stewart, and Councilor Ken Woods, Jr. Excused: Councilor Kelly Gabliks

7 Also present were: City Manager Ron Foggin, City Attorney Lane Shetterly, Interim Chief of  
8 Police Tom Simpson, Fire Chief Bill Hahn, Community Development/Operations Director Jason  
9 Locke, Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia  
10 Ward, City Recorder Emily Gagner, Recording Secretary Jeremy Teal, Polk County  
11 Commissioner Craig pope, and Polk County Administrator Greg Hansen.

12 Mayor Dalton led the Pledge of Allegiance.

13 **INTRODUCTION OF NEW EMPLOYEE**

14 Chief Hahn introduced full time paramedic Ryan Saltalamachia who had worked with the  
15 department the last six years in a part-time capacity.

16 **COMMENTS FROM THE AUDIENCE**

17 Mayor Dalton asked the audience members to limit their speeches to five minutes.

18 **PUBLIC HEARINGS**

19 **CONSENT AGENDA**

20 It was moved by Councilor Marshall *to approve the Consent Agenda as presented.* The motion  
21 was duly seconded and carried unanimously.

22 Items approved by the Consent Agenda: a) the September 16, 2013, City Council meeting  
23 minutes; b) OLCC Application for change of ownership for Corby's Place; c) Endorse Ken  
24 Woods, Jr. for Mid-Willamette Valley Area Commission on Transportation; d) Dallas Area  
25 Chamber of Commerce request for Winterfest.

26 **ITEMS REMOVED FROM THE CONSENT AGENDA**

27 There were none.

28 **REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS**

29 **LEAGUE OF OREGON CITIES (LOC) CONFERENCE UPDATE**

30 Mayor Dalton, Council President Wilson, Councilor Fairchild, Councilor Stewart, Councilor  
31 Marshall and Councilor Brown attended the LOC Conference in Portland and highlighted key  
32 aspects of the workshops and forums they attended.

33 Councilor Lawson asked about ex-parte communication with councilors and electronic devices.  
34 Mayor Dalton advised there were councilors in other jurisdictions using their electronic devices to  
35 research items while in the meeting.

36 **GENERAL COMMENTS**

37 Councilor Woods read a statement about the 2015-2018 State Transportation Improvement  
38 Projects, a copy of which is attached to these minutes and incorporated herein.

39 Councilor Lawson asked where the discrepancy was with the project that started at \$480,000 and  
40 was scoped at \$1.5 million. Councilor Woods reported Dallas was looking at small piece of the  
41 project for the funds and when it was scoped, Oregon Department of Transportation (ODOT)  
42 looked at the whole thing and over-scoped it. He noted the philosophy was to go a little over

1 because if it came up short, the City would have to pay.

2 Commissioner Pope stated that Dallas had a great project that needed to be done and there would  
3 be more dollars in to get it completed. He reported the Hwy 22/Hwy 51 and the Hwy 22/Hwy 18  
4 projects were ready to move forward to the construction process.

5 **REPORT OF THE SEPT. 23, 2013, BUILDING & GROUNDS COMMITTEE MEETING**

6 Councilor Fairchild reported the Committee discussed the 800/900 blocks of Main Street project  
7 and revising the grant match program requirements to include the 500, 600, and 700 blocks on  
8 Main Street. He noted the Committee, recommended moving forward to the Urban Renewal  
9 Agency.

10 **REPORT OF THE SEPT 23, 2013, ADMINISTRATIVE COMMITTEE MEETING**

11 Councilor Fairchild reported the Committee discussed the 72-hour parking ordinance and  
12 recommend leaving the ordinance as it stood. He noted citizen committees were discussed and in  
13 the future, a list would be provided at the formation of a committee identifying people who were  
14 already on other committees. He advised that Ms. Ward reported that Xpress Bill pay was  
15 implemented and building momentum with 733 customers, 280 paperless and 199 using auto pay.  
16 He reported that Ms. Gagner stated the Fire Chief applications were collected and interviews  
17 would begin. Councilor Fairchild noted that a change in the format for evaluating the City  
18 Manager would be a discussion in the future, but would remain the same for the remainder of the  
19 year.

20 Councilor Lawson asked if there was discussion about limiting the amount of committees a  
21 person could chair. She also asked if the Council should limit the amount of chair positions a  
22 person could hold, but not how many committees they could serve on. Councilor Brown asked if  
23 the committee chairs were selected by the committee members. Councilor Lawson stated she was  
24 asked to be the chair of the Park & Recreation Board and turned it down because she was on  
25 Council, but noted it would be an easy decision for a committee member to turn down a chair  
26 position if they chaired another committee. Councilor Woods stated he thought the committee  
27 always appointed the chair. Council President Wilson stated that was correct.

28 Councilor Fairchild noted that was the general rule for the committees. Councilor Lawson asked  
29 if that was limiting the amount of chair positions. Councilor Fairchild stated no, but to let the  
30 committee appoint the chair. He noted that the Administrative Committee didn't see an issue with  
31 it and decided to leave it alone. Councilor Brown stated that if someone became chair of all the  
32 committees then the Council should take issue with that. Councilor Lawson stated she thought it  
33 was a good idea to make some rules before it became an issue.

34 Council President Wilson asked Mayor Dalton if he appointed chair positions. Mayor Dalton  
35 stated that he appointed the four Council sub-committee chairs.

36 **REPORTS FROM CITY MANAGER AND STAFF**

37 **PUBLIC SAFETY LEVY**

38 Mr. Foggin stated that Councilor Lawson had asked Greg Hansen and Commissioner Craig Pope  
39 come and explain the Public Safety Levy to the Council. Mayor Dalton noted that Mr. Hansen  
40 was attending to give information only, but Commissioner Pope could be asked for pros or cons.

41 Mr. Hansen stated this was an operating levy for the purpose of public safety and would be a four-  
42 year levy with a cap of 60¢ per \$1,000 assessed value. He advised that if State Revenue Sharing  
43 (SRS) money was received, the County would not levy the full amount but reduce the like amount  
44 in SRS money. He indicated that 60¢ per \$1,000 would generate \$3,000,000 and if the County  
45 received \$750,000 in SRS money, they would reduce the percentage by 25% or to 45¢ per \$1,000  
46 assessed value. He noted that if the county received SRS money the following year that would  
47 reduce the percentage again. He reported that the public safety levy included the county's juvenile  
48 program, adult program, community service, and Sheriff's Department, which included the jail,  
49 patrol, emergency management, dog control, and marine patrol. He noted the levy would also  
50 include the District Attorney's office (DA), court security, and the POINT team. He advised that  
51 the majority of the money would go to the Sherriff Department with the DA receiving the second  
52 most, for prosecution and clerical support, and the rest would be distributed to other programs on  
53 an as needed basis. He stated that the reason for the levy was that the county didn't have adequate  
54 funding for those departments with the loss of Oregon & California Railroad (O&C) money, the  
55 flat tax revenue, the property tax revenues, and the additional costs associated with people, (PERS  
56 and health insurance), the county's ability to maintain those programs has dwindled to the point

1 the board felt it necessary to put it to a vote on what level of public safety the public wanted to  
2 receive.

3 Councilor Marshall asked if the county had ever gone after an operating levy before. Mr. Hansen  
4 advised that in his 28 years the county had gone for a tax base increase prior to Measure 47/50,  
5 and in 1996 received a bond to rebuild the jail and with that received a permanent increase in the  
6 tax base of \$1.5 million. He stated the only option as a funding source was an operating levy. He  
7 noted the other option was to form a public safety or law enforcement district, and operate as its  
8 own entity with its own permanent rate. He stated that to create the district and set the permanent  
9 rate would take a vote of the people. He reported that in 28 years, the county had never asked for  
10 an operating levy.

11 Councilor Stewart asked if the funds were earmarked for certain departments. Mr. Hansen stated  
12 that nothing was earmarked. He reported that if the county received the money, it would be  
13 decided by the Budget Committee where to allocate the money. He commented that the Sheriff's  
14 department, DA, and juvenile programs would receive money, and right now funding in the adult  
15 program was adequate, but shrinking. He indicated that public safety was a pure system and was  
16 only as strong as its weakest link.

17 Councilor Woods asked how many deputies were currently on patrol. Mr. Hansen advised the  
18 Sheriff didn't have 24 hour coverage for patrol. He noted that since 1987 until recently there had  
19 been 24 hour coverage. He stated that from 9:00 a.m. to 1:00 p.m. Monday through Friday there  
20 was no patrol coverage, explaining with only ten or eleven patrol deputies it wasn't possible. He  
21 reported that the Grand Ronde contract was decreasing from \$600,000 to \$400,000 this year and  
22 next year would not exceed \$250,000 in support, as they continued to build their own department.

23 Councilor Brown asked what would happen if the levy was passed with regards to patrol. Mr.  
24 Hansen reported that eight to eleven new patrol officers would be added, 24 hour coverage would  
25 be reinstated, and they would bring on additional detectives. He noted at certain times in the past  
26 the POINT team had been mothballed and this would get them the funding they needed.

27 Councilor Marshall asked if this was a stop-gap or if it would be adequate funding. Mr. Hansen  
28 stated that the 60¢ per \$1,000 assessed value or \$3,000,000 would be adequate funding. He noted  
29 the peak of O&C revenue made up about 1/3 of the general fund revenue. He reported that five  
30 years ago the county had 112 full time employees and a 30% loss had the public safety personnel  
31 down to 81 budgeted. He indicated that he saw the county needing this levy again in the future  
32 unless there was a change in property taxes and revenues, and because Polk County was marked  
33 as a distressed county dependant on O&C money.

34 Council President Wilson asked if the levy passed, if it would go through the budget process and  
35 committee to do the allocations to the departments. Mr. Hansen stated that was correct, and the  
36 decision was whether to create a fund for the money or incorporate it into the existing funds. He  
37 noted that most of the programs were general fund.

38 Councilor Lawson asked if this was just a four year finger in the dam, what would happen after  
39 four years. Mr. Hansen stated the county would ask the voters for another levy, unless there was a  
40 change in the property tax structure or a massive increase in assessed values. Councilor Lawson  
41 asked why four years. Mr. Hansen advised that the least amount of time for a levy was three years  
42 and the most was five years, so the county went with four. He noted that the county had a road  
43 bond that would expire in 2016 and they didn't want it to compete with the levy if they needed  
44 another bond at that time. Mr. Shetterly advised that the constitutional limitation was five years.  
45 Mr. Hansen advised that if the federal government straightened out the management of O&C  
46 land, then the levy wouldn't be needed in four years.

47 Mayor Dalton stated the Board of Commissioners requested a letter of support from the Council  
48 in reference to this operating levy. It was moved by Councilor Brown for the City Council to  
49 authorize the Mayor to provide a letter of support to Polk County regarding the Public Safety  
50 Levy. The motion was seconded by Councilor Woods.

51 Council President Wilson asked if this letter went to the editor and to the commissioners. Mayor  
52 Dalton noted the letter would be sent to both parties. Council President Wilson asked if the letter  
53 would come from the Mayor or the Councilors as well. Mayor Dalton stated the Council  
54 empowered him to sign on their behalf if the motion was approved.

55 Councilor Brown asked if the letter should be sent to the Statesman Journal since that paper  
56 having a West Salem section. Mayor Dalton noted that sounded like a good idea. Councilor  
57 Brown stated it would reinforce the Council's support. Councilor Fairchild noted it was the more  
58 widely read newspaper. Mayor Dalton clarified this would be a letter to the editor and a press

- 1 release for the other newspapers.
- 2 There was a short discussion regarding the wording of the letter. The Council approved Mayor
- 3 Dalton and Mr. Shetterly to wordsmith the letter per the Council's discussion.
- 4 The motion carried unanimously.
- 5 **OTHER**
- 6 Mr. Foggin stated that the City was currently working with Polk Community Development
- 7 Corporation and Rita Grady on the new senior center and another low income housing project.
- 8 He noted there would be public hearings for these projects in the future. He reported that a few
- 9 citizens had secured funding for dog silhouettes at the dog park.
- 10 **RESOLUTIONS**
- 11 **FIRST READING OF ORDINANCE**
- 12 **SECOND READING OF ORDINANCE**
- 13 **OTHER BUSINESS**
- 14 There being no further business, the meeting adjourned at 8:07 p.m.

Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager

DRAFT

**PUBLIC WORKS COMMITTEE**  
**Monday, October 28, 2013**

Members Present: Chair Ken Woods, Jr., Beth Jones, and LaVonne Wilson.  
Unexcused: Jackie Lawson

Also Present: City Manager Ron Foggin, City Attorney Lane Shetterly, Mayor Brian Dalton, Engineering and Environmental Services Director Fred Braun, Community Development/Operations Director Jason Locke, Fire Chief Bill Hahn, Interim Chief of Police Tom Simpson, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Woods called the meeting to order at 4:08 p.m.

**WATER CURTAILMENT/CONSERVATION ORDINANCE**

Mr. Braun reported that at the July workshop the water curtailment ordinance was presented for consideration and the Council made suggestions to eliminate car washing, eliminate all irrigation, and better define excessive use for commercial water use. He noted that Section D of the ordinance defined what commercial use should be. He advised that the water supply needs chart had been removed from the ordinance as it would change with the population of the community and industrial needs. He stated there was currently no emergency, but it was important to have this in place before there was. He advised he was asking for the Committee's concurrence with staff to forward the recommended ordinance establishing water use regulations during drought or emergency to the City Council for consideration.

Mr. Foggin stated this was the final policy item to implement from the Citizen's Advisory Committee for Utility Rate and Fees and Donovan Enterprises. He commented that the responsibilities of the City were to help the public understand the importance of conserving water and staying vigilant with our natural resource. He indicated that the City needed to look for other water sources or expand our current water sources. He noted the aquifer storage recovery system was working well, but how we expand that for a secondary water source was something staff needed to work on.

Chair Woods asked how the City would notify customers. Mr Braun noted that mail would be one way to communicate with citizens. Mr. Foggin advised that the Everbridge system would allow the City to text message, email, and phone every address we have information for. Our ability to contact citizens would have a much wider range at a quicker pace. He noted the task now was to gather citizen's information for the system.

Chair Woods asked the definition of a body of water in section B3. Mr. Braun stated that a pond, fountain, or an ornamental water feature, not including swimming pools, would be considered a body of water.

Mr. Shetterly commented that he had made some notes and if the Committee approved the ordinance to move to Council, he would work with Mr. Braun on formatting and some technical issues.

Mayor Dalton asked for clarification on section C4 about irrigation. He noted that it didn't cover gardens specifically and asked if someone could water a garden with a watering can instead of a hose. Mr. Foggin asked if Stage 4 restricted watering of gardens. Mr. Braun stated Stage 3 restricted it. Mayor Dalton noted that the word garden should be added and if it would be permitted to use a

1 watering can, that should be specified. Mr. Foggin noted that how long you could water a garden by  
2 hand with no hose would be an appropriate way to word it. Mayor Dalton stated that it should be ad-  
3 dress specifically, and commented that there were a lot of gardens in Dallas that produced food and  
4 that food could be lost if not watered. Mr. Braun pointed out that Stage 3 meant there was thirty days  
5 or less of water.

6 It was moved by Council President Wilson to forward the recommended ordinance establishing  
7 water use regulations during drought or emergency to the City Council for consideration with Mr.  
8 Shetterly's revisions. The motion was duly seconded and carried unanimously.

## 9 **OBNOXIOUS VEGETATION DISCUSSION**

10 Mr. Foggin reported that some issues regarding hedges that border sidewalks had been reported  
11 recently. He noted that the City's current ordinance takes care of grass and weeds, but not obnoxious  
12 vegetation where people have let bushes and trees grow uncontrollably. He stated the Mayor had  
13 searched surrounding cities' ordinances regarding this subject and found that Salem's ordinance was  
14 straight forward and to the point. He suggested that based on best practices, that Dallas consider  
15 Salem's ordinance to add to what we already had.

16 Council President Wilson asked if 50.705 (29) of the Salem Code was what was being considered.  
17 Mr. Shetterly stated that 50.705 (29) of the Salem Code was what Dallas already had, but 50.705  
18 (37) of the Salem Code would be the addition. He noted this would be a maintenance standard  
19 covering vegetation not considered noxious. He indicated that a tree was not obnoxious vegetation,  
20 but could fall under rank vegetation under the Salem ordinance.

21 Mayor Dalton reported that it had been successful in the last 15 years in Salem. He indicated that it  
22 was very unusual for Salem to use it and the Code Enforcement Officer recommended it. He noted  
23 that no other towns had this type of ordinance that would address the problems.

24 Mr. Foggin indicated there were examples in the packet that showed the type of issues Dallas was  
25 having. He noted that Dallas had a lot of vacant lots that didn't get taken care of. Councilor Jones  
26 asked if 973 SE Academy Street was vacant. Mr. Foggin stated that it wasn't. He advised that he had  
27 a property in his neighborhood that was in foreclosure and the vegetation was taking over the  
28 property and the City had no legal standing to deal with it. He reported that as complaints came in,  
29 the City had no way to address this issue.

30 Chair Woods asked what rank vegetation was. Mr. Shetterly stated that vegetation existing in a state  
31 of uncontrolled growth or without commonly recognized vegetation maintenance or management  
32 practices applied. Mr. Foggin reported that the City had an issue the previous summer that was a  
33 code enforcement issue where a property owner let the vegetation grow so large it covered half the  
34 sidewalk and it was very difficult to get past. He commented that after it was cut back it was  
35 significantly improved. He noted that as these issues presented themselves with the properties in  
36 town, the City would send letters informing them to cut their grass, weeds, and vegetation.

37 Chair Woods declared a potential conflict of interest because his neighbor's arborvitae was 20 feet  
38 tall and he could no longer take care of the side that lined his parking lot. Mr. Shetterly stated it

1 wasn't a conflict of interest, only a potential conflict which would allow Chair Woods discuss the  
2 issue and vote.

3 Councilor Jones asked what the property owner's point of view was at the Academy Street address.  
4 She asked who spoke with them and noted that they keep the sidewalk clear. Mr. Braun stated that he  
5 wasn't sure if anyone even made contact with the property owners due to the fact that this issue  
6 didn't fall within our ordinance parameters.

7 Councilor Jones asked about the Dallas City Code 5.450 (3) regarding blackberry bushes crossing  
8 property lines and noted under 5.452 it stated no owner may allow obnoxious vegetation on their  
9 property. She asked if blackberry bushes were allowed on property at all. Mr. Shetterly stated that  
10 blackberry bushes were only obnoxious if they extended across property lines. He noted that a  
11 clarification needed to be made to incorporate all vegetation that crossed property lines, not just  
12 blackberry bushes. He commented that listing blackberry bushes in the code didn't categorize them  
13 as noxious or obnoxious, as long as they didn't cross property lines. Mr. Foggin stated that this  
14 ordinance had to do with allowing shrubs and trees to crop over into neighbor's property. He noted  
15 the City couldn't enforce beauty on people, but when a complaint was made the City needs to have  
16 the power to have vegetation cut back away from the sidewalk and other people's property. Mayor  
17 Dalton reported that Salem seldom used this ordinance, but had it just in case. Mr. Locke asked how  
18 the City would address this circumstance at 973 SE Academy Street without that ordinance. Mr.  
19 Shetterly advised that 50.705 (37) of the Salem Code regulated vegetation that was on a property that  
20 was not encroaching. He noted that the ordinance would need to distinguish between the vegetation  
21 on the property and vegetation crossing property lines.

22 Chair Woods asked if the Committee was ready to forward this ordinance to the Council.  
23 Council President Wilson noted that rewritten with Mr. Shetterly's help would be preferred. Mr.  
24 Shetterly asked if the Committee wanted the ordinance to distinguish between the vegetation on the  
25 property and vegetation crossing property lines, or not. Mr. Foggin stated that on a vacant lot the City  
26 could take care of grass and weeds over a certain height, and if the lot had rank vegetation the City  
27 could take care of that too. Councilor Jones asked if the City could do that without an ordinance. Mr.  
28 Foggin stated no. Councilor Jones stated the City could do the yard work, but couldn't prune a tree.  
29 Mr. Foggin noted that was correct and added there was nothing in the code that would allow the City  
30 to do that currently.

31 Chair Woods asked if the committee wanted to discuss vegetation crossing property lines. Mr.  
32 Foggin stated that staff would use it judicially to take care of open lots. He noted that foreclosed  
33 homes were notorious for grass, weeds, and obnoxious vegetation. Councilor Jones asked if the  
34 ordinance could specify foreclosed homes. Mr. Shetterly advised that the ordinance would cover  
35 vacant property, not foreclosed homes.

36 Chair Woods asked if the Committee could discuss vacant lots and vacant dwellings. Mr. Shetterly  
37 stated the ordinance would cover vacant lots and dwellings that were not occupied for more than 30  
38 days. Councilor Jones agreed that definition was reasonable. Mr. Foggin noted that the ordinance  
39 needed to state if the home was occupied, the obnoxious vegetation couldn't go on to other people's  
40 property. He stated staff would work on it and bring it back to the committee.

1 Council President Wilson stated that the neighborhood was always well kept, but this yard could be a  
2 fire potential or a serious issue in a wind storm.

### 3 **UTILITY ASSISTANCE PROGRAM & AVERAGE BILLING PROGRAM**

4 Mr. Foggin reported that after the adoption of the new water and sewer rates and fees a lot of citizens  
5 were having problems paying their bills. He commented that other utility companies had assistance  
6 programs and he would like to start a utility assistance program for Dallas. He noted that he had  
7 spoken with Rita Grady at Polk Community Development Corporation and needed to speak with the  
8 Dallas Resource Center about partnering with the City to determine who qualified for the program.  
9 He advised that utility customers could round up their bill or contribute money to the fund. He indi-  
10 cated that the City would gather the money and roll it over into one of the organizations to help  
11 members of the community. He noted that a number of people could utilize the program and Dallas  
12 was a community that helped each other.

13 Chair Woods asked about the monthly or annual amount of money that would be collected. Mr.  
14 Foggin stated it would be first come first served to the agencies, and depending on the money we  
15 raised, the City would help wherever we could.

16 Mr. Foggin recommended an average billing program where a citizen's utility bill would be averaged  
17 out annually and they would pay the same amount every month all year. He indicated it was a nice  
18 feature for customers. Council President Wilson stated it was a good program, because customers  
19 knew what to budget for each month. Mr. Foggin noted that the sewer cost was the same all year, so  
20 this would cover the water cost that fluctuated.

### 21 **COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR REPORT**

22 Mr. Locke reported on the progress of the 800/900 blocks of Main Street project stating that paving  
23 happened on the previous Saturday and that a complete closure wouldn't happen again. He advised  
24 the pervious concrete would be poured the following week and the City had only received minimal  
25 negative feedback from the project. He noted the business owners downtown had been updated with  
26 information on a regular basis. He indicated the City crew was assessing the leaf pickup schedule  
27 and wouldn't be doing it full time. He commented that there was no pickup schedule as of yet.

28 Chair Woods asked what the target completion date was for Main Street. Mr. Braun stated  
29 November 15, 2013. Mr. Foggin noted the original date was October 31, but was moved due to  
30 weather. He commented that the contractor had done very well to stay on schedule despite the  
31 weather.

### 32 **ENGINEERING/ENVIRONMENTAL SERVICES DIRECTOR'S REPORT**

33 Mr. Braun reported on the LaCreole Interceptor Insituform project. He noted that phase one of a two  
34 phase project was almost complete. He explained that the contractor pulled a double layer sock  
35 through the pipe with polymer sandwiched between the layers, then force steam through the pipe to  
36 cure and harden it. He noted it should last another 100 years.

### 37 **OTHER**

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



# Public Works Committee

## AGENDA

**October 28,  
2013**

**4:00 PM**

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

- A. Call to Order
- B. Water curtailment/conservation ordinance PG. 2
- C. Obnoxious vegetation discussion PG. 11
- D. Utility Assistance Program
- E. Average billing program
- F. Community Development/Operations  
**Director's Report**
- G. Engineering/Environmental Services  
**Director's Report**
- H. Other
- I. Adjournment

Chair Ken Woods, Jr.  
Beth Jones  
Jackie Lawson  
LaVonne Wilson

# DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

**TO: COUNCIL PUBLIC WORKS SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No. D</b>	<b>Topic:</b> Recommended Water Use Regulations During Drought or Emergency
<b>Prepared By:</b> F Braun	<b>Meeting Date:</b> October 28, 2013	<b>Attachments:</b> Yes <input type="checkbox"/> No
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Committee concurrence with Staff to forward recommended Ordinance Establishing Water Use Regulations During Drought or Emergency to the City Council for consideration.

BACKGROUND:

During the 7-15-13 City Council workshop, staff presented an outline of a proposed Ordinance establishing water use regulations during drought or emergency conditions. The City Council made the following comments regarding the ordinance:

- 1) Eliminate washing cars or other vehicles for a Stage 3 condition (except at a commercial facility utilizing recycled water).
- 2) Eliminate all irrigation for a Stage 3 condition.
- 3) Better Define “excessive use” for commercial water usage.

A water curtailment allocation table has been added (Section D). This table defines commercial usage based upon meter size, and is similar to the methodology outlined in Ashland Ordinance 2736. Excessive use rates are now defined for Stage 2 and Stage 3 conditions. The elimination of irrigation and vehicle washing has also been incorporated into the proposed ordinance.

Staff has also removed the Projected Water Supply Needs Chart for the City of Dallas from the proposed ordinance, since this chart will need to be updated every 5 years. Staff proposes that the Council adopt the chart by Resolution.

FISCAL IMPACT:

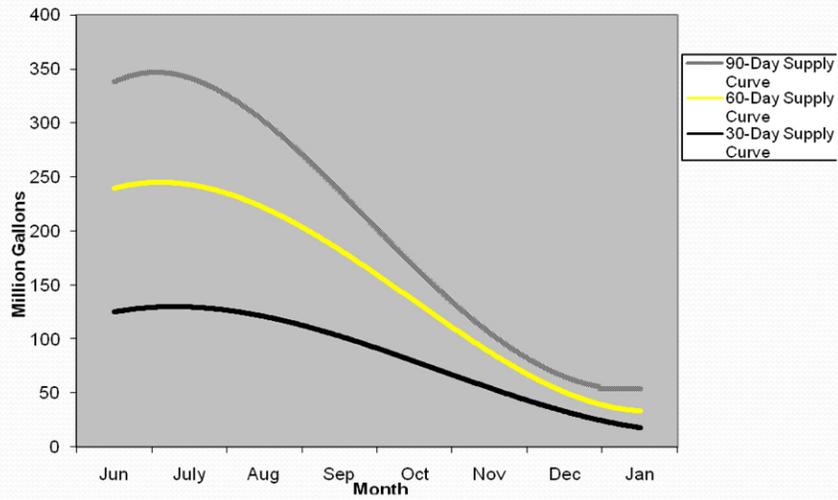
None

ATTACHMENTS:

- Draft Ordinance
- Projected Water Supply Needs Chart

# Projected Water Supply Needs Chart for the City of Dallas

Mercer Reservoir - Water Supply Needs



**(DRAFT) Ordinance 0000**  
**An Ordinance of the City of Dallas Establishing**  
**Water Use Regulations During Drought or Emergency**

**I: Definitions:**

Stage 1 Reduction Condition: Whenever Mercer Reservoir contains less than a 90-day supply for the City as determined by the City Engineer and graphically shown on the “Projected Water Supply Needs Chart for the City of Dallas”. This chart shall be updated every 5 years by the City Engineer and adopted by City Council Resolution.

Stage 2 Reduction Condition: Whenever Mercer Reservoir contains less than a 60-day supply for the City as determined by the City Engineer and graphically shown on the “Projected Water Supply Needs Chart for the City of Dallas”. This chart shall be updated every 5 years by the City Engineer and adopted by City Council Resolution.

Stage 3 Reduction Condition: Whenever Mercer Reservoir contains less than a 30-day supply as determined by the City Engineer and graphically shown on the “Projected Water Supply Needs Chart for the City of Dallas”. This chart shall be updated every 5 years by the City Engineer and adopted by City Council Resolution; or whenever the City is unable to produce an adequate supply of water to the distribution system for any reason, when the disruption of supply was unplanned and will last for more than one day. Adequate supply is defined as a supply equal to or exceeding the daily demand.

**A. Stage One Reduction Condition:** For as long as a stage one condition (as defined above) exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system:

1. The City shall notify and remind all customers to voluntarily conserve water. The notification may contain suggested conservation measures to be followed.
2. Irrigation of all City Parks shall be reduced by 20%.
3. The City may implement Drought Pricing for all water rates. Drought pricing shall be an overall rate increase on the higher usage blocks as follows:
  - 20 ccf to 38 ccf ..... 10% more than the base block
  - 39 ccf to 57 ccf ..... 20% more than the base block
  - Over 58 ccf ..... 30% more than the base block

**B. Stage Two Reduction Condition:** Upon declaration by the City Manager of a Stage Two Condition and for as long as that condition exists, the following water use regulations, in addition to all stage one regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system:

1. The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings and paved, tile, wood, plastic or other surfaces shall be prohibited, except in the event the City Manager determines that such use is the only feasible means of correcting a potential threat to health and safety.
2. All restaurants that provide table service shall post, in a conspicuous place, a Notice of Drought or Emergency Condition as approved by the City Manager and shall refrain from serving water except upon specific request by a customer.
3. The introduction of water into ornamental fountains and bodies of water shall be prohibited.
4. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room a Notice of Drought or Emergency Condition as approved by the City Manager.
5. Any use of water that causes runoff to occur beyond the immediate vicinity of use shall be prohibited.
6. The use of potable water for cleaning, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the City Manager has determined that use of reclaimed wastewater is a feasible alternative.
7. Irrigation at any time from 8:00 a.m. to 6:00 p.m. of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited.
8. Irrigation of all City Parks shall be reduced by 50%. The irrigation schedule shall be developed such that 1/2 of the Parks are irrigated on even days and the remaining 1/2 shall be irrigated on odd days of the month.
9. Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment or by use of a bucket and hose equipped with a self-closing valve that requires operator pressure to activate the flow of water.
10. Excessive Residential use rates shall be applied to water use over 150 percent of the per-household average summer base usage (27 hcf)
11. Excessive Commercial use rates shall be applied to water use over that listed in the Water Curtailment Allocation Table for a Stage Two Condition.
12. New water connection requests shall be suspended.

**C. Stage Three Reduction Condition:** Upon declaration by the City Manager of a Stage Three Condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.

1. Each of the Stage Two water use regulations set forth in this Section shall be applicable.
2. The introduction of water into swimming pools and spas shall be prohibited.
3. The use of water through a meter that is restricted to irrigation uses shall be prohibited, and the City shall have the right to shut off water service to any such meter without notice to the account holder or any other person.
4. Irrigation of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited.
5. Irrigation of City Parks and public landscape areas shall be suspended.
6. Boats and vehicles shall be washed only by use at commercial car washing facilities equipped with water recycling equipment.
7. Excessive Residential use rates shall be applied to water use over 150 percent of the per-household winter base usage (11 hcf)
8. Excessive Commercial use rates shall be applied to water use over that listed in the Water Curtailment Allocation Table.
9. Excessive use rates shall be established by multiplying the base rate tariff by 400 percent. The difference between the base rate and the 400 percent excessive use rate shall be the actual excessive use rate and shall be designated separately from the standard water rate billing.
10. The use of potable water for cleaning and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited.
11. The sale of Bulk Water shall be suspended.
12. The sale of Outside Water may be suspended as determined by the City Manager.

## D. Water Curtailment Allocation Table.

**Water Curtailment allocation Table in hundred cubic feet (hcf)**

Category	Meter Size	Stage 2	Stage 3
Commercial Regular	3/4"	32	16
Commercial Regular	1"	61	31
Commercial Regular	1.5"	104	52
Commercial Regular	2"	152	76
Commercial Regular	3"	304	152
Commercial Regular	4"	481	241
Commercial Regular	6"	932	466
Commercial Regular	8"	1522	761
Commercial Irrigation	3/4"	10	0
Commercial Irrigation	1"	20	0
Commercial Irrigation	1.5"	40	0
Commercial Irrigation	2"	50	0
Commercial Irrigation	3"	90	0

## E: Exemptions:

Exemptions to the water use regulations set forth in this Section may be granted by the City Manager for specific uses of water, on the basis of hardship and in accordance with such guidelines for exemptions as the City Council may adopt. A denial of a request for an exemption may be appealed to a review committee consisting of such persons as the City Council may appoint. The decision of the review committee shall be final.

## F. Violations:

- A. Any failure to comply with a provision of this Chapter shall constitute a violation, regardless of whether the failure to comply is caused by an account holder, a consumer or any other person or entity.
- B. Where the failure to comply is continuing and intentional, each successive hour of such failure to comply shall be a separate and distinct violation.

## G. Penalties And Charges:

- A. The following penalties shall apply to any violation of any provision of this Chapter:
  1. For the first violation within the preceding twelve (12) calendar months, the City Manager shall issue a written notice of the fact of such violation.

2. For a second violation within the preceding twelve (12) calendar months, the City Manager shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00).

3. For a third violation within the preceding twelve (12) calendar months, the City Manager:

a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and b. May install a flow restrictor on the service where the violation occurred or is occurring, for a period to be determined by the City Manager.

4. For a fourth and any subsequent violation within the preceding twelve (12) calendar months, the City Manager:

a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and

b. May install a flow restrictor on or shut off water service to the property where the violation occurred or is occurring, for a period to be determined by the City Manager.

B. If a flow restrictor is installed or water service shut off pursuant to Subsection A of this Section, prior to

restoration of normal water service the account holder whose service is affected shall be required to reimburse the City for whatever cost it has incurred and will incur in installing and removing a flow restrictor and in shutting off and turning on water service.

C. Any surcharge imposed pursuant to this Section shall be added to the account of the account holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service. The maximum amount of surcharges which an account holder may be required to pay during any twelve-month period shall be one thousand dollars (\$1,000.00).

D. Nothing in this Chapter shall limit or be construed to limit the right of an account holder to seek reimbursement of a surcharge from a tenant or other consumer.

## **H. Notice of Violation – Hearing:**

A. For each violation of this Chapter, the City Manager shall give notice as follows:

1. By sending written notice through the U.S. mail to the account holder for the property where the violation occurred or is occurring, at the current billing address shown in the City's water billing records; and

2. By personally giving written notice thereof to the person who committed the violation or by leaving written notice with some person of suitable age and discretion at the property where the violation occurred or is occurring; or
3. If neither the person who committed the violation nor a person of suitable age and discretion can be found, then by affixing written notice in a conspicuous place on the property where the violation occurred or is occurring.

B. Any written notice given under this Section shall contain a statement of:

1. The time, place and nature of the violation;
2. The person(s) committing the violation, if known;
3. The provision(s) of this Chapter violated;
4. The possible penalties for each violation;
5. The account holder's right to request a hearing on the violation and the time within which such a request must be made; and
6. The account holder's loss of the right to a hearing in the event the account holder fails to request a hearing within the time required.

C. Any account holder provided a notice of violation in accordance with the provisions of this Chapter shall have the right to request a hearing. The request must be made in writing and must be received by the City Manager within ten (10) calendar days of the date of the notice of violation. The City Manager shall conduct the hearing, at which both written and oral evidence may be presented, and shall decide whether a violation occurred and the appropriate penalty. In determining the appropriate penalty, the City Manager shall consider whether the account holder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of it. In addition, the City Manager shall exercise his discretion in accordance with such guidelines as the City Council may adopt by resolution.

1. For a first or second violation within a twelve (12) month period, the decision of the City Manager shall be final.
2. For a third or subsequent violation within a twelve (12) month period, the account holder shall have the right to appeal the decision of the City Manager by requesting a hearing before the City Council ("Board"). The request for hearing before the Board shall be in writing and shall be delivered to the City Manager not later than seven (7) calendar days after the date of the decision of the City Manager. At the hearing, the Board may receive and hear both written and oral evidence and shall have the authority to affirm, reverse, or modify the decision of the City Manager. The decision of the Board shall be final.

D. If an account holder fails to request a hearing before the City Manager or the Board within the period(s) provided in this Section, the action of the City shall be deemed final.

E. There shall be no installation of a flow restrictor or shut off of water service until a notice of violation has become final or there is a final decision of the City Manager or the Board ordering installation of a flow restrictor or shutoff of water service.

# DALLAS CITY COUNCIL

## PUBLIC WORKS SUBCOMMITTEE REPORT

**TO: COUNCIL PUBLIC WORKS SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> C	<b>Topic:</b> Obnoxious Vegetation Ordinance Discussion
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> October 28, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Staff has no recommendation

BACKGROUND:

The City received a letter asking us to look at revising DCC 5.450 regarding obnoxious vegetation because of frustration with a neighboring property’s trees and bushes. Staff has had contact with the complainant in the past regarding the property, but because of the way our current code is written, there is technically no violation on the property in question. Because code changes require Council approval, we are bringing the request to you to see if this is something you would like staff to pursue.

FISCAL IMPACT:

None

ATTACHMENTS:

Current Obnoxious Vegetation Ordinance  
Photos of and letter regarding 973 SE Academy St

## OBNOXIOUS VEGETATION

### 5.450 Definitions.

For purposes of sections 5.450 to 5.460, except where the context indicates otherwise, the following mean:

Obnoxious vegetation.

- (1) Poison oak.
- (2) Poison ivy.
- (3) Blackberry bushes that extend into a public thoroughfare or across a property line.
- (4) Vegetation that is:
  - (a) A health hazard,
  - (b) A fire hazard,
  - (c) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
- (5) Weeds or grass more than 10 inches high.
- (6) Weeds or grass going to seed.
- (7) Obnoxious vegetation does not include an agricultural crop, unless that crop is a health, traffic, or fire hazard.

Person in charge of property. An agent, occupant, lessee, contract purchaser, or person, other than the owner, having possession or control of the property.

### 5.452 Owner Responsibility.

No owner or person in charge of property may allow obnoxious vegetation to be on his property or on the parking strip or sidewalk area abutting his property. It shall be the duty of an owner or person in charge of property to cut down or to destroy obnoxious vegetation.

**5.454 Notice to Abate.**

(1) Upon determination by the city manager that obnoxious vegetation exists on any property, the city manager shall cause a notice to be posted on the premises where the obnoxious vegetation exists, directing the owner or person in charge of the property to abate the obnoxious vegetation.

(2) At the time of posting, the city manager shall cause a copy of the notice to be forwarded by registered or certified mail postage prepaid to the owner or person in charge of the property at the last known address of the owner or person in charge of the property.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which or adjacent to which the obnoxious vegetation exists.

(b) A direction to abate the obnoxious vegetation within seven days from the date of the notice.

(c) A statement that unless the obnoxious vegetation is removed, the city will abate the obnoxious vegetation and the cost of abatement shall be a lien against the property.

(d) A statement that the owner or person in charge of the property may protest the abatement by giving notice to the city manager within five days from the date of the notice.

(4) Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file with the city manager a certificate stating the date and place of mailing and posting.

(5) An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person shall not make the notice void and in such case the posted notice shall be sufficient.

**5.456 Abatement by the Owner.**

(1) Within the time allowed by the notice as provided in section 5.454, the owner or person in charge of the property shall remove the obnoxious vegetation or show that no obnoxious vegetation exists.

(2) The owner or person in charge of property protesting that no obnoxious

## Dallas City Code

vegetation in fact exists shall file with the city manager a written statement which shall specify the basis for so protesting.

(3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for the consideration of the abatement, the owner or other person may appear and be heard by the council. The council shall determine whether or not obnoxious vegetation in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed.

(4) If the council determines that obnoxious vegetation does in fact exist, the owner or person in charge of property shall, within five days after the council determination, abate the obnoxious vegetation.

### **5.458 Abatement by the City.**

(1) If, within the time permitted by section 5.456, the obnoxious vegetation has not been abated by the owner or person in charge of the property, the city manager shall cause the obnoxious vegetation to be abated.

(2) The officer charged with abatement shall have the right to enter into or upon any property at reasonable times to investigate or cause the removal of the obnoxious vegetation.

(3) The charge for abatement shall be set by resolution of the city council.

[Subsection (3) amended by Ordinance No. 1522, passed June 17, 1996.]

(4) The total amount of the cost of abatement shall be assessed to the property.

### **5.460 Assessment of Costs.**

(1) The city manager, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

(a) The total amount of the cost of abatement.

(b) That the amount as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

(2) The council, in the regular course of business, shall hear and determine the objections to the cost to be assessed.

## Dallas City Code

(3) If the cost of the assessment is not paid within 30 days from the date of the notice, an assessment of the cost, as stated or as determined by the council, shall be made by resolution and shall be entered in the docket of city liens. Upon the entry being made, the total cost of abatement shall be a lien upon the property from which, or adjacent to which, the obnoxious vegetation was abated.

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of nine percent a year. Interest shall begin upon the entry of the lien in the lien docket.

(5) An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

July 4, 2013

City Manager  
City of Dallas  
187 SE Court Street  
Dallas, OR 97338

Re: Request for revision to Dallas City Code 5.450, Obnoxious Vegetation

Dear Sir:

I am writing to request an addition to the definition of "obnoxious vegetation". It seems this ordinance was written to require homeowners in the City of Dallas to maintain their property for both community safety and appearance. At the time it was written, I am sure the community fathers never considered that a property owner would remove grass and simply allow brush/bushes and trees to grow with wild abandon.

The property in question is at 973 SE Academy Street. As next door neighbors, we are concerned for a number of reasons that this violates the intent, if not the exact wording, of Dallas City Code 5.450 for the following reasons:

1. Safety – anything and anyone could hide in this overgrown property. Giant trees that came up adjacent to the city sidewalk are spreading horizontally and vertically at a rapid pace. Since no maintenance has been done, seedlings for additional trees, probably dropped by birds are growing with abandon. The bushes/brush is growing more than 10' high; the house is covered in overgrown vegetation. Not only could anything and anyone hide in this but as the dry season arrives, we are concerned this is a neighborhood fire hazard. Further since this massive tree is growing so close to the sidewalk it now blocks our view of traffic coming down the street.
2. Further we are concerned that this property is such an eyesore that it will have an impact on property values.
3. Finally, if we are the "public" then not only has this property neglect impaired our view of the public thoroughfare, but they have in effect "stolen our sky" - the tree is blocking light and sky from every window of our house that looks to the West.

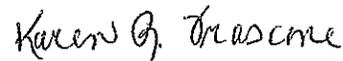
We are in a neighborhood of well kept and neat front yards. We recognize that a lawn is not required to meet the standard of property maintenance. We have a neighbor who has removed their lawn but still maintains a well kept and lovely front yard. We are not asking them to restore the lawn, but simply to maintain to some sort of community standard equivalent to not allowing weeds and grass to grow with reckless abandon.

I filed a complaint last summer and the City inspector agreed with me that the property in question was "over grown" but because the City Code only refers to keeping "weeds or grass not more than 10 inches high" and "weeds and grass going to seed" but says nothing about "bushes/brush" or overgrown trees, he could do nothing.

I ask that you consider revising the code to include what obviously violates the intent of the City fathers to require homeowners to maintain their property for both safety and community standards. I did not include photos of the property in question because quite frankly the photographs did not convey the reality. The home owners have no intention, despite being asked on multiple occasions, to do any pruning or trimming or removal of overgrown brush and trees. No attempt has been made by them to rectify this over the past few years and they seem to have no intention of doing it on their own, or by neighborhood request.

Thank you for your prompt attention to this matter.

Sincerely,



Karen R Frascione  
997 SE Academy Street  
Dallas, OR 97338

973 SE Academy St



**PUBLIC SAFETY COMMITTEE**

**Monday, October 28, 2013**

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Members Present: Chair Beth Jones, LaVonne Wilson, and Ken Woods, Jr. Unexcused: Jackie Lawson

Also Present: City Manager Ron Foggin, City Attorney Lane Shetterly, Mayor Brian Dalton, Engineering and Environmental Services Director Fred Braun, Community Development/Operations Director Jason Locke, Fire Chief Bill Hahn, Interim Chief of Police Tom Simpson, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

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

**POLICE CHIEF’S REPORT**

Interim Chief Simpson stated the Department had been reorganized and Sgt. Sunny Latty and Sgt. Jerry Mott would be filling in the Interim Deputy Chief position for a month each while he served as Interim Chief. He reported that staff and volunteers from the department aided in a Halloween safety event at WalMart and would also attend Trick-N-Treat at Morrison on Halloween. He noted that Officer Danka just completed her six month probation and would cover more downtown parking as she settled into her duties. He commented that an officer was scheduled to read to kids at the Library in uniform.

Mr. Foggin applauded Interim Chief Simpson for being a driving force to bring the POINT team position back.

**FIRE CHIEF’S REPORT**

Chief Hahn stated the extrication team left for Florida to compete in an international competition. He noted the fitness tests were rescheduled. He advised that Josh Darland would announce that he accepted a job at Marion County Fire District as a training officer. He commented that the candy giveaway would happen on Halloween with the fire trucks out in the community. He reported that Dennis Unger would be retiring the first of December, but would work until June 2014. He announced that Dr. Lucas, supervising physician for Dallas EMS, was presented her badge by City Manager Foggin to ride along on the ambulance.

Mr. Foggin stated the Fire Department did a great job hosting the open house for the potential new chief. He noted he was in the process of gathering more information on the finalists and should have a decision later in the week.

**OTHER**

There was no other business and the meeting adjourned at 4:08 p.m.



# Public Safety Committee

## AGENDA

**October 28,  
2013**

**4:00 PM**

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

- A. Call to Order
- B. Chief of Police's Report
- C. Fire Chief's Report
- D. Other
- E. Adjournment

Chair Beth Jones  
Jackie Lawson  
LaVonne Wilson  
Ken Woods, Jr.

# DALLAS CITY COUNCIL REPORT

**To: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9a</b>	<b>Topic:</b> September 2013 Financial Reports
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> November 4, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of September 2013. September ends the first quarter of the fiscal year.

For September 2013:

- Percent collected/spent should be at 25.00%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- Due to the Council implementing late charges and an earlier disconnect date, the aging of utility accounts has decreased by 8% in only 5 months.
- Finance Department expenditures are trending high due to annual payments for municipal memberships and software maintenance.
- Percent collected for permits is at 60% due to the number of permits that have been issued.

FISCAL IMPACT:

None

ATTACHMENTS:

September 2013 Financial Reports



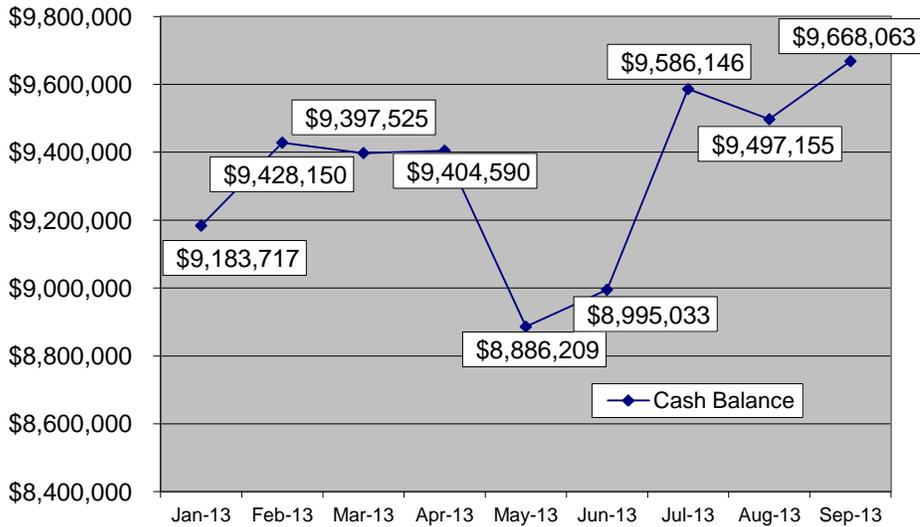
**Monthly Financials**  
**for the Month of**  
**September 2013**

**CITY OF DALLAS**  
**Cash Report**  
**For the Period Ending September 30, 2013**

Cash on hand	\$ 645
Cash in Investments	8,307,344
Cash in Bank	1,360,074
Total Cash Balance as of 9/30/2013	\$ 9,668,063

Restricted/Committed	\$ 6,859,076
Unrestricted	2,808,988
	\$ 9,668,063

Cash Balance

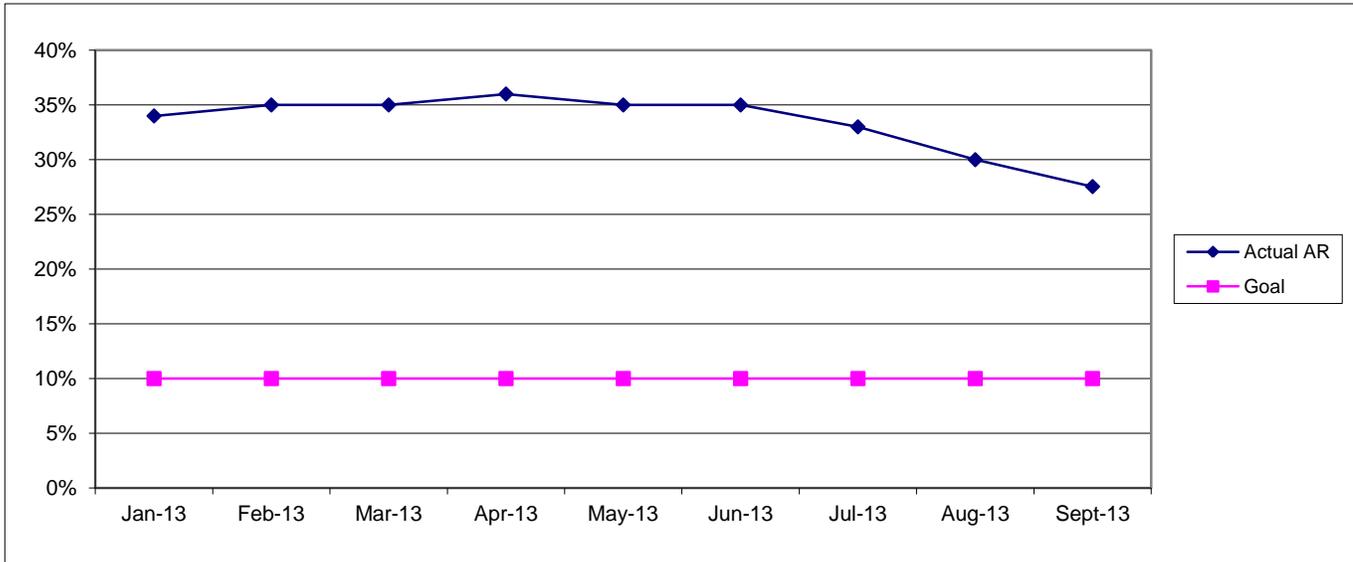


Investment Breakdown

	<u>Ending Bal</u>	<u>Interest YTD</u>
LGIP	\$ 7,129,238	\$ 9,751
Wells Fargo Savings	1,178,106	\$ 89
	\$ 8,307,344	\$ 9,840

**UTILITY AGING REPORT**  
**September 30, 2013**

	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sept-13
Actual AR	34%	35%	35%	36%	35%	35%	33%	30%	28%
Goal	10%	10%	10%	10%	10%	10%	10%	10%	10%

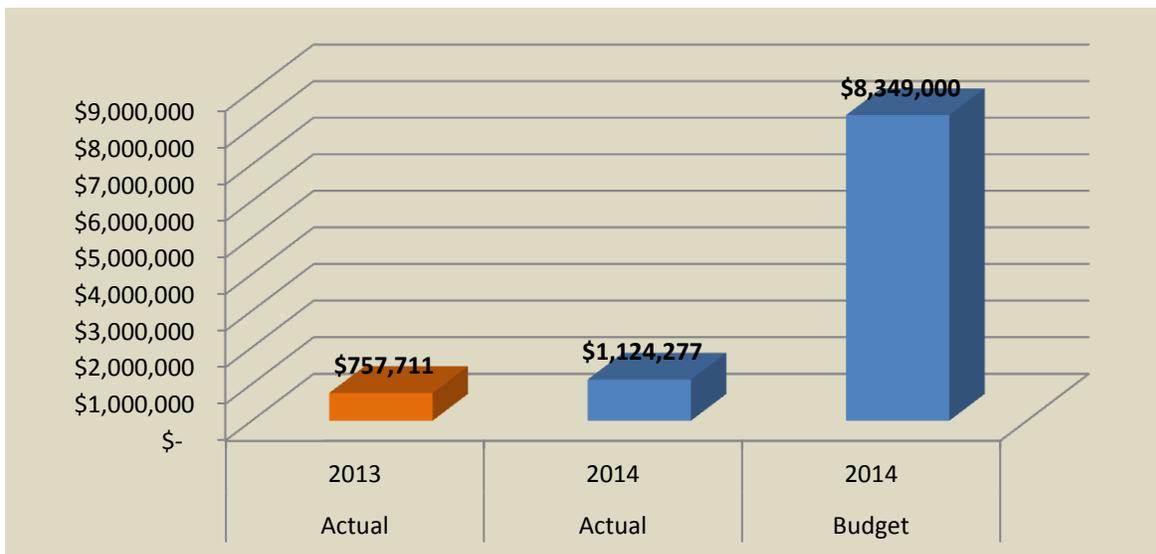


\* Report is for accounts receivable greater than 90 days

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**General Fund Revenue**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Licenses, Permits and Fees	\$ 261,089	\$ 331,719	\$ 1,379,000	\$ 1,047,281	24.1%
Fines and Forfeitures	25,293	24,330	155,000	130,670	15.7%
Recreation Fees	123,438	122,632	461,000	338,368	26.6%
Library Fees	19,915	20,273	75,000	54,727	27.0%
Property Taxes	75,576	79,964	3,444,000	3,364,036	2.3%
Miscellaneous Taxes	18,620	40,221	225,000	184,779	17.9%
Franchise Fees	201,414	191,971	1,105,000	913,029	17.4%
Inter-governmental	-	-	187,000	187,000	0.0%
Miscellaneous Revenue	2,271	7,501	43,000	35,499	17.4%
Interest Earnings	-	1,551	15,000	13,449	10.3%
Transfers	30,095	304,115	1,260,000	955,885	24.1%
	<b>\$ 757,711</b>	<b>\$ 1,124,277</b>	<b>\$ 8,349,000</b>	<b>\$ 1,516,319</b>	<b>13.5%</b>



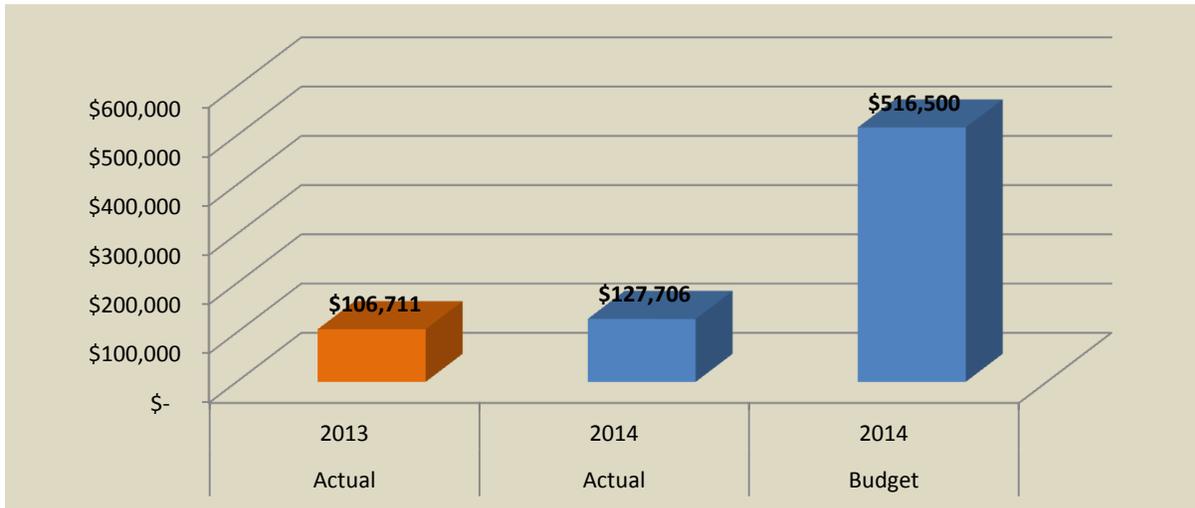
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Administration**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 76,961	\$ 100,918	\$ 376,000	\$ 275,082	26.8%
Materials and Supplies	29,750	26,789	140,500	113,711	19.1%
	<b>\$ 106,711</b>	<b>\$ 127,706</b>	<b>\$ 516,500</b>	<b>\$ 388,794</b>	<b>24.7%</b>

There are no capital expenditures budgeted in this department.



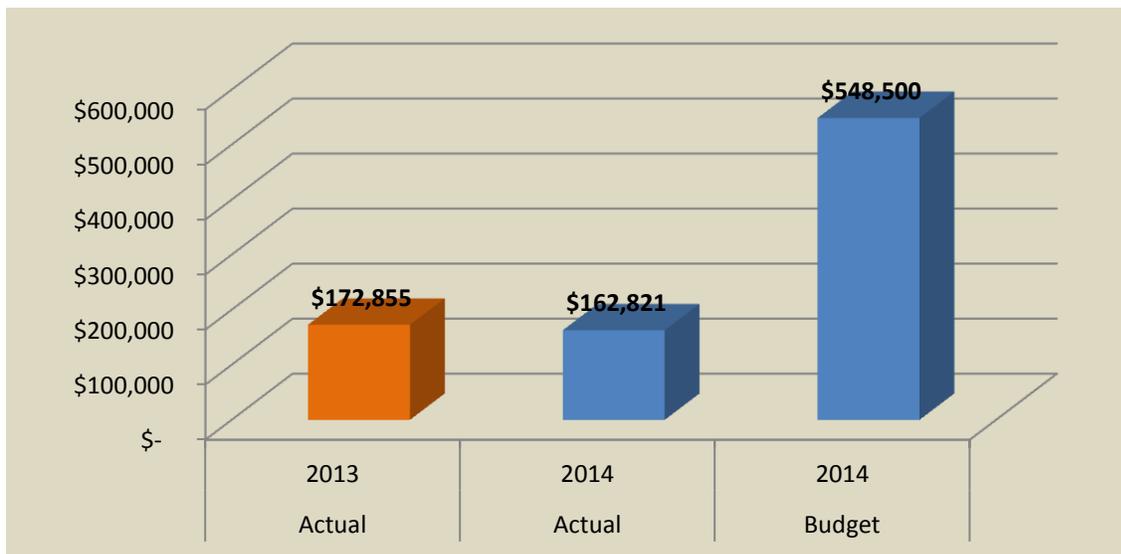
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Finance**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 82,490	\$ 87,838	\$ 361,000	\$ 273,162	24.3%
Materials and Supplies	90,365	74,983	187,500	112,517	40.0%
	<b>\$ 172,855</b>	<b>\$ 162,821</b>	<b>\$ 548,500</b>	<b>\$ 385,679</b>	<b>29.7%</b>

There are no capital expenditures budgeted in this department.



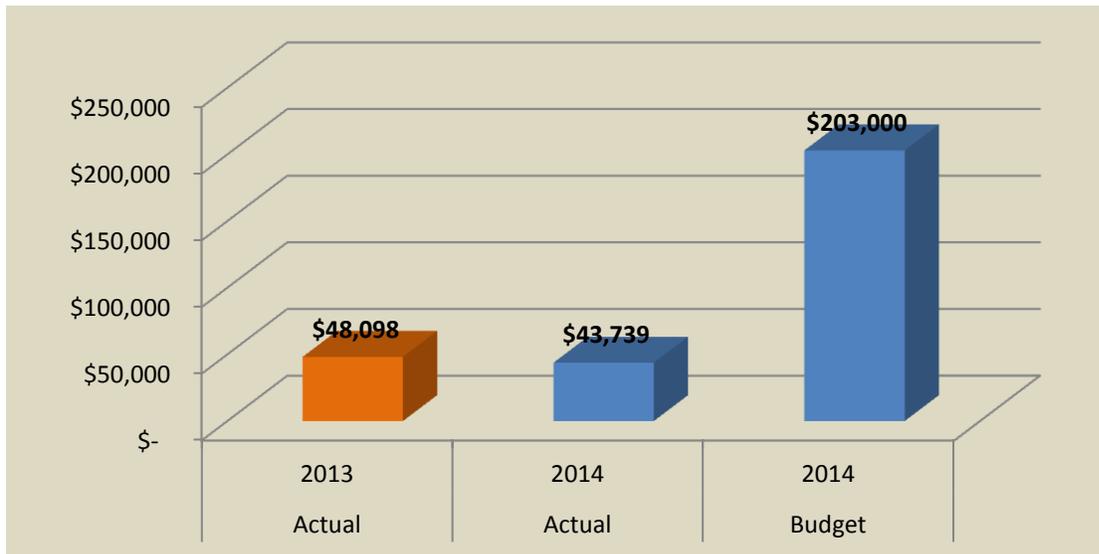
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Facilities**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 27,641	\$ 28,136	\$ 121,000	\$ 92,864	23.3%
Materials and Supplies	20,457	15,604	67,000	51,396	23.3%
Capital Outlay	-	-	15,000	15,000	0.0%
	<b>\$ 48,098</b>	<b>\$ 43,739</b>	<b>\$ 203,000</b>	<b>\$ 159,261</b>	<b>21.5%</b>

Capital Expenditures: HVAC system for Carnegie Building - \$15,000



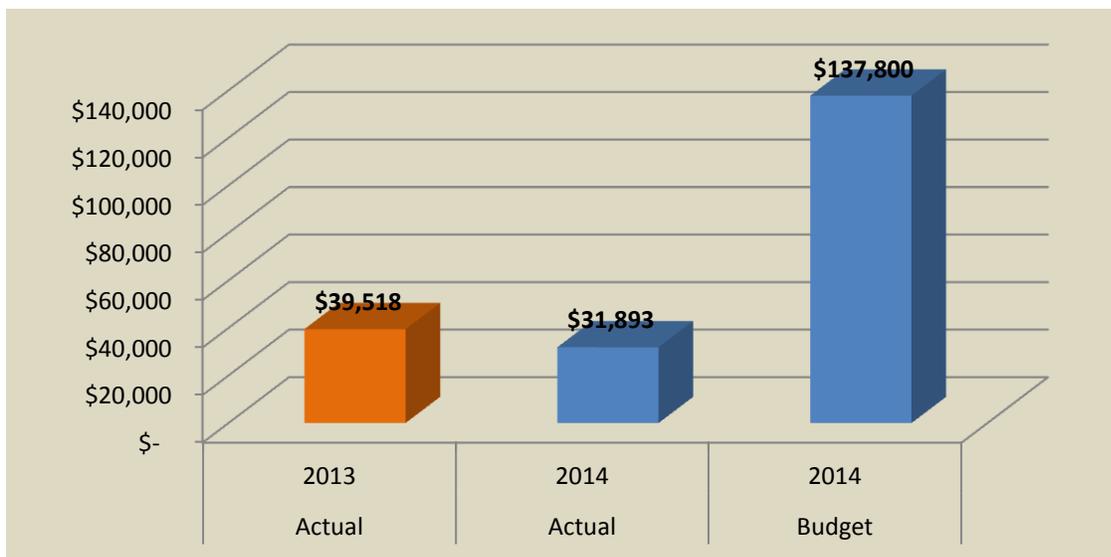
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Municipal Court**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 34,623	\$ 25,749	\$ 108,500	\$ 82,751	23.7%
Materials and Supplies	4,895	6,144	29,300	23,156	21.0%
	<b>\$ 39,518</b>	<b>\$ 31,893</b>	<b>\$ 137,800</b>	<b>\$ 105,907</b>	<b>23.1%</b>

There are no capital expenditures budgeted in this department.



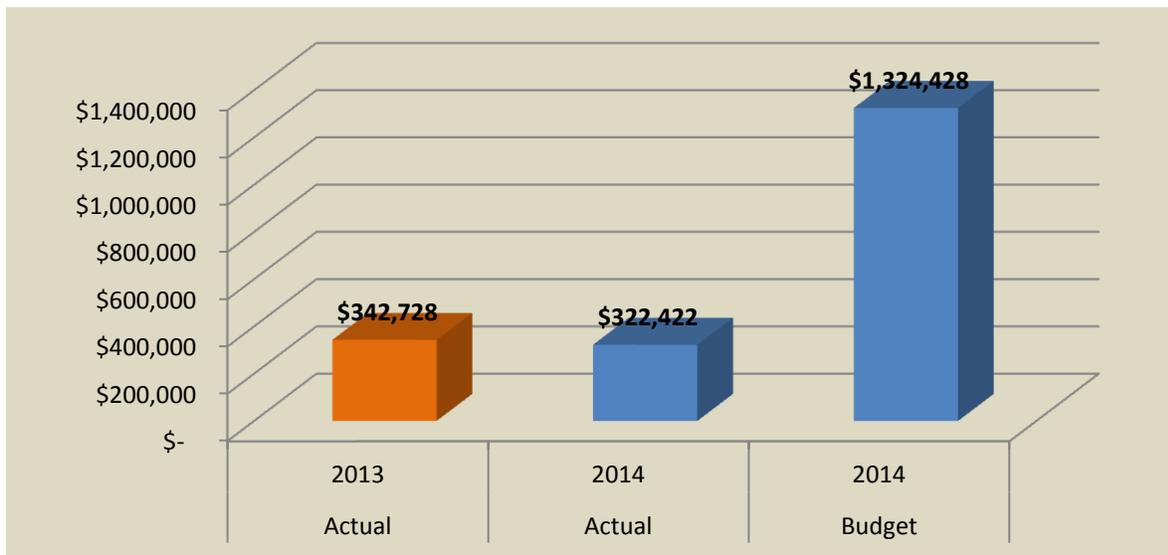
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Ambulance**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 240,400	\$ 226,918	\$ 927,000	\$ 700,082	24.5%
Materials and Supplies	91,239	84,540	320,125	235,585	26.4%
Capital Outlay	3,589	3,464	10,000	6,536	34.6%
Debt Service	-	-	37,303	37,303	0.0%
Transfers	7,500	7,500	30,000	22,500	25.0%
	<b>\$ 342,728</b>	<b>\$ 322,422</b>	<b>\$ 1,324,428</b>	<b>\$ 1,002,006</b>	<b>24.3%</b>

Capital Expenditures: Replacement of medical equipment - \$7,000  
 Replacement of turnouts - \$3,000



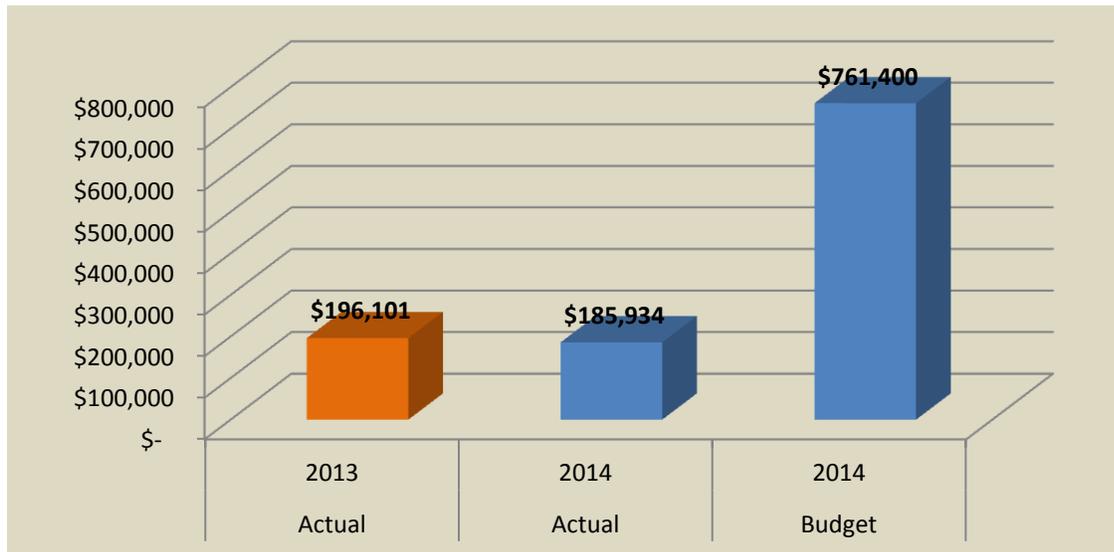
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Fire**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 118,499	\$ 105,398	\$ 421,000	\$ 315,602	25.0%
Materials and Supplies	62,204	60,866	273,000	212,134	22.3%
Capital Outlay	8,048	12,320	38,000	25,680	32.4%
Transfers	7,350	7,350	29,400	22,050	25.0%
	<b>\$ 196,101</b>	<b>\$ 185,934</b>	<b>\$ 761,400</b>	<b>\$ 575,466</b>	<b>24.4%</b>

Capital Expenditures:                      Replacement of equipment - \$8,000  
    Replacement of turnouts - \$30,000



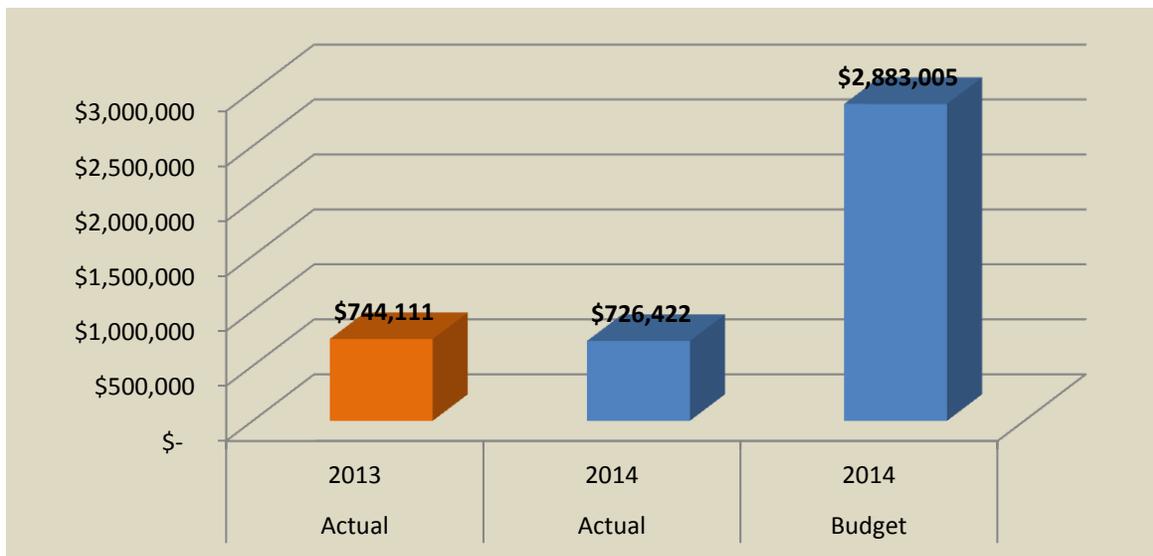
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Police**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 631,792	\$ 609,056	\$ 2,445,000	\$ 1,835,944	24.9%
Materials and Supplies	105,569	110,616	411,005	300,389	26.9%
Transfers	6,750	6,750	27,000	20,250	25.0%
	<b>\$ 744,111</b>	<b>\$ 726,422</b>	<b>\$ 2,883,005</b>	<b>\$ 2,156,583</b>	<b>25.2%</b>

There are no capital expenditures budgeted in this department.



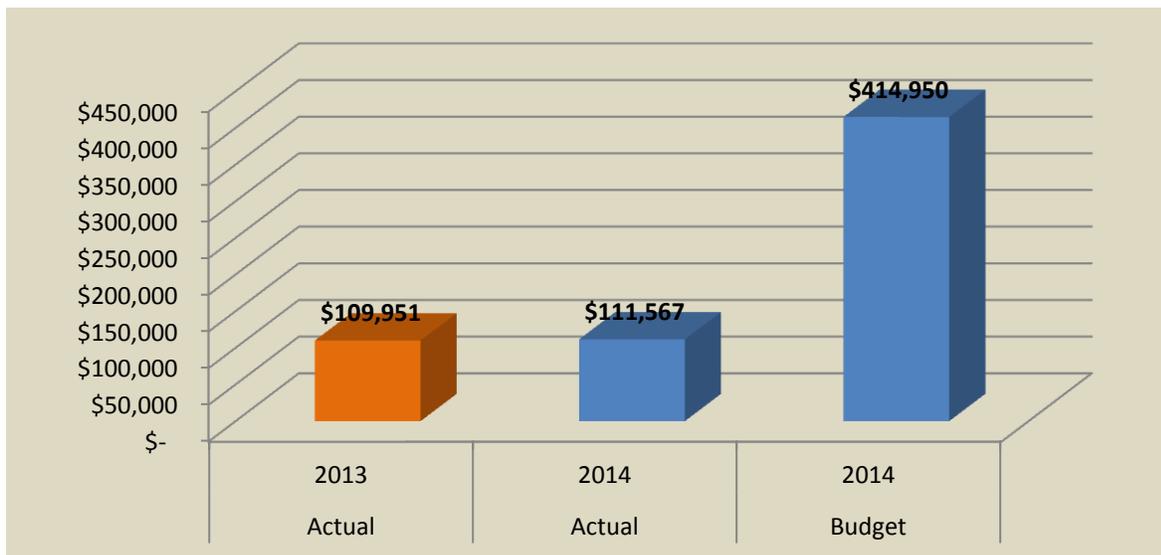
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Library**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 83,483	\$ 85,872	\$ 339,000	\$ 253,128	25.3%
Materials and Supplies	26,468	25,695	75,950	50,255	33.8%
	<b>\$ 109,951</b>	<b>\$ 111,567</b>	<b>\$ 414,950</b>	<b>\$ 303,383</b>	<b>26.9%</b>

There are no capital expenditures budgeted in this department.



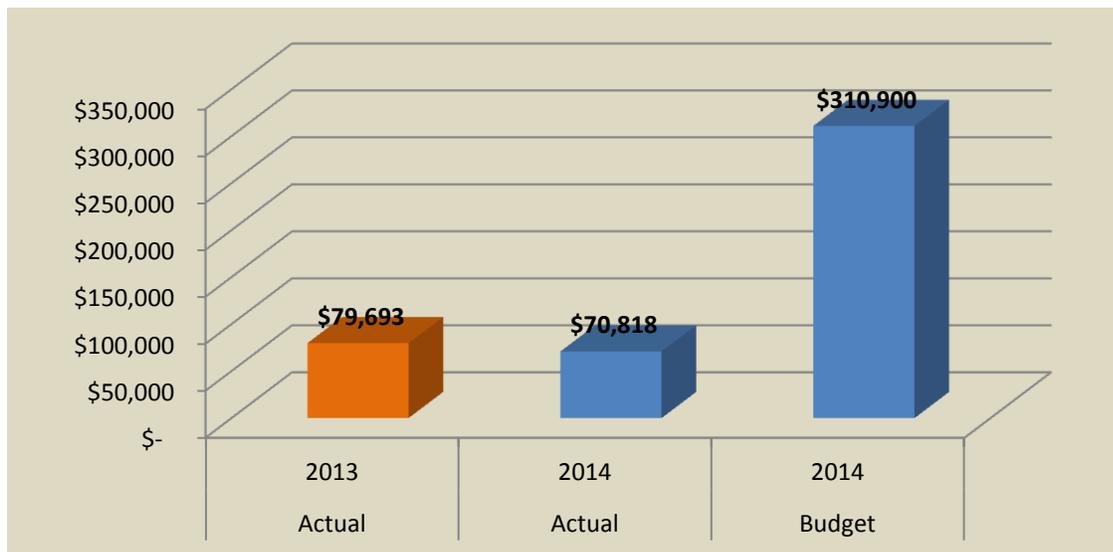
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Parks**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	42,895	45,167	208,000	\$ 162,833	21.7%
Materials and Supplies	35,548	24,401	97,900	73,499	24.9%
Transfers	1,250	1,250	5,000	3,750	0.0%
	<b>\$ 79,693</b>	<b>\$ 70,818</b>	<b>\$ 310,900</b>	<b>\$ 240,082</b>	<b>22.8%</b>

There are no capital expenditures budgeted in this department.



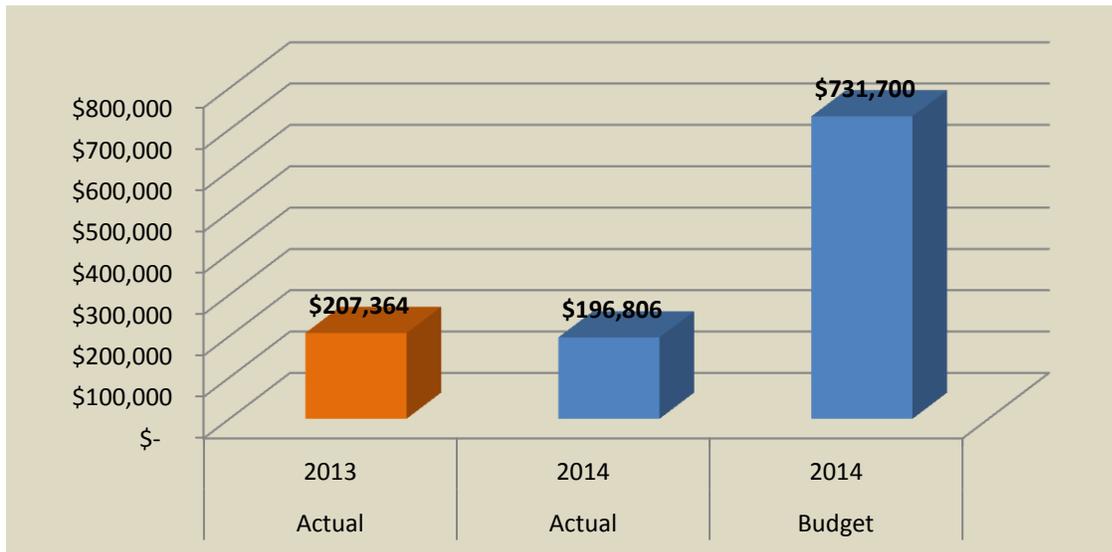
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Aquatic Center**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 124,601	\$ 115,325	\$ 410,000	\$ 294,675	28.1%
Materials and Supplies	70,263	68,981	271,700	202,719	25.4%
Capital Outlay	12,500	12,500	50,000	37,500	25.0%
	<b>\$ 207,364</b>	<b>\$ 196,806</b>	<b>\$ 731,700</b>	<b>\$ 534,894</b>	<b>26.9%</b>

Capital Expenditures:                      Equipment Reimbursement - \$50,000



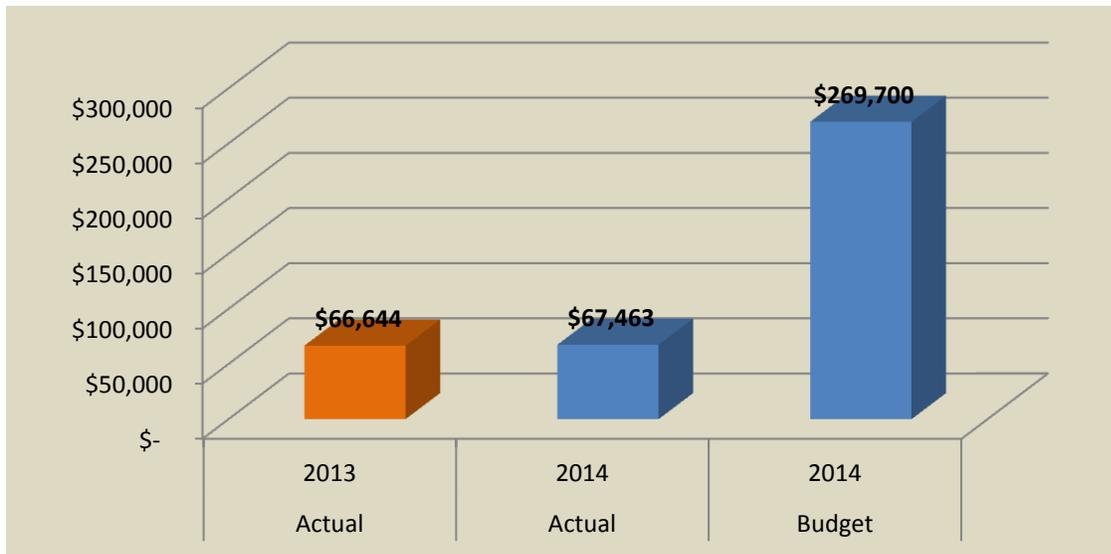
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Building Inspections**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 61,671	\$ 63,725	\$ 253,000	\$ 189,275	25.2%
Materials and Supplies	4,973	3,738	16,700	12,962	22.4%
	<b>\$ 66,644</b>	<b>\$ 67,463</b>	<b>\$ 269,700</b>	<b>\$ 202,237</b>	<b>25.0%</b>

There are no capital expenditures budgeted in this department.



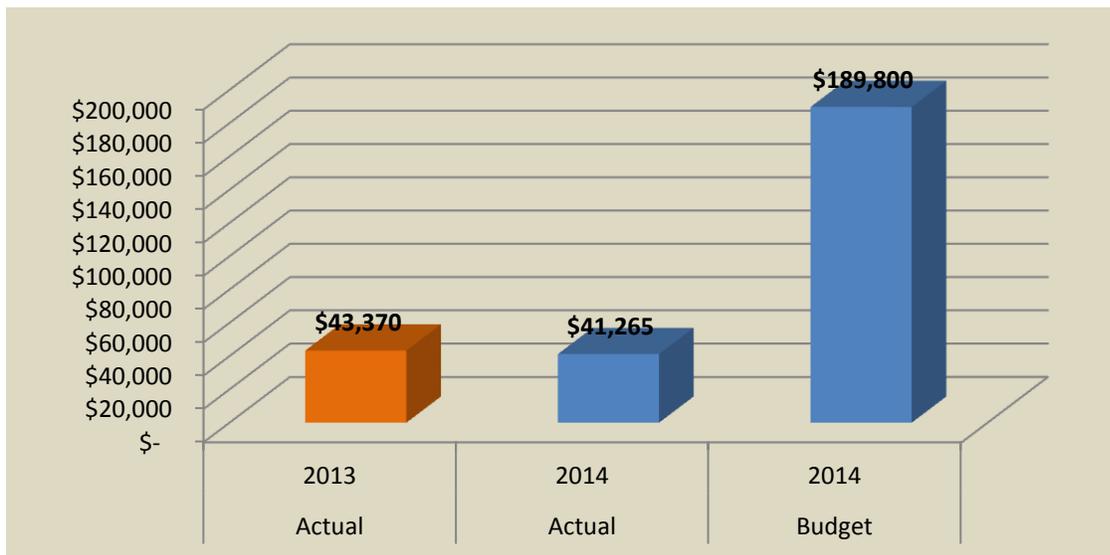
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Planning**

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 37,007	\$ 36,614	\$ 147,000	\$ 110,386	24.9%
Materials and Supplies	5,513	3,800	39,400	35,600	9.6%
Transfers	850	850	3,400	2,550	25.0%
	<b>\$ 43,370</b>	<b>\$ 41,265</b>	<b>\$ 189,800</b>	<b>\$ 148,535</b>	<b>21.7%</b>

There are no capital expenditures budgeted in this department.



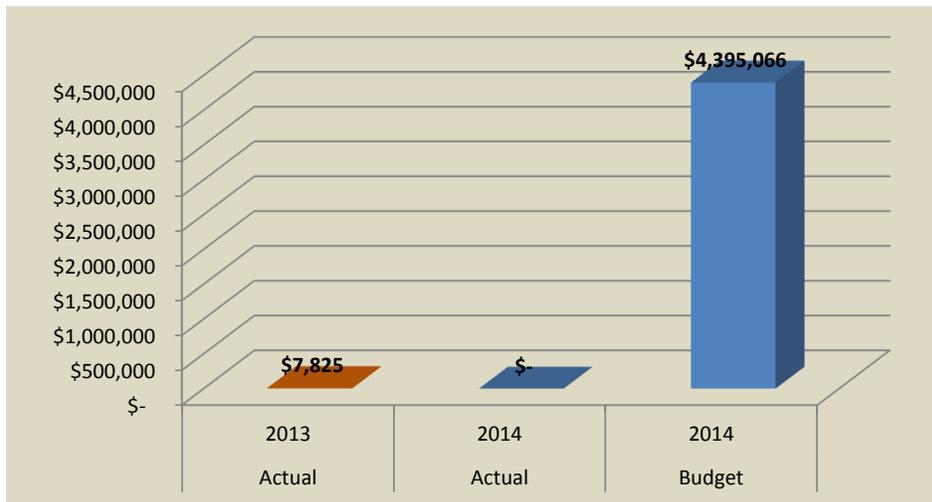
**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

Department: System Development Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Streets SDC	\$ 11,384	\$ 22,063	\$ 50,000	\$ 27,937	44.1%
Parks SDC	22,240	43,119	100,000	56,881	43.1%
Water SDC	23,916	80,504	100,000	19,496	80.5%
Sewer SDC	28,568	108,010	140,000	31,990	77.2%
Storm Water SDC	8,174	17,618	30,000	12,382	58.7%
Transfers	-	-	80,066	80,066	0.0%
	<b>\$ 94,282</b>	<b>\$ 271,314</b>	<b>\$ 500,066</b>	<b>\$ 63,868</b>	<b>54.3%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Street SDC Projects	\$ -	\$ -	\$ 240,000	\$ 240,000	0.0%
Park SDC Projects	800	-	242,451	242,451	0.0%
Water SDC Projects	-	-	225,000	225,000	0.0%
Sewer SDC Projects	-	-	3,627,615	3,627,615	0.0%
Storm Water SDC Projects	-	-	60,000	60,000	0.0%
Transfers (none for 2014)	7,025	-	-	-	
	<b>\$ 7,825</b>	<b>\$ -</b>	<b>\$ 4,395,066</b>	<b>\$ 4,395,066</b>	<b>0.0%</b>



**25% Through the Fiscal Year**

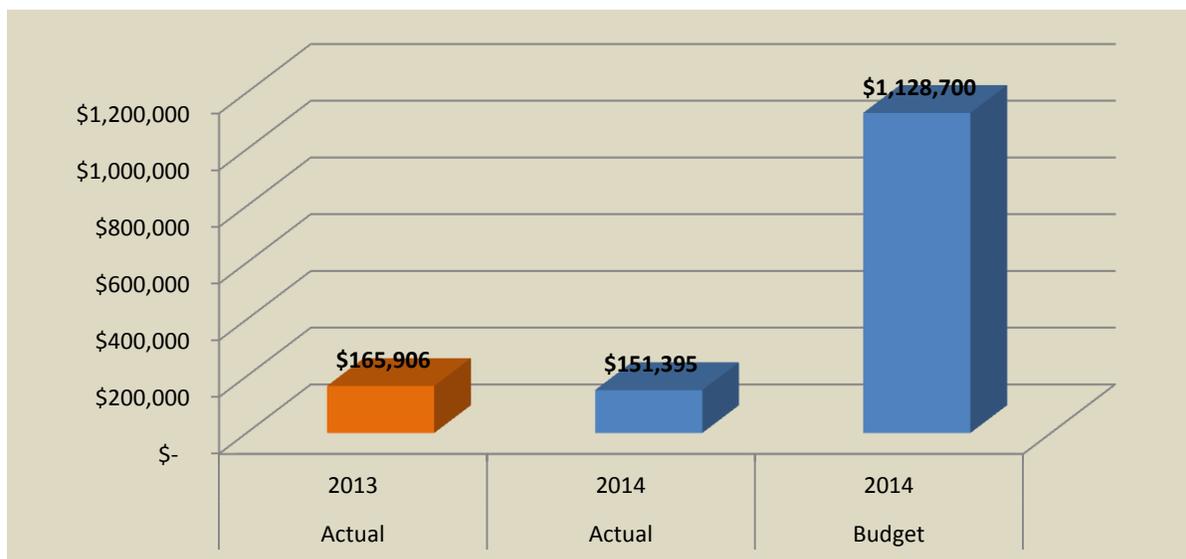
**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Streets**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Highway Reimbursement & Appropriations	\$ 198,733	\$ 361,752	\$ 1,030,000	\$ 668,248	35.1%
Miscellaneous Revenue and Interest	389	-	61,060	61,060	0.0%
	<b>\$ 199,122</b>	<b>\$ 361,752</b>	<b>\$ 1,091,060</b>	<b>\$ 729,308</b>	<b>33.2%</b>

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personal Services	\$ 84,220	\$ 75,124	\$ 292,000	\$ 216,876	25.7%
Materials and Supplies	54,505	56,271	261,700	205,429	21.5%
Capital Outlay	7,181	-	495,000	495,000	0.0%
Transfers	20,000	20,000	80,000	60,000	25.0%
	<b>\$ 165,906</b>	<b>\$ 151,395</b>	<b>\$ 1,128,700</b>	<b>\$ 977,305</b>	<b>13.4%</b>

Capital Expenditures: Contractual Overlays - \$475,000  
Sidewalks - \$20,000



**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

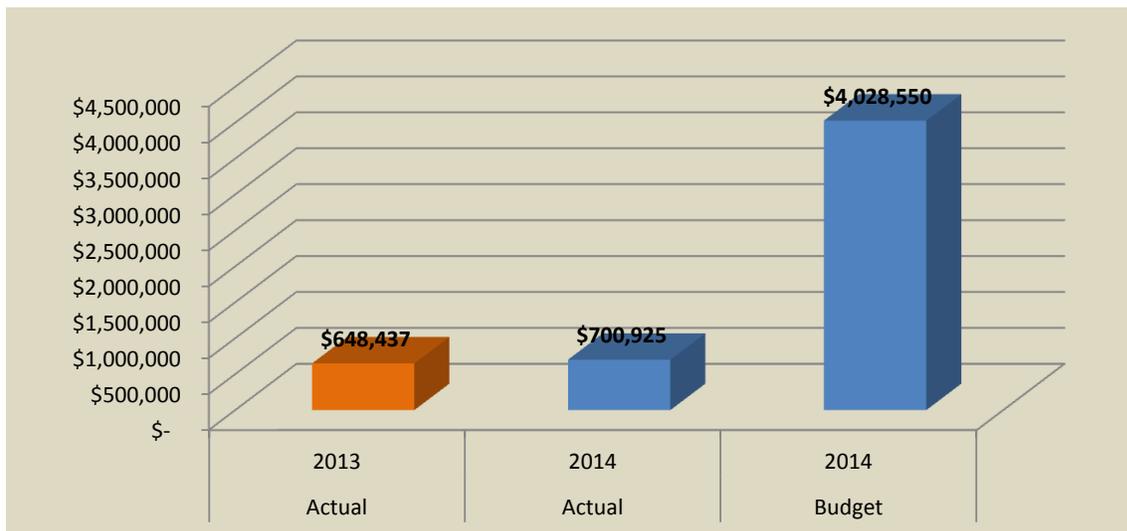
Department: Sewer

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Service Charges and Hook Up Fees	\$ 1,769,578	\$ 783,672	\$ 3,037,000	\$ 2,253,328	25.8%
Miscellaneous Revenue and Interest	811,488	301,604	120,000	(181,604)	251.3%
	<b>\$ 2,581,065</b>	<b>\$ 1,085,276</b>	<b>\$ 3,157,000</b>	<b>\$ 2,071,724</b>	<b>34.4%</b>

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personal Services	\$ 150,794	\$ 147,946	\$ 593,500	\$ 445,554	24.9%
Materials and Supplies	235,310	242,634	1,070,500	\$ 827,866	22.7%
Capital Outlay	24,502	80,586	810,000	\$ 729,414	9.9%
Transfers	137,500	137,500	550,000	\$ 412,500	0.0%
Debt Service (2013 in Debt Service Fund)	100,332	92,259	1,004,550	\$ 912,291	9.2%
	<b>\$ 648,437</b>	<b>\$ 700,925</b>	<b>\$ 4,028,550</b>	<b>\$ 3,327,625</b>	<b>17.4%</b>

Capital Expenditures:

- Equipment - \$65,000
- Rickereall Crk Interceptor CIP - \$500,000
- Siphon Replacement - \$100,000
- I & I - \$25,000
- Storm Projects - \$20,000
- WWTF Capital Improvements - \$50,000
- Sewer Replacement Projects - \$50,000



**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

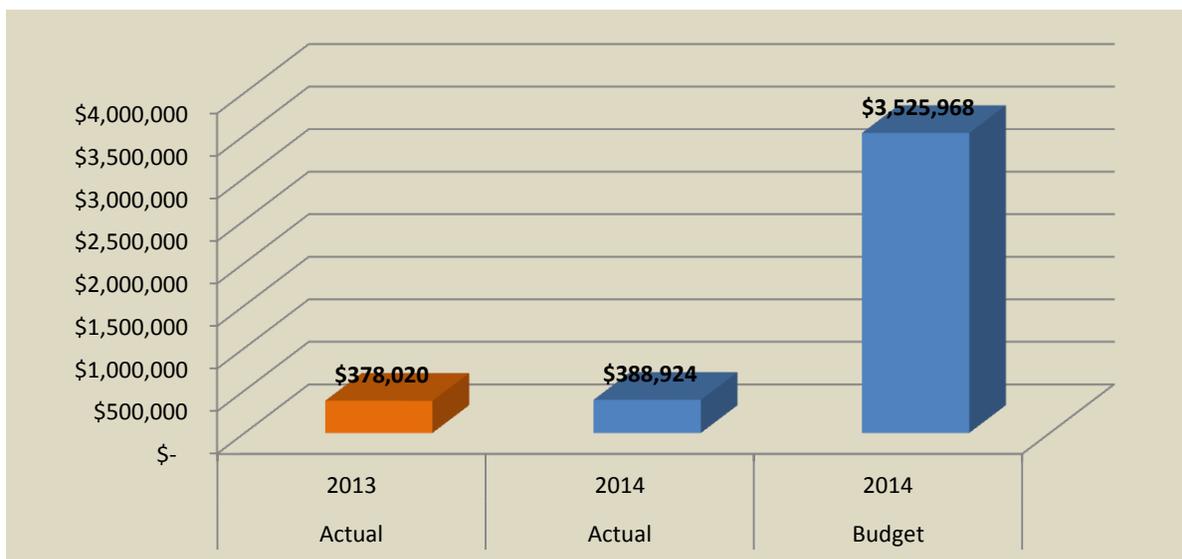
**Department: Water**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Service Charges and Connection Fees	\$ 607,467	\$ 773,763	\$ 2,142,000	\$ 1,368,237	36.1%
Miscellaneous Revenue and Interest	34,408	22,118	1,545,000	1,522,882	1.4%
	<b>\$ 641,875</b>	<b>\$ 795,882</b>	<b>\$ 3,687,000</b>	<b>\$ 2,891,118</b>	<b>21.6%</b>

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personal Services	\$ 101,358	\$ 97,550	\$ 398,000	\$ 300,451	24.5%
Materials and Supplies	170,411	185,124	705,000	519,876	26.3%
Capital Outlay	-	-	1,650,000	1,650,000	0.0%
Transfers	106,250	106,250	425,000	318,750	25.0%
Debt Service (2013 in Debt Service Fund)	-	-	347,968	347,968	0.0%
	<b>\$ 378,020</b>	<b>\$ 388,924</b>	<b>\$ 3,525,968</b>	<b>\$ 3,137,045</b>	<b>11.0%</b>

Capital Expenditures:

- AMR Project- \$1,500,000
- Water Line Replacement Project - \$50,000
- Transmission Water Line- \$100,000



**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

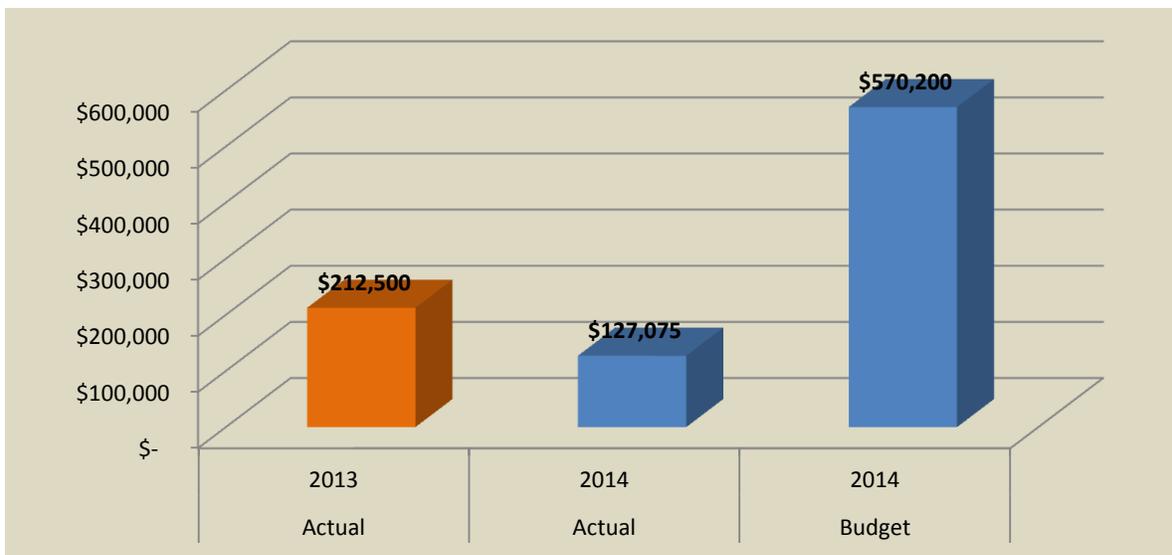
Department: Fleet

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Service Charges and Total Care	\$ 109,584	\$ 100,381	\$ 432,000	\$ 331,619	23.2%
Miscellaneous Revenue	19,950	19,950	79,800	59,850	25.0%
	<b>\$ 129,534</b>	<b>\$ 120,331</b>	<b>\$ 511,800</b>	<b>\$ 391,469</b>	<b>23.5%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personal Services	\$ 51,260	\$ 49,387	\$ 201,000	\$ 151,613	24.6%
Materials and Supplies	45,965	57,689	192,200	134,511	30.0%
Capital Outlay	95,275	-	97,000	97,000	0.0%
Transfers	20,000	20,000	80,000	60,000	25.0%
	<b>\$ 212,500</b>	<b>\$ 127,075</b>	<b>\$ 570,200</b>	<b>\$ 443,125</b>	<b>22.3%</b>

Capital Expenditures:

Equipment - \$65,000 (Sewer Camera System)  
 Building Improvements - \$32,000



**25% Through the Fiscal Year**

**City of Dallas**  
**Monthly Financials**  
**September 2013**

Department: Trust Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Aquatics	\$ -	\$ -	\$ -	\$ -	
Fire and Ambulance	13,979	9,948	30,000	20,052	33.2%
Street	-	-	-	-	
Transient Lodging	19,003	-	-	-	
Miscellaneous	1,291	-	1,000	1,000	0.0%
Economic Development	5,000	-	30,000	30,000	0.0%
Park	2,875	150	-	(150)	
Police	2,124	-	-	-	
Library	689	10,531	5,800	(4,731)	181.6%
	<b>\$ 44,961</b>	<b>\$ 20,629</b>	<b>\$ 66,800</b>	<b>\$ 46,171</b>	<b>30.9%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Aquatics	\$ 3,490	\$ -	\$ -	\$ -	
Fire and Ambulance	8,190	12,706	61,274	48,568	20.7%
Street	-	-	-	-	
Transient Lodging	17,640	-	-	-	
Miscellaneous	274	-	3,000	3,000	0.0%
Economic Development	2,165	11,935	48,000	36,065	24.9%
Park	1,459	50	-	(50)	
Police	1,087	-	-	-	
Library	2,094	2,407	6,000	3,593	40.1%
	<b>\$ 36,399</b>	<b>\$ 27,098</b>	<b>\$ 118,274</b>	<b>\$ 91,176</b>	<b>22.9%</b>



25% Through the Fiscal Year

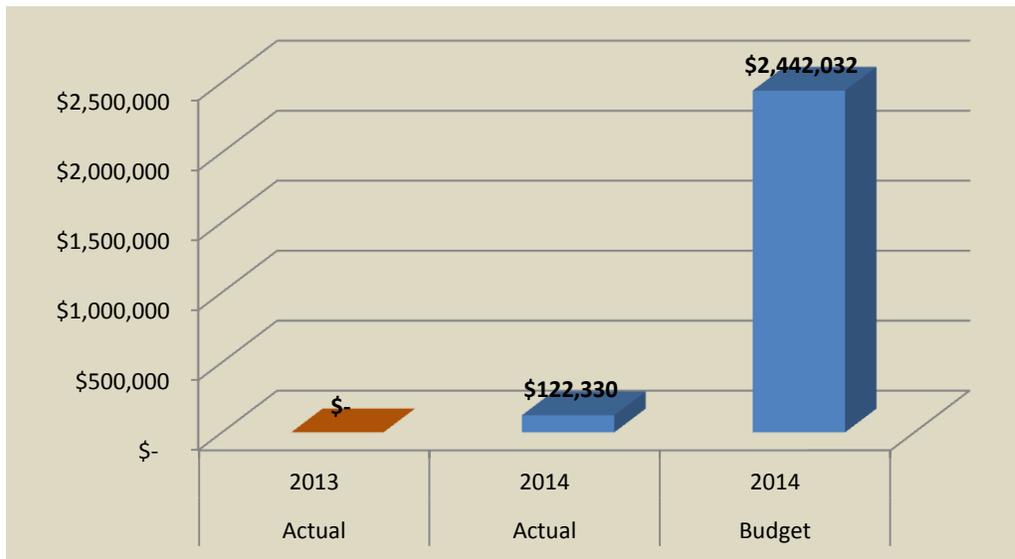
**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: Grant Fund**

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Police	\$ -	\$ 8,393	\$ 12,000	\$ 3,607	69.9%
Fire	88,773	-	456,532	456,532	0.0%
Parks and Trails	-	501	470,000	469,499	0.1%
Miscellaneous	769	(1,211)	1,503,500	1,504,711	-0.1%
	<b>\$ 89,541</b>	<b>\$ 7,683</b>	<b>\$ 2,442,032</b>	<b>\$ 2,434,349</b>	<b>0.3%</b>

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Police	\$ -	750	12,000	11,250	6.3%
Fire	-	-	456,532	456,532	0.0%
Parks and Trails	-	120,883	1,970,000	1,849,117	6.1%
Miscellaneous	-	697	3,500	2,803	19.9%
	<b>\$ -</b>	<b>\$ 122,330</b>	<b>\$ 2,442,032</b>	<b>\$ 2,319,702</b>	<b>5.0%</b>

Grant Projects: Police - vests, misc.  
 Fire - Hydraulic rescue tool system, pumper  
 Parks and Trails - Rickreall Crk Trail System  
 Miscellaneous - CDBG; Ready to Read



**25% Through the Fiscal Year**

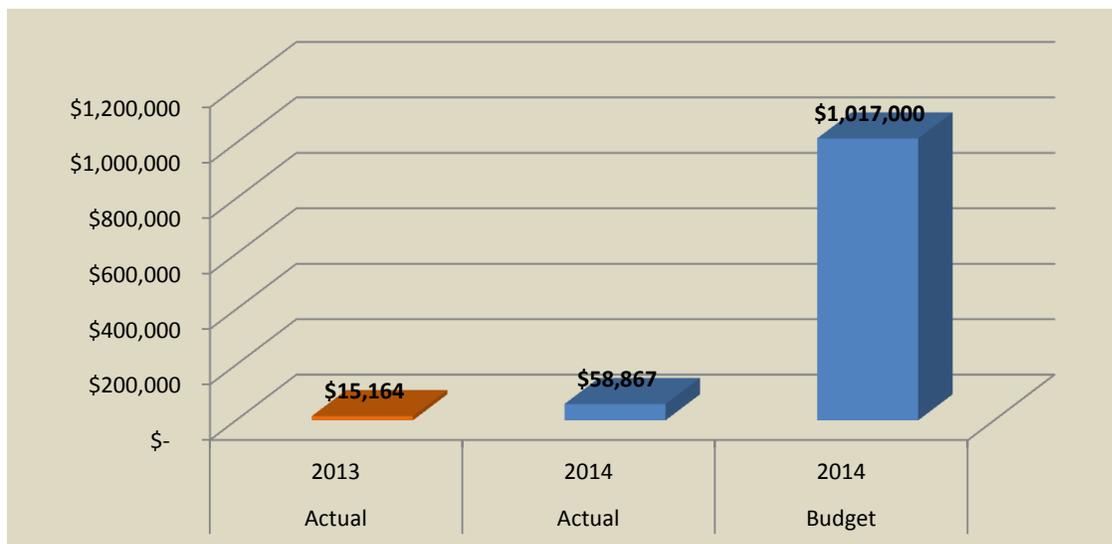
**City of Dallas**  
**Monthly Financials**  
**September 2013**

Department: Urban Renewal Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
<b>Revenue</b>					
Property Taxes	\$ 2,230	\$ 2,320	\$ 125,000	\$ 122,680	1.9%
Interest Earnings	514	611	1,000	389	61.1%
Miscellaneous Revenue	-	50	1,000	950	5.0%
Finance Proceeds	-	750,000	750,000	-	100.0%
	<b>\$ 2,743</b>	<b>\$ 752,981</b>	<b>\$ 877,000</b>	<b>\$ 123,069</b>	<b>85.9%</b>

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
<b>Expenditures</b>					
Personal Services	\$ 3,749	\$ 4,292	\$ 16,000	\$ 11,708	26.8%
Debt Service	-	-	80,000	80,000	0.0%
Capital Expenditures	11,415	44,776	875,000	830,224	5.1%
Materials and Services	-	9,799	6,000	(3,799)	163.3%
Grants	-	-	40,000	40,000	0.0%
	<b>\$ 15,164</b>	<b>\$ 58,867</b>	<b>\$ 1,017,000</b>	<b>\$ 958,133</b>	<b>5.8%</b>

Capital Expenditures: 800/900 Block Main Street Project  
 Property Acquisition



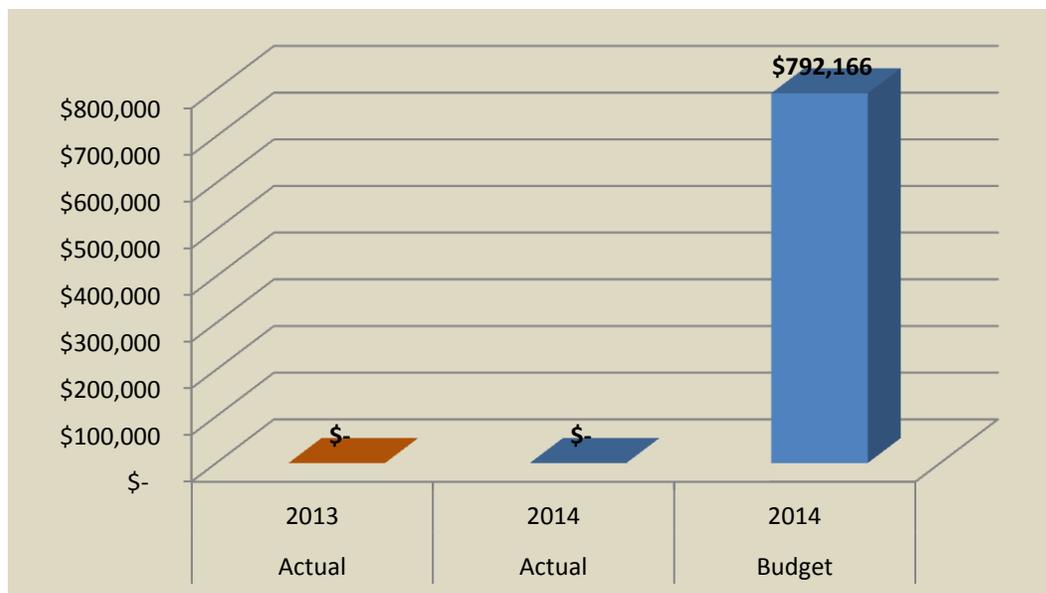
25% Through the Fiscal Year

**City of Dallas**  
**Monthly Financials**  
**September 2013**

**Department: General Obligation and Long Term Debt Funds**

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Collected
<b>Revenue</b>					
Property Taxes	\$ 17,118	\$ 17,498	\$ 735,000	\$ 717,502	2.4%
Transfers	\$ 26,503	\$ 26,003	\$ 109,627	83,624	23.7%
	<b>\$ 43,620</b>	<b>\$ 43,502</b>	<b>\$ 844,627</b>	<b>\$ 801,125</b>	<b>5.2%</b>

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
<b>Expenditures</b>					
Principal	\$ -	\$ -	\$ 585,000	\$ 585,000	0.0%
Interest	-	-	207,166	207,166	0.0%
	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 792,166</b>	<b>\$ 792,166</b>	<b>0.0%</b>



**25% Through the Fiscal Year**

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9b</b>	<b>Topic:</b> Rickreall Watershed Council Request for Letter of Support for OWEB Grant
<b>Prepared By:</b> F. Braun	<b>Meeting Date:</b> November 04, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Approve Letter of Support for Rickreall Watershed Council’s application for an Oregon Watershed Enhancement Board (OWEB) grant to place Large Woody Debris (LWD) within Rickreall Creek above Mercer Reservoir.

BACKGROUND:

The Rickreall Watershed Council is making an application with OWEB for a grant to place large woody debris in Rickreall Creek above Mercer Reservoir.

Direct benefits to the stream system and wildlife are outlined in the attached letter from the Watershed Council. In addition, the placement of LWD will reduce the siltation of Mercer Reservoir, thereby extending the life of the City’s water supply. Staff recommends support of the Watershed Council’s application.

FISCAL IMPACT:

None

ATTACHMENTS:

Letter from Rickreall Watershed Council w/ attachments.



## RICKREALL WATERSHED COUNCIL

580 Main Street, Suite A Dallas, Oregon 97338

Phone: 503-623-9680 ext. 104 Fax: 503-623-6335

Email: [rickreallwc@hotmail.com](mailto:rickreallwc@hotmail.com)

[www.rickreallwc.org](http://www.rickreallwc.org)

22 October 2013

City of Dallas  
Public Works/Operations  
187 S.E. Court Street  
Dallas, OR 97338

Dear Director Braun,

The Rickreall Watershed Council is asking the City of Dallas to support an OWEB restoration grant application to place approximately 600 pieces of large wood in the mainstem and South Fork of the Rickreall Creek above Aaron Mercer Reservoir. The Rickreall Creek LWD Placement is a stream restoration project located on both private and federally managed lands above the City of Dallas reservoir.

Past management has resulted in limited access to refugial habitats, fragmented habitat, excessive sediment erosion, channel entrenchment, and simplified channel structure. In the early 1900s the Upper Rickreall Creek had multiple log drives originating from the project area (Farnell 1979). These log drives widened the channel, scoured bedload, and removed much of the existing LWD from the sediment profile (Sedell et al 1991). In 1987 more than half of the project area was burned in the Rockhouse Fire (Mattson and Gallagher 2001). Due to the magnitude of the fire the majority of legacy streamside timber was eliminated resulting in an absence of timber of sufficient size to function as instream wood for at least the next 30 to 40 years.

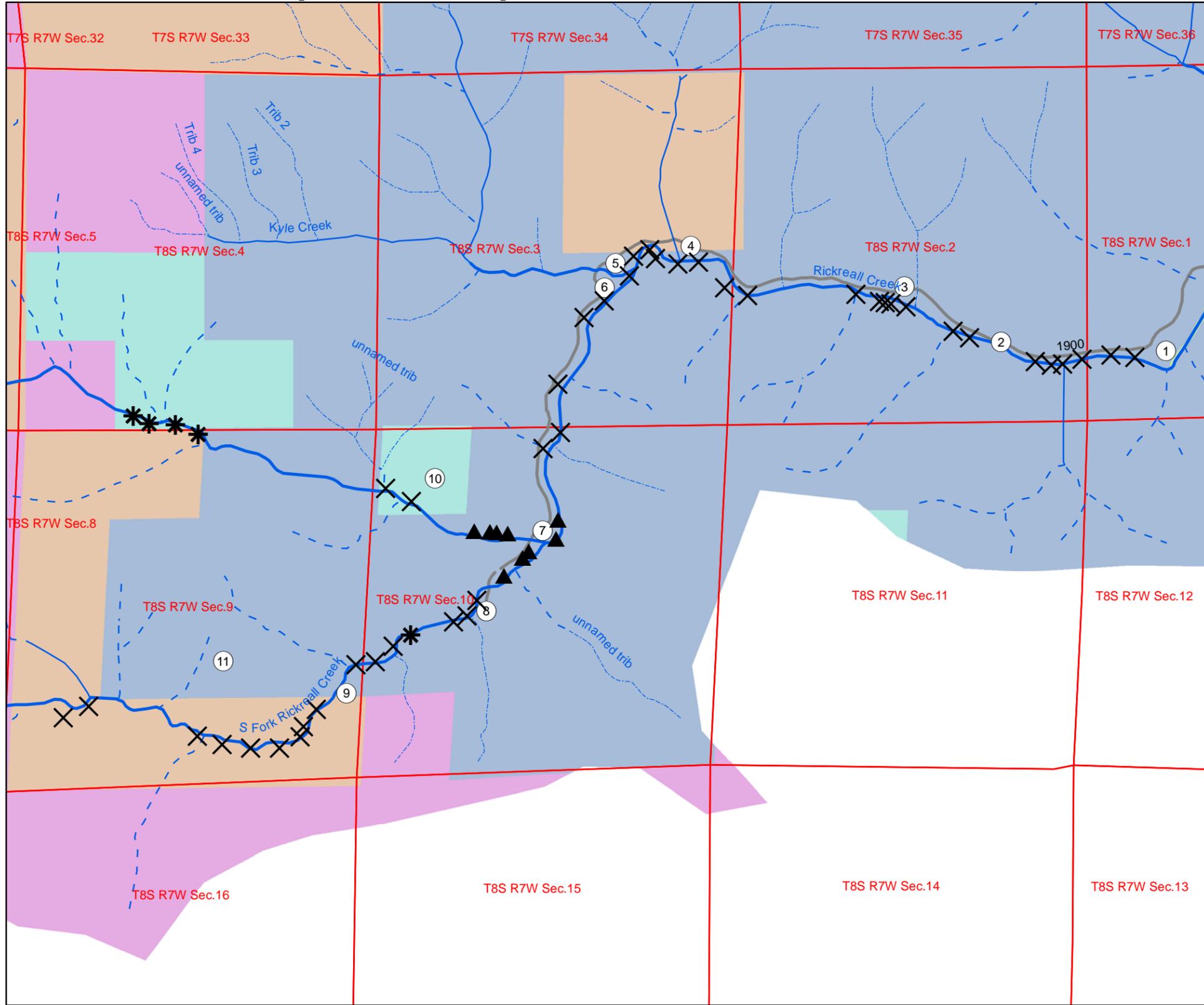
The placement of large wood in the stream channel will increase habitat complexity and contribute to capturing bedload, while providing a source of instream wood to Upper Rickreall Creek to bridge the current limited source conditions. The addition of wood in the bedrock dominated sections of the stream will raise the stream channel grade by entraining gravel thereby reducing channel entrenchment and increasing floodplain connectivity. The use of trees with attached branches accelerates the accumulation of bedload by increasing the surface area to slow down the water and be in direct contact with the stream bed. The retention of gravel in these sections will allow the formation of a narrower summer stream channel and increase the stream depth of the open channel. The water flowing through the gravels will remain cooler during the summer and provide spawning habitat during the winter.

Please find attached a map of the project area, an example draft support letter, and contextual information. Based on the available match from federal partners, the RWC is asking the City to endorse this project based on the merit of the work being done and is not asking for in-kind investment to the project.

Lucas Hunt  
Council Coordinator  
Rickreall Watershed Council

# Map A: Proposed Structure Locations

## Upper Rickreall LWD Placement



### Legend

#### Structure Sites Ownership

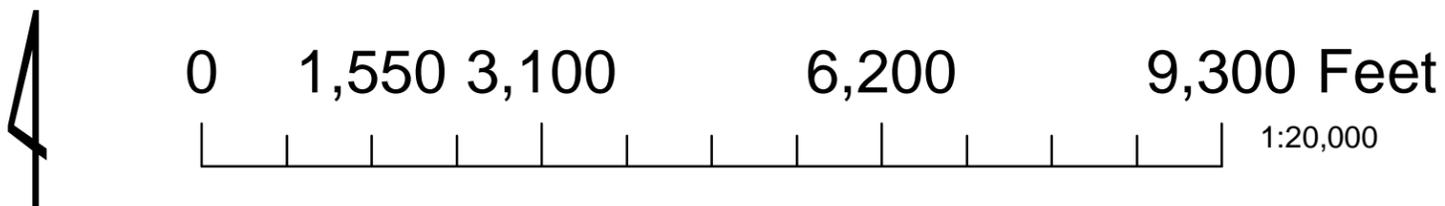
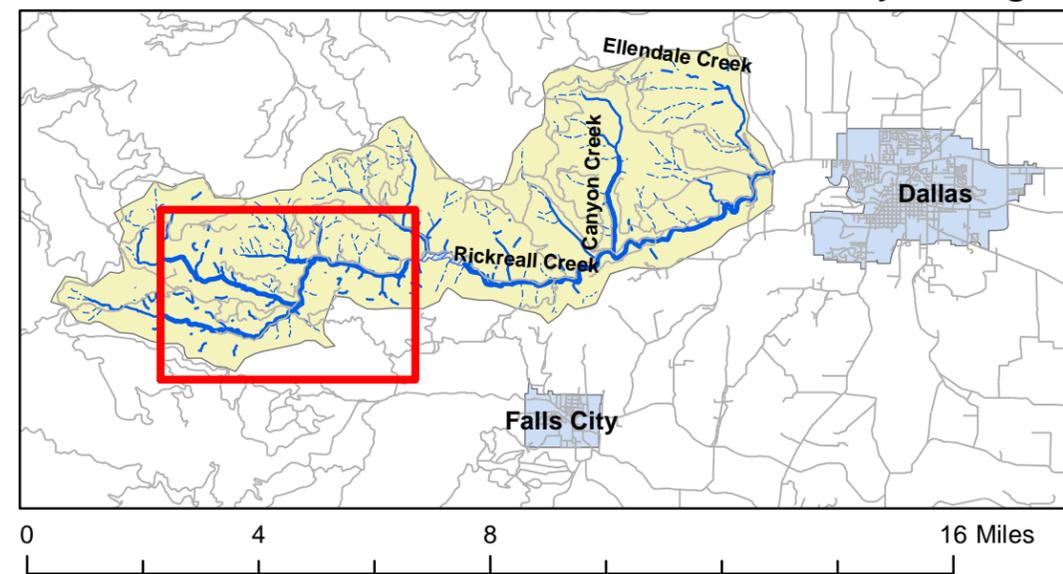
- \* Felling Only
- X Helicopter
- ▲ Shovel

#### Streams

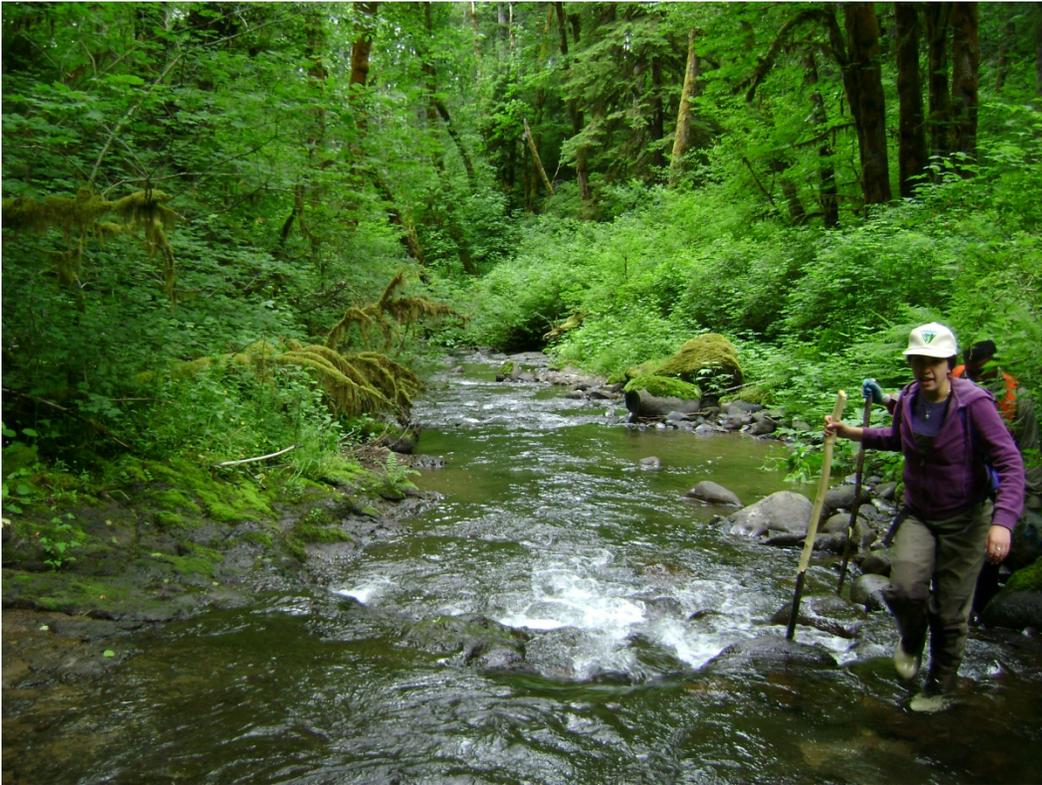
- LF
- - - MF
- · · SF
- · - SN

- UNITED STATES OF AMERICA
- WEYERHAEUSER COMPANY
- OREGON & CALIFORNIA Rwy GRANT
- HANCOCK FOREST MANAGEMENT
- CITY OF DALLAS
- 1900 Rd
- Deck Sites
- PLSS Sec

1:200,000 Polk County, Oregon



No warranty is made by the Polk Soil and Water Conservation District as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Reader is responsible for correct use and interpretation. This product was developed through digital means and may be updated without notification.



**Figure 1: Photo of typical stream form within proposed impact reaches. Shows lack of complexity, quality pools, and large wood. Taken June 2011 before BLM directional felling occurred in late August. Site is located on S. Fork adjacent to BLM property.**



**Figure 2: Photo of same site taken in June 2012, approximately one year after original photo. This site was a 3-5 piece structure created by directional felling and augmented by the large hemlock windthrow in the foreground. Note the aggradation that has occurred upstream (photo right) of the structure after a single winter.**

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 10a</b>	<b>Topic:</b> Supplemental Budget Resolution 3282
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> November 4, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

Approval of Supplemental Budget Resolution 3282

**BACKGROUND:**

Per Resolution No. UR 2013-02 and the Intergovernmental Agreement between the City and Dallas Community Development Commission Urban Renewal Agency, dated July 15, 2013, the Dallas Community Development Commission Urban Renewal Agency is required to transfer tax increment revenues and proceeds to the City for the purpose of paying the financing agreement of the City. This was to finance the 800/900 Main Street Project.

Resolution UR 2013-02 and the Intergovernmental Agreement was approved after the FY 2013-14 budget was implemented.

Oregon Budget Law allows for unanticipated changes to the budget throughout the fiscal year. A supplemental budget, under ORS 294.471 and 294.473, is required when new appropriation authority is needed. A supplemental budget requires a budget resolution.

Following are the necessary appropriation authority changes:

**General Fund:**

<i>Revenue</i>	Purpose:	Budget Resource / Requirement
Transfer from UR-Debt Service	Establish a revenue line item in General Fund to record transfer from Urban Renewal for Debt Service payment	\$ 9,969
<i>Expenditure</i>		
Debt Service UR-Interest	Establish an expenditure line item in General Fund to record payment of Debt Service for Urban Renewal	\$ 9,969

**FISCAL IMPACT:**

Increase General Fund budget by \$9,969

**ATTACHMENTS:**

Supplemental Budget Resolution 3282

RESOLUTION NO. 3282

A Resolution adopting and appropriating a Supplemental Budget for Fiscal Year 2013-2014.

WHEREAS, Oregon Local Budget Law, under ORS 294.471 and ORS 294.473, provides that certain occurrences or conditions that were not known at the time the budget was prepared may require a change in the adopted budget and that a supplemental budget is required to pay the additional expenses and spend the extra revenue; NOW, THEREFORE:

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

Section 1. That the City Council of the City of Dallas hereby adopts the supplemental budget for the fiscal year beginning July 1, 2013, and that the amounts shown below are hereby appropriated for the purposes indicated within the Fund listed:

<u>Fund</u>	<u>2013-14 Budget Resources</u>	<u>2013-14 Budget Requirements</u>
<i>General:</i>		
Transfer from UR-Debt Service	\$ 9,969	
Debt Service UR-Interest		\$ 9,969

Section 2. This resolution shall be effective upon its passage.

Adopted: November 4, 2013  
Approved: November 4, 2013

\_\_\_\_\_  
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ron Foggin, City Manager

\_\_\_\_\_  
Lane P. Shetterly  
City Attorney

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 11a</b>	<b>Topic:</b> Ordinance Establishing Water Use Regulations During Drought or Emergency
<b>Prepared By:</b> F. Braun	<b>Meeting Date:</b> November 4, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

Approve recommended first reading of Ordinance Establishing Water Use Regulations During Drought or Emergency.

**BACKGROUND:**

During the 7-15-13 City Council workshop, staff presented an outline of a proposed Ordinance establishing water use regulations during drought or emergency conditions. The City Council made the following comments regarding the ordinance:

- 1) Eliminate washing cars or other vehicles for a Stage 3 condition (except at a commercial facility utilizing recycled water).
- 2) Eliminate all irrigation for a Stage 3 condition.
- 3) Better Define “excessive use” for commercial water usage.

A water curtailment allocation table has been added (Section D). This table defines commercial usage based upon meter size, and is similar to the methodology outlined in Ashland Ordinance 2736. Excessive use rates are now defined for Stage 2 and Stage 3 conditions. The elimination of vehicle washing was also been incorporated into the proposed ordinance.

Staff removed the Projected Water Supply Needs Chart for the City of Dallas from the proposed ordinance, since this chart will need to be updated on a regular basis, based upon technical criteria such as population increase and/or increased industrial demand.

The revised ordinance was returned to the Public Works Committee on 10-28-13. The Public Works Committee had the following comments:

- 1) Consider allowing irrigation of a garden by use of a bucket during a stage 3 condition.
- 2) Clarify that garden areas are to be included in the regulations.

The proposed ordinance has been revised to clarify that garden areas are included and that hand watering by the use of a bucket is allowed under a stage 3 condition. Staff has also included the following changes for consideration:

- 1) Allow watering of landscape or garden areas by use of rainwater catchment systems or greywater systems during stage 3 conditions.
- 2) Remove prohibition of new service connections during a stage 3 condition (ORS 197 does not allow any prohibition unless a very specific and lengthy process is followed).
- 3) Require that flow restrictors be placed on new service connections during a stage 3 condition. The flow restrictors would be removed when the stage 3 condition is lifted.
- 4) Minor changes in the process and clarifications as recommended by the City Attorney.

FISCAL IMPACT:

No immediate fiscal impact. Potential minor increase in revenue during drought or emergency conditions (likely to be offset by lower water consumption and/or enforcement costs).

ATTACHMENTS:

Redlined Draft Ordinance  
Draft Ordinance

**(DRAFT) Ordinance 0000**  
**An Ordinance of the City of Dallas Establishing**  
**Water Use Regulations During Drought or Emergency**

**I: Definitions:**

Stage ~~One~~<sup>1</sup> Reduction Condition: Whenever Mercer ~~Reservoir~~<sup>Lake</sup> contains less than a 90-day supply for the City as determined by the City ~~Engineer~~<sup>Manager</sup> and ~~graphically shown on the~~ “Projected Water Supply Needs Chart for the City of Dallas”. ~~This chart shall be updated every 5 years by the City Engineer and adopted by City Council Resolution.~~

Stage ~~Two~~<sup>2</sup> Reduction Condition: Whenever Mercer ~~Reservoir~~<sup>Lake</sup> contains less than a 60-day supply for the City as determined by the City ~~Engineer~~<sup>Manager</sup> and ~~graphically shown on the~~ “Projected Water Supply Needs Chart for the City of Dallas”. ~~This chart shall be updated every 5 years by the City Engineer and adopted by City Council Resolution.~~

Stage ~~Three~~<sup>3</sup> Reduction Condition: Whenever Mercer ~~Reservoir~~<sup>Lake</sup> contains less than a 30-day supply as determined by the City ~~Engineer~~<sup>Manager</sup>, and ~~graphically shown on the~~ “Projected Water Supply Needs Chart for the City of Dallas”. ~~This chart shall be updated every 5 years by the City Engineer and adopted by City Council Resolution;~~ or whenever the City is unable to produce an adequate supply of water to the distribution system for any reason, when the disruption of supply was unplanned and will last for more than one day. “Adequate supply” is defined as a supply equal to or exceeding the daily demand.

City Manager: For the purpose of this ordinance, “City Manager” includes a designee of the City Manager.

**A. Stage One Reduction Condition:** Upon declaration by the City Manager of a stage one reduction condition, and Ffor as long as ~~a stage one~~<sup>the</sup> condition ~~(as defined above)~~ exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system:

1. The City shall make a public announcement of the condition and shall take reasonable steps to notify and ~~remind all~~<sup>advise</sup> ~~customers~~<sup>water users</sup> to voluntarily conserve water. ~~The notification may contain suggested conservation measures to be followed.~~

2. Irrigation of all City Parks shall be reduced by 20%.

3. The City may implement Drought Pricing for all water rates. Drought pricing shall be an overall rate increase on the ~~higher usage blocks~~<sup>base water rates</sup> as follows:

Usage	Rate Adjustment
<del>20 ccf to 38 ccf</del> .....	<del>10% more than the base</del> <del>block</del> <sup>water rate</sup>

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- ~~☐~~ 39 ccf to 57 ccf .....20% more than the base ~~water rate~~
- ~~☐~~ Over 58 ccf .....30% more than the base ~~water rate~~

**B. Stage Two Reduction Condition:** Upon declaration by the City Manager of a ~~S~~stage ~~Two reduction C~~condition, and for as long as ~~that the~~ condition exists, the following water use regulations, in addition to all stage one reduction regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system:

1. The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings and paved, tile, wood, plastic or other surfaces shall be prohibited, except in the event the City Manager determines that such use is the only feasible means of correcting a potential threat to health and safety.
2. All restaurants that provide table service shall post, in a conspicuous place, a Notice of Drought or Emergency Condition as approved by the City Manager and shall refrain from serving water except upon specific request by a customer.
3. The introduction of water into ornamental fountains, ponds, and other similar ornamental ~~and bodies of water features~~ shall be prohibited.
4. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room a Notice of Drought or Emergency Condition as approved by the City Manager.
5. Any use of water that causes runoff to occur beyond the immediate vicinity of use shall be prohibited.
6. The use of potable water for cleaning, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the City Manager has determined that use of reclaimed wastewater is a feasible alternative.
7. Irrigation at any time from 8:00 a.m. to 6:00 p.m. of any yard, garden, orchard, park, recreational area, or other area containing vegetation shall be prohibited.
8. Irrigation of all City Parks shall be reduced by 50%. The irrigation schedule shall be developed such that ~~1/2~~one-half of the Parks are irrigated on even days and the remaining ~~1/2~~one-half shall be irrigated on odd days of the month.
9. Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment or by use of a bucket and a hose equipped with a self-closing valve that requires operator pressure to activate the flow of water.
10. Excessive Residential Water ~~U~~se rates shall be applied to water use over 150 percent of the per-household average summer monthly base usage (27 hcf)

11. Excessive Commercial ~~Water~~ ~~Use~~ rates shall be applied to water use over that listed in the Water Curtailment Allocation Table for a Stage Two Condition.

12. Excessive Water Use rates shall be established by multiplying the base rate tariff by 400 percent. The difference between the base rate and the 400 percent excessive water use rate shall be the actual Excessive Water Use rate and shall be designated separately from the standard water rate billing.

13. New water connections shall be installed with flow restrictors, which shall be removed when the reduction condition ends.~~New water connection requests shall be suspended.~~

**C. Stage Three Reduction Condition:** Upon declaration by the City Manager of a ~~s~~SStage ~~three~~ ~~reduction~~ ~~Condition~~, and for as long as ~~that the~~ condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.

1. Each of the ~~s~~SStage ~~two~~ ~~reduction condition~~ water use regulations set forth in this Section shall be applicable, except as such regulations are modified by this section.

2. The introduction of water into swimming pools, hot tubs and spas shall be prohibited.

3. The use of water through a meter that is restricted to irrigation uses shall be prohibited, and the City shall have the right to shut off water service to any such meter without notice to the account holder or any other person.

4. Irrigation of any yard, orchard, park, garden, recreational area, or other area containing vegetation shall be prohibited, except by hand-held bucket, rainwater catchment system or gray water system.

5. Irrigation of City Parks and public landscape areas shall be suspended.

6. Boats and vehicles shall be washed only ~~by use~~ at commercial car washing facilities equipped with water recycling equipment.

7. Excessive Residential ~~Water~~ ~~Use~~ rates shall be applied to water use over 150 percent of the per-household monthly winter base usage (11 hcf)

8. Excessive Commercial ~~Water~~ ~~Use~~ rates shall be applied to water use over that listed in the Water Curtailment Allocation Table set forth in section \_\_\_\_.

9. Excessive ~~Water~~ ~~Use~~ rates shall be established by multiplying the base rate tariff by 400 percent. The difference between the base rate and the 400 percent excessive water use rate shall

be the actual excessive water use rate and shall be designated separately from the standard water rate billing.

10. The use of potable water for cleaning and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited.

11. The sale of Bulk Water shall be suspended.

12. The sale of ~~Outside Water~~water outside the city limits may be suspended as determined by the City Manager.

**D. Water Curtailment Allocation Table.**

The following Water Curtailment Allocation Table is adopted for the purpose of determining the Excessive Commercial Water Use Rates applicable under Sections \_\_\_\_\_ and \_\_\_\_\_, above.

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**Monthly Allocation Table in hundred cubic feet (hcf)**

<u>Category</u>	<u>Meter Size</u>	<u>Stage 2</u>	<u>Stage 3</u>
Commercial Regular	3/4"	32	16
Commercial Regular	1"	61	31
Commercial Regular	1.5"	104	52
Commercial Regular	2"	152	76
Commercial Regular	3"	304	152
Commercial Regular	4"	481	241
Commercial Regular	6"	932	466
Commercial Regular	8"	1522	761
Commercial Irrigation	3/4"	10	0
Commercial Irrigation	1"	20	0
Commercial Irrigation	1.5"	40	0
Commercial Irrigation	2"	50	0
Commercial Irrigation	3"	90	0

**E: Exemptions:**

Exemptions to the water use regulations set forth in this Section may be granted by the City Manager for specific uses of water, on the basis of hardship and in accordance with such guidelines for exemptions as the City Council may adopt. A denial of a request for an exemption may be appealed to a review committee consisting of such persons as the City Council may

appoint. Any such appeal shall be filed in writing with the City Clerk within five days following the City Manager's decision. The appeal shall be heard by the designated review committee within five days after the filing of the Notice of Appeal, and the review committee shall render its decision within five days following the appeal hearing. The decision of the review committee shall be final.

#### **F. Violations:**

- A. Any ~~failure to comply with a provision~~ violation of ~~this Chapter~~ [insert section numbers] shall ~~constitute a violation~~ be subject to the penalties set forth in [insert section number], below, regardless of whether the failure to comply is caused by an account holder, a consumer or any other person or entity.
- B. Where ~~the failure to comply~~ a violation is continuing and intentional, each successive hour of such failure to comply shall be punishable as a separate and distinct violation.

#### **G. Penalties ~~And Charges~~:**

- A. The following penalties shall apply to any violation of any provision of this Chapter:
  1. For the first violation within the preceding twelve (12) calendar months, the City Manager shall issue a written notice of the fact of such violation.
  2. For a second violation within the preceding twelve (12) calendar months, the City Manager shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00).
  3. For a third violation within the preceding twelve (12) calendar months, the City Manager:
    - a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and
    - b. May install a flow restrictor on the service where the violation occurred or is occurring, for a period ~~to be~~ determined by the City Manager.
  4. For a fourth and any subsequent violation within the preceding twelve (12) calendar months, the City Manager:
    - a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed ~~two hundred and fifty five hundred~~ dollars (~~\$50250.00~~); and
    - b. May install a flow restrictor on or shut off water service to the property where the violation occurred or is occurring, for a period ~~to be~~ determined by the City Manager.

B. If a flow restrictor is installed or water service shut off pursuant to Subsection A of this Section, prior to restoration of normal water service the account holder whose service is affected shall be required to reimburse the City for ~~whatever any~~ cost it has incurred and will incur in installing and removing a flow restrictor and in shutting off and turning on water service.

C. Any surcharge imposed pursuant to this Section shall be added to the account of the account holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service. The maximum amount of surcharges ~~which that~~ an account holder may be required to pay during any twelve-month period shall be one thousand dollars (\$1,000.00).

D. Nothing in this Chapter shall limit or be construed to limit the right of an account holder to seek reimbursement of a surcharge from a tenant or other consumer.

#### **H. Notice of Violation – Hearing:**

A. For each violation of this Chapter, the City Manager shall give notice as follows:

1. By sending written notice through the U.S. mail to the account holder for the property where the violation occurred or is occurring, at the current billing address shown in the City's water billing records; and
2. By personally giving written notice thereof to the person who committed the violation or by leaving written notice with ~~some a~~ person of suitable age and discretion at least 18 years of age at the property where the violation occurred or is occurring; or
3. If ~~neither the person who committed the violation nor a person of suitable age and discretion can be found~~ service cannot be accomplished by either of the methods described in subsections (1) and (2), then by affixing written notice in a conspicuous place on the property where the violation occurred or is occurring.

B. Any written notice given under this Section shall contain a statement of:

1. The time, place and nature of the violation;
2. The person(s) committing the violation, if known;
3. The provision(s) of this Chapter violated;
4. The possible penalties for each violation;
5. The account holder's right to request a hearing on the violation and the time within which such a request must be made; and
6. The account holder's loss of the right to a hearing in the event the account holder fails to request a hearing within the time required.

C. Any account holder provided a notice of violation in accordance with the provisions of this Chapter shall have the right to request an administrative hearing. The request must be made in writing and must be received by the City Manager within ten (10) calendar days of the date of the notice of violation. The City Manager shall conduct the hearing, at

which both written and oral evidence may be presented, and shall decide whether a violation occurred and the appropriate penalty. In determining the appropriate penalty, the City Manager shall consider whether the account holder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of it. In addition, the City Manager shall exercise his or her discretion in accordance with such guidelines as the City Council may adopt by resolution.

1. For a first or second violation within a twelve (12) month period, the decision of the City Manager shall be final.

2. For a third or subsequent violation within a twelve (12) month period, the account holder shall have the right to appeal the decision of the City Manager by requesting a hearing before the City Council. (~~"Board"~~). The request for hearing before the Board Council shall be made in writing and shall be delivered to the City Manager not later than seven (7) calendar days after the date of the decision of the City Manager. The hearing on an appeal shall be conducted within 30 days after the filing of the Notice of Appeal, unless the appellant and the city agree to an extension of time. At the hearing, the Board-Council may receive and hear both written and oral evidence and shall have the authority to affirm, reverse, or modify the decision of the City Manager. The decision of the Board-Council shall be final.

D. If an account holder fails to request a hearing before the City Manager or the Board Council within the period(s) provided in this Section, the action of the City shall be deemed final.

E. There shall be no installation of a flow restrictor or shut off of water service until a notice of violation has become final or, in the event of appeal, there is a final decision of the City Manager or the Board-Council ordering installation of a flow restrictor or shutoff of water service.

## ORDINANCE NO. 1758

An Ordinance Establishing Water Use Regulations During Drought or Emergency.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to and made a part of chapter 4 of the Dallas City Code:

### WATER REGULATIONS DURING DROUGHT OR WATER EMERGENCY

#### **4. 490 Definitions**

Stage One Reduction Condition. Whenever Mercer Lake contains less than a 90-day supply for the City as determined by the City Manager.

Stage Two Reduction Condition. Whenever Mercer Lake contains less than a 60-day supply for the City as determined by the City Manager.

Stage Three Reduction Condition. Whenever Mercer Lake contains less than a 30-day supply as determined by the City Manager, or whenever the City is unable to produce an adequate supply of water to the distribution system for any reason, when the disruption of supply was unplanned and will last for more than one day. "Adequate supply" is defined as a supply equal to or exceeding the daily demand.

City Manager. For the purpose of sections 4.491 to 4.98, "City Manager" includes a designee of the City Manager.

**4.491 Stage One Reduction Condition.** Upon declaration by the City Manager of a stage one reduction condition, and for as long as the condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system:

- (1) The City shall make a public announcement of the condition and shall take reasonable steps to notify and advise water users to voluntarily conserve water.
- (2) Irrigation of all City Parks shall be reduced by 20%.
- (3) The City may implement Drought Pricing for all water rates. Drought pricing shall be an overall rate increase on the base water rates as follows:

<u>Usage</u>	<u>Rate Adjustment</u>
20 ccf to 38 ccf	10% more than the base water rate
39 ccf to 57 ccf	20% more than the base water rate
Over 58 ccf	30% more than the base water rate

**4.492 Stage Two Reduction Condition.** Upon declaration by the City Manager of a stage two reduction condition, and for as long as the condition exists, the following water use regulations, in addition to all stage one reduction regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system:

(1) The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings and paved, tile, wood, plastic or other surfaces shall be prohibited, except in the event the City Manager determines that such use is the only feasible means of correcting a potential threat to health and safety.

(2) All restaurants that provide table service shall post, in a conspicuous place, a Notice of Drought or Emergency Condition as approved by the City Manager and shall refrain from serving water except upon specific request by a customer.

(3) The introduction of water into ornamental fountains, ponds, and other similar ornamental water features shall be prohibited.

(4) Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room a Notice of Drought or Emergency Condition as approved by the City Manager.

(5) Any use of water that causes runoff to occur beyond the immediate vicinity of use shall be prohibited.

(6) The use of potable water for cleaning, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the City Manager has determined that use of reclaimed wastewater is a feasible alternative.

(7) Irrigation at any time from 8:00 a.m. to 6:00 p.m. of any yard, garden, orchard, park, recreational area, or other area containing vegetation shall be prohibited.

(8) Irrigation of all City Parks shall be reduced by 50%. The irrigation schedule shall be developed such that one-half of the Parks are irrigated on even days and the remaining one-half shall be irrigated on odd days of the month.

(9) Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment or by use of a bucket and a hose equipped with a self-closing valve that requires operator pressure to activate the flow of water.

(10) Excessive Residential Water Use rates shall be applied to water use over 150 percent of the per-household average summer monthly base usage (27 hcf)

(11) Excessive Commercial Water Use rates shall be applied to water use over that listed in the Water Curtailment Allocation Table for a Stage Two Reduction Condition, as set forth in section 4.494.

(12) Excessive Water Use rates shall be established by multiplying the base rate tariff by 400 percent. The difference between the base rate and the 400 percent excessive water use rate shall be the actual Excessive Water Use rate and shall be designated separately from the standard water rate billing.

(13) New water connections shall be installed with flow restrictors, which shall be removed when the reduction condition ends.

**4.493 Stage Three Reduction Condition.** Upon declaration by the City Manager of a stage three reduction condition, and for as long as the condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.

(1) Each of the stage two reduction condition water use regulations set forth in this Section shall be applicable, except as such regulations are modified by this section.

(2) The introduction of water into swimming pools, hot tubs and spas shall be prohibited.

(3) The use of water through a meter that is restricted to irrigation uses shall be prohibited, and the City shall have the right to shut off water service to any such meter without notice to the account holder or any other person.

(4) Irrigation of any yard, orchard, park, garden, recreational area, or other area containing vegetation shall be prohibited, except by hand-held bucket, rainwater catchment system or gray water system.

(5) Irrigation of City Parks and public landscape areas shall be suspended.

(6) Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment.

(7) Excessive Residential Water Use rates shall be applied to water use over 150 percent of the per-household monthly winter base usage (11 hcf)

(8) Excessive Commercial Water Use rates shall be applied to water use over that listed in the Water Curtailment Allocation Table for a Stage Three Reduction Condition as set forth in section 4.494.

(10) Excessive Water Use rates shall be established by multiplying the base rate tariff by 400 percent. The difference between the base rate and the 400 percent excessive water use rate shall be the actual excessive water use rate and shall be designated separately from the standard water rate billing.

(11) The use of potable water for cleaning and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited.

(12) The sale of Bulk Water shall be suspended.

(13) The sale of water outside the city limits may be suspended as determined by the City Manager.

#### **4.494 Water Curtailment Allocation Table.**

The following Water Curtailment Allocation Table is adopted for the purpose of determining the Excessive Commercial Water Use Rates applicable under Sections 4.492 and 4.493, above.

<b>Monthly Allocation Table in hundred cubic feet (hcf)</b>			
<b>Category</b>	<b>Meter Size</b>	<b>Stage 2</b>	<b>Stage 3</b>
Commercial Regular	3/4"	32	16
Commercial Regular	1"	61	31
Commercial Regular	1.5"	104	52
Commercial Regular	2"	152	76
Commercial Regular	3"	304	152
Commercial Regular	4"	481	241
Commercial Regular	6"	932	466
Commercial Regular	8"	1522	761
Commercial Irrigation	3/4"	10	0
Commercial Irrigation	1"	20	0

Commercial Irrigation	1.5"	40	0
Commercial Irrigation	2"	50	0
Commercial Irrigation	3"	90	0

**4.495 Exemptions.** Exemptions to the water use regulations set forth in this Section may be granted by the City Manager for specific uses of water, on the basis of hardship and in accordance with such guidelines for exemptions as the City Council may adopt. A denial of a request for an exemption may be appealed to a review committee consisting of such persons as the City Council may appoint. Any such appeal shall be filed in writing with the City Clerk within five days following the City Manager's decision. The appeal shall be heard by the designated review committee within five days after the filing of the Notice of Appeal, and the review committee shall render its decision within five days following the appeal hearing. The decision of the review committee shall be final.

**4.496 Violations.**

(1) Any violation of sections 4.491 to 4.495 shall be subject to the penalties set forth in section 4.497, below.

(2) Where a violation is continuing and intentional, each successive hour of such failure to comply shall be punishable as a separate and distinct violation.

**4.497 Penalties.**

(1) The following penalties shall apply to any violation of any provision of sections 4.491 to 4.495:

(a) For the first violation within the preceding 12 calendar months, the City Manager shall issue a written notice of the fact of such violation.

(b) For a second violation within the preceding 12 calendar months, the City Manager shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed \$250.00.

(c) For a third violation within the preceding 12 calendar months, the City Manager:

(i) Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed \$250.00; and

(ii) May install a flow restrictor on the service where the violation occurred or is occurring, for a period determined by the City Manager.

(d) For a fourth and any subsequent violation within the preceding 12 calendar months, the City Manager:

(i) Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed \$500.00; and

(ii) May install a flow restrictor on or shut off water service to the property where the violation occurred or is occurring, for a period determined by the City Manager.

(2) If a flow restrictor is installed or water service shut off pursuant to subparagraph (d)(ii) of this Section, prior to restoration of normal water service the account holder whose service is affected shall be required to reimburse the City for any cost it has incurred and will incur in installing and removing a flow restrictor and in shutting off and turning on water service.

(3) Any surcharge imposed pursuant to this Section shall be added to the account of the account holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service. The maximum amount of surcharges that an account holder may be required to pay during any twelve-month period shall be \$1,000.00.

(4) Nothing in this section shall limit or be construed to limit the right of an account holder to seek reimbursement of a surcharge from a tenant or other consumer.

#### **4.498 Notice of Violation; Hearing and Appeal.**

(1) For each violation of this Chapter, the City Manager shall give notice as follows:

(a) By sending written notice through the U.S. mail to the account holder for the property where the violation occurred or is occurring, at the current billing address shown in the City's water billing records; and

(b) By personally giving written notice thereof to the person who committed the violation or by leaving written notice with a person at least 18 years of age at the property where the violation occurred or is occurring; or

(c) If service cannot be accomplished by either of the methods described in subsections (a) and (b), then by affixing written notice in a conspicuous place on the property where the violation occurred or is occurring.

(2) Any written notice given under this section shall contain a statement of:

(a) The time, place and nature of the violation;

- (b) The person(s) committing the violation, if known;
  - (c) The provision(s) of sections 4.491 to 4.495 violated;
  - (d) The possible penalties for each violation;
  - (e) The account holder's right to request a hearing on the violation and the time within which such a request must be made; and
  - (f) The account holder's loss of the right to a hearing in the event the account holder fails to request a hearing within the time required.
- (3) Any account holder provided a notice of violation in accordance with the provisions of this Chapter shall have the right to request an administrative hearing. The request must be made in writing and must be received by the City Manager within 10 calendar days of the date of the notice of violation. The City Manager shall conduct the hearing, at which both written and oral evidence may be presented, and shall decide whether a violation occurred and the appropriate penalty. In determining the appropriate penalty, the City Manager shall consider whether the account holder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of it. In addition, the City Manager shall exercise his or her discretion in accordance with such guidelines as the City Council may adopt by resolution.
- (4) For a first or second violation within a 12 month period, the decision of the City Manager shall be final.
- (5) For a third or subsequent violation within a 12 month period, the account holder shall have the right to appeal the decision of the City Manager by requesting a hearing before the City Council. The request for hearing before the Council shall be made in writing and shall be delivered to the City Manager not later than 7 calendar days after the date of the decision of the City Manager. The hearing on an appeal shall be conducted within 30 days after the filing of the Notice of Appeal, unless the appellant and the city agree to an extension of time. At the hearing, the Council may receive and hear both written and oral evidence and shall have the authority to affirm, reverse, or modify the decision of the City Manager. The decision of the Council shall be final.
- (6) If an account holder fails to request a hearing before the City Manager or the Council within the period(s) provided in this Section, the action of the City shall be deemed final.
- (7) There shall be no installation of a flow restrictor or shut off of water service under section 4.497 until a notice of violation has become final or, in the event of appeal, there

is a final decision of the City Manager or the Council ordering installation of a flow restrictor or shutoff of water service.

Read for the first time: November 4, 2013  
Read for the second time: November 18, 2013  
Adopted by the City Council: November 18, 2013  
Approved by the Mayor: November 18, 2013

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD L. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY