

**FEBRUARY 6, 2019 CITY COUNCIL BRIEFING AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated February 6, 2019. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



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T.C. Broadnax  
City Manager



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Date



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Elizabeth Reich  
Chief Financial Officer



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Date

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## City of Dallas

CITY SECRETARY  
DALLAS, TEXAS

1500 Marilla Street  
Dallas, Texas 75201



### COUNCIL BRIEFING AGENDA

February 6, 2019

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

**The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

## **Handgun Prohibition Notice for Meetings of Governmental Entities**

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

9:00 a.m. Invocation and Pledge of Allegiance 6ES

Special Presentations

Open Microphone Speakers

VOTING AGENDA 6ES

1. 19-242 Approval of Minutes of the January 2, 2019 City Council Meeting
2. 19-243 Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS 6ES

- A. Options for *The Confederate Monument*
- B. Bulk and Brush Collections Program – Update

PUBLIC HEARING

MISCELLANEOUS HEARING

**Police Department**

3. 19-178 A public hearing to receive comments on the reinstatement of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors - Financing: No cost consideration to the City

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues related to the Texas Horse Park and the contract between the City of Dallas and River Ranch Educational Charities.
- E. Tobolowsky, deceased, Cause No. DC-18-17620
- Three Expo Events LLC v. City of Dallas, Cause No. 3:16-CV-00513-D; Cause No. 17-10632.

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

**EXECUTIVE SESSION NOTICE**

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]



# City of Dallas

1500 Marilla Street  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 19-242

**Item #:** 1.

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**SUBJECT**

Approval of Minutes of the January 2, 2019 City Council Meeting





Agenda Information Sheet

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**File #:** 19-243

**Item #:** 2.

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**AGENDA DATE:** February 6, 2019

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICT(S):** N/A

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**SUBJECT**

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)



Agenda Information Sheet

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**File #:** 19-178

**Item #:** 3.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** February 6, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police Department  
**EXECUTIVE:** Jon Fortune

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**SUBJECT**

A public hearing to receive comments on the reinstatement of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors - Financing: No cost consideration to the City

**BACKGROUND**

Enforcement of the Dallas juvenile curfew Ordinance began May 1, 1994. Section 370.002 of the Texas Local Government Code requires that the curfew ordinance be reviewed every three years after conducting public hearings to receive citizen comments on whether the curfew ordinance should be abolished, continued, or modified. The last renewal of the curfew ordinance was approved on November 10, 2015 and became effective January 18, 2016. This ordinance contained both a daytime and nighttime ordinance. *(The daytime curfew hours were added to the juvenile curfew ordinance and became effective on May 18, 2009.)*

The previously authorized juvenile curfew ordinance expired on January 18, 2019. The new proposed curfew ordinance utilizes Community Courts to focus on improving the safety and security for both the juvenile and the community. The Community Courts Program will focus on providing services to juveniles and their parent or guardian. The judge can require juveniles to perform community service and/or attend rehabilitative and educational programs in lieu of a fine.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item was briefed to the Public Safety and Criminal Justice Committee on January 14, 2019.

On January 23, 2019, City Council authorized two public hearings to be held on February 6, 2019 and February 13, 2019 on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors by Resolution No. 19-0224.

**FISCAL INFORMATION**

No cost consideration to the City.

## ORDINANCE NO. \_\_\_\_\_

An ordinance reinstating Section 31-33 of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended; providing for the continuation of the city's juvenile curfew ordinance as required by state law; continuing daytime and nighttime curfew hours for minors; readopting definitions; continuing and amending provisions for offenses and defenses for minors, parents and guardians of minors, and business establishments violating curfew requirements; continuing and amending provisions for enforcement of curfew requirements by the police department; continuing provisions for waiver by the municipal court of jurisdiction over a minor when required under the Texas Family Code; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date and an expiration date.

WHEREAS, on June 12, 1991, the city council of the city of Dallas adopted Ordinance No. 20966, which added Section 31-33 to the Dallas City Code to establish nighttime curfew hours for minors, which ordinance was amended by Ordinance No. 21309 on June 10, 1992; and

WHEREAS, the city voluntarily delayed enforcement of this juvenile curfew ordinance pending adjudication of a challenge to the ordinance's constitutionality; and

WHEREAS, on August 10, 1992, the United States District Court for the Northern District of Texas permanently enjoined the city from enforcing the juvenile curfew ordinance; on November 19, 1993, the United States Fifth Circuit Court of Appeals overturned the district court's decision and upheld the city's ordinance as constitutional; and in April 1994, the United States Supreme Court declined to review the Fifth Circuit's decision; and Chapter 31 of the Dallas City Code; and

WHEREAS, on May 1, 1994, the city began initial enforcement of the juvenile curfew ordinance; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that, before the third anniversary of the adoption of a juvenile curfew ordinance and every third year thereafter, the governing body of a home rule city must review the ordinance's effects on the community and on the problems the ordinance was intended to remedy, conduct public hearings on the need to continue the ordinance, and abolish, continue, or modify the ordinance, or else the ordinance will automatically expire; and

WHEREAS, after conducting public hearings on the need to continue the juvenile curfew ordinance, the city council adopted Ordinance No. 23079 (passed April 9, 1997; effective May 1, 1997), Ordinance No. 24235 (passed April 26, 2000; effective May 1, 2000), Ordinance No. 25231 (passed April 9, 2003; effective May 1, 2003), Ordinance No. 26336 (passed April 26, 2006; effective May 1, 2006), and Ordinance No. 27527 (passed April 22, 2009; effective May 1, 2009), each of which readopted and continued in effect the juvenile curfew ordinance establishing nighttime curfew hours for minors; adopted Ordinance No. 27538 (passed May 13, 2009; effective May 18, 2009), which added daytime curfew hours for minors to the juvenile curfew ordinance; and adopted Ordinance No. 28639 (passed April 25, 2012; effective May 1, 2012) and Ordinance No. 29985 (passed January 13, 2016; effective January 18, 2016), which readopted and continued in effect the juvenile curfew ordinance establishing daytime and nighttime curfew hours for minors; and

WHEREAS, although the juvenile curfew ordinance automatically expired on January 18, 2019, the city council has reviewed the ordinance and determined that the daytime and nighttime curfew hours for minors established by the ordinance have had a positive effect on the community by increasing the safety and security of juveniles in the city, which problem the ordinance was intended to remedy; and Chapter 31 of the Dallas City Code; and

WHEREAS, on February 6, 2019 and February 13, 2019, the city council conducted public hearings on the need to continue the juvenile curfew ordinance; and

WHEREAS, the city council has determined that a need exists to continue in effect the juvenile curfew ordinance in order to further the health, safety, and welfare of juveniles, and other persons, residing in or visiting the city of Dallas; Now, Therefore:

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

SECTION 1. That Section 31-33, "Curfew Hours for Minors," of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended, is readopted and continued in effect, as restated below, with an amendment to Subsections (b), (d), and (f) to read as follows:

**"SEC. 31-33. CURFEW HOURS FOR MINORS.**

(a) Definitions. In this section:

(1) CURFEW HOURS means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a

natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) GUARDIAN means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

(6) MINOR means any person under 17 years of age.

(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(8) PARENT means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(10) REMAIN means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(11) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if the minor [~~he~~] remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if the parent or guardian [~~he~~] knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee [~~he~~] knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;

(G) attending an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;



(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

(A) the school in which the minor was enrolled or otherwise required to attend was not in session;

(B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;

(C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the workstudy program without any detour or stop;

(D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

(E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

(F) the minor was a high school graduate or had received a high school equivalency certificate.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall provide a verbal warning and advisement of the juvenile curfew upon first contact with a minor. The officer shall then attempt to contact the minor's parent or guardian and transport the minor home without taking enforcement action. If a minor has been previously contacted on a violation of Subsection (b)(1), the officer shall only issue a citation for an appearance in community court. The officer shall not issue a citation [~~or make an arrest~~] under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to ~~[or arrest]~~ a parent or guardian of a minor for a violation of Subsection (b)(2) of this section ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~. In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian that are documented in an incident report will be counted, regardless of whether the warnings relate to the same minor. If, within the same calendar year, the parent or guardian has received two written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report, the officer may only issue a citation for an appearance in community court.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~, unless the owner, operator, or employee of the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3) ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~. In calculating the number of warnings received by an owner, operator, or employee of an establishment in a calendar year, all warnings issued to the same individual ~~[any owner, operator, or employee of the establishment]~~ will be counted, regardless of whether the warnings relate to the same minor.

(e) Penalties.

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on February 18, 2022 ~~[January 18, 2019]~~, unless sooner modified, terminated, or extended by city council ordinance.”

SECTION 2. That Chapter 31 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on February 18, 2019.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

DRAFT

# Memorandum



CITY OF DALLAS

DATE February 1, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Options for *The Confederate Monument***

On Wednesday, February 6, 2019, you will be briefed on the Options for *The Confederate Monument*. The briefing materials are attached for your review. As noted in the presentation materials, the options, steps and timelines are as follows:

- OPTION 1: Re-envision the monument and site
  - OCA will contract with the artist and brief the proposal to City Council within 120 days
  - Upon approval by Council, staff will seek review from the Public Art Committee and the Arts and Culture Advisory Commission
  - Staff will file a certificate of appropriateness (CA) with the Landmark Commission and include the Arts and Culture Advisory Commission recommendation
  - Landmark Commission will hear the certificate application within 30 days and has 65 days to approve/deny the application
    - Only the applicant/city may appeal CA denial by the Landmark Commission within 30 days after the decision
    - City Plan Commission has no timeline to hear and decide an appeal
  - Future budget considerations
    - The cost and funding sources to make alterations to the monument and site are unknown at this time but will be determined through the proposal and public art process, and may require procurement
- OPTION 2: Remove the monument
  - Pending a record vote on an upcoming agenda to exhaust all options to remove the monument, staff will file a certificate for demolition or removal (CD) and Landmark Commission will hear the certification
    - Of five potential standards for CD, the only appropriate standard is “Noncontributing to the historic overlay district because it is newer than the period of significance”
    - City Manager’s Office and OCA staff would present the case to Landmark Commission
    - Landmark Commission has 65 days to approve/deny the application
      - Any interested person may appeal a decision of the Landmark Commission within 30 days after their decision
    - If requested to “exhaust all options” for removal, staff would automatically appeal a Landmark Commission denial to the City Plan Commission (CPC), which must decide the appeal within 65 days after the appeal is filed
    - On appeal, CPC would not hear any new evidence and only decide whether the Landmark Commission erred in its decision
  - Estimated removal and storage cost is ~\$480,000
  - Future budget considerations
    - The final cost and funding sources to remove the monument are unknown at this time and may require procurement and City Council authorization
  - Note: Both Landmark Commission and CPC would be functioning as quasi-judicial bodies and therefore City Council members shall not speak to members of either board about the case once it is filed
- OPTION 3: Take no further action

Please feel free to contact me if you have any questions or concerns.



Joey Zapata  
Assistant City Manager

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (I)  
Carol Smith, City Auditor (I)  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
M. Elizabeth Reich, Chief Financial Officer  
Laila Aleqresh, Chief Innovation Officer  
Directors and Assistant Directors

# Options for *The Confederate Monument*

Briefing to City Council  
February 6, 2019

Jennifer Scripps, Director  
Kay Kallos, Public Art Program Manager  
Office of Cultural Affairs



**City of Dallas**

# Presentation Overview

- Purpose
- Background
- Related Projects and Approaches
- New Option: Re-envision the monument and site
- Options and Timelines
- Next Steps
- Appendix



# Purpose

- Review and discuss options for *The Confederate Monument* and Pioneer Cemetery, including a new option requested by City Council to make enhancements and improvements to the site
  - Contract with artist Lauren Woods for a proposal to re-envision the monument and site



# Background: Monument and Site

- *The Confederate Monument*
  - Designed by Frank Teich in 1896 and erected in 1897
  - Consists of five Confederate statues: three generals (Lee, Jackson, Johnston) and CSA president (Davis) and a Confederate soldier at center
  - Base inscribed with tributes to Confederate seamen, infantry, cavalry, and Southern women
  - Relocated to Pioneer Cemetery from Old City Park in 1961 due to highway construction
- Pioneer Cemetery
  - Pioneer Cemetery site was on the southern edge of Dallas when the first burial occurred in 1840's
  - The last body was interred in 1921
  - Originally comprised of four separate and historic cemeteries: Masonic, Odd Fellows, Jewish, and the City cemetery
  - Designated a Dallas Landmark in May 2002 (Historic overlay No. 114)



# Background: Prior Actions

- October 23, 2017: City Council Briefing
  - Mayor's Task Force on Confederate Monuments recommended removal and either a long-term loan or donation to an institution in North Texas or storage for future disposition (see Appendix)
- March 21, 2018: City Council Briefing
  - Staff recommended an alternative approach to add historical context and information
  - Otherwise, removal and storage of the monument
- April 25, 2018: City Council Resolution Adopted
  - City Council directed the City Manager to present options to enhance and improve Pioneer Cemetery, such as new statues, plaques and alterations to the monument
    - City Manager committed to provide options by Fall 2018
    - By memorandum on October 15, 2018, Councilman Atkins, Councilman Felder and Mayor Pro Tem Thomas requested that consideration be scheduled after a District 4 Council Member was seated

# Related Projects and Approaches

- The Office of Cultural Affairs (OCA) has researched projects in other cities and artistic examinations of the Civil War to help inform the new option for the site
  - Renaming of Existing Monument
    - *Confederate Memorial*, Forsyth Park, Savannah, GA (See Appendix)
  - Artistic Examination – New Art Pertaining to Civil War Themes
    - Kara Walker, *Harper's Pictorial History of the Civil War*, 2017. Smithsonian American Art Museum (See Appendix)
    - Mark Bradford, *Pickett's Charge*, 2017-2021. Hirshhorn Museum and Sculpture Garden (See Appendix)
  - Other cities' approaches are listed on the next page

# Related Projects and Approaches

<p>Removed and stored out of public view<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• New Orleans, LA</li> <li>• Baltimore, MD</li> </ul>	<p>Renamed/amended signage<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• Memphis, TN</li> <li>• Savannah, GA (in process)</li> </ul>
<p>Removed and relocated to publicly accessible site<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• Tampa, FL – cemetery</li> <li>• Lexington, KY – cemetery</li> <li>• Gainesville, FL - cemetery</li> </ul>	<p>Monuments sold to private entity<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• Memphis, TN</li> </ul>
<p>Locations where protesters have destroyed or damaged Confederate monuments<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• Durham, NC</li> <li>• Chapel Hill, NC</li> <li>• Sylvania, GA</li> </ul>	<p>Contextualization<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• Richmond, VA (in process)</li> </ul>
<p>Sources:  <sup>1</sup> Southern Poverty Law Center Report, July 2018  <sup>2</sup> Richmond Magazine, January 24, 2019</p>	<p>No city has chosen to demolish a Confederate Monument<sup>1</sup></p>

# New Option: Re-envision the Monument and Site

- Scope

- Contract with artist Lauren Woods to engage the public through a creative process to develop a proposal to re-envision the monument and site
  - Creation of a Think Tank – a study group – to research and define the history and current context of The Confederate Monument, and subsequent public input
  - The artist's proposal would be presented to City Council within 120 days
  - Upon approval by City Council, the proposal would follow the established City of Dallas public art process
    - Present a concept design to the Public Art Committee for review and recommendation to the Arts and Culture Advisory Committee
  - File for a certificate of appropriateness (CA) at the Landmark Commission

# New Option: Re-envision the Monument and Site

- About the artist, lauren woods
  - Conceptual artist whose multi-media projects engage history as a lens by which to view the socio-politics of the present
  - Visiting Lecturer at SMU Meadows School of the Arts
  - woods' work has been exhibited throughout the US and internationally
  - Numerous grants and awards include: The Creative Capital Foundation, The Tribeca Film Institute, College Art Association, Alliance of Artists Communities and The San Francisco Foundation
  - See Appendix for more information about lauren woods' work
  - *Drinking Fountain #1*
    - Unveiled in 2013, woods' new media monument is at the site of rediscovered remnants of Jim Crow, faint traces of a segregation-era "Whites Only" sign at the Dallas County Records Building and is recognized as work relevant to Confederate Monuments in Dallas
  - *American Monument*
    - Launched in 2018, woods' exhibit is a nomadic, networked, new media monument, designed to be a tool, with research, educational and activist functions, the MONUMENT inhabits space to present the relationship between constructed race, material violence, and structural power

# New Option: Re-envision the Monument and Site



*Drinking Fountain #1*



*American Monument*

# Summary of Options and Timelines

- **OPTION 1: Re-envision the monument and site**
  - Contract with lauren woods for a proposal to re-envision the monument and site
  - Brief proposal to City Council within 120 days
  - Estimated cost is ~\$10,000 through concept proposal, with additional future budget considerations
- **OPTION 2: Remove the monument**
  - Schedule a record vote on an upcoming City Council agenda to exhaust all options to remove the monument
  - File a certificate for demolition or removal (CD) as a non-contributing structure in the Pioneer Cemetery landmark and Landmark Commission will hear the certification
  - Estimated removal and storage cost is ~\$480,000
- **OPTION 3: Take no further action**



# Options and Timelines

- **OPTION 1: Re-envision the monument and site**
  - OCA will contract with the artist and brief the proposal to City Council within 120 days
  - Upon approval by Council, staff will seek review from the Public Art Committee and the Arts and Culture Advisory Commission
  - Staff will file a certificate of appropriateness (CA) with the Landmark Commission and include the Arts and Culture Advisory Commission recommendation
  - Landmark Commission will hear the certificate application within 30 days and has 65 days to approve/deny the application
    - Only the applicant/city may appeal CA denial by the Landmark Commission within 30 days after the decision
    - City Plan Commission has no timeline to hear and decide an appeal
  - Future budget considerations
    - The cost and funding sources to make alterations to the monument and site are unknown at this time but will be determined through the proposal and public art process, and may require procurement

# Options and Timelines

- **OPTION 2: Remove the monument**
  - Pending a record vote on an upcoming agenda to exhaust all options to remove the monument, staff will file a certificate for demolition or removal (CD) and Landmark Commission will hear the certification
    - Of five potential standards for CD, the only appropriate standard is “Noncontributing to the historic overlay district because it is newer than the period of significance”
    - City Manager’s Office and OCA staff would present the case to Landmark Commission
    - Landmark Commission has 65 days to approve/deny the application
      - Any interested person may appeal a decision of the Landmark Commission within 30 days after their decision
    - If requested to “exhaust all options” for removal, staff would automatically appeal a Landmark Commission denial to the City Plan Commission (CPC), which must decide the appeal within 65 days after the appeal is filed
    - On appeal, CPC would not hear any new evidence and only decide whether the Landmark Commission erred in its decision
  - Estimated removal and storage cost is ~\$480,000
  - Future budget considerations
    - The final cost and funding sources to remove the monument are unknown at this time and may require procurement and City Council authorization
  - **Note: Both Landmark Commission and CPC would be functioning as quasi-judicial bodies and therefore City Council members shall not speak to members of either board about the case once it is filed**

# Options and Timelines

- OPTION 3: Take no further action



# Next Steps

- City Council discussion
  - OPTION 1: Re-envision the monument and site
  - OPTION 2: Remove and store the monument
  - OPTION 3: Take no further action

# Options for *The Confederate Monument*

Briefing to City Council  
February 6, 2019

Jennifer Scripps, Director  
Kay Kallos, Public Art Program Manager  
Office of Cultural Affairs



**City of Dallas**

# Appendix: Task Force Recommendation

- On September 29, 2017, the final report from the Mayor's Task Force on Confederate Monuments recommended:
  - that the City of Dallas seek to place the Confederate Monument on long-term loan or donation to a museum, educational institution, or educational site located within North Texas so that they may be preserved and used for educational purposes through display within the full historical context of the City War, Reconstruction, 'Lost Cause' mythology, and the 'Jim Crow' era. If the City is unsuccessful in its efforts and the statues remain in storage after three years, the City Council should revisit this issue.



# Appendix: Related Projects

- Renaming of an existing monument
  - The *Confederate Memorial* has stood at the center of Forsyth Park in Savannah since 1875 in memory of slain Confederate soldiers



## Appendix: Related Projects

- Savannah Mayor Eddie DeLoach convened a task force “to expand the story this monument tells to be inclusive of all”
- Changes recommended
  - To be renamed the Civil War Memorial, with a new plaque added on one side that reads: **“This memorial was originally erected in 1875 to the Confederate dead, redesigned in 1879, and rededicated in 2018 to all the dead of the American Civil War”**
  - The Confederate soldier statue on top will remain, but busts of two Confederate officers standing beside the monument will be moved to a local cemetery





# Appendix: Related Projects

- Artistic examinations and new art pertaining to themes of Confederate Monuments and Civil War History
  - Kara Walker
  - Mark Bradford



# Appendix: Related Projects

- Kara Walker
  - Became the youngest recipient of the MacArthur Fellowship (the “Genius Grant”) in 1997
  - Known for exploring the intersection of race, gender, and sexuality through her iconic, silhouetted figures
  - In an exhibition at the Smithsonian Museum of American Art in 2017, she explored the myths of slavery and the Civil War through the depiction of characters based on racist caricatures once widely disseminated throughout popular 19th-century culture



*Harper's Ferry Pictorial History of the Civil War*, 2017 by Kara Walker



# Appendix: Related Projects

- Mark Bradford
  - Mark Bradford's Pickett's Charge, a monumental new commission by the Hirshhorn Museum that re-contextualized the Gettysburg Cyclorama was unveiled in 2017
  - Based on the Gettysburg Cyclorama (1883), a large Confederate painting by Paul Philippoteaux that is longer than a football field and taller than a four-story structure and on display at Gettysburg National Military Park
  - Pickett's Charge debuted November 2017 and is on view through 2021
  - Bradford invites visitors to reconsider how narratives about American history are shaped and contested and poses questions about the presentation and representation of American history that are particularly timely in contemporary America



# Appendix: Related Projects

- Mark Bradford
  - “Politically and socially, we are at the edge of another precipice. As an artist I’m standing in the middle of a question about where we are as a nation.”
  - Los Angeles–based artist whose work addresses socio-political issues such as race, class, and gender, while also engaging art history
  - Awarded the MacArthur Genius Grant in 2009, and in 2016, the US Department of State’s National Medal of Arts



# Appendix: lauren woods

- Lead collaborator for Reading Monuments, an emerging coalition of think tanks in southern cities that are examining the legacy and future of confederate monuments
  - DFW- based organizer in partnership with FW Modern
- Facilitated community-driven think tank workshops in response to urgent political realities
- In 2015, she led a workshop entitled, Sustaining Cultural Heritage in a Changing Landscape, as a part of the NEA and California Arts Council funded initiative, Antelope Valley Art Outpost Project, a creative placemaking effort that supported regional vitality through artist-driven projects
  - The project connected diverse local LA County community members with public-practice artists working in socio-political spheres in order to help develop non-traditional methods of addressing political concerns



# Memorandum



CITY OF DALLAS

DATE February 1, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Bulk and Brush Collection Program - Update**

On Wednesday, February 6, 2019, you will be briefed on the Bulk and Brush Collection Program - Update.

The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata  
Assistant City Manager

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (I)  
Carol Smith, City Auditor (I)  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager  
Jon Fortune, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
M. Elizabeth Reich, Chief Financial Officer  
Laila Aleqresh, Chief Innovation Officer  
Directors and Assistant Directors

# **Bulk and Brush Collection Program - Update**

**Dallas City Council**

**February 6, 2019**

**Kelly High, Director  
Sanitation Services**

**Tim Oliver, Assistant Director  
Sanitation Services**



# Presentation Overview

- Purpose
- Program Background
- New Incremental Approach
- Committee Feedback and Considerations
- Next Steps



# Purpose

- Present new incremental approach to bulk and brush collection and receive feedback to develop final program for future Council action

# Background – Current Collection Program

- Operations

- Monthly collection for 240,000 homes
- Utilize 31 grapple trucks and 52 tractor trailers
- ~125 truck driver/equipment operators
  - Consistently requires resources from garbage and recycling operations, other departments, and contractors

- Costs

- The current program costs over \$22M annually
- FY2018 staffing costs exceeded budget by ~\$1M
  - Equates to \$0.40 increase to monthly fee

# Background – Current Collection Program

- Volume

- Collect ~170K tons annually over the last 3 years
  - Averages increasing significantly over past 8 years
- Monthly volumes fluctuate from ~7,000 tons to over ~20,000 tons



5

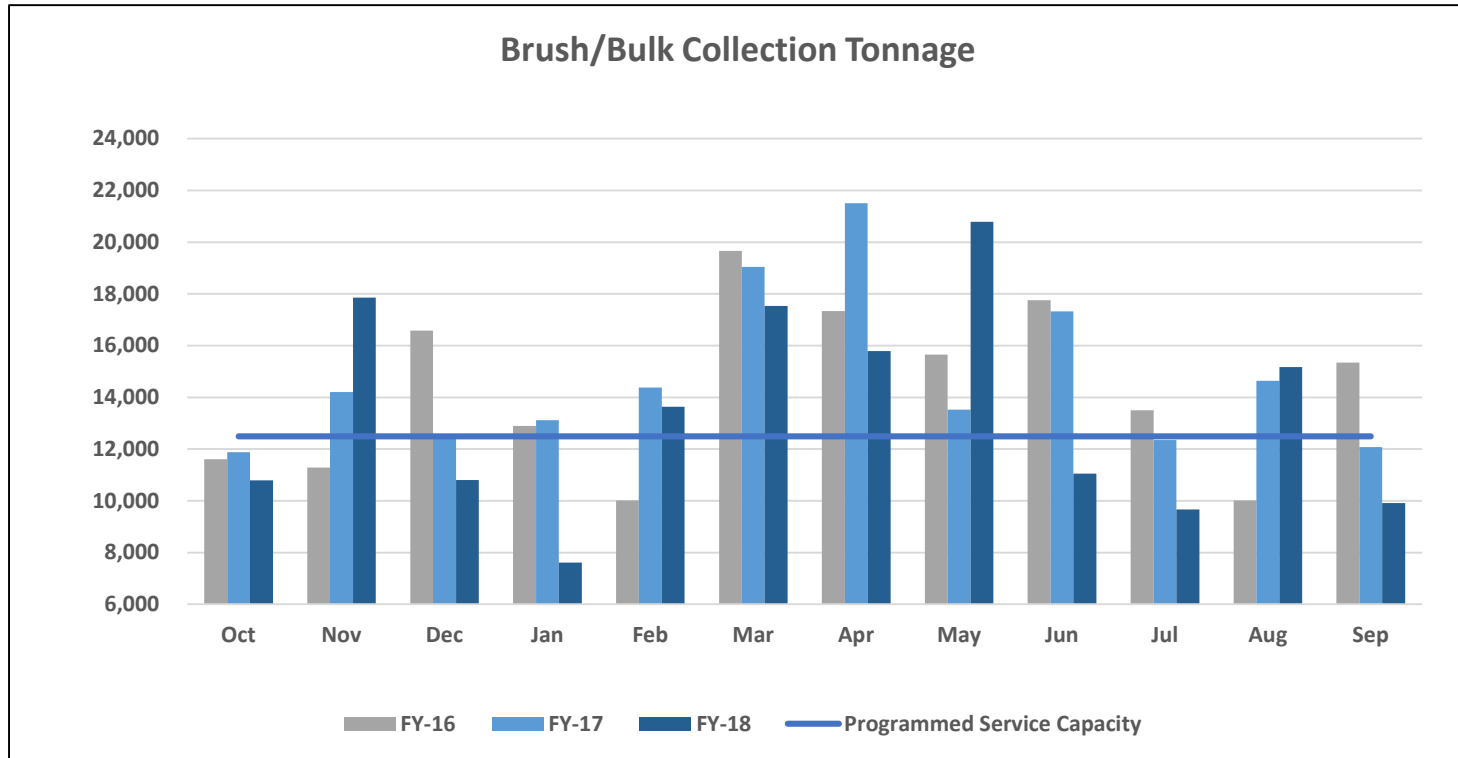
# Background – Key Challenges

- Neighborhood blight
  - Misuse and abuse (compliance)
  - No volume limits, few restrictions
  - Length of time at the curb
- Volume spikes = slower pickup
- Green waste is not diverted
- One-size fits all approach



# Background – Key Challenges

## Monthly Variations and Volume Spikes



# Background – Program Review

- In 2016, Sanitation Services hired a solid waste consultant to evaluate our current program, programs of other large Texas cities, and practical alternatives
- The goals for developing new program alternatives included:
  - Meeting residents' needs with reasonable collection frequency and limits
  - Increasing diversion or re-use of brush and yard waste material as outlined in the City's Zero Waste plan
  - Improving efficiency and consistency of service and reduce the amount of time that material is out for collection (i.e., improving neighborhood appearance)

# Background – Program Comparisons

Bulk, Brush, and Yard Waste Collection					
	Austin*	Fort Worth	San Antonio**	Houston	Dallas
<b>Number of Homes</b>	~193,000	~207,000	~340,000	~380,000	~240,000
<b>Scheduled Bulk</b>	2X/Year (restrictions)	Monthly (10 CY)	2X/Year (8 CY)	Every other Month (8 CY)	Monthly No Limits
<b>Scheduled Brush</b>	2X/Year (restrictions)		2X/Year (8 CY)	Every other Month (8 CY)	
<b>Scheduled Yard Waste</b>	Weekly	Weekly		Weekly	
<b>On Call</b>			2X/Year Bagged Leaves		
<b>Annual Bulk and Brush LBS/Home</b>	470 lbs	580 lbs	680 lbs	840 lbs	1400 lbs
* Austin - Bulk and Brush collection weeks are not always on the same week and not always every 3 months					
** San Antonio - Residents are notified 7-10 days before their bulk or brush collection begins.					

# Background – Prior Action

- In December 2016, staff briefed the consultant's findings and potential program alternatives to QOL committee
- In 2017, to supplement the consultant review, staff conducted a 6 month field survey to document customer usage
- In May 2018, staff briefed the Quality of Life, Arts and Culture Committee on refined program alternatives
  - A preferred alternative was moved to full City Council
- June 2018, staff briefed the City Council on a recommended bulk and brush collection program
  - Included monthly brush and quarterly bulk collection, with volume limits
  - No consensus gained and item sent back to committee

10



# Background – Prior Action

- Prior feedback used to develop new approach
  - Improve neighborhood cleanliness
  - Make changes gradually
  - Simplify program guidelines
  - Add value – not less service with same fee



# Incremental Approach

- Gradual Implementation

- Smaller phased changes
- Establishment of clear guidelines
- Greater focus on outreach and education
- Pursue pilot programs for future phase recommendations
  - On-call/quarterly bulk collection
- Data collection
  - New program compliance (volume limits and guidelines)
  - Potential pilot programs

# Incremental Approach

- Initial Phase
  - Establish volume limits that meet the majority of needs
  - Develop, educate, and enforce appropriate use of bulk collection
  - New “Clean Curb” approach
- Benefits and Added Value
  - Neighborhood cleanliness
  - Bulk and Brush remain combined
  - Pickup schedule remains unchanged
  - Allows for more consistent, timely collections

# Incremental Approach

- Volume Limits

- Establish volume limits as provided for in the Dallas City Code

- Up to 20 cubic yard limit

- Equivalent to 32 standard clothes dryers
- 135 standard 30 gallon kitchen trash bags
- 40 roll carts



14

# Incremental Approach

- Volume Limits

- Twelve (12) monthly 20 cubic yard collections

- Consider allowing one (1) of the monthly collections to be OVERSIZED

- Use of 311/call in to utilize oversize pickup
      - Up to 40 cubic yards
      - Captures need for annual tree trimming

- Why 20 Cubic Yards?

- Recent field survey indicated the following

- Most residents only use the service less than 4 times annually and most put out less than 5 cubic yards
      - 96% of set outs are 10 cubic yards or less
      - Potentially decrease annual tonnage by approximately 25K tons, but could further decrease with stricter limits

15

# Incremental Approach

- Program Guideline Adjustments and Compliance
  - Educate and reinforce acceptable set out guidelines
    - Furniture, mattresses, white goods, other items too large for normal roll cart collection
    - No household trash, food waste or construction debris
    - No loose waste or scattered debris
      - All waste must be bagged or containerized (< 50 lbs.)
  - Intent is to eliminate improper/unsightly set outs such as evictions
  - Train field staff for maintaining compliance

# Incremental Approach

- Program compliance



# Incremental Approach

- Program compliance



OKC.gov – Bulk Waste



# Incremental Approach

- “Clean Curb” Approach
  - All waste on the curb will be collected
  - Piles exceeding the established limit will be collected and documented
  - Piles with items outside of guidelines (construction debris, loose trash) will be collected and documented
  - After a “soft launch” for education and outreach, residents are billed for the excess volume over the limit or prohibited items

# Incremental Approach

- Implementation

- 3 phase approach

- Robust Education and Outreach Program

- Water bill inserts, mailers, door hangers, etc.

- Soft Launch

- An introductory period of 3-4 months
      - No additional charges
      - Notices of non-compliance

- Full Implementation

# Incremental Approach

- Positive Impacts

- Improve neighborhood cleanliness
- Decrease annual collection volumes
- Reduce monthly volume spikes
- Improve collection timeliness



21

# Committee Comments on Approach

- Limits could be reduced further, similar to other major Texas cities
- An OVERSIZED collection may be unnecessary and too complicated
- Changes to monthly bulk collection and separation/diversion of green waste is too slow
- Committee suggested full Council review of new approach before further development

# Considerations of Incremental Approach

- 20 cubic yards or 10 cubic yards
- Eliminate the oversized collection
- Quicker implementation of diversion
  - Alternating bulk and brush months
    - 20 or 10 cubic yard limits
    - 6x per year for each (even and odd months)
  - Can be implemented with existing resources

# Next Steps

- Receive Council input to continue developing a plan for approval in May 2019

# **Bulk and Brush Collection Program - Update**

**Dallas City Council  
February 6, 2019**

**Kelly High, Director  
Sanitation Services**

**Tim Oliver, Assistant Director  
Sanitation Services**

