



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 18

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.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. 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.	
4. 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. Public hearing on the proposed 2013 CDBG Housing Rehabilitation Grant	PG. 3
5. 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 November 4, 2013 City Council Meeting	PG. 5
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS a. General comments from Councilors and Mayor	
8. REPORTS FROM CITY MANAGER AND STAFF a. October Financial report b. Other	Information PG. 9



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.

<p>9. RESOLUTIONS a. <u>Resolution No. 3283</u> – A Resolution setting forth the City of Dallas’s commitment to put healthy options within reach of all residents.</p>	<p>Roll Call Vote PG. 35</p>
<p>10. FIRST READING OF ORDINANCE</p>	
<p>11. SECOND READING OF ORDINANCE a. <u>Ordinance No. 1758</u> – An Ordinance establishing water use regulations during drought or emergency.</p>	<p>Roll Call Vote PG. 39</p>
<p>12. OTHER BUSINESS</p>	
<p>13. ADJOURNMENT</p>	

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4	Topic: Public Hearing: 2014 CDBG Housing Rehabilitation Grant
Prepared By: Jason Locke	Meeting Date: November 18, 2013	Attachments: Yes <input type="checkbox"/> No
Approved By: Ron Foggin		

RECOMMENDED ACTION: Hold the public hearing and authorize the City of Dallas to be the applicant for the 2013 CDBG Housing Rehabilitation Program Grant, to be administered by the Polk Community Development Corporation (Polk CDC).

BACKGROUND: The CDBG Housing Rehabilitation Program is one that Polk County has been involved with for 20 years. This program will provide grants for housing rehab for residents who do not have adequate equity for loans or are otherwise unable to make loan payments. Each grant cycle, the applicant is either a Polk County city or Polk County. Monmouth, Independence, and Polk County have all been applicants in the past. Dallas volunteered to act as the applicant in this cycle, and receiving this grant will not impact our ability to secure another CDBG grant.

FISCAL IMPACT: The total grant amount being applied for is \$400,000. There is no match required of the city or its' partners.

ATTACHMENTS:

- 1) Public Hearing Notice

Public Notice and Notice of Public Hearing

The City of Dallas is eligible to apply for a 2014 Community Development Block Grant from the Oregon Business Development Department. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes. Approximately \$12 million will be awarded to Oregon non-metropolitan cities and counties in 2014. The maximum grant that a city or county can receive is \$3,000,000.

The City of Dallas is preparing an application for a 2014 Community Development Block Grant from the Oregon Business Development Department for a Regional Housing Rehabilitation Program that will provide small grants and loans to owner-occupied homes in Dallas and Polk County for the purpose of housing rehabilitation. It is estimated that the proposed project will benefit at least 58 persons of whom 100% will be low-moderate income.

A public hearing will be held by the Dallas City Council at 7:00PM on Monday, November 18, 2013 at the Dallas City Hall, 187 SE Court Street, Dallas, Oregon. The purpose of this hearing is for the Dallas City Council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate-income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed project. Written comments are also welcome and must be received by 5:00PM November 29, 2013 at Dallas City Hall, 187 SE Court Street, Dallas, Oregon 97338. Both oral and written comments will be considered by the Dallas City Council in deciding whether to apply. The location of the hearing is accessible to persons with disabilities. Please contact Emily Gagner at the City of Dallas at 503.831.3503 if you will need any special accommodations to attend or participate in the meeting.

More information about Oregon Community Development Block Grants, the proposed project, and records about the City of Dallas' past use of Community Development Block Grant funds can be found for public review at Dallas City Hall, 187 SE Court Street, Dallas, Oregon during regular office hours. Advance

notice is requested. If special accommodations are needed, please notify Emily Gagner at 503.831.3503 so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate income housing which is demolished or converted to another use will be replaced.



(Oct. 30, 2013)

1 The Dallas City Council met in regular session on Monday, November 4, 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 Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson,
6 Councilor Kevin Marshall, and Councilor Murray Stewart, and Councilor Ken Woods, Jr.

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, and Recording Secretary Jeremy Teal.

11 Mayor Dalton led the Pledge of Allegiance.

12 **STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE**

13 Dawn Taylor stated she was a retired recruiter with the National Guard and currently employed
14 by the Department of Defense. She indicated she worked with the Employer Support of the Guard
15 and Reserve, which sought support from employers for reserve and military members. She noted
16 Dallas did not currently employ any active guard members, but she appreciated that the City was
17 willing to indicate their support of any future employees.

18 It was moved by Councilor Woods to authorize Mayor Dalton to sign the letter of support for the
19 military. The motion was duly seconded and passed unanimously.

20 **COMMENTS FROM THE AUDIENCE**

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

22 William Petrovic, 217 W. Ellendale Avenue, Dallas, Oregon, stated that three years ago he bought
23 a house on West Ellendale Avenue and saw how unsafe the crossing was at NW Jasper Street. He
24 noted that he came to a Council meeting to request a crosswalk be put in and the response was it
25 would cost \$100,000. He reported that the City did put in a striped crosswalk, but his wife was
26 struck in the crosswalk in the rain because there was no pedestrian light. He advised that he
27 researched solar powered crosswalk lights, with help from Corvallis, and brought a packet of
28 information to the city engineers who told him it would cost \$20,000 to install them. He noted
29 that other towns were placing these solar powered lights for safety at crosswalks and he submitted
30 a book of possible grants for the project with the packet he submitted. Mayor Dalton advised Mr.
31 Petrovic to contact the City Manager.

32 **PUBLIC HEARINGS**

33 **CONSENT AGENDA**

34 It was moved by Councilor Marshall *to approve the Consent Agenda as presented*. The motion
35 was duly seconded and carried by majority. Councilor Gabliks abstained from voting as she didn't
36 attend the October 7, 2013, Council meeting.

37 Item approved by the Consent Agenda: the October 7, 2013, City Council meeting minutes.

38 **ITEMS REMOVED FROM THE CONSENT AGENDA**

39 There were none.

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

41 **GENERAL COMMENTS**

42 Mayor Dalton announced that Congressman Schrader would be in Dallas the following day for a
43 town hall meeting.

1 REPORT OF THE OCTOBER 28, 2013, PUBLIC WORKS COMMITTEE MEETING

2 Councilor Woods reported the Committee discussed the water curtailment conservation ordinance
3 and staff asked the Committee to have the ordinance in place before there was an emergency. He
4 advised the obnoxious vegetation ordinance discussion regarded hedges that bordered sidewalks
5 and vacant properties, and added the current ordinance addressed grass and weeds but not
6 obnoxious vegetation. He noted Mr. Shetterly was asked to make revisions to the ordinance and
7 bring it back to the Committee to address vacant lots and dwellings. He reported a utility
8 assistance program and an average billing program were discussed as ways to help citizens pay
9 their utility bills and the Community Development and Engineering Directors reports were in the
10 minutes.

11 Councilor Gabliks asked how many people had complained about not being able to pay their
12 utility bills. Mr. Foggin reported that there were growing pains with new rates with the addition of
13 late fees, but the assistance program would help those that couldn't pay their utility bills.

14 Councilor Brown asked about an equitable way to determine who was eligible. Mr. Foggin
15 reported that the Dallas Resource Center would handle the eligibility process and Polk
16 Community Development Corporation would assist with the program. He advised that the City
17 would set up an account and let the partners handle the eligibility and disbursement.

18 REPORT OF THE OCTOBER 28, 2013, PUBLIC SAFETY COMMITTEE MEETING

19 Councilor Jones reported the Fire Chief and Interim Police Chief gave their reports and those
20 were included in the minutes.

21 **REPORTS FROM CITY MANAGER AND STAFF**

22 **SEPTEMBER FINACIAL REPORT**

23 Mr. Foggin indicated the report was released and tracking really well with no surprises. He noted
24 the staff report stated the aging of accounts receivable was down 8% in the last few months. He
25 commented that people were getting used to late fees and were paying their bills on time. He
26 advised that the auditors had completed the audit field work and the City audit went from a
27 problem audit to a stellar audit. He noted that the Finance Department would bring the report to
28 Council in January or February 2014.

29 **LETTER OF SUPPORT FOR RICKREALL WATERSHED COUNCIL GRANT**

30 Mr. Braun advised that the Rickreall Watershed Council was asking to place a grant for fallen
31 trees along the upper Rickreall Creek. He noted the fallen trees would build up silt and gravel
32 along the creek to improve flow conditions. He recommended the Council support the grant
33 application.

34 It was moved by Councilor Woods to approve the letter of support for the Rickreall Watershed
35 Council's application for an Oregon Watershed Enhancement Board grant to place large woody
36 debris within Rickreall Creek above Mercer Reservoir. The motion was duly seconded and
37 carried unanimously.

38 **OTHER**

39 Mr. Foggin advised that he had received homeless information for Dallas and the surrounding
40 cities as of 2012. He reported that the homelessness student population in Falls City was seven,
41 Central was eighty-two, Dallas was fifteen, and Silverton was seventy-five. He shared that
42 twenty-eight individuals released from jail were homeless in comparison to Marion County which
43 had 112 homeless individuals when released from jail. He stated that Dallas had less than fifty
44 individuals that were homeless and noted that overall, Polk and Marion Counties had 1,750
45 homeless individuals.

46 Mr. Foggin advised about an article in the Oregonian about marijuana dispensaries actively
47 pursuing marijuana sales in Oregon. He noted there were a few options to deal with the issue and
48 discuss them with staff.

49 Mr. Foggin stated that regarding building security, the Finance Department had several incidents
50 regarding customers at the counter with a violent nature. He advised that a stepped security
51 process included adding cameras to the finance area. He commented that in conjunction with that,
52 Chief Simpson and a detective were working on a building security plan. He noted they were
53 looking at our facilities, the hazards, weaknesses, and strengths to keep the City protected.

54 Mr. Foggin invited everyone to the Dallas 2030 Open House the following Saturday. He
55 commented that Doug Zenn with Zenn Associates would conduct the sessions covering all the

1 different topics. He noted there was still an opportunity to fill out the survey. He stated Mr. Zenn
2 was planning a presentation on the information at the December Council workshop.

3 **RESOLUTIONS**

4 **Resolution No. 3282** – A resolution adopting and appropriating a supplemental budget for fiscal
5 year 2013-2014.

6 A roll call vote was taken and Mayor Dalton declared Resolution No. 3282 to have PASSED BY
7 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly
8 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
9 Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

10 **FIRST READING OF ORDINANCE**

11 **Ordinance No. 1758** – An ordinance establishing water use regulations during drought or
12 emergency.

13 Councilor Fairchild stated that in the past, one way to have citizens conserve water was to use an
14 odd and even days system. He noticed that the Council could make adjustments to the ordinance
15 depending on the situation, but asked why the staff hadn't looked at that system. Mr. Foggin
16 advised that the staff didn't want to outline specific systems to conserve water in the ordinance.
17 He noted that an odd and evens watering system to conserve water was a great way, as well as to
18 require people to water only during limited time periods. He commented there were different
19 things the City could do, but didn't want to lock into a specific idea if a better one arose.

20 Councilor Fairchild asked when the push to educate citizens was coming. Mr. Foggin stated that
21 staff wanted to educate the public now while it was raining. He noted the City needed to keep
22 conservation on the citizen's minds whether it was raining or not. He commented that water was a
23 limited resource and everyone needed to take care of it.

24 Councilor Lawson requested that a system be setup for good stewards who were conserving water
25 now so that there were no penalties for them later. Mr. Foggin stated that the rate structure now
26 reflected that. Councilor Lawson stated she was referring to the penalties when the stages were
27 implemented. She asked if the City had a means to reward people who were conserving water
28 now so they wouldn't be penalized later when it came time to conserve water. Mr. Braun advised
29 that the ordinance covered that subject with residential limits in Stage 2 and Stage 3. He noted the
30 Stage 2 reduction was 150% of household average summer usage based on the community's
31 average. He reported the Stage 3 reduction was 150% of household average winter usage.

32 Councilor Lawson asked if it was based on community average not residential average. Mr. Braun
33 confirmed that was correct, noting there was a table that referenced commercial use as well.

34 Councilor Brown asked how the public would be informed. Mr. Foggin stated the City would use
35 the website, newspaper, and if it came to one of the stages, a flyer in the utility bill. He reported
36 that Dallas was a part of Everbridge that gave the City a better way of delivering messages
37 through text, phone, and email. He noted that every means necessary would be used to get the
38 information out and staff would treat the situation like an emergency. He commented that at Stage
39 3, the City would incorporate radio, TV, and every other delivery method to inform the public to
40 not use water. He stated that Everbridge would give the City the ability to notify people directly.

41 Councilor Stewart asked who would be the City Manger's designee with regard to
42 implementation of the stages. Mr. Foggin stated the Mayor could be the designee. Mr. Shetterly
43 indicated it would whoever was available to implement the stage.

44 **SECOND READING OF ORDINANCE**

45 **OTHER BUSINESS**

46 Councilor Lawson asked the Council to consider recognizing the gentleman that put up the
47 Christmas lights on Fir Villa. She pointed out that he was contributing to the community on a
48 large scale.

49 There being no further business, the meeting adjourned at 7:41 p.m.

Read and approved this _____ day of _____ 2013.

Mayor

ATTEST:

City Manager

DRAFT

DALLAS CITY COUNCIL REPORT

To: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8a	Topic: October 2013 Financial Report
Prepared By: Cecilia Ward	Meeting Date: November 18, 2013	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of October 2013.

For October 2013:

- Percent collected/spent should be at 33.00%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- The following capital improvement payments were made in October:
 - Street Fund-Contractual Overlays (Main Street Project) \$44,312
 - Sewer Fund/Sewer SDC-Rickreall Crk Interceptor CIPP Project \$579,261
 - Urban Renewal-Main Street Project \$454,093

FISCAL IMPACT:

None

ATTACHMENTS:

October 2013 Financial Reports



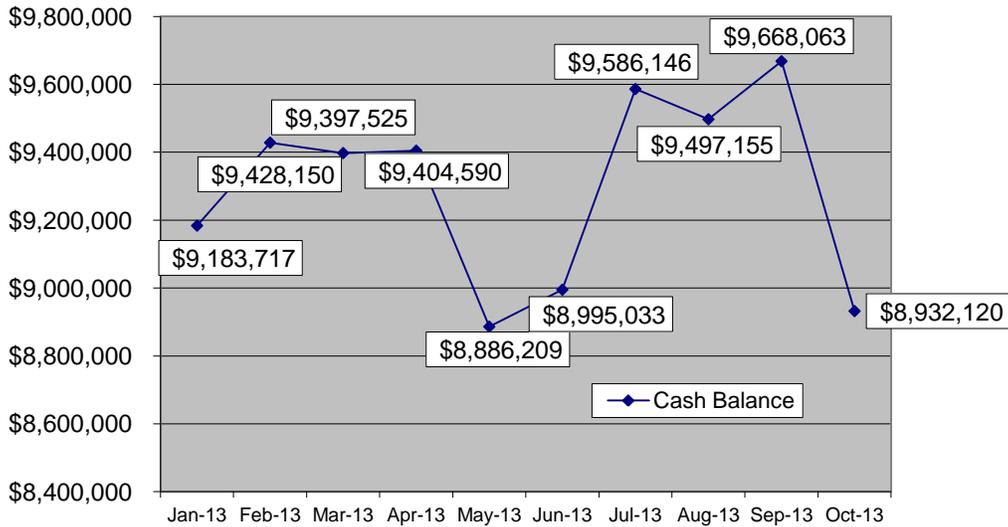
Monthly Financials
for the Month of
October 2013

CITY OF DALLAS
Cash Report
For the Period Ending October 31, 2013

Cash on hand	\$ 645
Cash in Investments	8,352,501
Cash in Bank	578,974
Total Cash Balance as of 10/31/2013	\$ 8,932,120

Restricted/Committed	\$ 6,571,476
Unrestricted	2,360,643
	\$ 8,932,120

Cash Balance

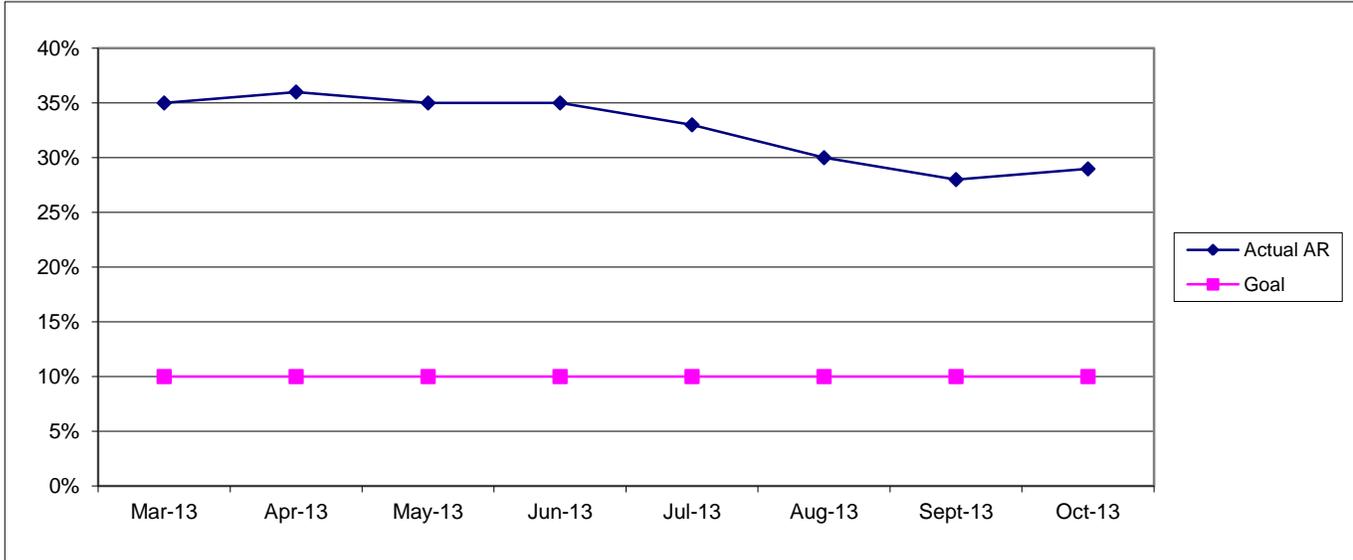


Investment Breakdown

	<u>Ending Bal</u>	<u>Interest YTD</u>
LGIP	\$ 7,174,365	\$ 13,015
Wells Fargo Savings	1,178,136	\$ 119
	\$ 8,352,501	\$ 13,134

**UTILITY AGING REPORT
October 31, 2013**

	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sept-13	Oct-13
Actual AR	35%	35%	36%	35%	35%	33%	30%	28%	29%
Goal	10%	10%	10%	10%	10%	10%	10%	10%	10%

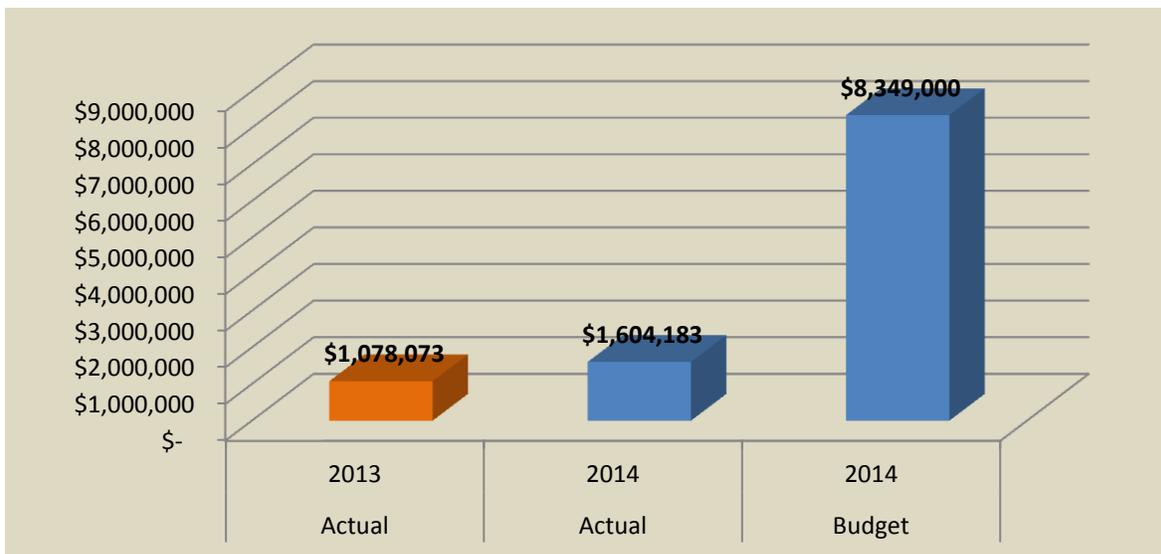


* Report is for accounts receivable greater than 90 days

City of Dallas
Monthly Financials
October 2013

General Fund Revenue

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Licenses, Permits and Fees	\$ 370,366	\$ 445,598	\$ 1,379,000	\$ 933,402	32.3%
Fines and Forfeitures	35,031	34,669	155,000	120,331	22.4%
Recreation Fees	150,572	152,125	461,000	308,875	33.0%
Library Fees	21,846	37,964	75,000	37,036	50.6%
Property Taxes	109,198	117,336	3,444,000	3,326,664	3.4%
Miscellaneous Taxes	20,526	75,627	225,000	149,373	33.6%
Franchise Fees	317,371	277,591	1,105,000	827,409	25.1%
Inter-governmental	-	-	187,000	187,000	0.0%
Miscellaneous Revenue	2,732	19,880	43,000	23,120	46.2%
Interest Earnings	-	1,551	15,000	13,449	10.3%
Transfers	50,431	441,841	1,260,000	818,159	35.1%
	\$ 1,078,073	\$ 1,604,183	\$ 8,349,000	\$ 1,362,608	19.2%



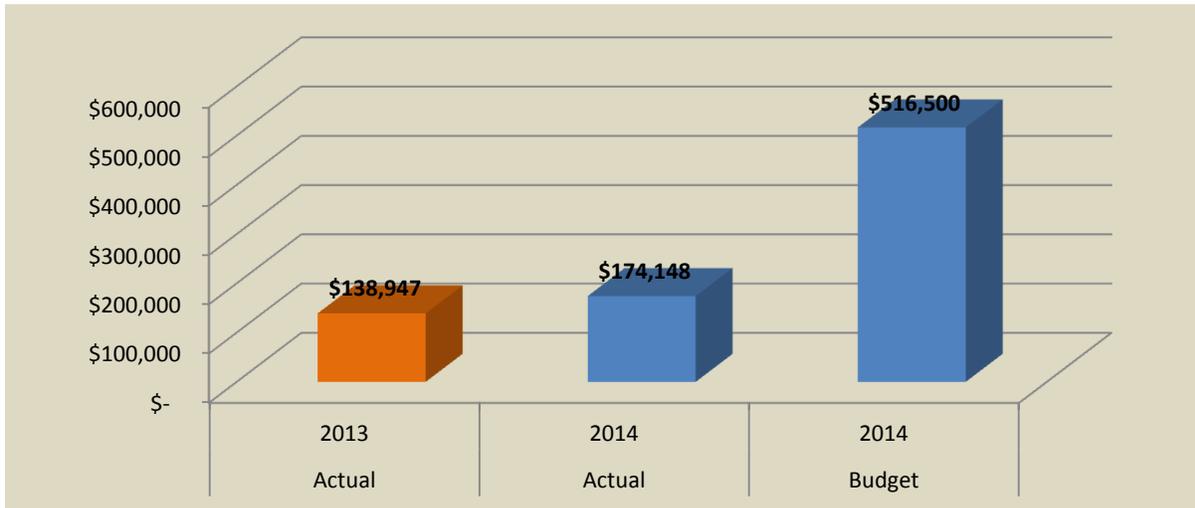
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Administration

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 101,156	\$ 134,225	\$ 376,000	\$ 241,775	35.7%
Materials and Supplies	37,790	39,923	140,500	100,577	28.4%
	\$ 138,947	\$ 174,148	\$ 516,500	\$ 342,352	33.7%

There are no capital expenditures budgeted in this department.



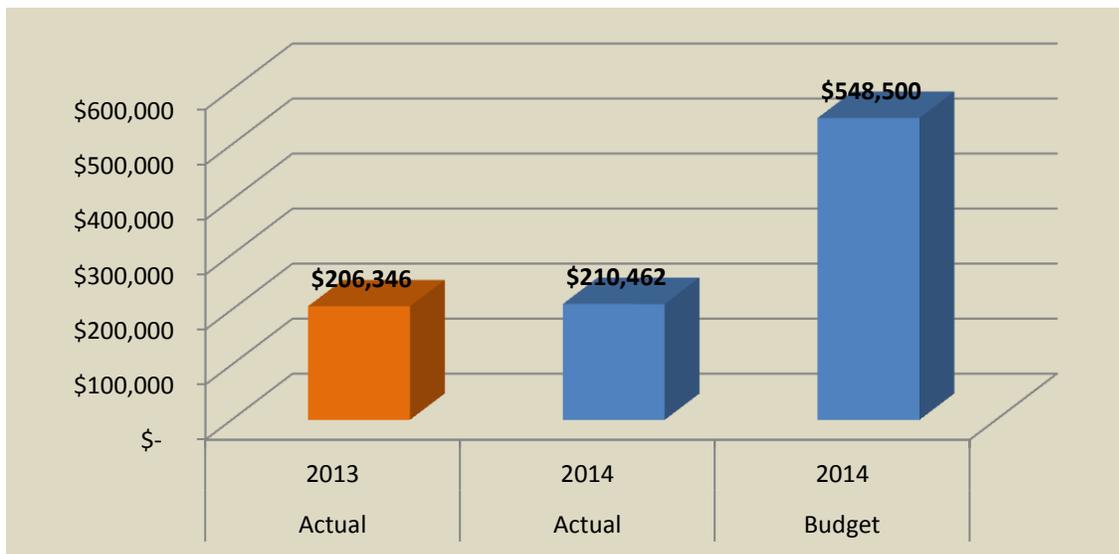
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Finance

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 109,659	\$ 117,126	\$ 361,000	\$ 243,874	32.4%
Materials and Supplies	96,686	93,336	187,500	94,164	49.8%
	\$ 206,346	\$ 210,462	\$ 548,500	\$ 338,038	38.4%

There are no capital expenditures budgeted in this department.



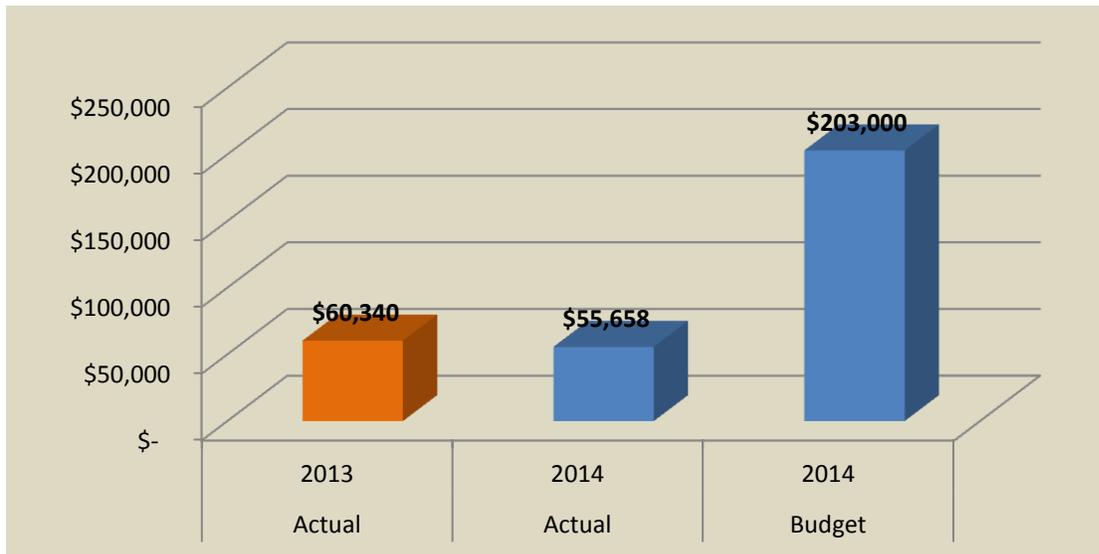
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Facilities

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 36,269	\$ 36,671	\$ 121,000	\$ 84,329	30.3%
Materials and Supplies	24,071	18,987	67,000	48,013	28.3%
Capital Outlay	-	-	15,000	15,000	0.0%
	\$ 60,340	\$ 55,658	\$ 203,000	\$ 147,342	27.4%

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



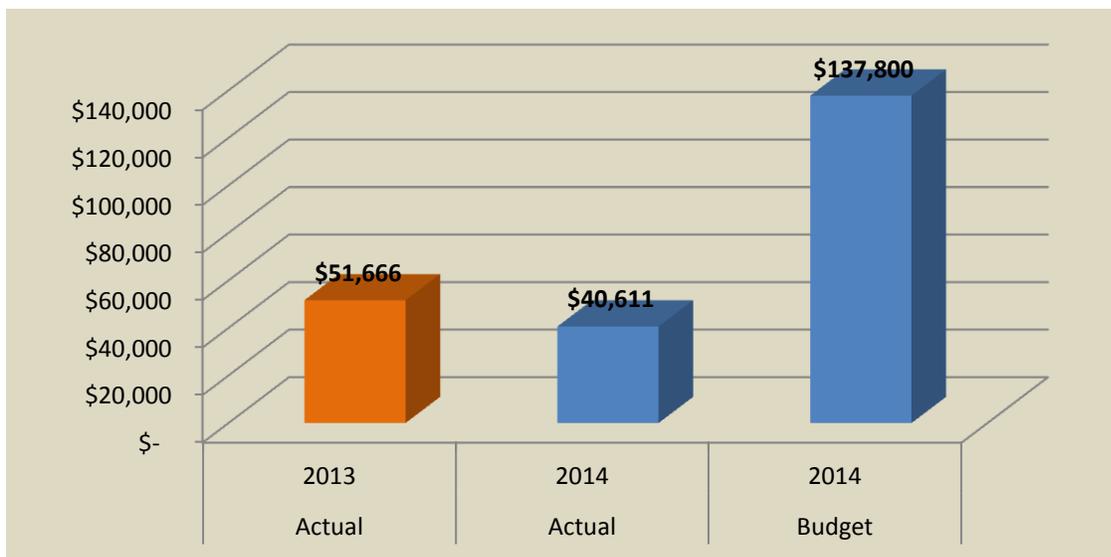
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Municipal Court

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 46,050	\$ 34,329	\$ 108,500	\$ 74,171	31.6%
Materials and Supplies	5,616	6,282	29,300	23,018	21.4%
	\$ 51,666	\$ 40,611	\$ 137,800	\$ 97,189	29.5%

There are no capital expenditures budgeted in this department.



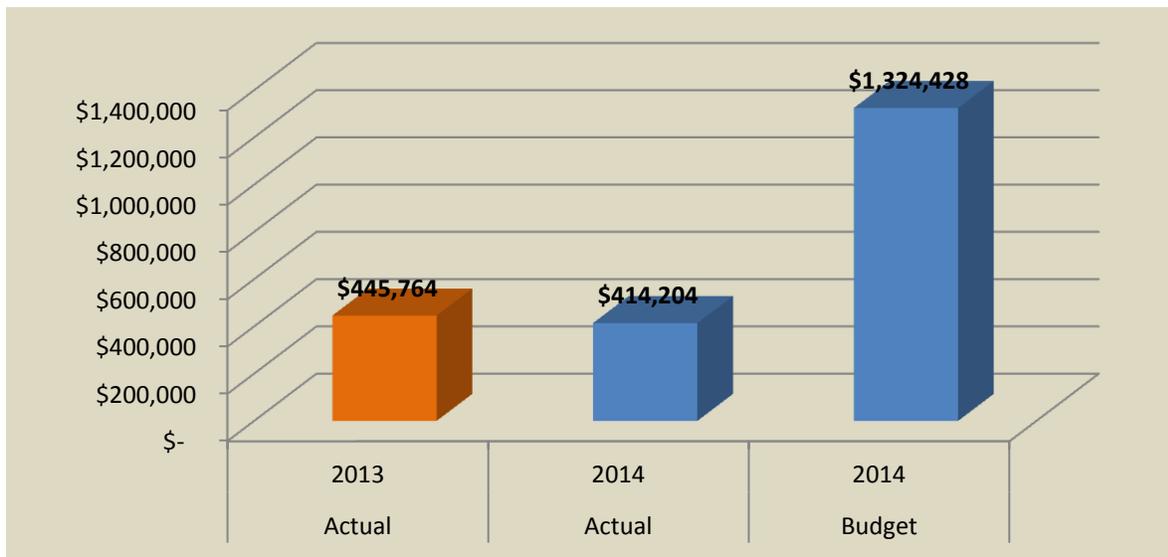
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Ambulance

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 323,204	\$ 298,968	\$ 927,000	\$ 628,032	32.3%
Materials and Supplies	110,056	100,314	320,125	219,811	31.3%
Capital Outlay	2,504	4,921	10,000	5,079	49.2%
Debt Service	-	-	37,303	37,303	0.0%
Transfers	10,000	10,000	30,000	20,000	33.3%
	\$ 445,764	\$ 414,204	\$ 1,324,428	\$ 910,224	31.3%

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



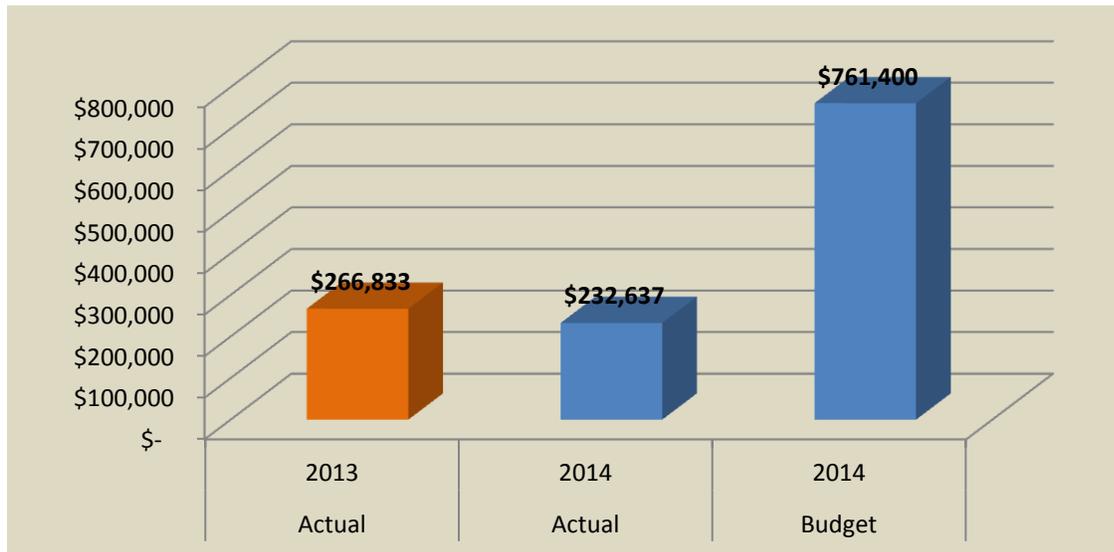
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Fire

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 161,985	\$ 135,201	\$ 421,000	\$ 285,799	32.1%
Materials and Supplies	79,150	74,873	273,000	198,127	27.4%
Capital Outlay	15,898	12,763	38,000	25,237	33.6%
Transfers	9,800	9,800	29,400	19,600	33.3%
	\$ 266,833	\$ 232,637	\$ 761,400	\$ 528,763	30.6%

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



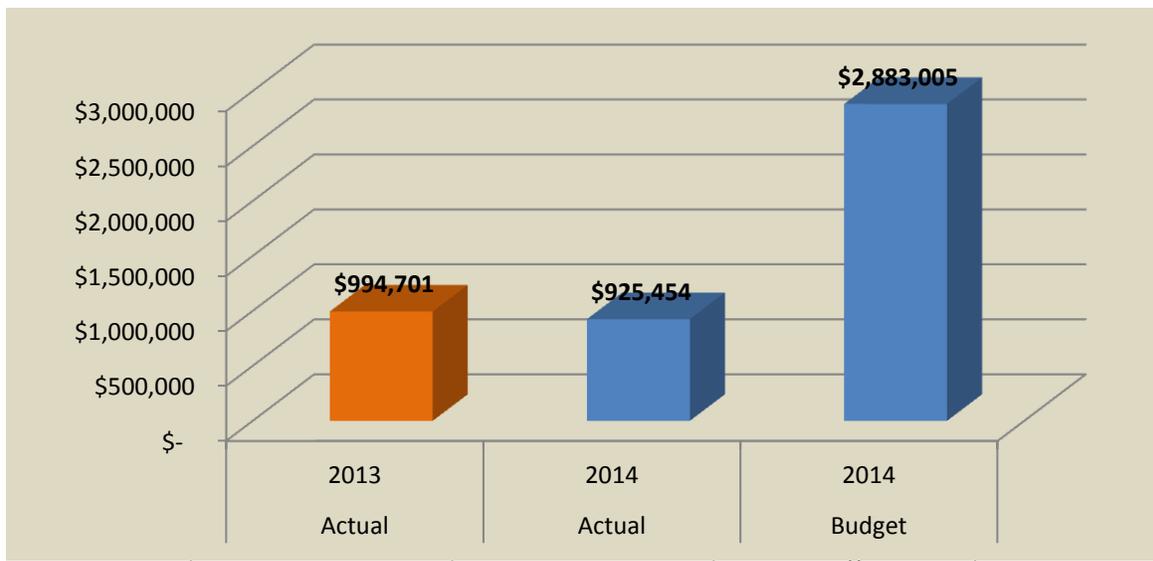
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Police

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 866,736	\$ 793,408	\$ 2,445,000	\$ 1,651,592	32.5%
Materials and Supplies	118,965	123,046	411,005	287,959	29.9%
Transfers	9,000	9,000	27,000	18,000	33.3%
	\$ 994,701	\$ 925,454	\$ 2,883,005	\$ 1,957,551	32.1%

There are no capital expenditures budgeted in this department.



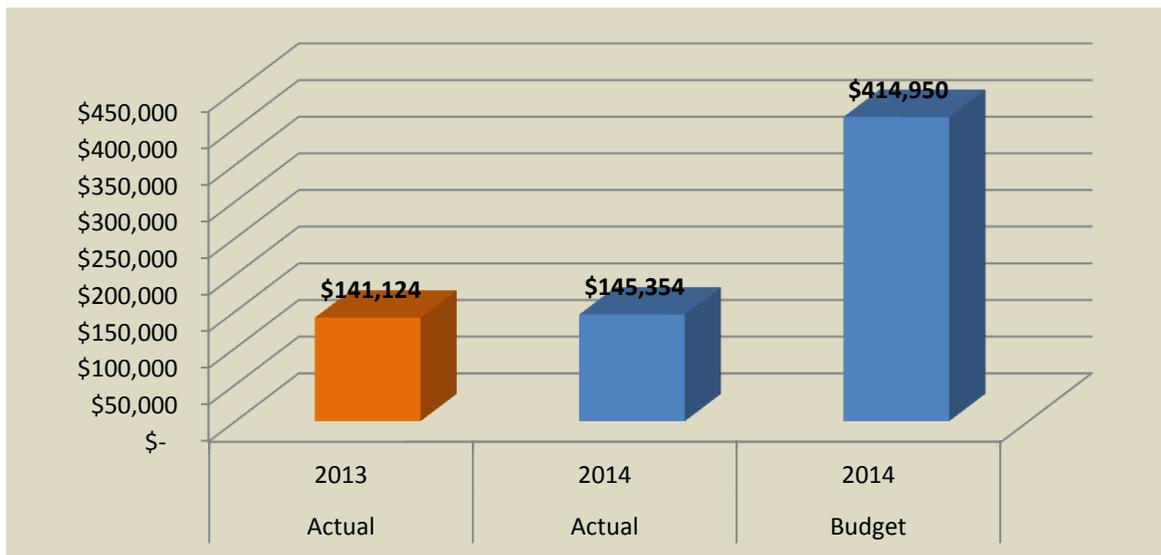
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Library

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 110,852	\$ 113,149	\$ 339,000	\$ 225,851	33.4%
Materials and Supplies	30,272	32,205	75,950	43,745	42.4%
	\$ 141,124	\$ 145,354	\$ 414,950	\$ 269,596	35.0%

There are no capital expenditures budgeted in this department.



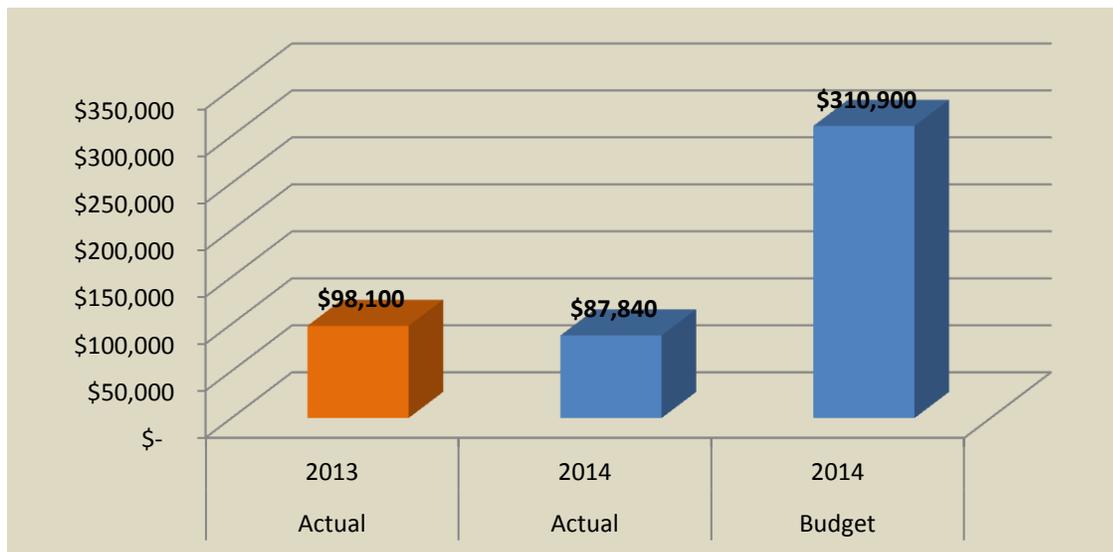
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Parks

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	56,806	58,842	208,000	\$ 149,158	28.3%
Materials and Supplies	39,628	27,332	97,900	70,568	27.9%
Transfers	1,667	1,667	5,000	3,333	33.3%
	\$ 98,100	\$ 87,840	\$ 310,900	\$ 223,060	28.3%

There are no capital expenditures budgeted in this department.



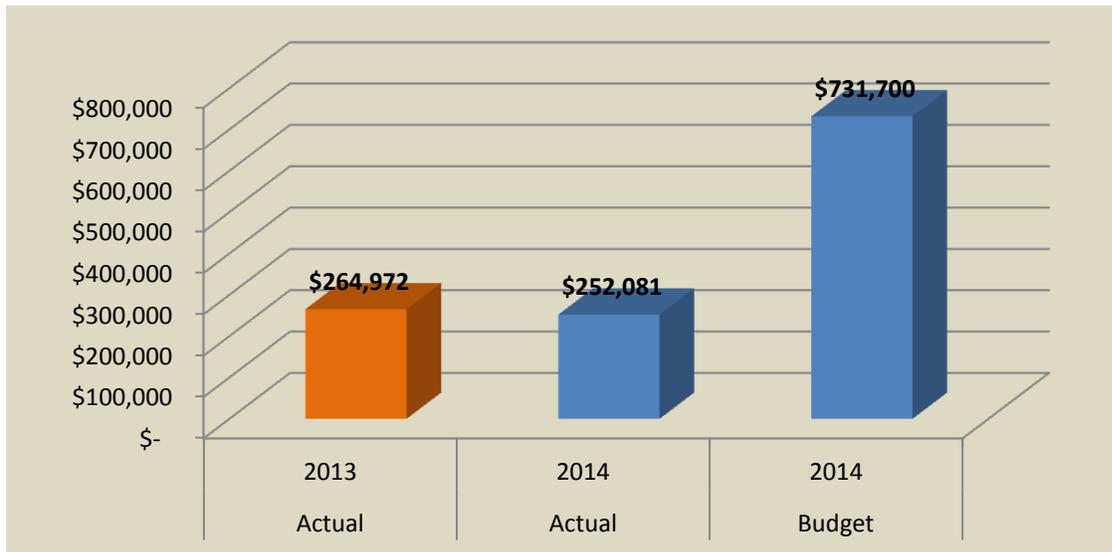
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Aquatic Center

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 156,888	\$ 146,784	\$ 410,000	\$ 263,216	35.8%
Materials and Supplies	91,417	88,630	271,700	183,070	32.6%
Capital Outlay	16,667	16,667	50,000	33,333	33.3%
	\$ 264,972	\$ 252,081	\$ 731,700	\$ 479,619	34.5%

Capital Expenditures: Equipment Reimbursement - \$50,000



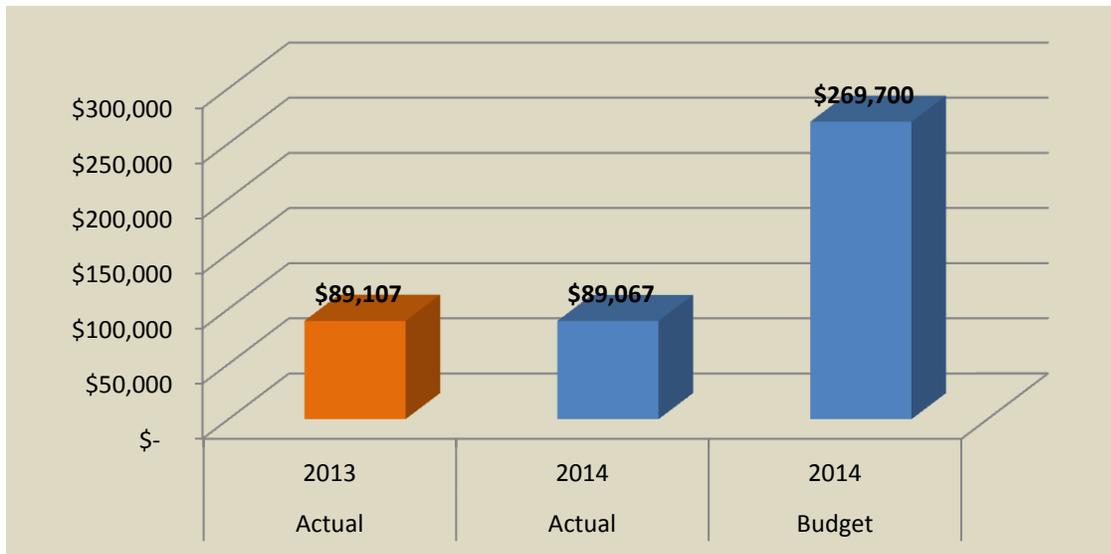
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Building Inspections

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 82,946	\$ 84,432	\$ 253,000	\$ 168,568	33.4%
Materials and Supplies	6,161	4,635	16,700	12,065	27.8%
	\$ 89,107	\$ 89,067	\$ 269,700	\$ 180,633	33.0%

There are no capital expenditures budgeted in this department.



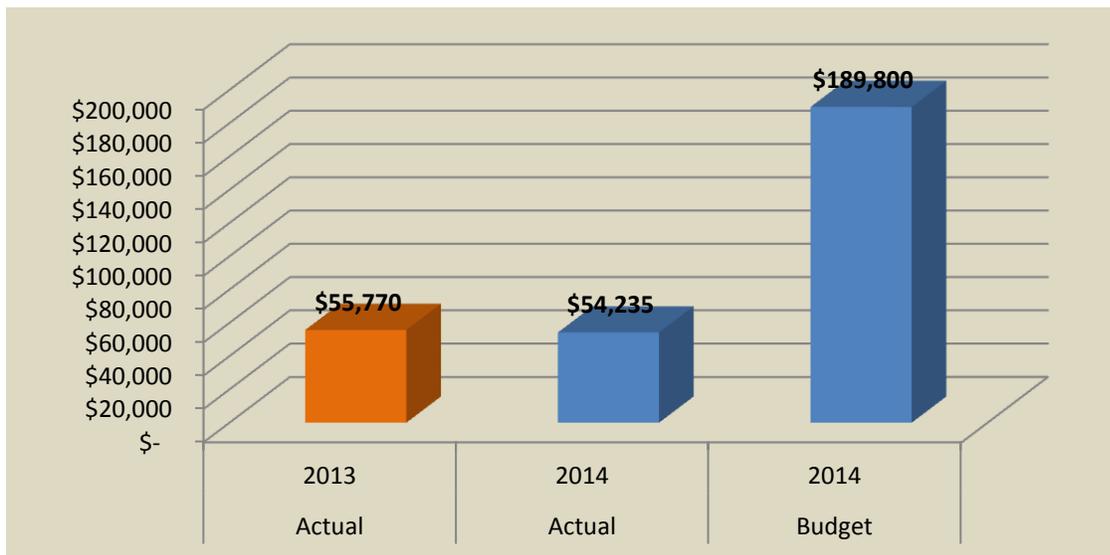
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Planning

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personal Services	\$ 48,254	\$ 48,573	\$ 147,000	\$ 98,427	33.0%
Materials and Supplies	6,382	4,529	39,400	34,871	11.5%
Transfers	1,133	1,133	3,400	2,267	33.3%
	\$ 55,770	\$ 54,235	\$ 189,800	\$ 135,565	28.6%

There are no capital expenditures budgeted in this department.



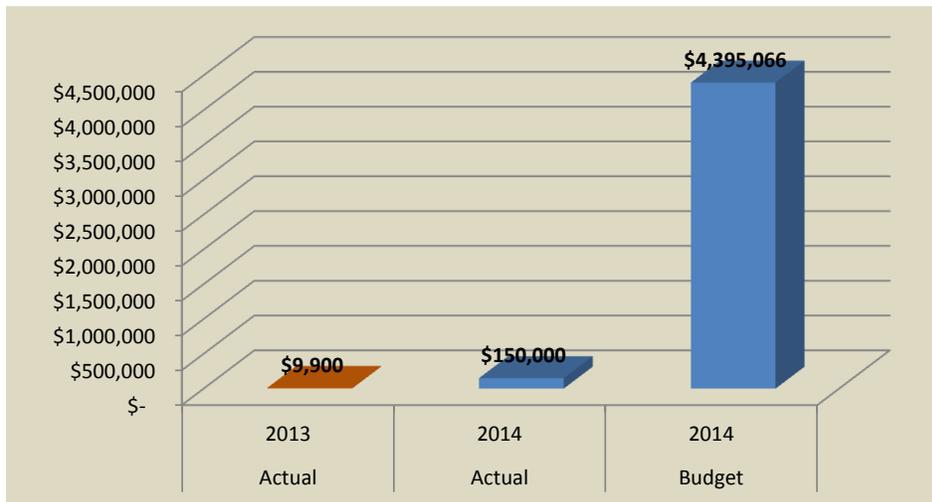
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: System Development Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Streets SDC	\$ 13,674	\$ 27,876	\$ 50,000	\$ 22,124	55.8%
Parks SDC	26,714	54,480	100,000	45,520	54.5%
Water SDC	29,710	100,127	100,000	(127)	100.1%
Sewer SDC	36,484	135,984	140,000	4,016	97.1%
Storm Water SDC	10,002	22,260	30,000	7,740	74.2%
Transfers	-	80,066	80,066	-	100.0%
	\$ 116,585	\$ 420,793	\$ 500,066	\$ 11,629	84.1%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
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	-	150,000	3,627,615	3,477,615	4.1%
Storm Water SDC Projects	-	-	60,000	60,000	0.0%
Transfers (none for 2014)	9,100	-	-	-	
	\$ 9,900	\$ 150,000	\$ 4,395,066	\$ 4,245,066	3.4%



33% Through the Fiscal Year

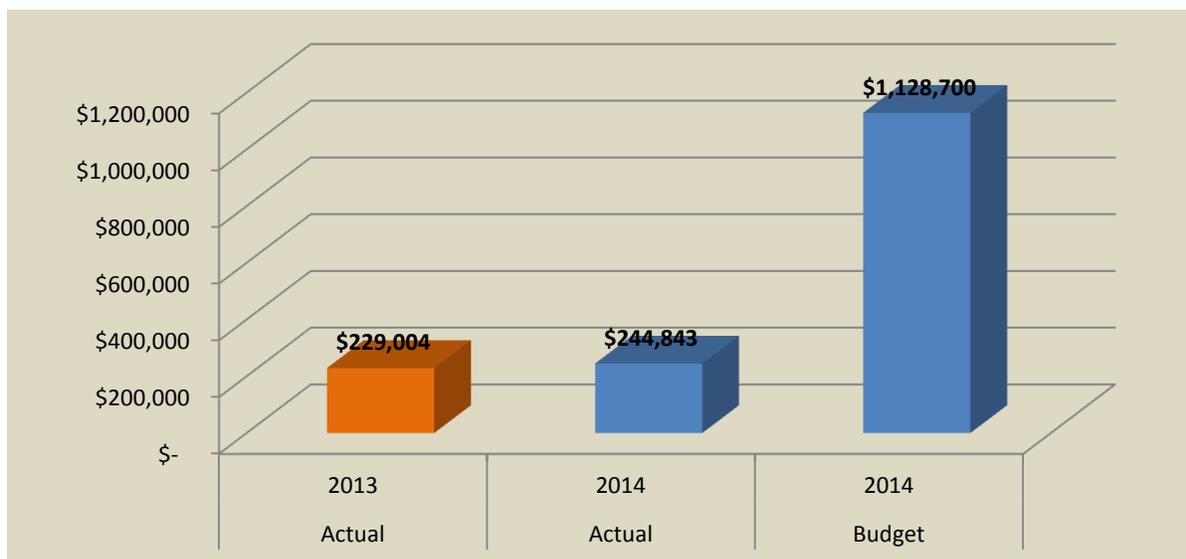
City of Dallas
Monthly Financials
October 2013

Department: Streets

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Highway Reimbursement & Appropriations	\$ 273,838	\$ 436,427	\$ 1,015,000	\$ 578,573	43.0%
Miscellaneous Revenue and Interest	4,766	68,323	76,060	7,737	89.8%
	\$ 278,604	\$ 504,750	\$ 1,091,060	\$ 586,310	46.3%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 108,954	\$ 98,358	\$ 292,000	\$ 193,642	33.7%
Materials and Supplies	75,759	75,007	261,700	186,693	28.7%
Capital Outlay	17,623	44,812	495,000	450,188	9.1%
Transfers	26,667	26,667	80,000	53,333	33.3%
	\$ 229,004	\$ 244,843	\$ 1,128,700	\$ 883,857	21.7%

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



33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

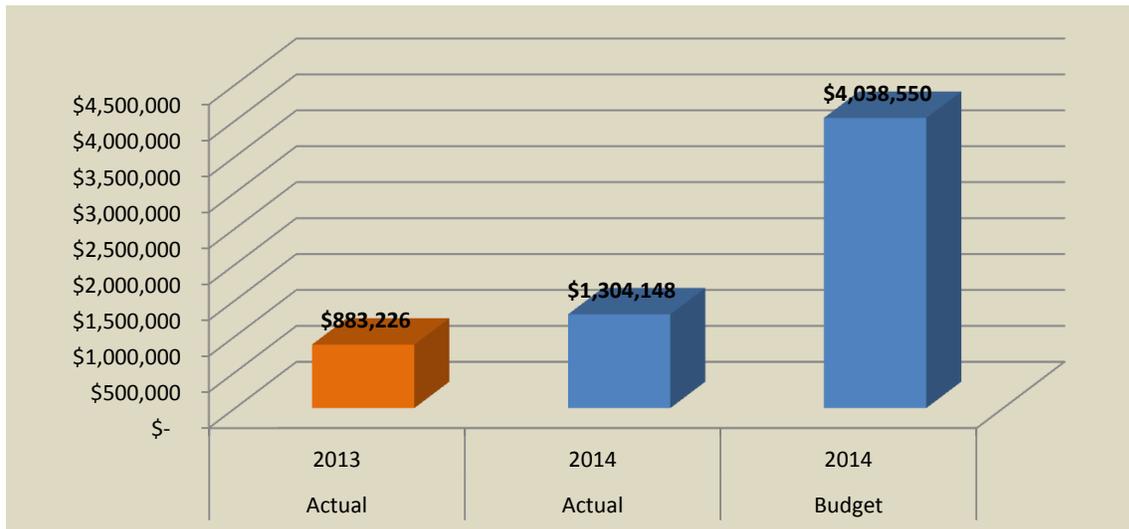
Department: Sewer

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Hook Up Fees	\$ 997,344	\$ 1,035,769	\$ 3,037,000	\$ 2,001,231	34.1%
Miscellaneous Revenue and Interest	91,697	308,809	120,000	(188,809)	257.3%
	\$ 1,089,041	\$ 1,344,578	\$ 3,157,000	\$ 1,812,422	42.6%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 200,303	\$ 196,140	\$ 593,500	\$ 397,360	33.0%
Materials and Supplies	307,620	322,562	1,077,500	\$ 754,938	29.9%
Capital Outlay	42,977	509,854	813,000	\$ 303,146	62.7%
Transfers	48,661	183,333	550,000	\$ 366,667	33.3%
Debt Service (2013 in Debt Service Fund)	283,665	92,259	1,004,550	\$ 912,291	9.2%
	\$ 883,226	\$ 1,304,148	\$ 4,038,550	\$ 2,734,402	32.3%

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



33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

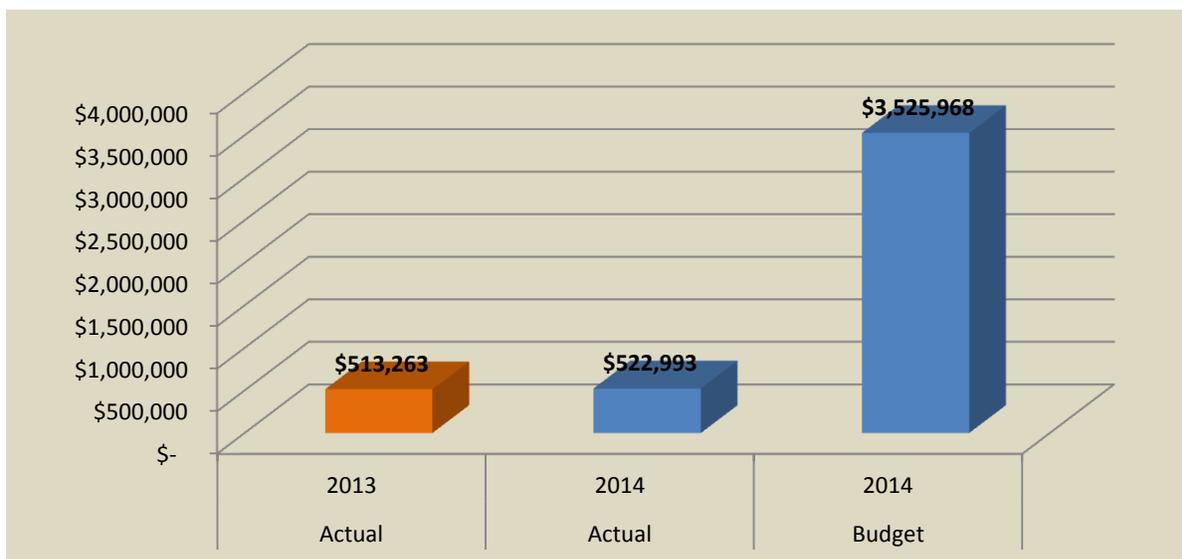
Department: Water

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Connection Fees	\$ 847,438	\$ 977,261	\$ 2,142,000	\$ 1,164,739	45.6%
Miscellaneous Revenue and Interest	24,646	35,905	1,545,000	1,509,095	2.3%
	\$ 872,084	\$ 1,013,166	\$ 3,687,000	\$ 2,673,834	27.5%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 134,712	\$ 130,970	\$ 398,000	\$ 267,030	32.9%
Materials and Supplies	236,884	250,356	705,000	454,644	35.5%
Capital Outlay	-	-	1,650,000	1,650,000	0.0%
Transfers	141,667	141,667	425,000	283,333	33.3%
Debt Service (2013 in Debt Service Fund)	-	-	347,968	347,968	0.0%
	\$ 513,263	\$ 522,993	\$ 3,525,968	\$ 3,002,975	14.8%

Capital Expenditures:

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



33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

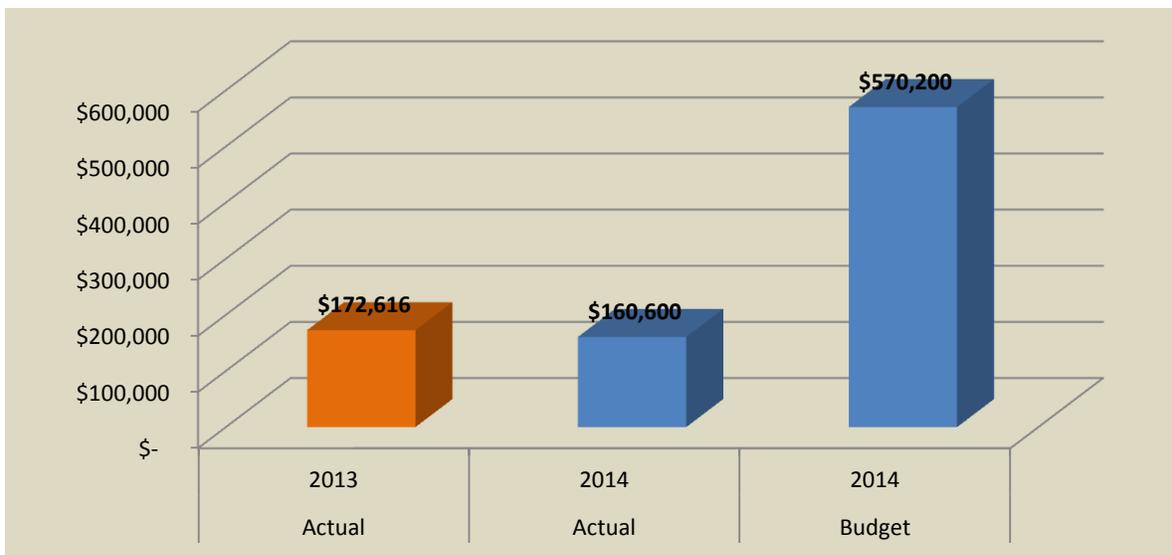
Department: Fleet

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Total Care	\$ 144,680	\$ 133,215	\$ 427,000	\$ 293,785	31.2%
Miscellaneous Revenue	34,790	32,058	84,800	52,743	37.8%
	\$ 179,471	\$ 165,272	\$ 511,800	\$ 346,528	32.3%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 68,035	\$ 65,562	\$ 201,000	\$ 135,438	32.6%
Materials and Supplies	57,971	68,222	192,200	123,978	35.5%
Capital Outlay	19,943	148	97,000	96,852	0.2%
Transfers	26,667	26,667	80,000	53,333	33.3%
	\$ 172,616	\$ 160,600	\$ 570,200	\$ 409,600	28.2%

Capital Expenditures:

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



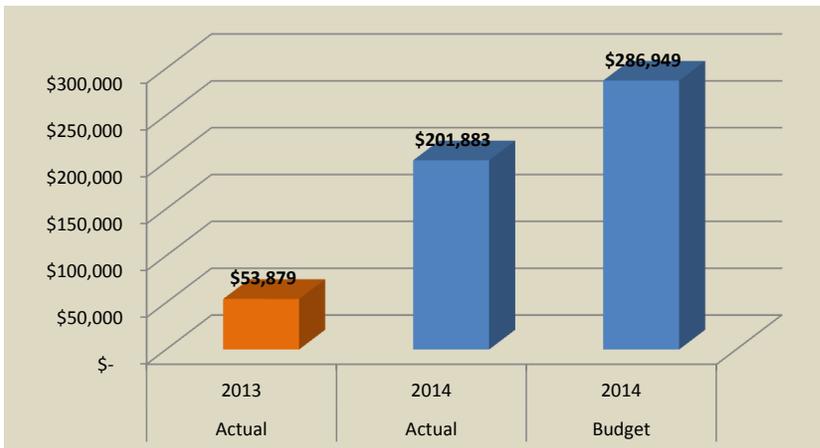
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

Department: Trust Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Aquatics	\$ -	\$ -	\$ -	\$ -	
Fire and Ambulance	19,254	9,948	30,000	20,052	33.2%
Street	-	-	-	-	
Transient Lodging	40,088	-	-	-	
Miscellaneous	1,942	252	1,000	748	25.2%
Economic Development	7,737	-	30,000	30,000	0.0%
Park	2,875	1,850	-	(1,850)	
Police	2,124	-	-	-	
Library	689	15,766	5,800	(9,966)	271.8%
	\$ 74,709	\$ 27,816	\$ 66,800	\$ 38,984	41.6%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Aquatics	\$ 6,379	\$ -	\$ -	\$ -	
Fire and Ambulance	8,419	15,035	61,274	46,239	24.5%
Street	-	-	-	-	
Transient Lodging	30,121	-	-	-	
Miscellaneous	535	32	3,000	2,968	1.1%
Economic Development	2,165	13,972	48,000	34,028	29.1%
Park	1,744	50	-	(50)	
Police	2,203	-	-	-	
Library	2,313	3,067	6,000	2,933	51.1%
Transfers	-	169,727	168,675	(1,052)	100.6%
	\$ 53,879	\$ 201,883	\$ 286,949	\$ 85,066	70.4%



33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 2013

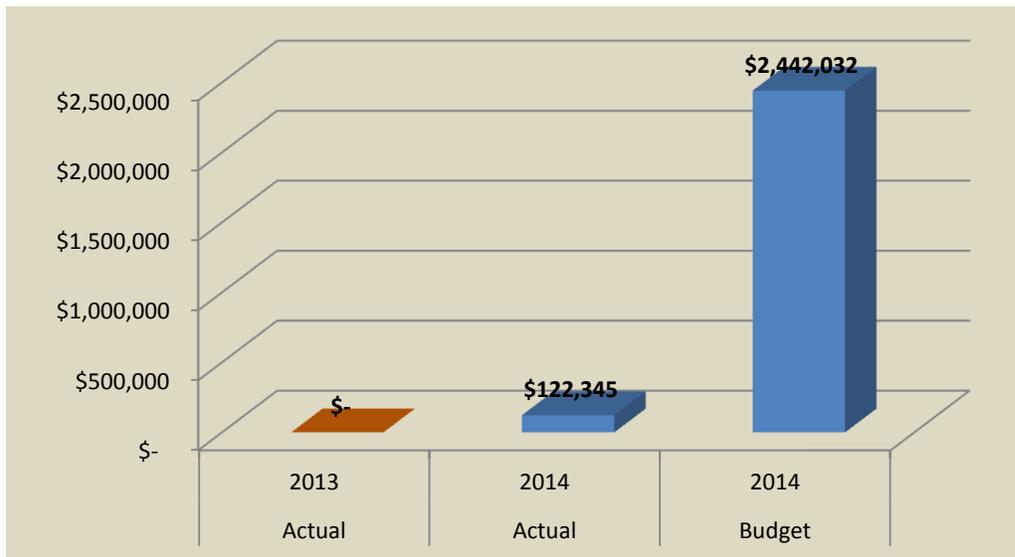
Department: Grant Fund

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
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%
	\$ 89,541	\$ 7,683	\$ 2,442,032	\$ 2,434,349	0.3%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Police	\$ -	750	12,000	11,250	6.3%
Fire	-	-	456,532	456,532	0.0%
Parks and Trails	-	120,898	1,970,000	1,849,102	6.1%
Miscellaneous	-	697	3,500	2,803	19.9%
	\$ -	\$ 122,345	\$ 2,442,032	\$ 2,319,687	5.0%

Grant Projects:

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



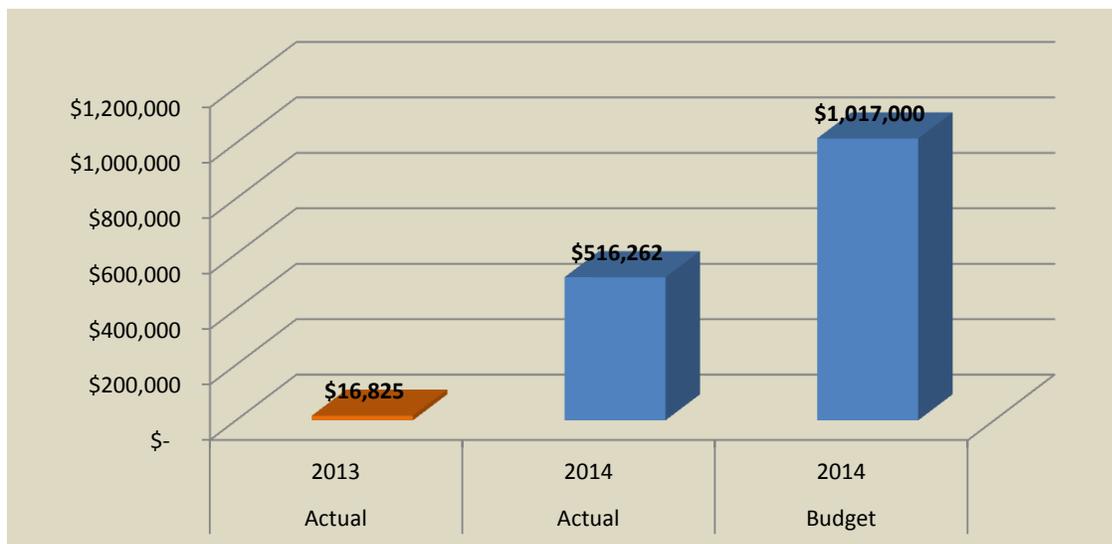
City of Dallas
Monthly Financials
October 2013

Department: Urban Renewal Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Property Taxes	\$ 3,190	\$ 3,317	\$ 125,000	\$ 121,683	2.7%
Interest Earnings	688	818	1,000	182	81.8%
Miscellaneous Revenue	-	50	1,000	950	5.0%
Finance Proceeds	-	750,000	750,000	-	100.0%
	\$ 3,877	\$ 754,185	\$ 877,000	\$ 121,865	86.0%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 4,703	\$ 5,595	\$ 16,000	\$ 10,405	35.0%
Debt Service	-	-	80,000	80,000	0.0%
Capital Expenditures	12,122	498,869	875,000	376,131	57.0%
Materials and Services	-	11,798	6,000	(5,798)	196.6%
Grants	-	-	40,000	40,000	0.0%
	\$ 16,825	\$ 516,262	\$ 1,017,000	\$ 500,738	50.8%

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



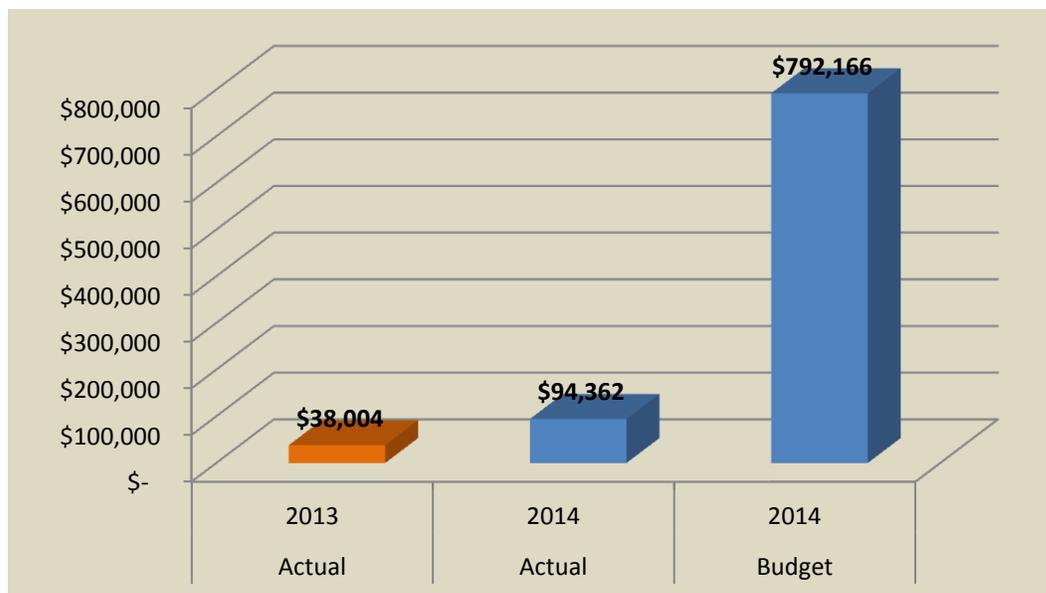
33% Through the Fiscal Year

City of Dallas
Monthly Financials
October 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
Revenue					
Property Taxes	\$ 20,793	\$ 20,988	\$ 735,000	\$ 714,013	2.9%
Transfers	\$ 35,337	\$ 35,139	\$ 109,627	74,488	32.1%
	\$ 56,130	\$ 56,126	\$ 844,627	\$ 788,501	6.6%

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
Expenditures					
Principal	\$ -	\$ -	\$ 585,000	\$ 585,000	0.0%
Interest	38,004	94,362	207,166	112,804	45.5%
	\$ 38,004	\$ 94,362	\$ 792,166	\$ 697,804	11.9%



33% Through the Fiscal Year

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 a	Topic: Res No 3283 – HEAL Cities Campaign
Prepared By: Emily Gagner	Meeting Date: November 18, 2013	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution 3283

BACKGROUND:

According to the HEAL Cities website:

The Oregon League of Cities and the Oregon Public Health Institute have teamed up to bring the Healthy Eating Active Living Cities Campaign to Oregon. The HEAL Cities Campaign is a free program to help civic leaders create healthy Oregon communities with minimal budget impact. Every city can offer its residents healthy options.

The HEAL Cities Campaign focuses on four policy-related areas: Land Use & Transportation, Access to Healthy Food Options, Shared Use, and Workplace Wellness. The Campaign recognizes cities that adopt varied healthy eating and active living policies with four designations:

Eager Cities join the Campaign by providing the Campaign with a Resolution, proclamation, or letter expressing the intent to work with the Campaign to explore HEAL policies.

Active Cities are cities that already had at least one HEAL policy on their books before joining the Campaign. Active Cities join the Campaign by submitting these policies together with a Resolution, proclamation, or letter expressing the intent to work with the Campaign to explore additional HEAL policies.

Fit Cities join the Campaign by adopting and implementing at least one new HEAL policy and submitting the policy with an implementation plan.

Fabulous Cities are Fit Cities that adopt and implement at least two additional new HEAL policies.

With the following resolution, Dallas would become an Active City. Staff will then review other policies that we could adopt to become a Fit City and even a Fabulous City and report back to the Council within six months. There is minimal staff time involved, but this will be one more

marketing tool for the City to use in recruiting new businesses to the area. This designation will also give us a competitive edge when applying for grants.

More information about the HEAL Cities campaign can be found at www.healcitiesnw.org.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution 3283

RESOLUTION NO. 3283

A resolution setting forth the City of Dallas's commitment to put healthy options within reach of all residents.

WHEREAS, improving livability and community health are important goals; and

WHEREAS the nutrition and physical activity choices that individuals make for themselves and their families are influenced by their environment; and

WHEREAS local policies on land use & transportation, access to healthy food, and shared use determine whether options for healthy eating and active living are within reach of the people who live, work, go to school, play or worship in the city; and

WHEREAS high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, Dallas is a member of the League of Oregon Cities; and

WHEREAS, in 2010, the League of Oregon Cities Board of Directors resolved to partner with and support the national *Let's Move!* Campaign headed by the First Lady of the United States, and has encouraged Oregon cities to adopt preventive measures to fight obesity; and

WHEREAS, in 2012, the League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the *Healthy Eating Active Living (HEAL) Cities Campaign*, and encouraged all Oregon cities to join the *HEAL Cities Campaign* and qualify as a HEAL City by accepting information, training and technical assistance from OPHI staff on policies to support healthier eating and increased physical activity levels for all residents, create more livable communities, and create a culture of wellness at municipal workplaces, and adopting at least one recommended HEAL policy; and

WHEREAS, Dallas has adopted a number of policies to ensure that City streets are safe for pedestrians and bicyclists as well as vehicular traffic, including the Development Code and the Transportation System Plan;

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

Section 1. The City Council hereby recognizes that joining the HEAL Cities Campaign has the potential to improve local livability and have a positive impact on the community's health and well-being. To that end, the City of Dallas adopts this HEAL Resolution.

Section 2. The City of Dallas staff shall work with HEAL Cities Campaign Staff to explore HEAL policies and to identify those policies that are suitable for the City's unique local circumstances.

Section 3. Staff will report back to this Council on the implementation of this Resolution not later than 180 days from the date of this Resolution.

Section 4. This Resolution shall take effect upon its passage and approval.

Adopted: November 18, 2013
Approved: November 18, 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>	Agenda Item No. 11a	Topic: Ordinance Establishing Water Use Regulations During Drought or Emergency
Prepared By: F. Braun	Meeting Date: November 18, 2013	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Approve recommended second 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:

Ordinance No. 1758

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.

Monthly 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

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

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD L. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY