

TRANSPORTATION AND ENVIRONMENT  
COMMITTEE MEETING RECORD

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**Meeting Date:** March 23, 2009      **Start Time:** 2:05 p.m.      **Adjournment:** 3:53 p.m.

**Committee Members Present:**

Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Vonciel Jones Hill, Pauline Medrano, Angela Hunt, Ron Natinsky, Carolyn R. Davis

**Committee Members Absent:**

None

**Other Council Members Present:**

Dwaine R. Caraway, Deputy Mayor Pro Tem

**City Executive Staff Present:**

Ramon Miguez, Assistant City Manager

**TRANSPORTATION AND ENVIRONMENT COMMITTEE AGENDA**

**1. Approval of Minutes for February 23, 2009**

**Action Taken/Committee Recommendation:**

Motion was made to approve the minutes for the February 23, 2009 meeting subject to corrections. No corrections were suggested and the minutes were approved as submitted.

Made by: Hill

Seconded by: Kadane

Passed unanimously

**2. Alley Overgrown Vegetation Briefing**

**Presenter:** Joey Zapata, Interim Director, Code Compliance

Mr. Zapata briefed the Committee on the process used to address alleys with overgrown vegetation and efforts to expedite abatement. The briefing addressed the Dallas City Code provisions, effects of overgrowth, alley obstruction resolution processes, and optional programs for clearing alleys.

**Action Taken/Committee Recommendation:**

Ms. Davis asked if unpaved alleys would eventually be closed. Mr. Miguez stated that closure, or abandonment, is an option for the City. These decisions are made

on a case-by-case basis. For example, if an alley has a utility easement, it would have to be retained, but the surface rights could go back to the property owners. Ms. Davis asked staff to look at the unimproved alleys in District 7 to see if some of them could be abandoned.

Mr. Kadane asked how long property owners are given to comply after alley inspections are completed. Mr. Zapata said that property owners are typically given 7 days to make corrections. If no action is taken by the property owner, then the case is given to the mow/clean crews who typically respond within a week to ten days. Two to three weeks for resolution is the goal of the department.

Ms. Medrano asked if educational information was being given to the property owners when a violation is reported by sanitation workers. Mr. Zapata stated that the education component is being done by Code Compliance. Ms. Medrano asked if Code Compliance was coordinating with neighborhood associations or crime watch groups that could put this issue on meeting agendas for their area. Mr. Zapata indicated that Code Compliance partners with community organizations when possible. Ms. Medrano asked if Councilmembers could be alerted to issues in their districts so that they could establish some form of communication with affected community groups. Mr. Zapata said information could be made available by Council district because violations are tracked in CRMS. Ms. Medrano asked Mr. Zapata to see if any of the already known issues were in her district.

Mr. Natinsky stated that he would like for the City to work with homeowners and neighborhoods to expand the educational effort.

Ms. Koop asked what percentage of sanitation collections were made at the front of the property. Ms. Nix responded that roughly 55% were front collections and 45% were alley collections. Ms. Koop pointed out that with the purchase of the new sanitation trucks, which are CNG trucks and therefore wider, it might be necessary to move more collections to the front of the property.

Ms. Medrano asked how violations are handled when there is a change in property ownership. Mr. Zapata said that these situations are addressed on a case-by-case basis. Property ownership information is checked when a violation is issued. Ms. Medrano asked how a notification is delivered to a property owner. Mr. Zapata stated that notices are sent certified mail or posted on the front door with a picture taken to verify that the notice was delivered.

No action was taken on this item.

### **3. Billboard Relocation Code Amendments**

**Presenters:** David Cossum, Assistant Director, Development Services

This briefing was originally presented to the Committee May 27, 2008 and a follow-up briefing was presented February 9, 2009. The purpose of this briefing was to

address questions raised at the February briefing regarding billboards that are within 2,000 feet of the Trinity River, how maximum sign height is determined, and the impact of signs relocated to "office" zoning districts. The proposed amendments affect only existing billboards that must be relocated because of TxDOT, DART or City of Dallas projects.

**Action Taken/Committee Recommendation:**

Ms. Davis asked about the purpose of the proposed amendment to the ordinance. Mr. Cossum stated that the primary purpose is to afford sign companies the same visibility that they had in their previous location.

Mr. Caraway recommended that the City get as many billboards as possible to advertise City facilities such as the Zoo and Fair Park.

Ms. Hunt stressed the importance of protecting the Trinity River Corridor. She said that if a special use permit request comes before the Council, she would not support it.

Mr. Kadane agreed with Ms. Hunt that no signs should be within the Trinity River Corridor. He asked for verification that, under this amendment, signs would be no closer than 2000 feet from the river. Mr. Cossum confirmed that this was true. Mr. Kadane stated that he would not want to see a sign over the levee from the river. Mr. Cossum stated that this issue could be examined as part of the SUP process to ensure that no signs would be visible from the park.

Mr. Natinsky indicated that he was not comfortable with billboards being relocated to office districts because a neighborhood may have supported a rezoning to office only to find that a billboard is now permitted. He suggested that a SUP process be used to allow relocation to an office district. Mr. Natinsky asked if staff felt that these changes would undermine the original intent of the current standards. John Rogers from the City Attorney's Office indicated that these changes would not undermine the City's prohibition on new billboards.

Motion was made to require a special use permit (SUP) to relocate to a LO, MO, or GO district to give protection to citizens living near those districts. Amendment needs to be added to define the park areas as related to the Trinity River.

Made by: Natinsky

Seconded by: Hunt

Passed unanimously

**4. City Regulation of Private Parking Lot Booting**

**Presenter:** John Brunk, Assistant Director, Public Works and Transportation  
Gary Titlow, Program Manager, PWT - Regulation

Mr. Brunk briefed the Committee on a proposal to regulate vehicle immobilization, or booting, by private parking lot operators. The purpose of the briefing was to obtain

Committee feedback on the proposed ordinance prior to meeting with parking industry representatives.

**Action Taken/Committee Recommendation:**

Ms. Davis said that the \$100 boot fine for not paying a \$7 parking fee was excessive and asked how that amount was determined. Mr. Brunk stated that \$100 was the maximum amount allowed. It is the amount that the industry is charging with no regulation and is the same amount allowed by the City of Houston.

Mr. Allen asked how many complaints have been received by the City. Staff indicated that the practice of booting was a relatively new practice that had resulted in about 15 to 20 complaints in the last few months. Mr. Allen requested that boot industry and parking lot owners be included in this process.

Mr. Natinsky asked additional information about the nature of the complaints and the number of vehicles that are being booted.

Mr. Natinsky asked if having a parking lot attendant do the booting was an issue that needed to be resolved with the companies. Mr. Brunk confirmed that this was an issue that needed to be discussed with the industry. Mr. Natinsky suggested several other areas that needed to be addressed: (1) is \$10 sufficient for the operator's permit, (2) how does a citizen know that the boot on their car is from a licensed company, and (3) what are the response times for removal of the boots.

Mr. Natinsky asked why a company would want to boot vehicles parked in free lots. Mr. Brunk gave an example of someone parking in lots for one establishment, and then going next door to a different establishment which puts them in violation of the lot where they parked. Currently, those cars would be towed.

Ms. Hunt asked staff to meet with Mr. Barry Annino from the Deep Ellum Association to hear his concerns.

Mr. Kadane asked how much the City would be charging the booting companies to issue a license. Staff indicated that the fee had not yet been determined, but that the City would only be allowed to charge the companies the amount equal to what it costs us to recover our costs.

Ms. Medrano and Ms. Koop asked staff to contact the City of Houston to see what we could learn from their experience. Ms. Medrano also asked how the companies know to boot a vehicle if they don't have someone on those premises at all times. Mr. Brunk provided a brief explanation of how the operators are able to audit the slot boxes to determine who has paid.

Ms. Medrano asked what the timeframe was for staff to bring this back to the Committee and what would be allowed in the interim. Mr. Brunk indicated that staff plans to bring this issue back to the Committee by the end of April, and explained

that since private lot booting is not regulated, parking lot operators can continue to boot vehicles as they are doing now.

Mr. Natinsky asked staff to meet with all the stakeholders including landowners, business owners, and the parking industry. Mr. Natinsky asked if we currently regulate parking lot operators. Mr. Brunk stated that they are not licensed, but they do get a certificate of occupancy for a commercial parking lot. Mr. Natinsky indicated that we needed to get a better understanding on the relationship between the property owner, parking lot operator and booting company, and who would be responsible for providing the payment machine.

Mr. Kadane asked if parking lot operators would still have the option to tow. Mr. Brunk stated that they would still have the ability to tow.

Mr. Barry Annino, President of the Deep Ellum Foundation, addressed the Committee. He indicated that he is a property owner and parking lot owner. Mr. Annino stated that the burden of proof is currently on the person who is parking. The burden of proof needs to be put on the person who is booting you.

No action was taken on this item.

5. Upcoming Agenda Item

- Sanitation Services FY 2009 Equipment Purchase

No action was taken on this item.

*Linda L. Koop*

Linda L. Koop, Chair  
Transportation and Environment Committee