

Memorandum

RECEIVED

2014 MAY 22 PM 4: 00

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

DATE May 23, 2014

TO Honorable Members of the Quality of Life & Environment Committee:
Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT Quality of Life & Environment Committee Meeting Agenda

Tuesday, May 27, 2014, 9:00 a.m.

Dallas City Hall - 6ES, 1500 Marilla St., Dallas, TX 75201

The agenda for the meeting is as follows:

1. Call to Order
Dwaine R. Caraway
Chair
2. Approval of May 12, 2014 Minutes
Dwaine R. Caraway
Chair
3. Dallas Water Utilities: Community Water
Fluoridation in Dallas
Jo Puckett
Director, Dallas Water
Utilities
4. Briefing Memo: Toilet Replacement Program –
May 28, 2014 Council Agenda
Jo Puckett
Director, Dallas Water
Utilities
5. Update on Stormwater Pollution Prevention Efforts
and Draft Ordinance Consideration
Joey Zapata
Assistant City Manager
6. Briefing Memo: Stop Illegal Dumping Public
Awareness Campaign Grant –
May 28, 2014 Council Addendum
Jimmy Martin
Director, Code Compliance
7. Adjourn
Dwaine R. Caraway

Chair

Please let me know if you have any questions.

Sandy Greyson / N.K.
Dwayne R. Caraway
Chair

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Daniel F. Solis, Administrative Judge
Rosa A. Rios, City Secretary
Craig D. Kinton, City Auditor
Ryan S. Evans, Interim First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Asst. to the City Manager – Mayor and Council

NOTICE: A quorum of the Dallas City Council may attend this Council committee meeting.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.

Quality of Life & Environment Committee Meeting Record

DRAFT

Meeting Date: May 12, 2014

Convended: 9:10 a.m.

Adjourned: 10:36 a.m.

Members Present:

Dwaine R. Caraway, Chair
Sandy Greyson, Vice Chair
Rick Callahan
Lee M. Kleinman
Adam Medrano
Carolyn R. Davis

Members Absent:

Briefing Presenters

Keith Manoy
Assistant Director, Public Works

Joey Zapata
Assistant City Manager

Staff Present:

Joey Zapata, Jimmy Martin, Liz Hernandez, Jared White, Chris Bowers, Dennis Ware, John Rogers, Keith Manoy, Susan Alvarez, Priscylla Bento, Eric Izuora

Special Guests:

Joseph Pitchford, Board Member, Uptown Dallas Inc.; Angela Hunt, Steering Committee Member, Uptown Dallas Inc.

AGENDA:

1. **Approval of April 28, 2014 Minutes**

Presenter(s):

A motion was made to approve the minutes of April 28, 2014

Action Taken/Committee Recommendation(s):

Motion made by: Lee M. Kleinman

Motion seconded by: Rick Callahan

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

2. **Uptown Ciclovía Event for May 26, 2014**

Presenter(s):

Joseph Pitchford & Angela Hunt

Joseph Pitchford and Angela Hunt of Uptown Dallas Inc. briefed the committee on the Uptown Ciclovía event scheduled for Monday, May 26th.

CM Davis requested an art bike be placed at Park South Family YMCA.

Action Taken/Committee Recommendation(s):

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

3. Update on Bicycle Helmet Ordinances

Presenter(s):

Keith Manoy

The purpose of this briefing was to review the history of the current bicycle helmet ordinance and to also present ordinance options to the committee for consideration.

A public hearing was held following the briefing.

Robin Stallings, Alex Dulaney, Shelli Stephens-Stidham, Shannon Page, and Bud Melton spoke during the public hearing.

Action Taken/Committee Recommendation(s):

Recommended a full council briefing with two options for bicycle helmet ordinances for consideration: 1. Remove the helmet requirement; 2. Amend ordinance to require bicycle helmets for minors only.

The committee also requested that the briefing to full council provide amendment options for the prohibition on bicycles in public buildings.

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

4. Update on Storm Water Pollution Prevention Efforts

Presenter(s):

Joey Zapata

The purpose of this briefing was to update the committee on completed and planned public information campaign actions aimed at promoting proper landscape waste management.

The Chair requested to know how the \$200,000 for the summer campaign will be spent.

Staff will provide draft ordinance options for the committee's consideration during the next committee meeting. The Chair requested for representatives from lawn maintenance companies be invited to attend the next committee meeting.

Action Taken/Committee

Recommendation(s):

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

5. Authorize a three-year service contract for sports officiating services for Park and Recreation – May 14, 2014

Presenter(s):

A briefing memo was provided for this item, which is scheduled for the May 14, 2014 council agenda.

Action Taken/Committee

Recommendation(s):

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Councilmember Dwaine R. Caraway

Chair

Memorandum



CITY OF DALLAS

DATE May 23, 2014

TO Honorable Members of the Quality of Life & Environment Committee:
Dwayne R. Caraway (Chair), Sandy Greyson (Vice-Chair), Rick Callahan,
Carolyn R. Davis, Lee M. Kleinman, Adam Medrano

SUBJECT **Dallas Water Utilities: Community Water Fluoridation in Dallas**

On Tuesday, May 27, 2014, the Committee will be briefed on the history, purpose, sources and costs/benefits of Community Water Fluoridation in Dallas. The briefing material is attached for your review.

Please let me know if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Forest E. Turner'.

Forest E. Turner
Assistant City Manager

Cc: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Judge Daniel F. Solis, Administrative Judge
Rosa A. Rios, City Secretary
Craig D. Kinton, City Auditor
Ryan S. Evans, Interim First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

COMMUNITY WATER FLUORIDATION IN DALLAS

Presented to:
Quality of Life & Environment
Committee
May 27 2014



Purpose

- Provide information on the history, purpose, sources and costs/benefits of adding fluoride to Dallas' drinking water.



Outline

- Background
 - History of Fluoridation in Dallas
- Fluoride Sources, Uses and Public Benefits
- Recent Re-evaluations of Fluoride Addition
- Costs
- Appendix
 - Council Action August 9, 1965 Authorizing Fluoridation
 - January 3, 1966 Ordinance Ordering a Special Election on Fluoridation
 - DMN Article on Election Results
 - Council resolution Accepting Results of Fluoride Vote

BACKGROUND



History of Fluoridation in Dallas

- August 9, 1965 - Resolution authorizing the City Manager to proceed with fluoridation of the city's water supply
- January 3, 1966 - Dallas City Council passed Ordinance #11317, which authorized the City to hold a special election making it *"unlawful...to place..fluoride...in any water sold"*
- January 29, 1966 - City of Dallas held a special election where citizens voted *against* the proposal (27,089 to 10,940)
- August 12, 1966 – Dallas Water Utilities began adding fluoride at all three water treatment plants consistent with the initial resolution.

FLUORIDE SOURCES, USES AND PUBLIC BENEFITS



What is Fluoride?

- Fluoride is a naturally occurring mineral that has been proven to protect against tooth decay throughout a person's lifetime.



How Do We Get Fluoride?

- Primary Sources:
 - Naturally present in raw, untreated water
 - Added to drinking water
 - Toothpaste
 - Dental products, such as mouthwash
 - Dental treatment applications
 - Naturally occurs in some foods



What are the Benefits?

- Reduces number and severity of cavities.
 - Especially beneficial in low income communities with less access to alternate sources and dental care services (CDC.gov 1999).
- Less need for fillings and tooth extractions.
- Reduces pain and suffering associated with tooth decay.
- Can help maintain bone structure.



How Does Fluoride Help Prevent Tooth Decay?

- Bacteria that are present on teeth consume sugars and other carbohydrates and produce acids that remove minerals from the surface of teeth.
- Fluoride helps to re-mineralize tooth surfaces by binding with tooth enamel and producing a much harder mineral.
- The harder mineral is more resistant to tooth decay and can prevent or lessen cavities.



How Does Fluoride Get Into The Water Supply?

- Fluoride is present in geological formations and dissolves into our raw water supplies during rainfall runoff (approximately 0.3 to 0.5 ppm).
- Since 1966, Dallas has added fluoride in the treatment process to meet recommended levels.
- This is known as Community Water Fluoridation.
- Has been implemented in approximately 75% of U.S. public water systems.
 - 210 million people in U.S.
 - 20 million people in Texas.



How is Fluoride Added?

- Fluoride is added in the treatment process as hydrofluorosilicic acid (HFS).
- HFS dissociates in water to release fluoride ion.
- Like all of our treatment chemicals, the HFS is accurately metered and pumped based on the water flow rate through the plants.
- HFS is certified for use in drinking water by:
 - NSF – National Sanitation Foundation
 - AWWA – American Water Works Association
 - ANSI – American National Standards Institute

RECENT RE-EVALUATION OF FLUORIDE ADDITION



USHHS Study on Fluoride

- In 2010, US Health and Human Services (USHHS) and EPA re-evaluated the recommended levels of fluoride in tap water.
 - The availability of mouthwashes, dental products and prescriptions provided additional sources of fluoride that were not available in the 1960s.



How Did USHHS Evaluate It?

- Panel of Scientists convened in Sept 2010 and reviewed:
 - Current trends in dental care
 - Water intake in children
 - Rates of dental fluorosis
 - EPA's latest assessment of cumulative sources of fluoride exposure



USHHS Recommendations

- USHHS Panel recommended lowering the “optimal level” of fluoride in drinking water from the previous level of 0.8 ppm to 0.7 ppm fluoride.
- Meeting this recommended level is “voluntary”.
- The USHHS recommendation is NOT a regulated level; however EPA currently sets a regulated maximum level (MCL) of 4.0 ppm because of the risk of over-exposure.
- The current MCL could change in the future as a result of the USHHS Study.



USHHS Recommendations

- "One of water fluoridation's biggest advantages is that it benefits all residents of a community -- at home, work, school or play."
- "Fluoridation's effectiveness in preventing tooth decay is not limited to children, but extends throughout life, resulting in improved oral health."
 - Dr. Howard Koh, Assistant Secretary for Health, USHHS.
- Centers for Disease Control (CDC) has recognized water fluoridation as one of 10 great public health achievements of the 20th century.
- The American Dental Association "unreservedly endorses the fluoridation of community water supplies as safe, effective and necessary in preventing tooth decay. This support has been the Association's position since policy was first adopted in 1950."
- "I join with previous Surgeons General in acknowledging community water fluoridation as an effective public health strategy, and recommend its continued use and expansion to enhance the oral health of all Americans." Regina M. Benjamin, MD, MBA, VADM, U.S. Public Health Service, Surgeon General



Recent Correspondence With the Texas Department of State Health Services (DSHS)

- Adopted the 0.7 ppm fluoride recommendation, replacing 0.8 as the optimum value, with an acceptable operating range of 0.6 to 1.2 ppm.
- Any change in the future MCL would come from EPA to TCEQ and then to all public Water systems, not from DSHS.

COSTS



Costs of Feeding Fluoride

- Dallas' current contract for hydrofluorosilicic acid is \$636.86 per ton or \$0.318 per pound. For an average feed rate of 15 to 20 lbs/MG, the cost ranges from \$4.74 to \$6.33 per million gallons treated.
- Annually, DWU spends approximately \$600,000 to fluoridate water at all three water purification plants.
- Equates to approximately 25 cents per person per year.

Questions?



65-4383

OFFICIAL ACTION OF THE CITY COUNCIL

CITY OF DALLAS, TEXAS



Meeting of August 9, 1965

Councilman Golman: "I move that the City Manager be instructed to purchase the equipment for, and to proceed with, the adding or adjusting of fluorides to the Dallas Municipal Water Supply in amounts not to exceed one part per million, and that he take such other steps as are necessary to complete the orderly fluoridation of the City's Water Supply."

Motion seconded by Councilman Roberts.

Councilman Moody: "I move a substitute motion. In as much as we are attempting to treat the people and not the water, I feel that I have heard all the facts as given out by both the proponents and the opponents, and I have read material from both sides. I am not sure whether the people want it or not. It is not the question of whether it is good for them. We can't impose upon them everything we think is good for them. My substitute motion is that we submit this question to the people in a referendum at the earliest convenient time."

Mayor Jonsson declared the substitute motion died for the lack of a second.

ROLL CALL ON MOTION

Aye - Cullum, Golman, Hamilton, Hoke, Jonsson, Roberts.	-6
Nay - Cothrum, Moody, Carpenter	-3
Absent -	-0

Mayor declared motion passed.

Harold G. Shank
City Secretary

HGS:dg

cc: City Attorney
Water Department
City Manager

ORDINANCE NO. 11317

An Ordinance of the City Council of the City of Dallas, ordering a special election to be held in said City on the last Saturday in January A. D. 1966, the same being the 29th day of January, 1966, for the purpose of submitting to the resident qualified voters of the City the Ordinance hereinafter fully set out, making it unlawful for the City of Dallas or any of its employees or agents to place any fluoride or fluorine, or any chemical compound containing the same, in water distributed or furnished for domestic use by the Dallas City Waterworks within the City of Dallas; Said election is ordered in conformity with a petition calling for a referendum on the question as provided for in the Charter of the City of Dallas and Statutes of the State of Texas; Designating the Precincts and Places at which said election shall be held; Appointing Officers for said election; Prescribing the form of ballot to be used at said election; Providing for the giving of the required notice of said Election; and Declaring an Emergency.

--- o0o ---

WHEREAS, heretofore on August 9, 1965, the City Council of the City of Dallas authorized the fluoridating of the water supply distributed or furnished for domestic use by the Dallas City Waterworks within the City of Dallas, Texas; and

WHEREAS, subsequent to that time, a petition signed by less than fifteen per cent (15%) but more than five per cent (5%) of the qualified voters of the City of Dallas was filed with the City Secretary requesting a referendum, and after examination of said petition, it was ascertained by the City Secretary of the City of Dallas that said petition bears sufficient signatures of legally qualified voters to require the submission of said proposition that the Ordinance set out in said petition and set out in full below, be submitted to the qualified voters of the City of Dallas; and

WHEREAS, The City Council finds it to the best interest of the citizens of the City of Dallas to call a Special Election, submitting said proposition to the qualified voters in lieu of submitting it at the next General Election, and is of the opinion that said Special Election should be called on the last Saturday in January, A. D. 1966, same being the 29th day of January, A. D. 1966; Now, Therefore,

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

SECTION 1. That a Special Election be held on the last Saturday in January A. D. 1966, same being the 29th day of January A. D. 1966, between the hours of 7:00 o'clock A. M. and 7:00 o'clock P. M. which day is not less than twenty (20) nor more than thirty (30) days from the date of this ordinance, at which Election the following Ordinance shall be submitted to the qualified elector of the City of Dallas, to-wit:

"Proposed Ordinance

An Ordinance to be captioned 'The Dallas Pure Water Ordinance' making it unlawful for the Waterworks Department and any official, employee or agent thereof, or any agent or employee of the City of Dallas to place or cause to be placed fluoride or fluorine, or any chemical compound containing same, or other specified chemicals, gas, or substances; in any water sold, distributed or furnished for domestic use by the waterworks department within the City of Dallas; Providing for the filing of monthly reports by the Superintendent of the Waterworks Department; Providing a penalty and fine for violations; Providing for severability; Providing for repeal of ordinances in conflict and Providing for notices and providing effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS; that:

(A) The Caption of this ordinance shall be 'The Dallas Pure Water Ordinance' and it shall be so captioned on the official ballot and all publications thereof.

(B) It shall be unlawful for the Waterworks Department of the City of Dallas, any official, employee or agent thereof, and all other agents, servants and employees of the City of Dallas to place or caused to be placed any fluoride, fluorine or any chemical compound or complex containing or including fluoride or fluorine in any water sold, treated,

distributed or furnished by such Waterworks Department for domestic use within the City of Dallas.

(C) It shall be unlawful for the Waterworks Department of the City of Dallas, any official, employee or agent thereof, and all other agents, servants and employees of the City of Dallas to place or caused to be placed any chemical or chemical compound, gas or other substance whatever in any water sold, distributed or furnished for domestic use by such Waterworks Department within the City of Dallas, save and except only those chemicals, chemical compounds, gas or other substances which are necessary or desirable to reduce or eliminate the bacteriological content of such water and render such water safe and potable for human consumption, and to remove and eliminate sand, trash, or other foreign matter, and to eliminate unpleasant taste or odors.

(D) The Superintendent of the Waterworks Department of the City of Dallas shall file, or cause to be filed monthly with the City Council of the City of Dallas, a written report under oath showing what chemicals, gas or other substances have been added to, or used in, the treatment of water treated, sold, distributed or furnished for domestic use within the City of Dallas for a preceding period of one month, with a statement as to the quantities of each which were used and the part or proportion which such quantities constitute in relation to the amount of water treated.

(E) The violation by any person of the provisions of Sections (B) or (C) above shall constitute a misdemeanor and be punishable by a fine not exceeding \$50.00, and each day such offense is committed shall constitute a separate offense.

(F) All ordinances and parts of ordinances, orders and Resolutions in conflict with the provisions hereof are repealed and set aside. The invalidity of any part of any one or more provisions of this ordinance shall in no wise impair the remaining valid parts and provisions.

(G) Immediately after adoption of this Ordinance all notices required by the Charter of the City of Dallas shall be given, and this Ordinance shall become effective as in said Charter provided."

SECTION 2. That the boundaries of the Election Precincts in which the Election shall be held are defined by Ordinance No. 9454 passed and adopted by the City Council of the City of Dallas on the 15th day of October A. D. 1962, and to such Ordinance reference is here made for more complete particulars. Location of the Voting Boxes in the respective Voting Precincts, as well as the names of the Presiding Officers to conduct said Special Election are as follows, to-wit:

Dallas Voters Back Fluoride By 2½-1 Edge

38,029 Brave Bitter Cold, Cast Ballots

By GENE ORMSBY

A surprising 38,029 persons braved bitter cold and voted 2½ to 1 in favor of fluoridation Saturday.

The vote was 27,089 against to 10,940 for an ordinance that would have outlawed adding fluoride to the city's water supply.

The turnout exceeded predictions that some 35,000 residents would vote if the weather was good. That still would have been one of the largest turnouts for a single-issue referendum in Dallas' history.

Pro-fluoridation spokesmen lauded the outcome as a strong public endorsement of the City Council's original decision to fluoridate the city's water supply.

They noted that Dallas is the first city of more than 500,000 to win a fluoridation referendum the first time.

DALLAS MAYOR ERIK JONSSON said he had two reactions:

"First, this is a clear-cut enough decision that hopefully we can proceed with this and get it into being in the shortest possible time, probably sometime between three to five months."

He said getting the city water fluoridated was "mostly a matter of ordering

Fluoridated water expected
by May, Page 11A.

materials and equipment and getting it in here."

Secondly, he added, "It is simply marvelous so many people got out to the polls under such adverse conditions. I didn't even hope for so many. The people of Dallas have demonstrated that when something so important is at stake, they will get out and do what they should and must. It would be difficult to duplicate this showing in any city."

"THIS CONFIRMS the fact the council basically made the decision (for fluoridation) which the public wanted them to do and expected them to do. I'm just tired and happy."

Local medical and dental societies, joined by city officials, labor unions, business and civic leaders, supported the Dal-

las Citizens Committee for Fluoridation.

DeWayne Dallas, spokesman for the anti-fluoridation group, the Greater Dallas Association for Pure Water, said he did not plan to challenge the election's outcome.

"I think the people had the right to vote, and they voted," he said. He said he planned no new petitions.

He indicated surprise at the size of the margin of defeat.

Voting got off to a particularly slow start Saturday morning, when temperatures were just starting to climb up from a low of 11 degrees.

But by midafternoon when the thermometer reached 20 degrees the turnout picked up noticeably.

The Dallas water department was given the go-ahead on fluoridation last August, but the City Council was forced to set a referendum after a successful petition campaign opposing fluoridation.

Voters balloted for the proposed ordinance if they were against fluoridation, or against the ordinance if they favored fluoridation.

The ordinance was written so that it might also prevent the city from placing any chemical in the water to soften it or prevent pipes and heaters from corroding.

January 31, 1966

TO THE HONORABLE MAYOR AND CITY COUNCIL:

WE, the undersigned, your Committee of the City Council, heretofore appointed on January 24, 1966, to canvass the returns of the Special Election held in the City of Dallas on the 29th day of January A.D. 1966, in accordance with Ordinance No. 11317 enacted by the City Council on the 3rd day of January, A.D. 1966, calling said Special Election for the purpose of determining whether or not the Ordinance making in unlawful for the City of Dallas or any of its employees or agents to place any fluoride or fluorine, or any chemical compound containing the same, in water distributed or furnished for domestic use by the Dallas City Waterworks within the City of Dallas be enacted by the City Council of the City of Dallas, hereby report that in accordance with said Ordinance enacted on January 3, 1966, the following proposition was submitted to the qualified voters of the City of Dallas, to-wit:

PROPOSITION

"FOR: THE ORDINANCE MAKING IT UNLAWFUL FOR THE CITY OF DALLAS OR ANY OF ITS EMPLOYEES OR AGENTS TO PLACE ANY FLUORIDE OR FLUORINE, OR ANY CHEMICAL COMPOUND CONTAINING THE SAME, IN WATER DISTRIBUTED OR FURNISHED FOR DOMESTIC USE BY THE DALLAS CITY WATERWORKS WITHIN THE CITY OF DALLAS.

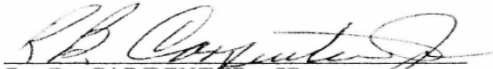
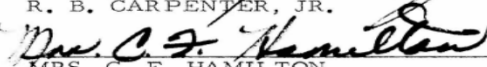
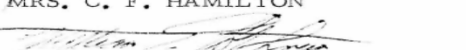
AGAINST: THE ORDINANCE MAKING IT UNLAWFUL FOR THE CITY OF DALLAS OR ANY OF ITS EMPLOYEES OR AGENTS TO PLACE ANY FLUORIDE OR FLUORINE, OR ANY CHEMICAL COMPOUND CONTAINING THE SAME, IN WATER DISTRIBUTED OR FURNISHED FOR DOMESTIC USE BY THE DALLAS CITY WATERWORKS WITHIN THE CITY OF DALLAS.

We beg to state that we have carefully canvassed the returns of said Special Election and find that the following number of votes were cast respectively "for" and "against" said proposition:

"FOR:"	<u>10,940</u>
"AGAINST"	<u>27,089</u>

That the votes by Precincts "FOR" and "AGAINST" said Proposition are tabulated as follows:

From the foregoing tabulation it appears that said Proposition did not receive the favorable vote of the majority of the votes cast by the qualified voters of the City of Dallas participating in said Special Election, and therefore failed to carry.

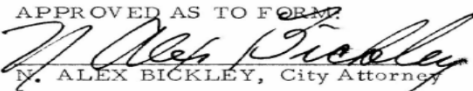

R. B. CARPENTER, JR.

MRS. C. F. HAMILTON

WILLIAM E. COTHRUM

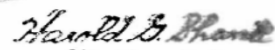
WHEREAS, the Canvassing Committee of the City Council has filed its Report canvassing the Special Election held under authority of Ordinance No. 11317, and the City Council in Regular Session has duly examined said Report of the Canvassing Committee and finds that it is in all things correct and that said Special Election was regularly held as provided by law; Now, Therefore,

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

SECTION 1. That the proposition set forth in Ordinance No. 11317, passed by the City Council on the 3rd day of January A. D. 1966, was duly submitted to the qualified voters of the City of Dallas on the 29th day of January A. D. 1966 at a Special Election called by said Ordinance No. 11317 for the purpose of determining whether or not an ordinance should be enacted by the City Council of the City of Dallas making it unlawful for the City of Dallas or any of its employees or agents to place any fluoride or fluorine, or any chemical compound containing the same, in water distributed or furnished for domestic use by the Dallas City Waterworks within the City of Dallas, and that said proposition failed to receive a majority of the votes cast at said Election, and that said proposition is, therefore, declared void.

SECTION 2. That this resolution shall take effect from and after its passage as in the Charter in such cases is made and provided.

APPROVED AS TO FORM

N. ALEX BICKLEY, City Attorney

P.C.
Hoke Roberts

Harold B. Shant
City Secretary

APPROVED BY
CITY COUNCIL

JAN 31 1966

Memorandum



DATE May 23, 2014

TO Honorable Members of the Quality of Life & Environment Committee: Dwaine R. Caraway (Chair), Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT Toilet Replacement Program – May 28, 2014 Council Agenda

The initial Water Conservation Five-Year Strategic Plan adopted by Council in April 2005 called for the development and implementation of a program to replace existing toilets using 3.5 gallons per flush (gpf) or more with toilets that use less water. It was recommended that the program include single-family, multi-family and Industrial, Commercial and Institutional (ICI) customers. The Plan Update adopted in June 2010, called for the continuation or enhancement of all water conservation strategies adopted in the 2005 Plan. The 2010 Water Conservation Five-year Strategic Plan Update includes the targeted goal of an average 1.5% per year reduction in per capita consumption over the five-year planning period. The toilet replacement program has played a key role in reaching this goal.

The program has been in place since July 2007 and through this program over 72,600 water-wasting toilets have been replaced with a projected water savings of over 326 million gallons per year. The program currently serves single-and multi-family customers.

The upcoming agenda item scheduled in the May 28th consent agenda is for a new service contract with the vendor that is providing for the distribution of toilets through this program at locations within the four quadrants of the city. Customers will still be able to conveniently apply online at www.savedallaswater.com or by phone with Water Conservation Division staff.

Finally, as we begin to prepare the strategic plan for the next five-year planning period beginning in 2015, one of the questions we will be addressing is the anticipated life span of the residential toilet replacement program. In that analysis we will be weighing such factors as the number of Dallas homes built prior to 1994, number of toilets distributed to date, percentage of homes with low-flow toilets that participate in our other programs, such as the Minor Plumbing Repair Program and other factors we are currently identifying that will help us make an informed estimate.

Please let me know if you have any questions or need additional information.



Forest E. Turner
Assistant City Manager

c: A.C Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager

Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Jody Puckett, P.E., Director, Dallas Water Utilities
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Memorandum



CITY OF DALLAS

DATE May 23, 2014

TO Honorable Members of the Quality of Life & Environment Committee: Dwaine R. Caraway (Chair)
Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT Update on Stormwater Pollution Prevention Efforts and Draft Ordinance Consideration

On Tuesday, May 27th, the Quality of Life & Environment Committee will be briefed on the above subject.

Please contact me if you have any questions or need additional information.

A handwritten signature in blue ink that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

UPDATE ON STORMWATER POLLUTION PREVENTION EFFORTS AND DRAFT ORDINANCE CONSIDERATION

PRESENTED TO THE QUALITY OF LIFE &
ENVIRONMENT COMMITTEE
MAY 27, 2014



BACKGROUND AND PURPOSE

- **On April 28, 2014, Quality of Life & Environment Committee requested that staff implement a public information campaign to promote proper landscape waste management and develop draft ordinances to strengthen regulations for leaf/grass blowers and lawn mowers**
 - On May 12, 2014, staff provided the committee an update on completed and planned public information actions
- **This briefing will provide the committee an overview of the draft ordinance options developed from the committee's recommendations**

COMMITTEE INPUT FOR DRAFT ORDINANCE

Committee requested that staff evaluate the following options for a draft ordinance:

- Require City contracted companies to cover nearby storm drain inlets while working
- Require business registration for landscape maintenance companies
- Time of day noise restrictions on landscape maintenance activities on weekends
- Require catch bags on lawn mowers

STORM DRAIN COVER REQUIREMENT

Current Regulations and Practice:

- The City requires construction projects greater than 1 acre or larger to provide inlet protection to capture or prevent pollution from stormwater runoff during the duration of the construction
- Trinity Watershed Management will proactively place inlet protection socks for large special events and parades with high levels of anticipated pedestrian activity and associated litter
- While the Dallas City Code currently prohibits blowing lawn clippings into the street and discharging lawn clippings into the storm water drainage system, there is no requirement in the city code that storm inlets be covered while a lawn maintenance company is doing lawn work

STORM DRAIN COVER REQUIREMENT

Pro

- Would help to abate amount of lawn waste carried into storm drains

Con

- The proximity of storm drain inlets varies greatly and a specific distance would need to be established for a requirement to cover the inlet
- Would result in an additional cost to company, may lead to increased cost to City

Option 1

- Require lawn maintenance companies to cover nearby storm inlets while working

Option 2

- No change to city code and continue public information, outreach and enforcement efforts

BUSINESS REGISTRATION REQUIREMENT

Current Regulations and Practice:

- Chapter 52 of the Dallas City Code requires landscape contractors to register with the city in order to obtain a permit from building inspection
 - The typical lawn maintenance company that mows lawns and trims trees does not fall within definition of landscape contractor and is not required to register with the city
 - A separate registration program can be established to capture lawn maintenance companies
- The City regulates similar businesses
 - Motor vehicle repair
 - Electronic repair
 - Wood vendors
 - Home repair vendors
 - Scrap tire vendors

BUSINESS REGISTRATION REQUIREMENT

Pro

- **Enhances city's ability to identify and communicate directly with landscape companies in Dallas**

Con

- **Even enforcement and administration would require increased resources**
- **Difficulty in registering companies not based in Dallas**
- **Increased cost to companies**

Option 1

- **Establish a registration program for lawn maintenance companies**

Option 2

- **No change to city code and continue public information, outreach and enforcement efforts**

TIME OF DAY OPERATING RESTRICTIONS

Current Regulations and Practice:

- Section 51A-6.102(a)(5)(G) restricts the following activities to the hours of 7:00 a.m. to 10:00 p.m. daily:
 - Lawn maintenance
 - Repair of personal use vehicles
 - Home repair of place of residence

TIME OF DAY OPERATING RESTRICTIONS

Pro

- Reduces early morning noise disruptions in neighborhoods

Con

- During summer months, workers would have a shorter window to work during cooler early morning hours
- Would be inconsistent with other noise regulations in the Dallas City code, as well as other area cities (Appendix, p. 14)

Option 1

- Reduce hours on weekends by moving start time to 8:00 a.m.

Option 2

- No change in hours. Maintain 7 a.m. – 10 p.m. daily

CATCH BAG REQUIREMENT

Current Regulations and Practice:

- The Dallas City Code currently has no requirement that a lawn maintenance company use a catch bag on lawn mowers
- Section 18-8 of the Dallas City Code states that grass cuttings will only be picked up by the city between March 15 and April 15 of each calendar year.
 - This means that if lawn maintenance companies are required to use catch bags on lawn mowers, they need to be responsible for either disposing of the grass cuttings themselves or mulching/composting the grass cuttings onsite

CATCH BAG REQUIREMENT

Pro

- Would help to abate amount of lawn waste blown onto streets and into storm drains

Con

- Bagged lawn debris would increase volume and cost for brush and bulky trash pick-up
- Discourages green efforts to promote mulching and save landfill space
- Increased equipment cost to property owners and/or their landscaper

Option 1

- Require lawn maintenance companies to use catch bags on lawn mowers and make the lawn maintenance company responsible for bagging and removing lawn clippings from the site or mulching/composting the lawn clippings onsite

Option 2

- No change to city code and continue public information, outreach and enforcement efforts

NEXT STEPS

- **Continue implementation of public information efforts briefed to committee on May 12, 2014**
- **Receive committee input for further consideration of draft ordinance**

APPENDIX

PRACTICES OF OTHER CITIES

City	Leaf Blowing Ordinance	Staff Action	Legal time to Operate Lawn Equipment
Mesquite	Yes	If witnessed, cite \$500-\$2000; require them to blow back onto the property	7 a.m. to 10 p.m.
Richardson	Yes	Give verbal warning; seldom are citations issued	Sunrise to Sunset
Plano	Yes	If witnessed, require them to bag it 1 st time violator: education 2 nd time violator: notice of violation 3 rd time violator: citation	7 a.m. to 10 p.m.
Carrollton	Yes	1 st time violator: notice of violation issued to either the property owner, or crew leader if done by a contractor 2 nd time violator OR egregious violation: a citation	7 a.m. to 10 p.m.
Austin	Yes, but through water quality code	Verbal warning and require them to clean up blown debris Egregious problems may be prosecuted	7 a.m. to 10 p.m.

Memorandum



City of Dallas

DATE May 23, 2014

TO The Honorable Members of the Quality of Life & Environment Committee:
Dwayne R. Caraway (Chair), Sandy Greyson (Vice-Chair), Rick Callahan, Carolyn R. Davis,
Lee M. Kleinman, Adam Medrano

SUBJECT Stop Illegal Dumping Public Awareness Campaign Grant – May 28, 2014 Council Addendum

On May 28, 2014, the City Council will consider authorizing the City to apply for and accept a Solid Waste Implementation Project Grant from the North Central Texas Council of Governments (NCTCOG) through funding from the Texas Commission on Environmental Quality (TCEQ) to be used to develop and launch a Stop Illegal Dumping public awareness campaign under the Scrap Tire Enforcement Program.

The City has prepared a proposal requesting \$125,000 in funding for the Stop Illegal Dumping initiative that will utilize mass media publicity, including a mass mailing campaign utilizing water bill inserts, billboards along freeways, and wrapping DART buses with educational campaign banners. The public awareness campaign will focus on the ordinance-based penalties associated with dumping and highlight the inherent public health concerns associated with scrap tires, including the prevalence for fires, contamination of water sources, and disease vectors (i.e. mosquitoes) which can contribute to the spread of West Nile Virus. Additionally, Code Compliance, together with Trinity Watershed Management and the Dallas Marshal's Office, will launch educational activities at the Audubon Center, community fairs, recreation centers, and other locations within neighborhoods to bring awareness to dumping ordinances, and what residents should do when they see dumped items or dumping in progress.

The City will provide \$280,000 in-kind matching funds to support the campaign. These funds were previously approved by Council on January 22, 2014 in Resolution 14-0174, which provides for a three-year service contract for scrap tire removal from the Trinity River and trash and debris removal from Lake Ray Hubbard in the amount of \$3,257,943.64.

Please let me know if you have any questions or require additional information.


Charles M. Cato
Interim Assistant City Manager

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Asst to the City Manager – Mayor & Council

KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: May 28, 2014
COUNCIL DISTRICT(S): All
DEPARTMENT: Code Compliance
CMO: Charles Cato, 671-3908
MAPSCO: N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the Solid Waste Implementation Project Grant from the North Central Texas Council of Governments (NCTCOG) through funding from the Texas Commission on Environmental Quality (TCEQ) to be used to develop and launch a public awareness campaign related to the Scrap Tire Enforcement Program; **(2)** execution of the grant agreement; and **(3)** the City's local in-kind match in the amount of \$280,000 (contract previously approved on January 22, 2014, by Resolution No. 14-0174) – Not to exceed \$125,000 – Financing: North Central Texas Council of Governments Grant Funds (\$125,000) and Stormwater Drainage Management Current Funds (\$280,000 previously allocated in Resolution No. 14-0174)

BACKGROUND

The City of Dallas has submitted a proposal requesting \$125,000 in funding for a Stop Illegal Dumping public awareness initiative that includes utilizing water bill inserts to provide a mass mailing campaign to residents throughout Dallas. The campaign will also use billboards along Dallas interstates to provide mass awareness, and partner with DART to wrap buses with campaign materials. Working in concert with Trinity Watershed Management and the Dallas Marshal's Office, Code Compliance will launch educational activities at the Audubon Center, community fairs, recreation centers, and other locations within neighborhoods that serve as high dumping areas. The public awareness campaign and educational activities will focus on the ordinance-based penalties associated with dumping and highlight the inherent public health concerns associated with scrap tires, including the prevalence for fires, contamination of water sources, and disease vectors (i.e. mosquitoes) which can contribute to the spread of West Nile Virus.

To serve as the local match, the City will provide \$280,000 in-kind matching funds, previously approved contract by Council on January 22, 2014 for tire removal along different locations throughout the Trinity River Corridor via Resolution 14-0174.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 22, 2014, Council approved Resolution 14-0174, which provides for a three-year service contract in the amount of \$3,257,943.64 for scrap tire removal from the Trinity River as well as trash and debris removal from Lake Ray Hubbard.

FISCAL INFORMATION

\$125,000 – North Central Texas Council of Governments, Regional Solid Waste Management Plan.

May 28, 2014

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is accepting proposals for grant funding from the Texas Commission on Environmental Quality for the implementation of a Regional Management Plan in Solid Waste; and

WHEREAS, these funds are generated by solid waste disposal fees collected by the Texas Commission on Environmental Quality (TCEQ) and made available to eligible local governments; and

WHEREAS, the solid waste funds are intended for local and cooperative implementation activities consistent with goals of the Regional Solid Waste Management Plan; and

WHEREAS, the City of Dallas has submitted a proposal to implement a public awareness campaign related to the Scrap Tire Enforcement Program; and

WHEREAS, the City will provide matching funds in an amount not to exceed \$280,000.

Now Therefore;

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

Section 1. That the City Manager is hereby authorized to apply for and accept the Solid Waste Implementation Project Grant from the North Central Texas Council of Governments through funding from the Texas Commission on Environmental Quality to support a public awareness campaign for the Scrap Tire Enforcement Program in an amount not to exceed \$125,000, provide the City's in-kind match of \$280,000 (previously approved by Council on January 22, 2014), and to execute the grant agreement.

Section 2. That the City Controller is hereby authorized to receive and deposit grant funds into the Solid Waste Implementation Project Grant Fund S270, Department CCS, Unit 1535, Revenue Source 6516, in an amount not to exceed \$125,000.

Section 3. That the City Manager is hereby authorized to establish appropriations in the amount of \$125,000 in Fund S270, Department CCS, Unit 1535, Various Supply Object Codes according to future procurements.

Section 4. That the City Manager is hereby authorized to provide matching funds in the amount of \$280,000 from Stormwater Drainage Management Current Funds allocated under Resolution 14-0174, a service contract with Good Earth Corporation, Inc. (510006) in the amount of \$2,805,000.00 and Hess Construction, LLC (VS0000081429) in the amount of \$452,943.64 for scrap tire removal from the Trinity River and trash and debris removal from Lake Ray Hubbard for a term of three years in an amount not to exceed \$3,257,943.64.

May 28, 2014

Section 5. That the City Controller is hereby authorized to disburse funds from Fund S270, Department CCS, Unit 1535, in accordance with the grant agreement.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.