



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 Fogglin
- City Attorney
Lane Shetterly
- Community Development/
Operations Director
Jason Locke
- Finance Director
Cecilia Ward
- Fire Chief
Fred Hertel
- 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, January 6, 2014

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. EMPLOYEE RECOGNITION	
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. <ul style="list-style-type: none"> a. Approve minutes of December 2, 2013 City Council meeting b. Approve minutes of December 11, 2013 special City Council meeting 	PG . 3 PG . 6
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS <ul style="list-style-type: none"> a. General comments from Councilors and Mayor b. Mayor's Appointments to Standing Committees 	PG . 7
9. REPORTS FROM CITY MANAGER AND STAFF <ul style="list-style-type: none"> a. Online Bill Pay Report 	PG . 9



Our Vision

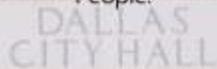
Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

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.



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.

b. Other

10. RESOLUTIONS

Resolution No. 3284: A Resolution Amending the Transient Lodging Tax Policy Relating to Distribution of Discretionary Transient Lodging Tax Collections, and Authorizing the City Manager to Enter Into a Contract With Dallas Area Visitor's Center for Distribution of Such Discretionary Tax Collections; and Repealing Resolution 3258.

Roll Call Vote
 PG. 11

11. FIRST READING OF ORDINANCE

12. SECOND READING OF ORDINANCE

Ordinance No. 1759: An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

Roll Call Vote
 PG. 17

13. EXECUTIVE SESSION as authorized under ORS 192.660(2)(i) to evaluate to review and evaluate the employment-related performance of the chief executive officer of any public body and ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection.

14. OTHER BUSINESS

15. ADJOURNMENT

1 The Dallas City Council met in regular session on Monday, December 2, 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, 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 **RECOGNITION OF LARRY WEISS FOR HIS CONTRIBUTIONS TO THE**
13 **COMMUNITY**

14 Mr. Foggin stated the staff and City Council would like to recognize a citizen that went above and
15 beyond in this community and recognize Larry Weiss for the Christmas lights he put on his home
16 every year.

17 **INTRODUCTION OF NEW EMPLOYEE**

18 Mr. Foggin introduced the new Fire Chief Fred Hertel and announced he would start December 9,
19 2013. Mr. Hertel gave a brief overview of his fire career and stated he was excited to work in
20 Dallas and take the department in a new direction.

21 **COMMENTS FROM THE AUDIENCE**

22 There were none.

23 **PUBLIC HEARINGS**

24 There were none.

25 **CONSENT AGENDA**

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

28 Item approved by the Consent Agenda: the November 18, 2013, City Council meeting minutes.

29 **ITEMS REMOVED FROM THE CONSENT AGENDA**

30 There were none.

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

32 **GENERAL COMMENTS**

33 Council President Wilson advised the City Manager's evaluation was due on December 16, 2013.
34 She noted if there were any questions to please contact her or Councilor Fairchild.

35 Councilor Gabliks reported that the ribbon cutting for the 800/900 blocks of Main Street Project
36 was a great event and had a wonderful crowd.

37 **REPORT OF THE NOV. 25, 2013, ADMINISTRATIVE COMMITTEE MEETING**

38 Councilor Fairchild reported the Committee discussed the vacant building ordinance and a
39 building maintenance ordinance and it was decided to work on one issue at a time, allowing staff
40 to work on a first draft to return to the Committee. He noted the Committee also discussed and
41 unanimously agreed the smoking ordinance would be brought before Council. He commented the
42 Finance Director reported that the late fee had accumulated \$23,000, and the

1 Human Resources Manager reported that a new Fire Chief and a part-time EMT had been hired.

2 **REPORT OF THE NOV. 25, 2013, BUILDING & GROUNDS COMMITTEE MEETING**

3 Councilor Stewart reported the Committee discussed the Carnegie Building and the possibilities
4 with the building. It was decided the staff would do some more research and report back to the
5 Committee. He noted the Community Development Director reported the staff was working on
6 the Capital Improvement Plan.

7 **REPORTS FROM CITY MANAGER AND STAFF**

8 **UPCOMING DECEMBER MEETINGS**

9 Mr. Foggin stated the December 16 Council meeting had no agenda items and suggested
10 canceling the meeting and reconvening in January.

11 It was moved by Councilor Lawson *to cancel the December 16, 2013, Council Meeting*. It was
12 duly seconded and carried unanimously.

13 **VISITOR CENTER PRESENTATION**

14 Ms. Pope gave an overview of the PowerPoint presentation outlining the Visitor's Center.

15 Councilor Woods asked how the 30% of the Transient Lodging Tax was spent. Ms. Pope stated
16 this year was the first year the Chamber received the 30% for very specific items. She noted in
17 past the 30% had gone to many different projects that related back to tourism.

18 Councilor Stewart asked about any new partnerships and how many Facebook friends the
19 Chamber pages had. Ms. Pope reported the Visitor's Center page had 300 Facebook friends, the
20 Bounty Market page had over 600 Facebook friends, the Chamber page had 700 Facebook
21 friends, and the Summerfest page had over 700 Facebook friends. She advised that Travel Oregon
22 had named Polk County a rural tourism studio site in 2014 and the partnership with the Polk
23 County Commissioners had a lot to do with it.

24 Councilor Fairchild advised that state law required 70% of the Transient Tax must go to tourism
25 and the remaining 30% could be used on whatever the City deemed necessary.

26 Councilor Brown asked if the \$88,000 budget was the 70% of the Transient Tax. Ms. Pope noted
27 that was inclusive of 100% of the tax.

28 Councilor Brown asked how much the Transient Tax accumulated in 2013. Ms. Pope noted it was
29 about \$70,000. Councilor Brown stated the Chamber raised \$18,000 and asked if the Bounty
30 Market generated revenue. Ms. Pope advised that the Bounty Market generated revenue, but also
31 required expenditures due to the need for a facility and full time staff.

32 Councilor Brown asked if the Chamber had a set budget when they addressed the Council for the
33 30%. Ms. Pope noted that this year she did have a set budget for items and events. She noted that
34 when the contract was initially brought up she thought the City should hold on to the 30%, but
35 with that 30% of the tax \$3,000 was spent on the new snowflake lights for downtown.

36 Council President Wilson stated she served on the finance committee for the Chamber and in
37 2014 the Chamber budget would raise to \$115,000.

38 Ms. Pope stated her goal was to keep the hotels filled everyday all day to help finance the
39 Chamber and Visitor's Center.

40 **OTHER**

41 Mr. Foggin reported that a couple of months ago a citizen showed up to volunteer to raise money
42 for the Central Bark dog park and today the dog silhouettes and the donation sign were placed
43 there. He noted that EVCOR created the silhouettes and that volunteerism was alive and well in
44 Dallas.

45 Mr. Foggin announced that Chief Hahn would be retiring and the party was on December 18 at
46 6:00 p.m. He thanked Chief Hahn for his many years of service.

47 Councilor Fairchild asked if a larger sign could be placed showing where the dog park was.

48 **RESOLUTIONS**

49 **FIRST READING OF ORDINANCE**

50 **Ordinance No. 1759** – An ordinance amending provisions of the Dallas City Code Section 5.210,
51 relating to smoking.

1 Councilor Jones suggested rather than passing this ordinance through, the Council should present
2 it at the next school board workshop. She suggested sending out flyers at the schools about second
3 hand smoke and thanking the parents for going to the bus stops and being with their little ones.
4 She stated that bus stops moved and there were too many issues to just pass an ordinance.
5 Councilor Lawson concurred with Councilor Jones.

6 Councilor Fairchild suggested putting the ordinance through because the ordinance would follow
7 the stop and then work with the schools to get the information out. Mr. Shetterly advised that the
8 ordinance would move with the bus stop.

9 Mr. Foggin noted that the schools had already started the discussion on second hand smoke and
10 safety and ways to get the information to the kids. He noted this all started with a citizen calling
11 because of concern for their kids at bus stops. He stated that a plan having education on second
12 hand smoke for kids and parents would be distributed because bus stops do change, but the
13 activities happening at the stops should be child appropriate.

14 Councilor Jones noted that the smoking ordinance in the parks wasn't complied with and this
15 ordinance was not the answer. Councilor Lawson indicated that the expectation of the City Police
16 Officers to patrol every neighborhood would be over the top. She noted that parks had signs and
17 boundaries and asking the police to stop and ask people not to smoke would be too much.

18 Council President Wilson thanked Mr. Foggin for starting the conversation with the School
19 District and Councilor Jones for her creative thinking and bringing it to the Council.

20 Councilor Gabliks disagreed. She noted she would rather have the ordinance and then educate the
21 kids.

22 Councilor Brown stated the City needed the ordinance even if the City couldn't enforce it.

23 Councilor Stewart recommended passing the ordinance and then educate.

24 Councilor Jones noted that if the Council passed the ordinance and a complaint came in the police
25 response time wouldn't be within three minutes, so why pass an ordinance without enforcement
26 and no intention of it being enforced.

27 Councilor Fairchild stated the ordinance could be enforced and with the education it wouldn't be
28 unreasonable to have a Police Officer stop and enforce it.

29 Councilor Woods agreed the City needed the ordinance and educating the kids was good.

30 Councilor Marshall stated that one didn't take away from the other and he was in favor of the
31 ordinance.

32 Councilor Brown noted the ordinance added to the education with kids telling parents there was a
33 new ordinance and discussing it.

34 Councilor Jones stated the Council was missing an opportunity. She asked about sending the kids
35 home to tell their parents about it, or do we send a letter thanking them for walking their kids to
36 the bus stops and by the way please don't smoke until kids were on the bus. She noted the
37 Council had an opportunity to relate to the community and noted that she was frustrated.

38 Mayor Dalton declared Ordinance No. 1759 to have passed its first reading.

39 **SECOND READING OF ORDINANCE**

40 **OTHER BUSINESS**

41 There being no further business, the meeting adjourned at 7:59 p.m.

Read and approved this _____ day of _____ 2013.

Mayor

ATTEST:

City Manager

SPECIAL DALLAS CITY COUNCIL
Wednesday, December 11, 2013
Council Chambers

1 The Dallas City Council met in special session on Wednesday, December 11, 2013, at 4:00 p.m.
2 in the City Hall Conference Room with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President LaVonne Wilson, Councilor Jim Fairchild,
5 Councilor Kelly Gabliks by phone, Councilor Beth Jones, Councilor Kevin Marshall by phone,
6 and Councilor Ken Woods, Jr.

7 Also present were: City Manager Ron Foggin and Recording Secretary Jeremy Teal.

8 Mayor Dalton led the Pledge of Allegiance.

9 **APPROVE OLCC APPLICATION FOR NEW OWNERSHIP OF NORTH DALLAS BAR**
10 **& GRILL**

11 Mr. Foggin reported that a new owner needed his OLCC application approved before the sale
12 closed on December 23, 2013.

13 Councilor Woods declared a potential conflict of interest due to being the insurance provider for
14 the current owner of North Dallas Bar & Grill.

15 It was moved by Councilor Fairchild *to approve the OLCC Application for new ownership of*
16 *North Dallas Bar & Grill*. The motion was duly seconded and carried unanimously.

17 **APPROVE OLCC APPLICATION FOR PRESSED COFFEE & WINE BAR**

18 It was moved by Councilor Marshall *to approve the OLCC Application for Pressed Coffee &*
19 *Wine Bar*. The motion was duly seconded and carried unanimously.

20 **ADJOURNMENT**

21 There being no further business, the meeting adjourned at 4:05 p.m.

Read and approved this _____ day of _____ 2013.

Mayor

ATTEST:

City Manager

DALLAS CITY COUNCIL

REPORT

To: CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 b	Topic: Council Standing Committee Appointments
Prepared By: Emily Gagner for Mayor Brian Dalton	Meeting Date: January 6, 2014	Attachments: <input type="checkbox"/>

ACTION:

Mayor's appointment of standing committees for 2014.

- (a) Committee on public works.
4th Monday, even months, 4:00 p.m.
 - i. Ken Woods, Jr., Chairperson
 - ii. Jim Fairchild
 - iii. Kelly Gabliks
 - iv. Beth Jones

- (b) Committee on public safety.
4th Monday, even months, 4:00 p.m.
 - i. Kelly Gabliks, Chairperson
 - ii. Jim Fairchild
 - iii. Beth Jones
 - iv. Ken Woods, Jr.

- (c) Committee on public buildings and grounds.
4th Monday, odd months, 5:00 p.m.
 - i. Jackie Lawson, Chairperson
 - ii. Jim Brown
 - iii. Kevin Marshall
 - iv. Murray Stewart
 - v. LaVonne Wilson

- (d) Committee on public administration.
4th Monday, odd months, 5:00 p.m.
 - i. Jim Brown, Chairperson
 - ii. Jackie Lawson
 - iii. Kevin Marshall
 - iv. Murray Stewart
 - v. LaVonne Wilson

BACKGROUND:

DCC 2.050 Standing Committees.

(1) At the first regular meeting of the council in January of each year, or as soon thereafter as convenient, the Mayor shall appoint the following standing committees of the council:

- (a) Committee on public works.
- (b) Committee on public safety.
- (c) Committee on public buildings and grounds.
- (d) Committee on public administration.

(2) The membership of each committee shall be at the discretion of the mayor, except that each council member shall serve on not less than two committees. Each member of a committee shall hold office for one year and until a successor is appointed. If a vacancy occurs in a committee, the mayor, at the next succeeding regular meeting of the council, shall appoint a member of the council to fill the vacancy. A member so appointed shall hold office until the first regular meeting of the council in January of the year following the appointment and until a successor is duly appointed.

(3) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

(4) The proceedings of the committees shall be conducted as provided by Roberts Rules of Order.

(5) A majority of a quorum of a committee is sufficient to conduct committee business.

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9a	Topic: Online Bill Pay 6 month update
Prepared By: Cecilia Ward	Meeting Date: January 6, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

The city began accepting online payments for utilities in June 2013. At that time, a 6-month update was requested by the council.

We are happy to report that we have received many great comments from customers regarding the ability to pay online and we are continuing to market the service as some customers still do not know they can pay their bill online.

Per the attached tables, the following information is provided (information is from June-November):

1. Approximately 20% of customers are using online bill pay. Of those customers, 35% (334) have signed up for paperless billing.
2. Credit Card (electronic) payments have increased by 70% from June-November of 2012.
3. Costs associated with online bill pay have been about 27% more than originally anticipated due to unexpected volume.
4. Online bill pay has added an extra resource for payments made by those who are disconnected for non-payment. This allows for the customer to restore their water service the same day.
5. In October, we added online registration and payment option for FireMed.
6. At this time, we have not added Municipal Court payment to online bill pay.

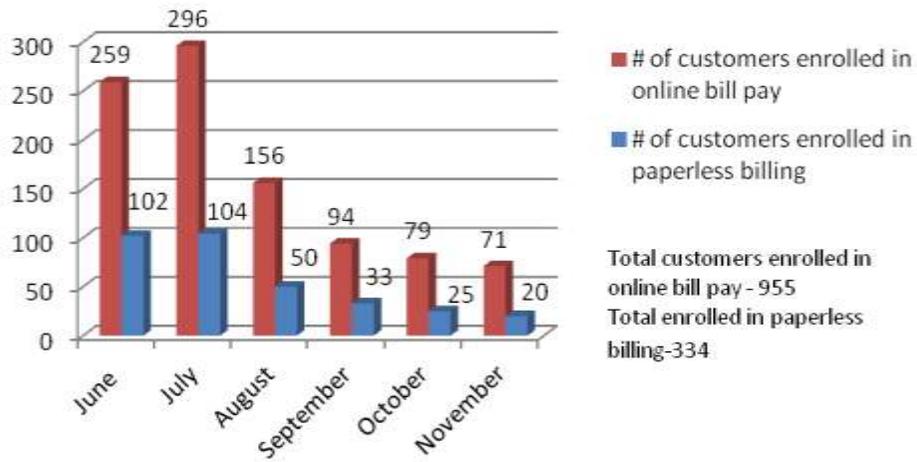
FISCAL IMPACT:

NA

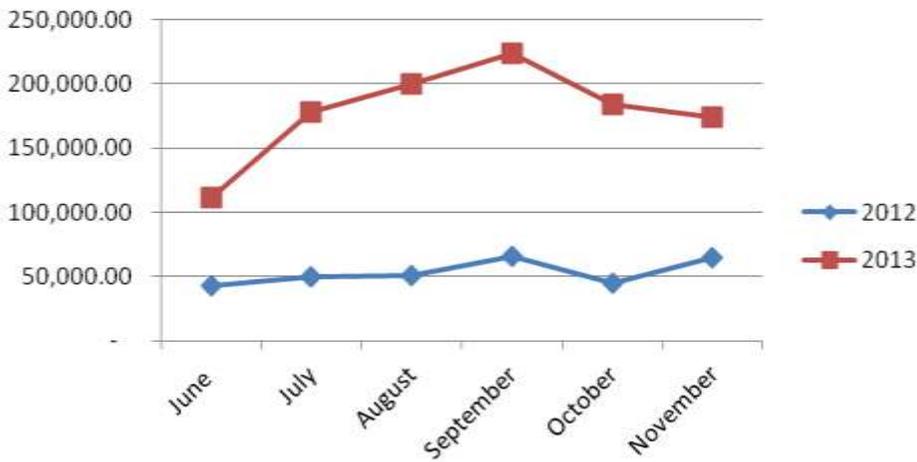
ATTACHMENTS:

Statistical tables

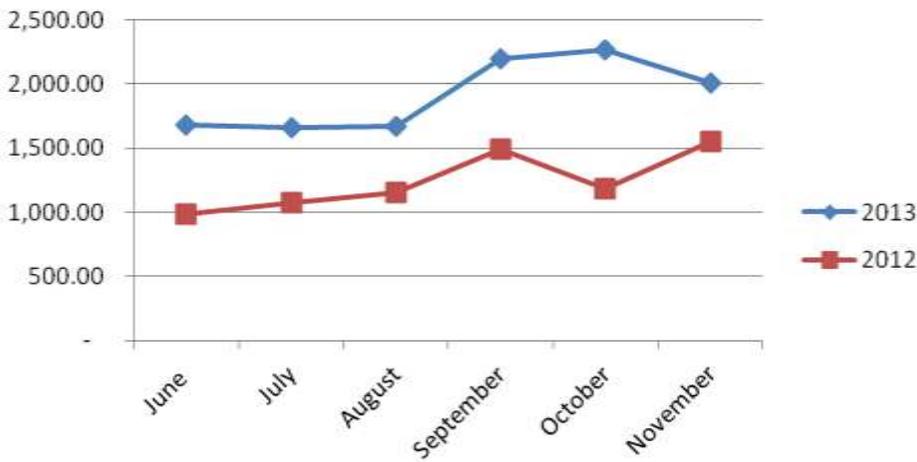
Online Bill Pay Customers



Credit Card Sales Comparison



Credit Card Processing Costs



RESOLUTION NO. 3284

A Resolution Amending the Transient Lodging Tax Policy Relating to Distribution of Discretionary Transient Lodging Tax Collections, and Authorizing the City Manager to Enter Into a Contract With Dallas Area Visitor's Center for Distribution of Such Discretionary Tax Collections; and Repealing Resolution 3258.

WHEREAS, Dallas City Code 7.872 establishes a Transient Lodging Tax; and

WHEREAS, Dallas City Code 7.908 directs that not less than seventy percent of the funds collected through the Transient Lodging Tax shall be dedicated to tourism promotion or tourism-related facilities and that not more thirty percent be dedicated to fund city services, and further provides that the Dallas City Council may, by resolution, establish criteria and procedures for the distribution of Transient Lodging Tax revenues; and

WHEREAS, the City Council, by Resolution 3258, adopted a Transient Lodging Tax Policy to govern the distribution of Transient Lodging Tax revenue and, by contract, identified Dallas Area Visitor's Center and Dallas Area Chamber of Commerce as the city's agents for receipt of the seventy percent of Transient Lodging Tax revenues dedicated to tourism promotion or tourism-related facilities; and

WHEREAS, the City Council desires to amend the Transient Lodging Tax Policy and enter into a new five-year contract with Dallas Area Visitor's Center whereby the discretionary thirty percent of Transient Lodging Tax revenues may be allocated to the Dallas Area Visitor's Center for community and promotional activities and programs, according to the policy attached to this Resolution and adopted hereby;

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

Section 1. The Transient Lodging Tax Policy is hereby amended in the form attached hereto as Exhibit A, and by reference incorporated herein, and, as amended, is hereby adopted as a policy of the City of Dallas.

Section 2. Resolution 3258 is hereby repealed.

Section 3. The City Manager is hereby authorized to enter into a contract with Dallas Area Visitor's Center for the distribution of Transient Lodging Tax revenues consistent with the amended Transient Lodging Tax Policy.

Section 4. This resolution shall be effective upon adoption and approval.

Adopted: January 6, 2014
Approved: January 6, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

RONALD W. FOGGIN,
CITY MANAGER

	City of Dallas Council Policies 2013-03
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TITLE TRANSIENT LODGING TAX POLICY

PURPOSE To establish a process for directing transient lodging tax funds expenditures for the City of Dallas.

REFERENCE

Dallas City Code (DCC) 7.870 establishes a transient lodging tax. Tax collections are placed in the Transient Lodging Tax Trust fund and, consistent with DCC, 70% of the tax receipts are transferred quarterly to the Dallas Area Visitor's Center (DAVC) for tourism promotion or tourism-related facilities. DCC also provides that not more than 30% of the tax receipts may be used to fund city services, and that the city council may, by resolution, establish criteria and procedures for the distribution of transient lodging tax revenue. The 30% tax receipts total approximately \$21,280 (Calendar Year 2014).

POLICY

Tourism Promotion Allocation (70%) and Agreement

Seventy percent (70%) of the Transient Lodging Tax collections shall fund tourism promotion or tourism related-facilities, as required by DCC 7.908. The DAVC is the City's designated tourism service agent and shall receive the 70% tax collection distribution on a quarterly basis consistent with the "Transient Tax Distribution Agreement (2012-14)" entered into by the City of Dallas and the DAVC on June 18, 2012.

Discretionary Allocation (30%)

The City has historically funded DAVC and DACC activities that are in addition to the 70% allocation for the DAVC.

By Resolution 3258, the city council authorized the City to enter into a contract with DAVC and DACC for distribution to DAVC and DACC of the 30% discretionary portion of the transient lodging tax revenues pursuant to a work plan agreed to by the city council for 2013. That contract was entered into and the work plan was satisfactorily carried out by DAVC and DACC.

The City Council has determined that it would be appropriate now to enter into a contract with DAVC for distribution to DAVC of the 30% discretionary portion of the transient lodging tax revenues for a five-year term, pursuant to which DAVC agrees to assume the responsibility for the operation and management of key community festivals and events, including, but not limited to Bounty Market,



Sounds of Summer, Freedomfest, Summerfest and Winterfest, on the condition that DAVC agrees to operate and maintain such festivals and events at a level consistent with their current size, schedule, scope and operations, without further cost to the City (unless otherwise agreed in advance), and exercise its best efforts to improve and expand such festivals and events, as funding and other resources permit.

Distributions of funds to DAVC from the 30% discretionary allocation will be made quarterly. All distributions shall be subject to the collection and availability of sufficient funds.

If, during the course of any year, there is a drop in transient tax collections, the DAVC funding will be subject to reduction so as to match available funding.

Requests from outside agencies for City tourism related contributions will be directed to the DAVC as the City’s designated tourism agent.

Consistent with the DCC, based upon the City’s financial condition, the City Council may suspend funding the DAVC 30% discretionary allocation.

REVIEW AND UPDATE

This policy will be reviewed by City Council every two years.

Date Approved:	Date Amended:
Mayor:	
Attest:	

CONTRACT FOR DISTRIBUTION OF DISCRETIONARY TRANSIENT
LODGING TAX REVENUE

This agreement is made and entered into by and between the City of Dallas, Oregon, an Oregon municipal corporation (City), and the Dallas Area Visitor's Center, an Oregon nonprofit corporation (Center).

RECITALS

A. On January 6, 2014, the Dallas City Council passed Resolution 3284, which adopted City's Amended Transient Lodging Tax Policy, regarding the distribution of the discretionary thirty percent (30%) portion of City transient lodging tax revenues collected (Discretionary Fund) pursuant to City code section 7.908. A copy of Resolution 3284 with said Policy attached thereto is attached to this contract as Exhibit A, and by reference incorporated herein.

B. Said Policy authorizes City to enter into a five-year contract for distribution of all of the Discretionary Fund Revenues to Center upon the condition that Center assume responsibility for the organization and management of certain festivals and community events within the city.

Now, therefore, in consideration of the foregoing and the mutual covenants and obligations, it is hereby agreed as follows:

1. City will distribute to Center all distributable funds from the Discretionary Fund on a quarterly basis, subject to the availability thereof.
2. Center agrees to be responsible for the organization and management of the following festivals and community events during the term of this contract:

Bounty Market
Sounds of Summer
Freedomfest (4th of July)
Summerfest
Winterfest

Center will, at a minimum, operate and maintain such festivals and events, at no further cost to City (unless otherwise agreed in advance) at a level consistent with their current size, schedule, scope and operations, and will exercise its best efforts to improve and expand such festivals and events, as funding and other resources permit. Center may contract with or delegate to the Dallas Area Chamber of Commerce and other appropriate third parties to assist Center in

fulfilling its obligations under this agreement, but such delegation or contract will not relieve Center from its primary obligations to City under this agreement.

3. Center agrees to pay City's membership dues to the Dallas Area Chamber of Commerce during the term of this agreement.

4. Center agrees to pay City's sponsorship of the Dallas Area Chamber of Commerce annual Community Awards Ceremony, in the name of City, at the highest sponsorship level established by the Chamber of Commerce.

5. Center shall report to City Council each year on its use of transient lodging tax revenue and its performance of its obligations under this agreement

6. In the event of a material failure by Center to perform its obligations under this agreement, or of the Transient Lodging Tax Policy, City reserves the right, in its discretion, to terminate or reduce the distribution of Discretionary Fund revenue to Center.

7. The term of this agreement shall commence as of January 1, 2014, and end December 31, 2018.

8. This agreement is subject to all of the terms and conditions of City's Transient Lodging Tax Policy.

Dated _____, 2014.

CITY OF DALLAS, OREGON

APPROVED AS TO FORM:

By: _____
City Manager

City Attorney

DALLAS AREA VISTOR'S CENTER

By: _____
Title: _____

By: _____
Title: _____

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 12	Topic: Ord 1759 – No smoking
Prepared By: Emily Gagner	Meeting Date: January 6, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1759

BACKGROUND:

It was recently brought to our attention that while our No Smoking code prohibits smoking in any bus shelter *structure*, it did nothing to address school bus stops. These are often just a place on the sidewalk where children gather to wait for the bus. There are concerns about the number of parents waiting at these school bus stops with their children that are smoking around the kids.

The Administrative Committee reviewed proposed changes to the No Smoking code and recommended the Council adopt an ordinance to make those changes. That ordinance is attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance No. 1759

ORDINANCE NO. 1759

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.
- (2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.
- (3) On or within 25 feet of the external boundaries of the following:
 - (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.
 - (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.
 - (c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.
 - (d) Any bus shelter structure.
- (4) Within 25 feet of any public or private school bus stop while children are present at the bus stop.
- (5) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail, except that the City Manager shall designate one smoking area within the Dallas City Park where smoking will be permitted.

(6) The restrictions of subsections (1), (2) (3) and (4) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(7) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(8) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section. The area designated for smoking within the Dallas City Park pursuant to subsection (5) shall be identified by signs and markings as a smoking area.

(9) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section 5.428.

Read for the first time: December 2, 2013
Read for the second time: January 6, 2014
Adopted by the City Council: January 6, 2014
Approved by the Mayor: January 6, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM;

RON FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY