

# Memorandum

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CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

DATE: August 5, 2010

TO: Honorable Members of the Quality of Life Committee: Vonciel Jones Hill (Vice Chair), Carolyn R. Davis, Angela Hunt, Sheffie Kadane, David A. Neumann, Steve Salazar

SUBJECT: Quality of Life Committee Meeting

**Tuesday, August 10, 2010, 12:00 p.m.**

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

The agenda for the meeting is as follows:

- |   |   |
|---|---|
| 1. Approval of May 24, 2010 minutes<br>(12:00 p.m. – 12:01 p.m.)            | Pauline Medrano, Chair  |
| 2. Illegal Dump Team<br>(12:01 p.m. – 1:00 p.m.)                            | Mary Morris, Assistant<br>Director, Court & Detention<br>Services |
| 3. Proposed Amendments to the Graffiti Ordinance<br>(1:00 p.m. – 2:00 p.m.) | Joey Zapata, Director<br>Code Compliance                          |
| 4. Adjourn<br>(2:00 p.m.)   | Pauline Medrano, Chair  |

Please let me know if you have any questions.



Pauline Medrano  
Chair

cc: Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Deborah A. Watkins, City Secretary  
Thomas P. Perkins, Jr., City Attorney  
Craig D. Kinton, City Auditor  
C. Victor Lander, Administrative Judge

Ryan S. Evans, First Assistant City Manager  
A.C. Gonzalez, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Forest E. Turner, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Frank Libro, Public Information Office

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 Council Committee

## Meeting Record (DRAFT)

**Meeting Date:** 5-24-2010

**Convened:** 12:07 p.m.

**Adjourned:** 1:51 p.m.

Pauline Medrano, Chair  
Vonciel Jones Hill, Vice-Chair  
Sheffie Kadane  
Dave Neumann  
Steve Salazar  
Carolyn R. Davis  
Jerry Allen – non member

**Briefing Presenter(s):**

- Jeanne Chipperfield, Chief  
Financial Officer

**Special Guests:**

Former Councilmember Veletta Lill

**AGENDA:**

1. **Approval of May 10, 2010 minutes**

**Presenter(s):**

**Information Only:** \_\_\_\_\_

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

Motion to approve the May 10, 2010 minutes.

Motion made by: Vonciel Jones Hill

Item passed unanimously: \_\_X\_\_

Item failed unanimously: \_\_\_\_\_

Motion seconded by: Sheffie Kadane

Item passed on a divided vote: \_\_\_\_\_

Item failed on a divided vote: \_\_\_\_\_

2. **FY 2010-11 Educational Enhancements Key Focus Area Preliminary Ranking of Bids**

**Presenter(s):** Jeanne Chipperfield

**Information Only:** \_\_X\_\_

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

The purpose of the briefing was to review the price of government process, recap the May 19<sup>th</sup> briefing and discuss the Educational Enhancements preliminary rankings. The FY 2010-11 budget development is equally, if not more challenging than FY 2009-10. Property tax revenues account for 42% of General Fund. Property values decreased by 3.5% in tax year 2009 and a greater value loss is expected for tax year 2010. Sales tax revenues account for 21% of General Fund. Monthly sales tax receipts have been down for 16 consecutive months when compared to the same month in the previous year. The current year (FY 2009-10) is estimated to be \$27.5 million less or 12% less than actual receipts received in FY 2007-08 before the recession.

Services above the line that are funded equal \$12.5 million, higher priority services that may be funded total \$5.3 million, and lower priority services that are not funded equal \$4.2 million. Services above the line include funding the operation of the library system at 63% of the current

# Quality of Life Council Committee

## Meeting Record

(DRAFT)

year level. Higher priority services that should be funded are restoring funding to Neighborhood libraries in order to maintain current service level at all 23 libraries and restore material funding to current year level, and restore funding to fund half of the current Thriving Minds in-school arts education programs. Lower priority services that are not funded are the operation of 21% of the library system that is funded in the current year and half of the current service level of the Thriving Minds program.

A combination of strategies is necessary to eliminate a \$81.3 million current forecasted differential. The following strategies for additional cost reductions and revenue enhancements for consideration and legal review include: implementing additional furlough days, implementing uniform furlough days, examine civilian and uniform pay reductions, review employee/retiree health benefit costs, implement reduction in force, and continue restrictive hiring throughout FY 2009-10 and FY 2010-11. Additional balancing strategies include: minimize police officer attrition replacement, review new fee study and prior year studies to ensure fees are set to full cost recovery, evaluate new revenue resources, evaluate expanding existing revenue sources, continue review and analysis of all bids to eliminate lower priority spending, review of internal service costs, continue to seek out efficiencies, evaluate outsourcing options, and capitalize bond program in-house implementation expenses.

Next steps are in May and June preliminary rankings will be reviewed by the committees. June 23<sup>rd</sup> Budget Workshop #6-FY 2010-11 preliminary budget outlook, July 26<sup>th</sup> receive certified tax rolls from the Appraisal District, and on August 9<sup>th</sup> the City Manager's proposed FY 2010-11 budget is presented.

### 3. FY 2010-11 Culture, Arts & Recreation Key Focus Area Preliminary Ranking of Bids

**Presenter(s):** Jeanne Chipperfield

**Information Only:**  X

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

The purpose of the briefing was to review the price of government process, recap the May 19<sup>th</sup> briefing and discuss the Culture, Arts and Recreation preliminary rankings. The FY 2010-11 budget development is equally if not more challenging than FY 2009-10. Property tax revenues account for 42% of General Fund. Property values decreased by 3.5% in tax year 2009 and a greater value loss is expected for tax year 2010. Sales tax revenues account for 21% of General Fund. Monthly sales tax receipts have been down for 16 consecutive months when compared to the same month in the previous year. The current year (FY 2009-10) is estimated to be \$27.5 million less or 12% less than actual receipts received in FY 2007-08 before the recession.

Services above the line that are funded equal \$42.6 million, higher priority services that may be funded total \$5.1 million, and lower priority services that are not funded equal \$17.0 million. Services above the line that are funded include: funding park land maintenance but at a reduced level, funding operation of 23 of 43 recreation centers with 30 hours per week compared to current 55 hours, funding revenue producing golf and tennis centers, funding cultural service contracts at 52% of current level, funding operational costs and utility payments at 17 cultural facilities/centers at reduced levels and reduction in program funds. Higher priority services that

# **Quality of Life Council Committee**

## **Meeting Record**

**(DRAFT)**

should be funded include: restoring funding to 11 additional recreation centers, restore funding to operate 7 of 21 pools, Bahama Beach and Bachman indoor pool, restore funding to Park programs such as after-school, send a kid to camp, and volunteer services. Lower priority services that are not funded include: funding of 40% of current service level in cultural centers, funding 14 pools and 9 recreation centers, not fully fund direct stipend payment for specific destination facilities such as Arboretum, Discovery Garden, Butterfly House, and Cedar Ridge Preserve.

A combination of strategies is necessary to eliminate a \$81.3 million current forecasted differential. The following strategies for additional cost reductions and revenue enhancements for consideration and legal review include: implementing additional furlough days, implementing uniform furlough days, examine civilian and uniform pay reductions, review employee/retiree health benefit costs, implement reduction in force, and continue restrictive hiring throughout FY 2009-10 and FY 2010-11. Additional balancing strategies include: minimize police officer attrition replacement, review new fee study and prior year studies to ensure fees are set to full cost recovery, evaluate new revenue resources, evaluate expanding existing revenue sources, continue review and analysis of all bids to eliminate lower priority spending, review of internal service costs, continue to seek out efficiencies, evaluate outsourcing options, and capitalize bond program in-house implementation expenses.

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Deputy Mayor Pro Tem Pauline Medrano, Chair  
Quality of Life Committee

# Memorandum



DATE August 5, 2010

TO Honorable Members of the Quality of Life Committee: Pauline Medrano (Chair),  
Vonciel Jones Hill (Vice Chair), Carolyn R. Davis, Angela Hunt, Sheffie Kadane,  
David A. Neumann, Steve Salazar

SUBJECT Illegal Dump Team Briefing

On Tuesday, August 10, 2010, you will be briefed on the Illegal Dump Team.  
The briefing material is attached for your review.

If you have questions or need additional information, please let me know.



Ryan S. Evans  
First Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Deborah A. Watkins, City Secretary  
Thomas P. Perkins, Jr., City Attorney  
Craig D. Kinton, City Auditor  
Judge C. Victor Lander, Administrative Judge Municipal Court  
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Jeanne Chipperfield, Chief Financial Officer  
Frank Libro, Public Information Office  
Helena Stevens-Thompson, Assistant to the City Manager

# Illegal Dump Team

**Dallas Marshal's Office  
Department of Court & Detention  
Services**

**Briefing to the  
Quality of Life Committee  
August 10, 2010**



City of Dallas



# What is Illegal Dumping?

## TEXAS HEALTH AND SAFETY CODE: Sec 365.012

“ A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state.”

“A person commits an offense if the person receives litter or other solid waste for disposal at a place that is not an approved solid waste site, regardless of whether the litter or other solid waste or the land on which the litter or other solid waste is disposed is owned or controlled by the person”

“A person commits an offense if the person transports litter or other solid waste to a place that is not an approved solid waste site for disposal at the site”

# History



City of Dallas

- **1994, the Illegal Dump Team was created under the Department of Code Compliance as a result of increased dumping violations:**
  - **6 civilian Code Inspectors**
  - **issued citations without criminal prosecution against offenders**
- **1996, 8 Sworn Deputy Marshals were added to the Department of Code Compliance**
- **2002, IDT Deputies were reassigned to the Department of Court and Detention Services:**
- **2010, IDT Team consists of:**
  - **1 Sergeant**
  - **3 Deputy Marshals**
  - **2 Investigators**
- **FY10-11 includes the addition of 2 IDT Deputy Marshals, funded by the Storm Drainage Management Fund**

# What IDT Does

- **Illegal Dump Team:**
  - **Enforce Environmental Laws :**
    - Health and Safety Code (Illegal Dumping)
    - Texas Clean Air Act ( Open Burning, Smoking Vehicles, Vehicle Idling)
    - Texas Water Code (Illegal Dumping of Hazardous Waste, Dumping of any Pollutants)
  - **Enforce City of Dallas Ordinances (Unsecured Load, Scrap Tire, and Motor Vehicle Idling Ordinances)**
  - **Monitor Chronic Dump Sites (Daily)**
  - **Conduct Surveillance at Dump Sites**
  - **Provide Community Education (Community Meetings, Fairs, etc)**

# Internal/ External Department Partnerships



Works with various Internal Departments and External Agencies:

- DPD
  - Respond to 9-1-1 and 3-1-1 Dumping in Progress Calls
  - Forward case files to IDT Investigators for prosecution
- DFR Hazmat Response
  - Respond to Hazardous Spills or Improperly Disposed Hazardous Materials
- Code Compliance
  - Analyze illegally dumped material for trace evidence and summons the assistance of IDT staff for criminal prosecution
  - Weigh, transport and dispose of illegally dumped material
- DWU/ Storm Water Division
  - Request Assistance for Criminal Prosecution Against Violators of the Texas Water Code
  - Conduct Sample Collections for Hazardous Waste
  - Hire Contractors to Remove Hazardous Waste Material
- Texas Commission on Environmental Quality
  - Refer Criminal Cases to IDT for Criminal Investigation

# Penalties



City of Dallas

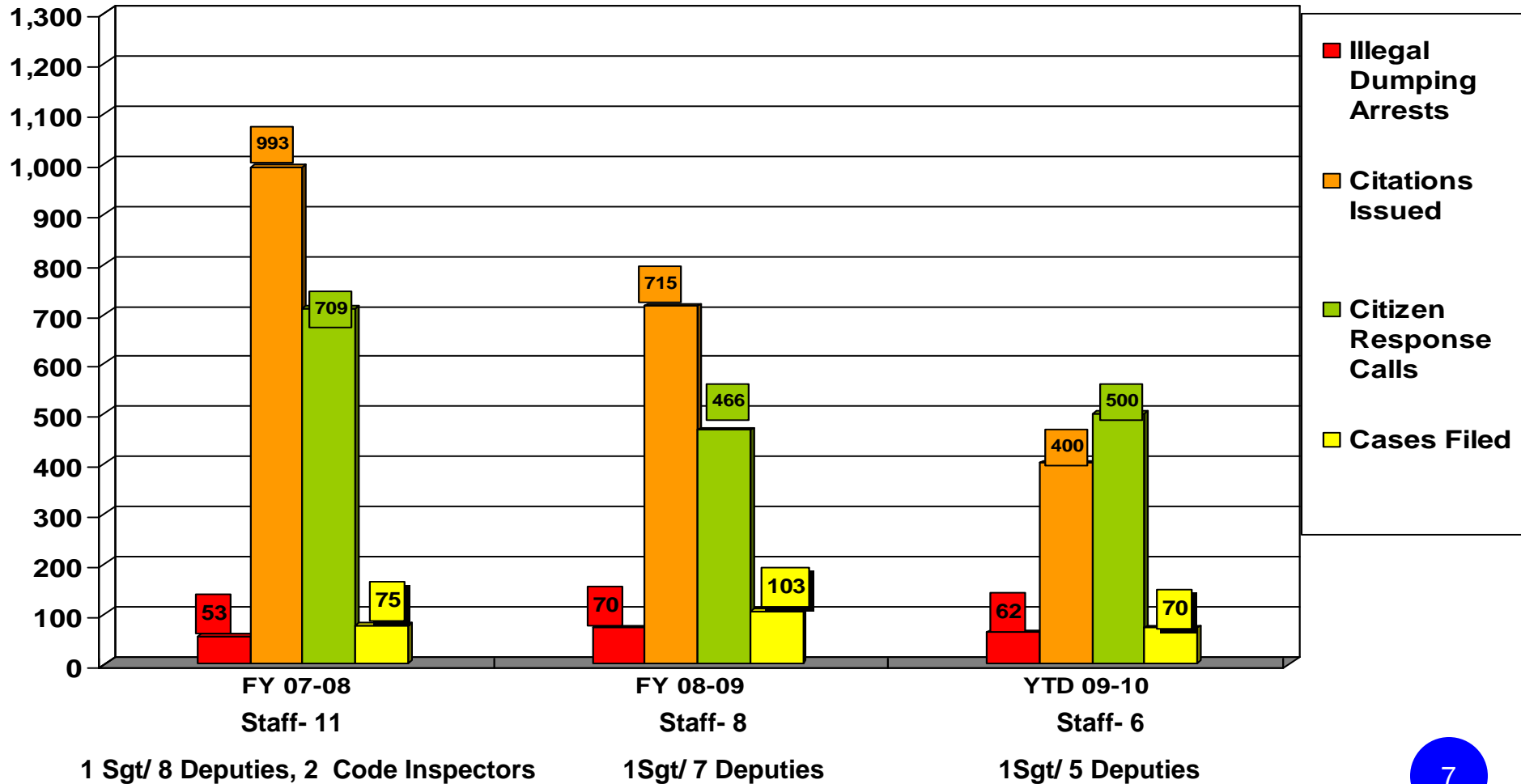
<b>Penalties under the Texas Litter Abatement Act /Health &amp; Safety Code, Chapter 365 – Illegal Dumping</b>		
<b>Class C Misdemeanor</b>	<b>5 lbs. or less, or a volume of 5 gallons or less</b>	<b>Fine up to \$500</b>
<b>Class B Misdemeanor</b>	<b>More than 5 lbs. but less than 500 lbs., or a volume of more than 5 gallons but less than 100 cubic feet</b>	<b>Fine up to \$2000 and/or 180 Days in Jail</b>
<b>Class A Misdemeanor</b>	<b>500 lbs. or more, but less than 1000 lbs., or a volume of 100 cubic feet or more, but less than 200 cubic feet</b>	<b>Fine up to \$4,000 and/or Up to 1 year in jail</b>
<b>State Jail Felony</b>	<b>1000 lbs. or more, has a volume of 200 cu. feet or more;  or  Dumping for economic purposes and weighing 200 lbs. or more, has a volume of 200 cubic feet or more;  or  Dumping a closed barrel or drum</b>	<b>Fine up to \$10,000 and/or 180 days to 2 years in jail</b>

# YTD Stats

( October 2009 thru July 2010)



City of Dallas



# Illegal Dump Team Enforcement



**The next slides were taken from cases where violators were convicted and required to pay restitution to the City of Dallas**

# Case #1 – Hazardous Waste Violation



- Site location is residential neighborhood/ public street
- Two violators left six 55 gallons drums of hazardous acid on a broken trailer
- This case was a referral from DPD and DFR Haz-Mat Response
- Violators were located through an invoice (trace evidence) as they were attempting to transport the chemicals from another State with the intent of extracting silver from the chemicals
- Violators were arrested, convicted received jail sentencing and required to pay restitution to the COD in the amount of 11,300.00. Six Thousand Dollars in restitution has been received to date

# Case #2 – Hazardous Waste Violation



City of Dallas



- Site location is a residential neighborhood.
- Violator was hired by a realtor to dispose of 1,062 gallons of paint (Lead Base and Industrial Paint), previously donated to charity by the Six Flags Corporation
- In lieu of paying for proper remediation, violator dumped open contents of paint into a City of Dallas and DHA Dumpster
- IDT was able to locate suspects through identifying documentation from the lid of the paint cans
- Four violators were arrested and indicted; the hiring realtor was required to pay 43K for the abatement of the violation in lieu of prosecution

# Case #3 – Illegal Dumping Violation



- **Site location is a vacant lot**
- **Violator was a hired contractor paid to dispose of debris from the demolition of a house in Highland Park (4700 Drexel)**
- **Violator identified through trace evidence**
- **Violator was arrested, convicted and required to pay restitution to the City of Dallas in the amount of \$840.01**

# Case #4 – Illegal Dumping Violation



City of Dallas



- Site location is a vacant lot in a residential neighborhood
- Suspect captured through surveillance video dumping household debris, and identified by the vehicle license plate
- IDT Investigator located and obtained suspects statement. Suspect initially denied involvement until he was shown the video at which time suspect pleaded guilty
- Violator was arrested, convicted and required to pay restitution to the City of Dallas in the amount of \$272.01

# Case #5 – Illegal Dumping Violation



- **Site location is a vacant house where illegal dumping occurred in front of witnesses. Three individuals working as scrappers dumped 25K lbs of debris**
- **Witness contacted Illegal Dump Team**
- **Trace evidence was found linking the 3 violators**
- **Violators were arrested, convicted and required to pay restitution to the City of Dallas in the amount of \$967.57**

# Appendix

## ➤ Processes

## ➤ Terms

Trace Evidence

Unsecured Loads

Scrap Tires

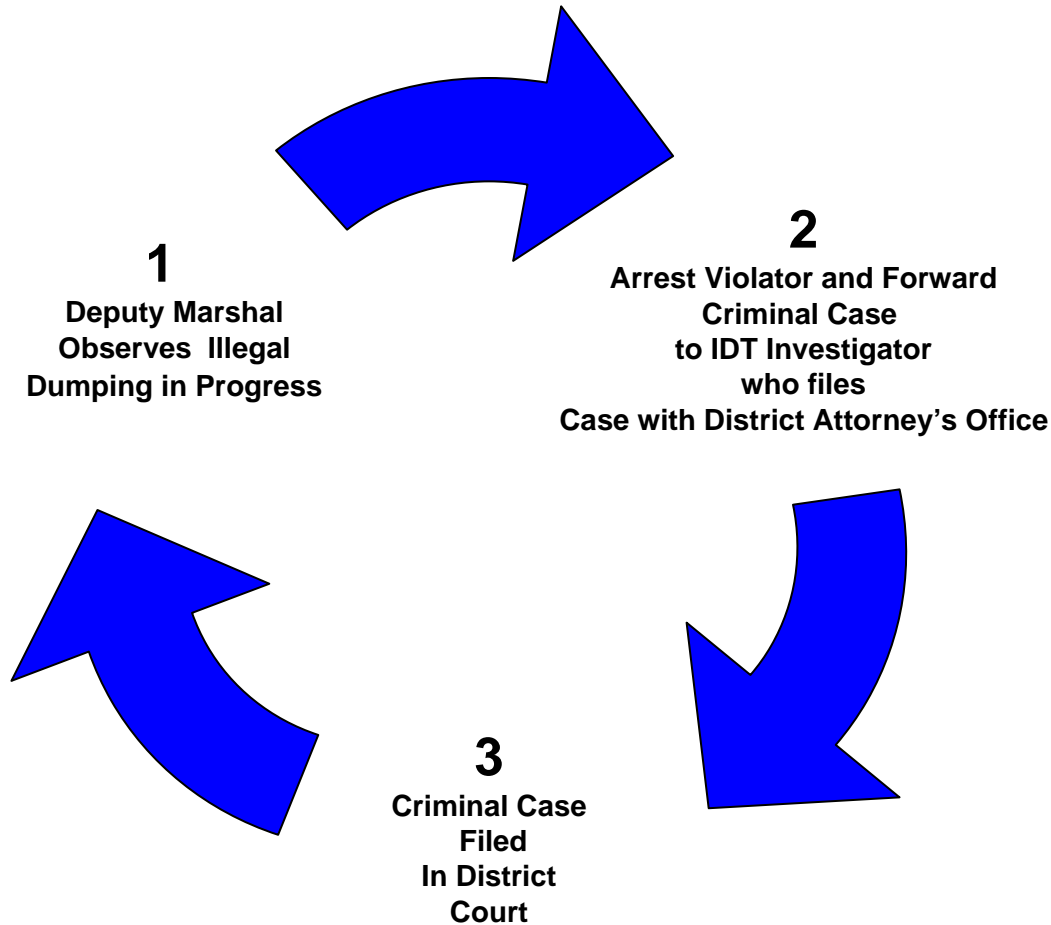
## ➤ Did you Know?

## ➤ Questions

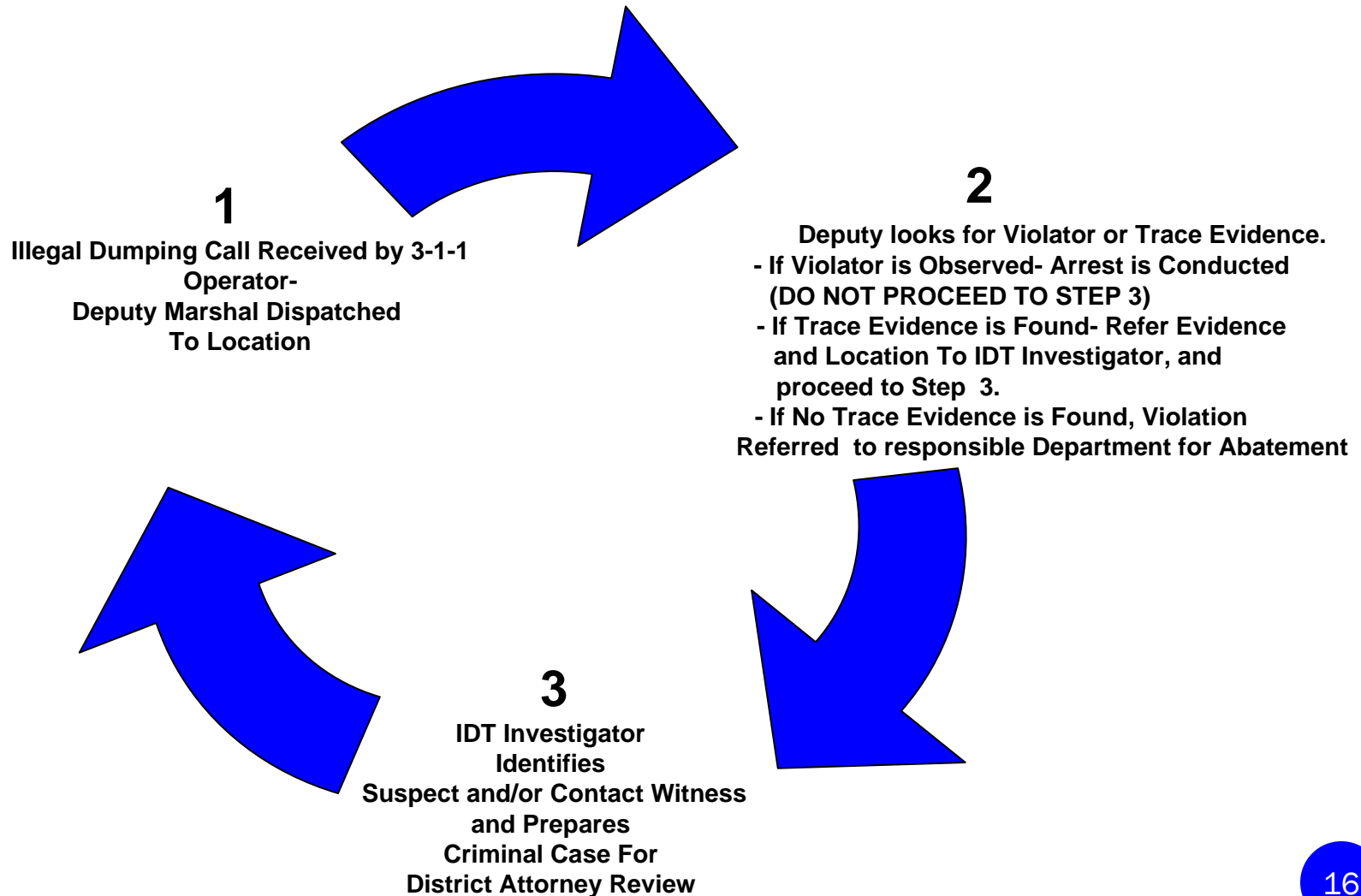
# Process for Illegal Dumping In Progress



City of Dallas



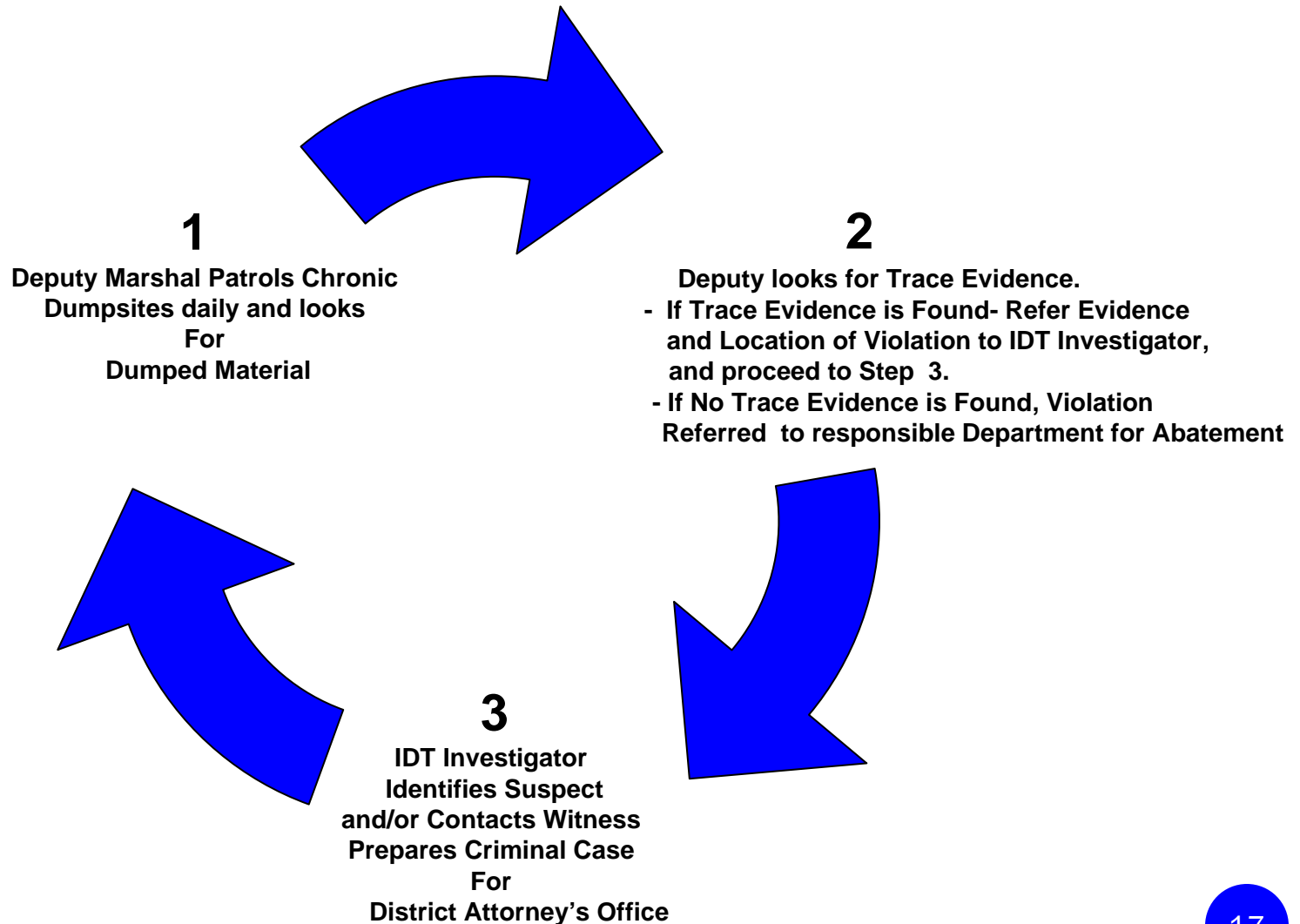
# Process for 3-1-1 Calls For Service



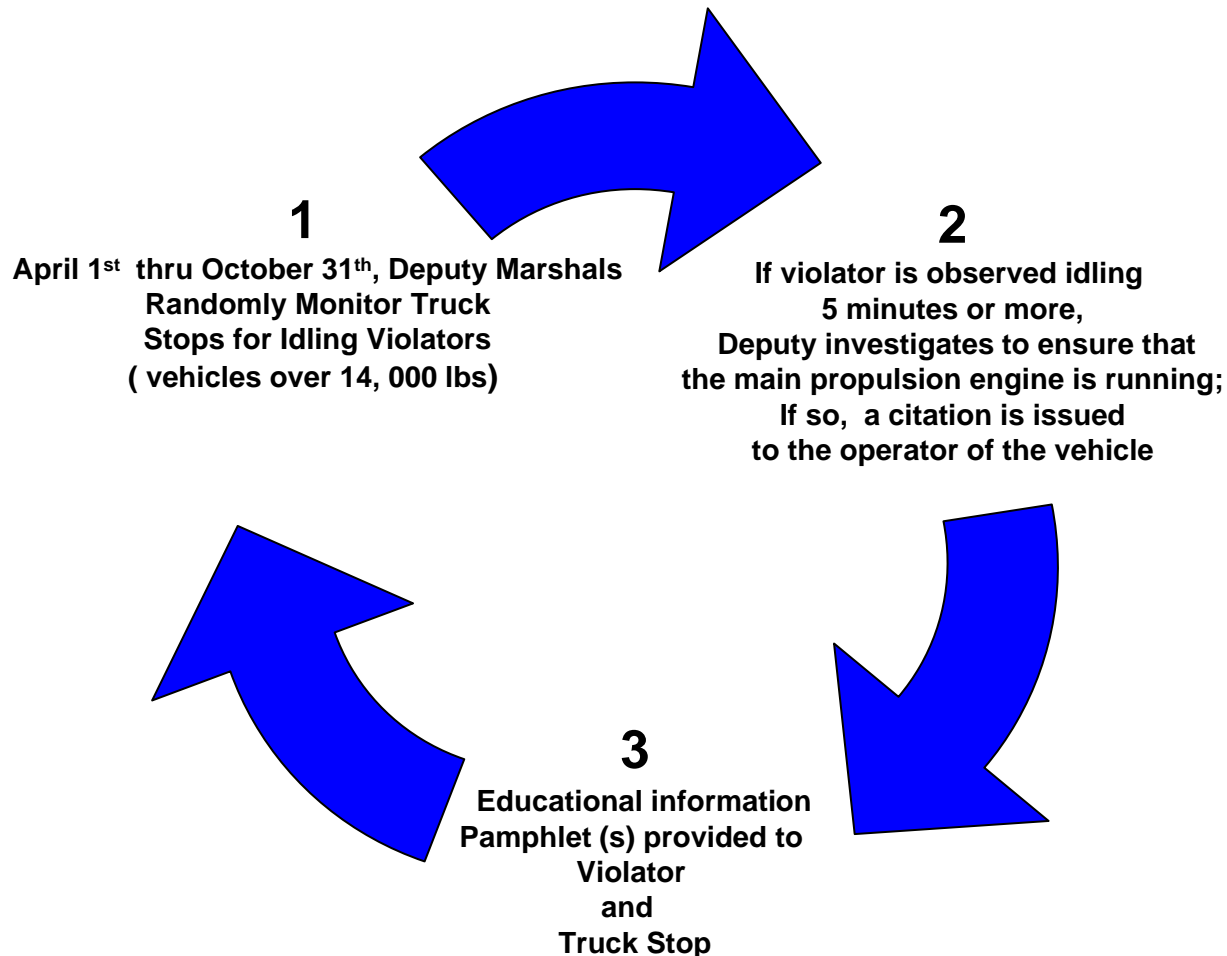
# Process for Monitoring Dumpsites



City of Dallas



# Process for Motor Vehicle Idling



# Illegal Dump Terms

## ➤ Trace Evidence

- Any evidence that can identify the source of the debris and lead the officer to a suspect

## ➤ Unsecured Loads

- Transport of unsecured solid or liquid waste in a private or commercial vehicles without a tarp or cover (Load Not Secured)

## ➤ Scrap Tires

- Enforcement began in January of 2005 under Chapter 18 of the Dallas City Ordinance
- A vehicle transporting more than 6 scrap tires without a Scrap Tire Decal is considered to be in violation of the City Ordinance
- The Ordinance empowers Peace Officers to impound vehicles and /or issue citations when a Scrap Tire Decal is not displayed on a transport vehicle
- Chapter 18 is also enforced by the Department of Code Compliance SCRAP Tire Division

# Scrap Tire Enforcement



- The City of Dallas Scrap Tire Ordinance gives Dallas Marshal Deputies and Dallas Police Officers authority to impound vehicles and/ or issue citations to transporters in violation of this ordinance. Fines can exceed \$2,000

# Did you Know?

- **Although difficult to profile a “typical” illegal dump offender, most include:**
  - Construction, demolition, remodeling, roofing, or landscaping contractors
  - Waste management companies or general hauling contractors
  - Operators of transfer stations or junkyards
  - Automobile repair or tire shops and scrap collectors
  
- **Offenders may also include everyday residents and “do-it-yourself” types**
  - May resort to illegal dumping for waste not collected by local waste haulers, such as bulky items, carpeting, or other household hazardous waste

# Did you Know?



City of Dallas

- **Illegal Dumping Occurs More Frequently In :**
  - Public right-of-ways (streets, highways, and alleys)
  - Large parcels and isolated public or private property
  - City Parks
  - Flood Plains
  - Along rural road and railways
- **Illegal Dumping occurs more frequently at night, early morning and during warm months**

# Did you Know?



City of Dallas



- **Lighting and barriers can reduce or eliminate continued dumping**
- **“No Dumping” Signs**
  - **Reduces the Amount of Illegal Dumping Activity**
  - **Are effective in creating awareness of ordinances, fines, penalties**
  - **May only be placed on public right-of-way and City property**
  - **Are placed by the Department of Code Compliance and monitored by the IDT for 30 days after placement**



City of Dallas

# Illegal Dumping Hurts Everyone.



- ! Piles of trash are **UNSIGHTLY** and **DANGEROUS**
- ! Trash can **ATTRACT RATS** and illegally dumped tires can **BREED MOSQUITOES**
- ! Children can be **INJURED** by sharp objects while playing around these piles
- ! Toxic substances, like motor oil, **POLLUTE** our water sources
- ! Unsightly piles of trash can **LOWER** your **PROPERTY VALUES**



# QUESTIONS

# Memorandum



DATE August 5, 2010

TO Honorable Members of the Quality of Life Committee: Pauline Medrano (Chair),  
Vonciel Jones Hill (Vice Chair), Carolyn R. Davis, Angela Hunt, Sheffie Kadane,  
David A. Neumann, Steve Salazar

SUBJECT Proposed Amendments to the Graffiti Ordinance Briefing

On Tuesday, August 10, 2010, you will be briefed on the Proposed Amendments to the Graffiti Ordinance. The briefing material is attached for your review.

If you have questions or need additional information, please let me know.



Forest E. Turner  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
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# Proposed Amendments to the Graffiti Ordinance

Presented to the Quality of Life  
Committee

August 10, 2010

# Outline

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- Overview
  - Abatement
  - Reporting
  - Process
- State Law Amendments - Graffiti
- Property Owner Removal Period
- Exemptions
- City Abatement of Graffiti
- Action to be taken

# Overview – Graffiti Abatement

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- During the typical year, Code Compliance Nuisance Abatement crews abate 5,250 graffiti cases



# Overview – Graffiti Reporting

- Violations are identified through:
  - 3-1-1
  - Graffiti Tip Line (214) 670-TIPS (8477)
  - Graffiti Wipeout Website  
[www.dallasgraffitiwipeout.com](http://www.dallasgraffitiwipeout.com)
  - Proactive Sweeps

The screenshot shows the Dallas Graffiti Wipeout website homepage. At the top, there is a navigation bar with links for Home, General Information, Projects, Abatement, Volunteers, Forms, and Contact Us. Below the navigation bar, the main content area features a large header with the text "Dallas Code Compliance, what it all means COMMUNITY" and "Dallas Graffiti Wipeout". The main content is organized into several sections:

- Report An Incident:** You can report graffiti by calling 3-1-1 or submitting a service request online. [More](#)
- TIPS AND OTHER BRIGHT IDEAS:** TIPS for Graffiti Prevention. Learn how to remove, prevent, and control graffiti. [More](#)
- GRAFFITI ABATEMENT PROGRAM:** FREE Graffiti Abatement. Clean up services provided to property owners. [More](#)
- Graffiti Videos:** View graffiti related videos. [More](#)

On the right side, there is a section titled "Give Graffiti the Brush!" with the text: "Graffiti: Painting of graffiti, also known as 'tagging', is a crime. If you see someone tagging property, please call 3-1-1 immediately. If you see graffiti in your neighborhood, please report it to the Department of Code Compliance by calling the Graffiti Tip Line at 214-570-TIPS (8477)."

Below this text, there is a sub-section: "You can also report graffiti by either calling 3-1-1 or by submitting a service request online." This is followed by a grid of icons representing different services:

- State Laws & City Codes
- Contact Us
- Murals & Public Projects
- Abatement Clean Up
- for Kids
- for Parents
- for Teachers
- Join the Team

At the bottom of the page, there is a footer with the text: "City of Dallas Department of Code Compliance City of Dallas | Department of Code Compliance | Graffiti Home"

# Overview - Process

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- ❑ Site Investigated
- ❑ Notice of Violation Issued
- ❑ There are Options available for Property Owners
  - Owners can abate the graffiti themselves
  - Fill out consent form and allow the City to abate property for free
  - Property owner can purchase color matched paint and allow a City crew to use on property for free
  - City can drop off paint/supplies so that property owner can abate as needed
- ❑ Owners that do not abate or allow the City to abate are subject to citation

# State Law Amendments - Graffiti

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- ❑ During the last State Legislative Session amendments were passed that affected laws related to graffiti
- ❑ The City Attorney's Office was requested to review the changes to determine whether the City of Dallas ordinance conflicted with the new State Law

# State Law Amendments - Graffiti

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- The City Attorney's Office concluded that three sections of the City of Dallas ordinance conflict with new State Law
  - Property Owner Removal Period
  - Exemptions
  - City abatement of graffiti

# Property Owner Removal Period

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- ❑ The new State Law requires owners to remove graffiti **15** days after notice (Section 250.006(a) of Texas Local Government Code)
- ❑ The City ordinance requires owners to remove graffiti **21** days after notice (Section 31-38 of the Dallas City Code)

# Exemptions

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- The new State Law included two exemptions not currently present in the Dallas ordinance
  - Property owners are exempt from the requirement if:
    - Graffiti is located on transportation infrastructure
    - Removal of the graffiti would create a hazard for the person doing the removal

# City Abatement of Graffiti

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- Under the new State Law a city may not issue a graffiti violation notice unless the city has offered to remove the graffiti **free of charge**, and the owner has refused the offer (Section 250.006(b) Texas Local Government Code)
- The City Ordinance does not state the removal service offered by the City is free of charge

# Action to be taken

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- ❑ Draft amendments to the Dallas City Code related to graffiti to reflect changes to the State Law
- ❑ Seek Council Approval of Amended Ordinance
- ❑ Update any literature and notices related to graffiti or the graffiti abatement program
- ❑ Update City websites reflecting the changes
- ❑ Place updated ordinance on October 26, 2010 voting agenda

# Questions

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