

**Memorandum**

RECEIVED

2014 NOV -6 PM 3: 34

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

DATE November 7, 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

**Monday, November 10, 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 October 27, 2014 Minutes Dwaine R. Caraway  
Chair
- 3. Noise & Panhandling Ordinances and Enforcement Catrina Shead  
Deputy Chief, Dallas Police  
Department
- 4. Noise Disturbances by Animals Kris Sweckard  
Director, Code Compliance
- 5. Adjourn Dwaine R. Caraway  
Chair

Please let me know if you have any questions.

Dwaine R. Caraway  
Chair

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, First Assistant City Manager

Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & 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:** October 27, 2014

**Convended:** 9:11 a.m.

**Adjourned:** 10:44 a.m.

**Members Present:**

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

**Members Absent:**

Carolyn R. Davis

**Briefing Presenters**

Joey Zapata  
Assistant City Manager

Willis Winters  
Director, Park and Recreation

Rick Galceran  
Director, Public Works

Frank Camp  
Managing Director Office of  
Environmental Quality

**Staff Present:**

Joey Zapata, Daniel Huerta, Kevin Hurley, Kevin Lefebvre, Christine Lanners, Tammy Palomino, Rick Galceran, Peter Bratt, Willis Winters, Eric Izuora, Priscylla Bento

**Special Guests:**

**AGENDA:**

1. **Approval of September 8, 2014 Minutes**

**Presenter(s):**

A motion was made to approve the minutes of September 8, 2014

**Action Taken/Committee Recommendation(s):**

**Motion made by:** Rick Callahan

**Motion seconded by:** Lee M. Kleinman

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

2. **Gexa Energy Pavilion at Fair Park**

**Presenter(s):**

Willis Winters & Daniel Huerta

**Information Only**

This briefing provided the committee information on proposed improvements to the Gexa Energy Pavilion at Fair Park and reviewed funding approaches for the improvements as approved by the Park and Recreation Board on October 2, 2014.

**Action Taken/Committee Recommendation(s):** Committee recommendation for approval.

**Motion made by:** Lee M. Kleinman

**Motion seconded by:** Adam Medrano

**Item passed unanimously:**

**Item passed on a divided vote:**

**Item failed unanimously:**

**Item failed on a divided vote:**

**3. Used Car Lots Air Registration Fees**

**Presenter(s):** Rick Galceran

**Information Only**

This briefing provided the committee a review of the used car lot inspection program.

Committee members requested a follow-up briefing to the Quality of Life & Environment committee prior to the start of the FY 2015-16 budget development cycle that offers options to eliminate the used car lot inspection program without impact to other air quality initiatives.

**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. Sustainability Plan Progress Report**

**Presenter(s):** Frank Camp

**Information Only**

This briefing provided the committee a progress report of the Sustainability Plan

Committee members comments included the need to acquire more land for neighborhood parks, more aggressive creek daylighting efforts, increase reuse of effluent water, increase bike lane implementation, ensure a process is in place to address inactive community gardens, implement programs to increase multi-family recycling, increase access to home hazardous chemical collection services, encourage HVAC retrofitting, and address the manpower component to the plan, including automation, process re-engineering and training.

Additionally, the committee requested an update on the status of specific solar panel projects.

**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 November 7, 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, and Lee M. Kleinman

SUBJECT Noise & Panhandling Ordinances and Enforcement

On Monday, November 10, 2014 you will be briefed on the noise & panhandling ordinances and enforcement. 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 cursive script, reading "Eric D. Campbell".

Eric D. Campbell  
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, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Noise & Panhandling Ordinances and Enforcement

Presented to the Quality of Life & Environment Committee  
Monday, November 10, 2014



[www.dallaspolice.net](http://www.dallaspolice.net)



David O. Brown  
Chief Of Police



# History

On September 17, 2014, the Quality of Life Committee requested a briefing by the Police Department to discuss various noise and solicitation issues within the City of Dallas



# Purpose

To develop viable and sustainable solutions to improve overall quality of life and general well-being in the City of Dallas

# Celebratory Noise Violations

- Task force operations conducted annually on both New Years Eve and Fourth of July
- Dallas Fire Rescue personnel and Dallas Police Department personnel collaborate to enforce firework violations
- All confiscated fireworks are transported to either the Dallas Police Department Property Room or disposed of by the Explosive Ordinance Unit

# Celebratory Noise Violations

- No person in the city or within 5,000 feet outside the city limits may manufacture, sell, offer to sale, give away, store, possess, or use fireworks
- Traditionally fireworks are confiscated more often than citations written
- As of September 1, 2013, Texas House Bill 1813 does not authorize a municipality to confiscate packaged, unopened fireworks

# Vehicle Noise Violation

- Pilot program initiated by Northeast Patrol Division
- Program conducted from April 1, 2013 – October 1, 2013
- Process required a 311 call be generated based on vehicles in motion emitting loud music
- Registered owners would then be contacted via a letter of notification by a Neighborhood Police Officer

# Vehicle Noise Violation

- The following requirements **must** be met before a 311 call would be entered:
  - Motor vehicle **must be in motion** and not parked
  - The 311 caller must provide complete **vehicle license plate number and vehicle description**
  - The **location** must be provided by the 311 caller
- Parked vehicles were referred to 911

# Vehicle Noise Violation

- Results:
  - Timeframe: April 1, 2013 – October 1, 2013
  - 15 vehicles reported by citizens
  - 6 complaints resulted in a Letter of Notification being issued
  - 9 complaints did not provide a valid license plate



# Solicitation/Panhandling Initiative

- Dallas City Code, Chapter 31, Sec. 31-35
- Solicitation by Coercion; Solicitation near Designated Locations and Facilities; Solicitation after Sunset; Solicitation-Free Zone
- A person commits an offense if he conducts a solicitation
  - By coercion
  - In any outdoor area anytime between sunset and sunrise
  - In any outdoor area within an established solicitation-free zone
    - CBD, Deep Ellum, Uptown, and Victory Park

# Solicitation/Panhandling Initiative

- Patrol and Neighborhood Patrol Officers at several divisions conduct periodic homeless sweeps to eliminate aggressive panhandling and unsightly encampments
- Homeless sweeps are conducted prior to and during peak traffic times

# Current Northwest Patrol Initiative

- Results:
  - Timeframe: May 15, 2014 – present
  - 302 contacts made
  - 155 Citations issued
  - 39 Arrest made
  - 108 Pedestrian stops



# Summary

The Dallas Police Department will continue to minimize unwelcome disturbance and disruption of privacy while preserving public health, safety, and welfare

# Questions??

# Memorandum



CITY OF DALLAS

DATE November 7, 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 Noise Disturbances by Animals

On Monday, November 10, 2014, the Quality of Life & Environment committee will be briefed by Code Compliance Services on Noise Disturbances by Animals. The briefing is attached for your review.

Please contact me if you have any questions.

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, First Assistant City Manager

Eric D. Campbell, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council





# Noise Disturbances by Animals

Quality of Life & Environment Council Committee

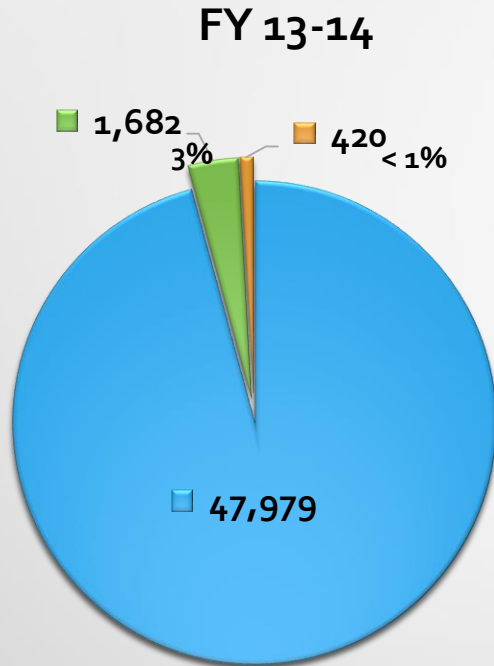
November 10, 2014



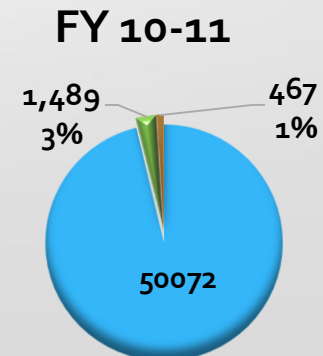
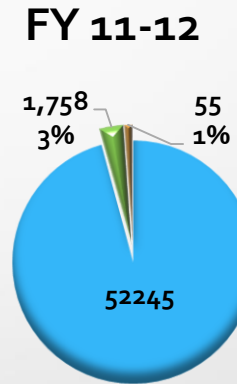
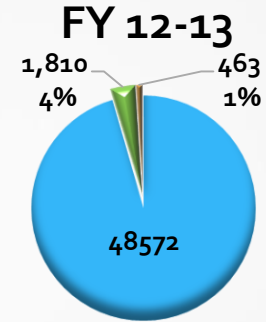
# Purpose

- Present the current situation and process for Dallas Animal Services handling of noisy and prohibited animals (e.g., barking dogs and roosters)

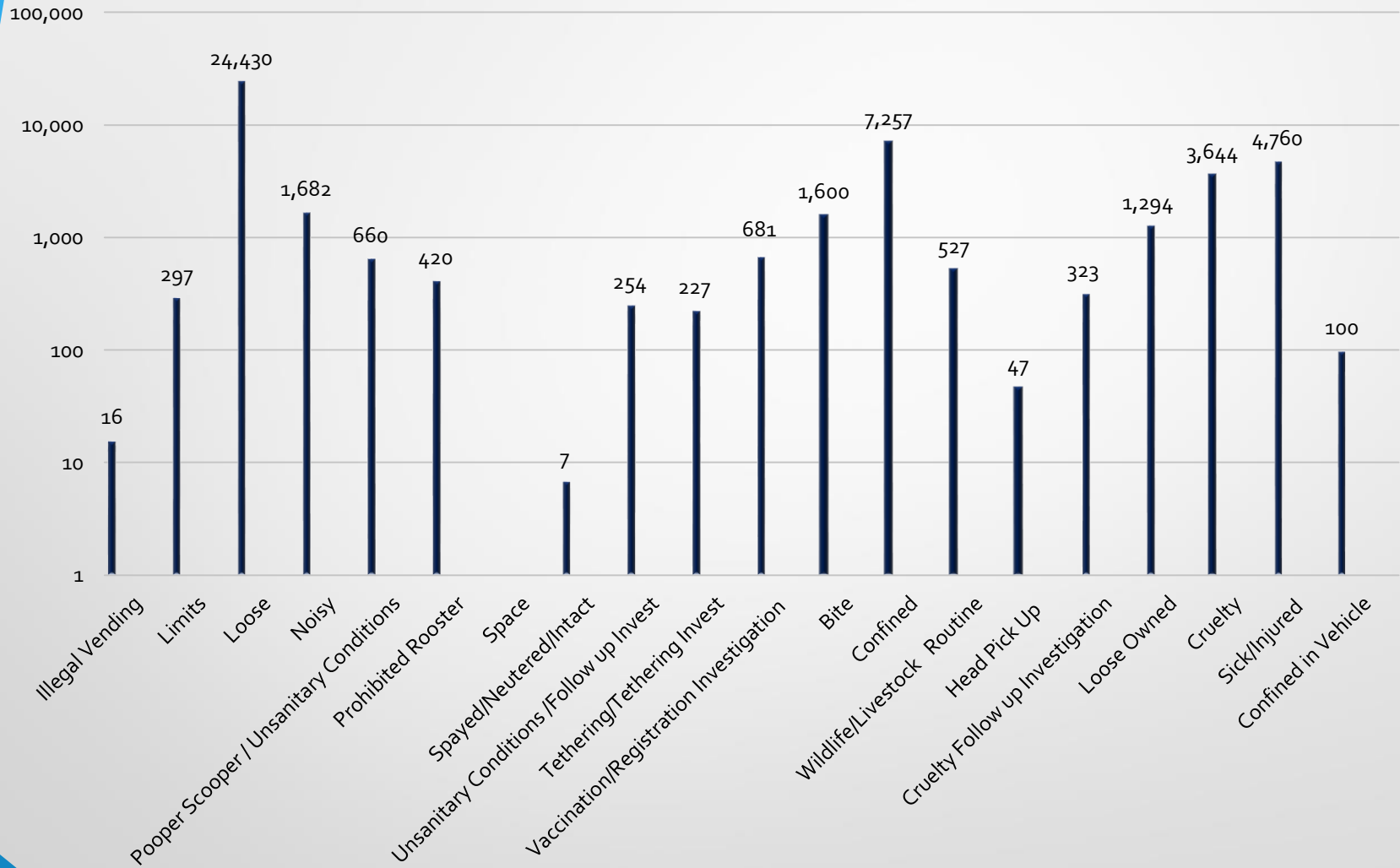
# DAS Request for Service Calls



- FY 13-14 DAS SRs
- Noise SRs
- Prohibited Rooster SRs



## FY 2013-14 All DAS Request for Service Calls



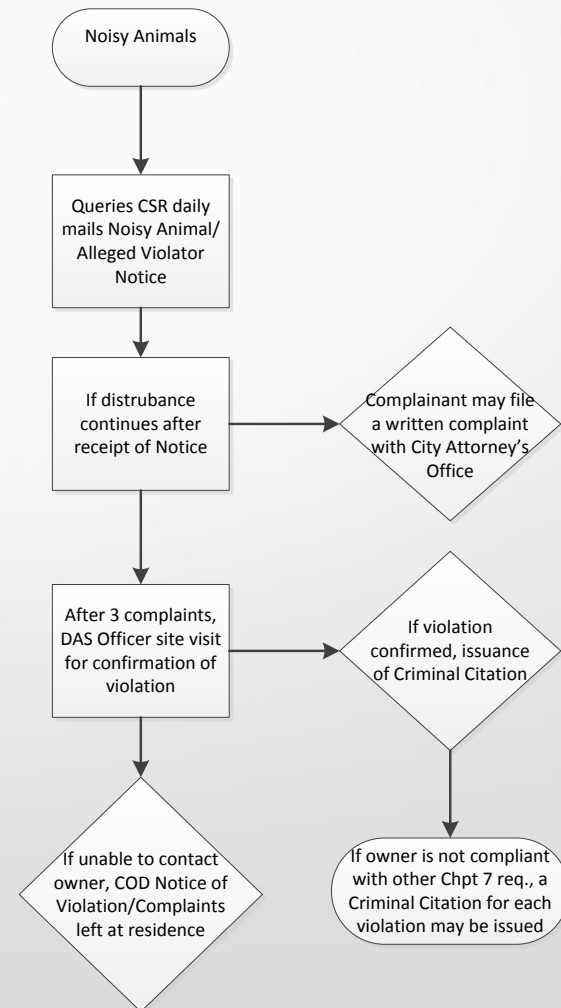
# City of Dallas Disturbance By Animals Ordinance

## SEC. 7-7.4. DISTURBANCE BY ANIMALS.

- a) A person commits an offense if he knowingly owns an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence. Noise made by an animal is unreasonable under this subsection if the noise:
  - 1) continues more than 15 consecutive minutes; or
  - 2) exceeds the sound pressure level allowed in a residential district under the Dallas Development Code.
- b) A person who is disturbed by an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence may file a disturbance complaint with the director. A disturbance complaint must include the name and address of the complainant, the location of the disturbance, the type of animal causing the disturbance, and the times that the animal is causing the disturbance.
- c) The director shall mail to the animal's owner a notice that the disturbance complaint has been received. A copy of the notice must be mailed to the complainant.
- d) If, after receiving notice from the director that a disturbance complaint has been received, the owner continues to allow the animal to cause a disturbance:
  - 1) the complainant may file a complaint, in writing, with the city attorney; or
  - 2) the director may issue a citation to the owner for the violation of this section. (Ord. 26024)

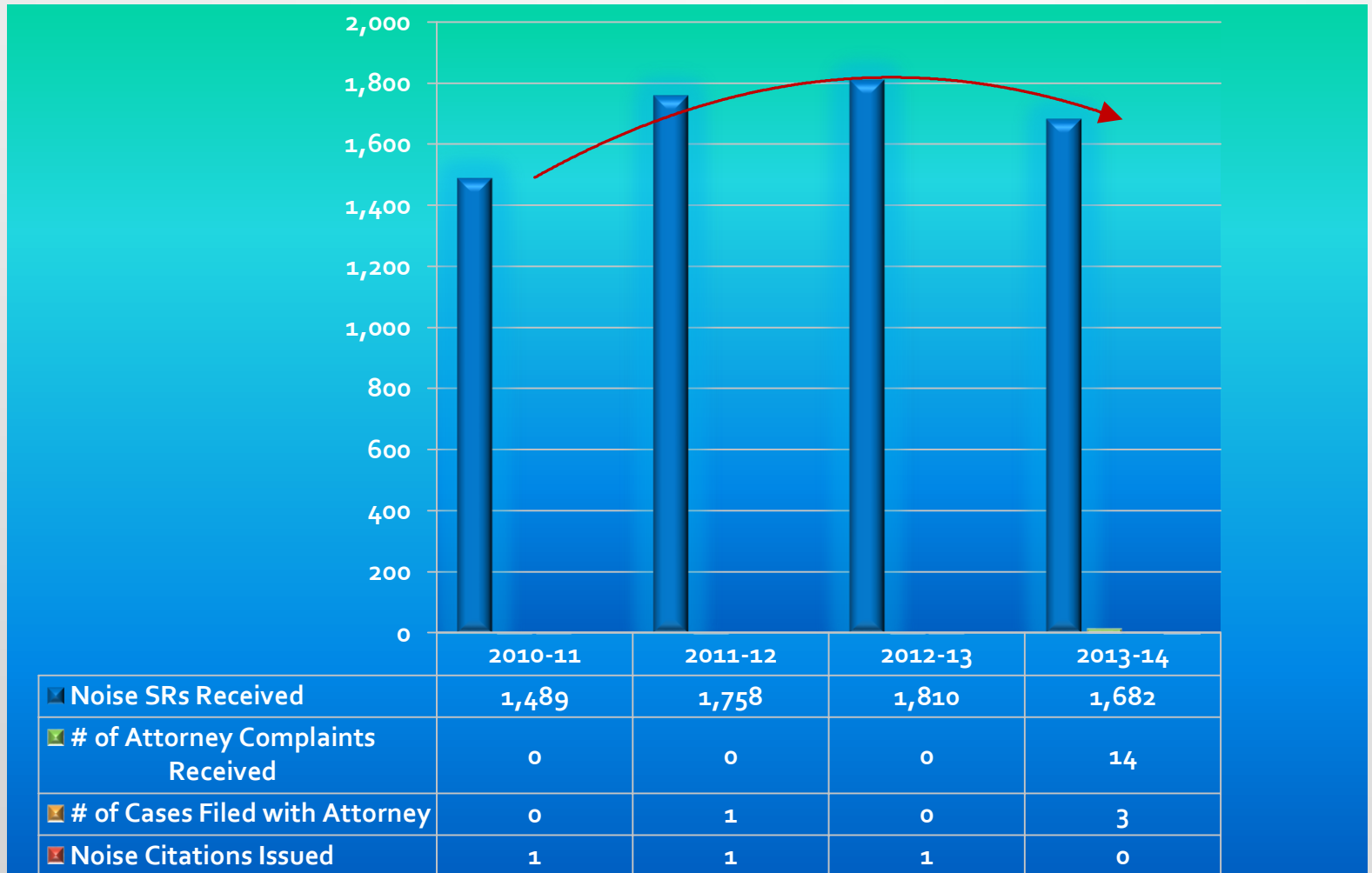
# Disturbance by Animals Process

- Complaint based
- Letter sent to identified owner and complainant
- Three complaints triggers DAS Officer site visit
- If violation confirmed, criminal citation issued
  - Criminal citations may be issued for other Chapter 7 violations as well





# Noise Service Requests, Outside Complaints, Complaints Filed, and Citations



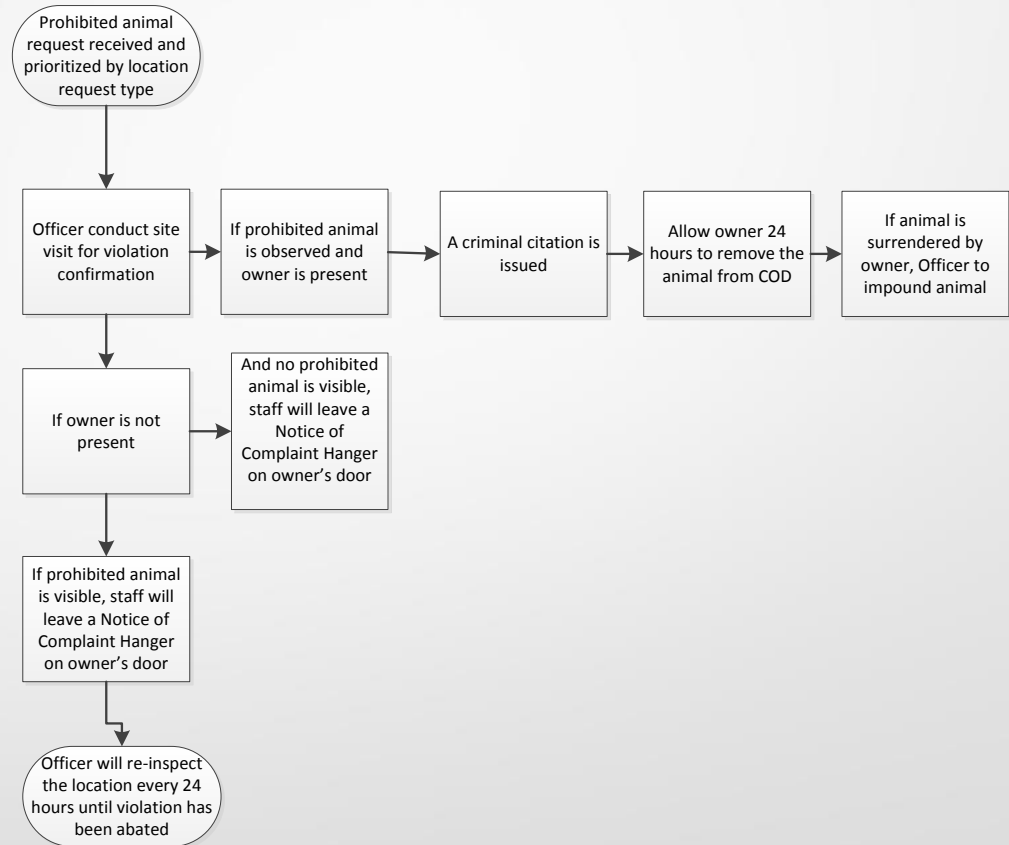
# City of Dallas Prohibited Animal Ordinance

## SEC. 7-7.3. KEEPING OF ROOSTERS.

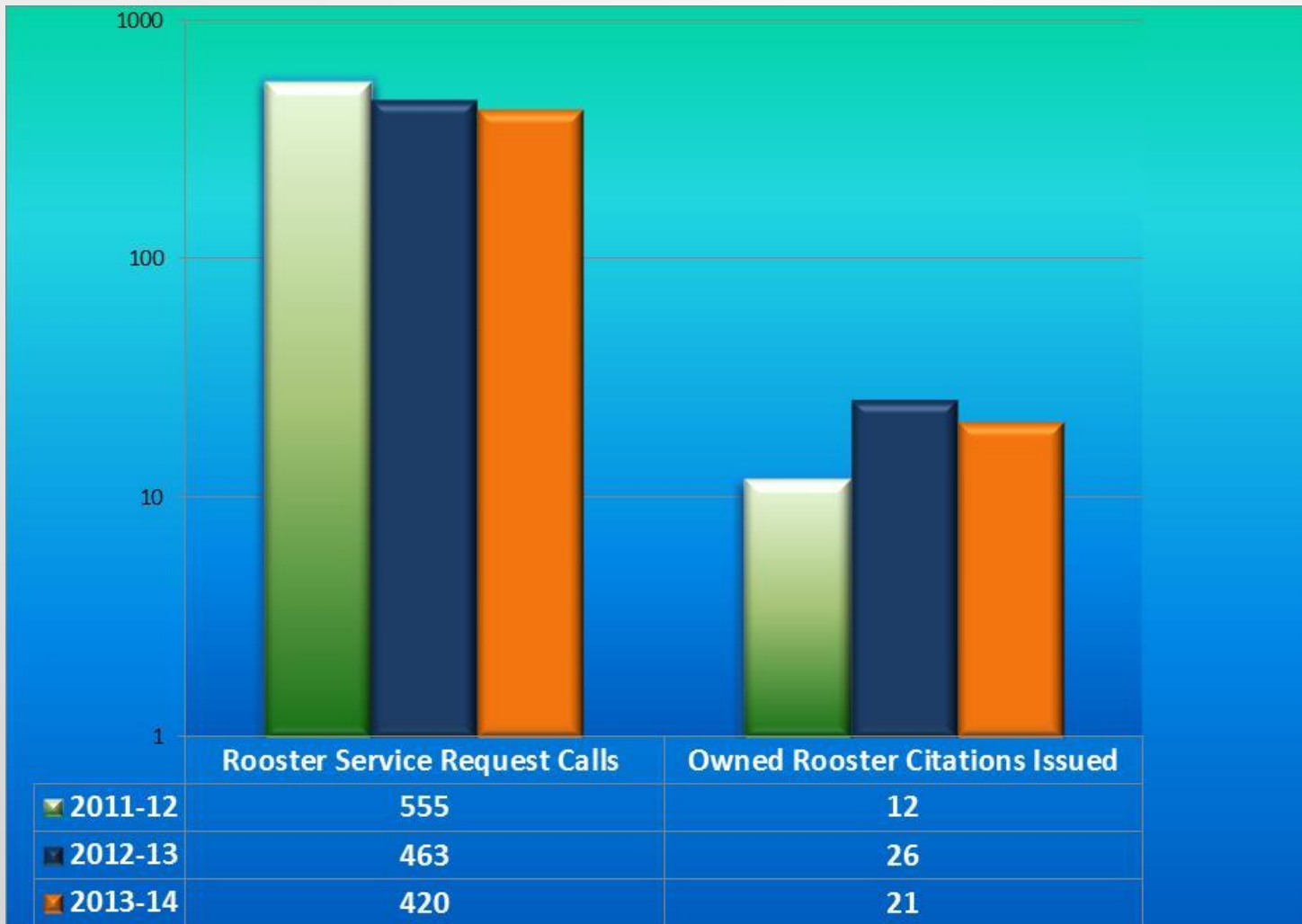
- a) In this section, ROOSTER means the male of the domestic fowl.
- b) A person commits an offense if he owns a live rooster on any premises within the city.
- c) It is a defense to prosecution under Subsection (b) that the rooster is:
  - 1) kept on premises upon which animal production is permitted under Section [51A-4.201](#) of the Dallas Development Code;
  - 2) being exhibited at the State Fair of Texas or at a special event conducted with written permission of the city;
  - 3) owned by a governmental entity or participating in a health, research, educational, or similar program conducted by a governmental entity;
  - 4) owned by a medical, educational, or research institution operating in compliance with all city ordinances and state and federal laws; or
  - 5) being held for slaughter in a slaughterhouse or meat packing plant operating in compliance with all city ordinances and state and federal laws.
- d) A person who owns a live rooster commits an offense if he:
  - 1) fails to confine the rooster at all times within an enclosure that is of sufficient height and strength to retain the rooster;
  - 2) confines the rooster in an enclosure that is wholly or partially located less than 20 feet from any adjacent property line;
  - 3) maintains the enclosure in which the rooster is confined in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety, or welfare; or
  - 4) allows the rooster to violate the noise restrictions of Section [7-7.4](#) of this chapter.
- e) For the purpose of calculating the distance requirement of Subsection (d)(2) of this section, the width of alleys, street rights-of-way, and other public rights-of-way will be used. The distance between a rooster enclosure and an adjacent property line must be measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the enclosure to the nearest property line. (Ord. 26024)

# Prohibited Animals Process

- Officer site visit upon receipt of first complaint
- If prohibited animal observed, citation issued and 24 hours given to remove from city
- If prohibited animal is not visible, notice left on owner's door
- Re-inspect every 24 hours until violation abated



# Service Requests and Citations for Roosters



# Process Comparison to Other Cities

City	Initial Response to complaint			Voluntary Compliance			Non-Compliance Actions	
	Mail Notice	Dispatch Officer	Complainant affidavit/ 48 hr Log	3 Complaints result in Site Visit	5 Complaints result in Site Visit	Letter	Complainant affidavit/ Noise Log	Citation Issued
City of Dallas Animal Services Population 1.258M (2013)	✓			✓				
City of Arlington Population 380K (2013)	✓					✓		✓
City of Plano Animal Services Population 274K (2013)	✓							
City of Garland Animal Services Population 234K (2013)		✓		✓				
City of Grand Prairie Population 183K (2013)								✓
City of Richardson Animal Shelter Population 104K (2013)		✓				✓		✓
City of Flower Mound Population 70K		✓			✓			
City of Mansfield Animal Services Population 61K (2013)	✓						✓	✓
City of Seagoville Animal Services Population 15K (2013)			✓					

# Opportunities

- Developing process to begin issuing civil citations
  - Enhanced efficiencies
  - Resource allocation improvement
- Enhance utilization of Neighborhood Code Compliance Officers to assist with compliance violations



# Questions