

QUALITY OF LIFE, ARTS & CULTURE COMMITTEE
DALLAS CITY COUNCIL COMMITTEE AGENDA

RECEIVED

2018 JUN -5 AM 9: 03

CITY SECRETARY
DALLAS, TEXAS

MONDAY, JUNE 11, 2018
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA STREET
DALLAS, TEXAS 75201
9:00 A.M. – 11:00 A.M.

Chair, Councilmember Sandy Greyson
Vice-Chair, Councilmember Mark Clayton
Councilmember Rickey D. Callahan
Councilmember Jennifer S. Gates
Councilmember Scott Griggs
Councilmember B. Adam McGough
Councilmember Omar Narvaez

Call to Order

1. Approval of May 14, 2018 Minutes

BRIEFINGS

2. Dallas Animal Services Dashboard Ed Jamison
Director, Dallas Animal Services
3. Recommended Ordinance for Animal Holding Periods Ryan Rogers
Assistant Director, Dallas Animal Services
4. Recommended Ordinance for Dangerous and Aggressive Dogs Ed Jamison
Director, Dallas Animal Services
5. Proposed Satellite Location for Dallas Animal Services Ed Jamison
Director, Dallas Animal Services

6. **INFORMATIONAL MEMORANDUM**
Potential Preservation of Open Space and Natural Lands Near the Trinity River

7. **Upcoming Agenda Items**

June 13, 2018

- A. Agenda Item #33 - A resolution to ratify emergency work performed by van Enter Studio, Ltd. to remove and relocate ten bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, due to the unstable foundations compromising the stability of the sculptures - Not to exceed \$42,000 - Financing: Convention and Event Services Current Funds
- B. Agenda Item #40 - Authorize a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation for the implementation of a community outreach outdoor program – Financing: No cost consideration to the City

Adjourn



Sandy Greyson, Chair
Quality of Life, Arts & Culture Committee

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 pistola 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."

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]

Quality of Life, Arts & Culture Committee Meeting Record

Meeting Date: May 14, 2018

Convened: 9:09 AM

Adjourned: 10:54 AM

Members Present:

Sandy Greyson (Chair)
Mark Clayton (Vice-Chair)
Rickey D. Callahan
Jennifer S. Gates
Scott Griggs
B. Adam McGough
Omar Narvaez

Members Absent:

Council Members Present:
Philip Kingston

Briefing Presenters

Kelly High
Director, Sanitation Services

Staff Present:

Casey Burgess; Adriana Castaneda; David Cossum; Louise Elam; Rick Galceran; Juan Garcia; Daniel Huerta; Christine Lanners; Danielle McClelland; Tim Oliver; Jody Puckett; Crystal Ross; Genesis Sturm; Kris Sweckard; Dennis Ware; Natalie Wilson

Guests:

AGENDA:

1. **Approval of the May 14, 2018 Minutes**

Information Only:

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes of May 14, 2018.

Motion made by: Jennifer Gates

Motion seconded by: Omar Narvaez

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

2. **Universal Access to Recycling: Multifamily & Commercial**

Presenter(s): Kelly High, Director, Sanitation Services

Information Only:

The Committee was briefed on the Universal Access to Recycling: Multifamily & Commercial.

Action Taken/Committee Recommendation(s): The Committee expressed:

- Concerns on how condos would be considered and how high-rise condos would be serviced
- Concerns on the cost structure for residential processing of recycling
- The need for a facility that can recycle/sort glass
- Concerns about possibly needing additional code officers
- A motion to move forward to full Council on June 13th, 2018

Motion made by: Scott Griggs

Motion seconded by: Omar Narvaez

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

3. Bulk and Brush Collection Changes - Update

Presenter(s): Kelly High, Director, Sanitation Services

Information Only:

The Committee was briefed on the Bulk and Brush Collection Changes - Update

Action Taken/Committee Recommendation(s): The Committee expressed:

- Concerns about causing confusion for the public with the changes being made to the services
- Concerns about how citations would be handled
- Suggestions for a temporary drop off site
- A motion to move forward to full Council Briefing with the recommendation of the Committee

Motion made by: Scott Griggs

Motion seconded by: Mark Clayton

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

4. INFORMATIONAL MEMORANDUM: Downtown Dallas Proposed Parks Development and Funding Agreement

Presenter(s):

Information Only:

Information about the Downtown Dallas Proposed Parks Development and Funding Agreement was provided via memorandum.

Action Taken/Committee Recommendation(s): The Committee expressed concerns about how budget funding flows from foundation to the city; from the city to the foundation and where control resides.

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

5. Upcoming Agenda Items

Presenter(s):

Information Only:

Information about the upcoming items was included in the briefing materials.

Action Taken/Committee Recommendation(s):

The Committee expressed concerns about the neutrality of the budget and requested a correction to the agenda item's background on Upcoming Agenda Item A.

A motion was made to move Upcoming Agenda Items forward to full Council.

Motion made by: Rickey D. Callahan

Motion seconded by: Jennifer Gates

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Councilmember Sandy Greyson
Chair

Memorandum



CITY OF DALLAS

DATE June 6, 2018

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scot Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Dallas Animal Services Dashboard**

Summary

On Monday, June 11, 2018, Ed Jamison, Director of Dallas Animal Services and Ryan Rogers, Assistant Director will brief the Quality of Life, Arts and Culture Committee. The briefings will cover the Dallas Animal Services Dashboard, Recommended Ordinance for Animal Holding Periods, Recommended Ordinance for Dangerous and Aggressive Dogs Proposed Satellite Location for Dallas Animal Services. Briefing materials are attached for your review.

Background

Dallas Animal Services Dashboard

This presentation will give a high-level overview of the current status of some of Dallas Animal Services' most important metrics.

Recommended Ordinance for Animal Holding Periods

This presentation will detail the current problem with the animal holding periods and how the ordinance impedes live release rates. Dallas Animal Services (DAS) has collaborated with the Animal Advisory Commission (AAC) to recommend immediate changes to save lives this summer and increase shelter capacity. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

Recommended Ordinance for Dangerous and Aggressive Dogs

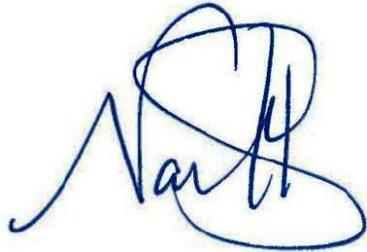
This presentation will detail the definition of a dangerous dog, the requirements of the owner of a dangerous dog, the current administrative challenges and proposed amendments. DAS has collaborated with the Animal Advisory Commission and Dangerous Dog Task Force, in the development of these recommendations. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

Proposed Satellite Location for Dallas Animal Services

This presentation will discuss Dallas Animal Services' intent to repurpose old fire station #44 (District 7) as a potential satellite location. This will be a pilot program, if approved. This briefing will include justification for a satellite location, potential budget impacts, and future uses should the site be activated. The AAC has express support for site activation.

Date June 6, 2018
Subject Dallas Animal Services Dashboard

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



Nadia Chandler Hardy
Chief of Community Services

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

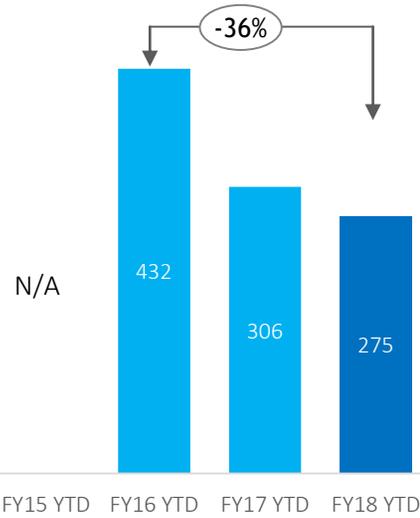
Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

FY18 Executive Dashboard for DAS

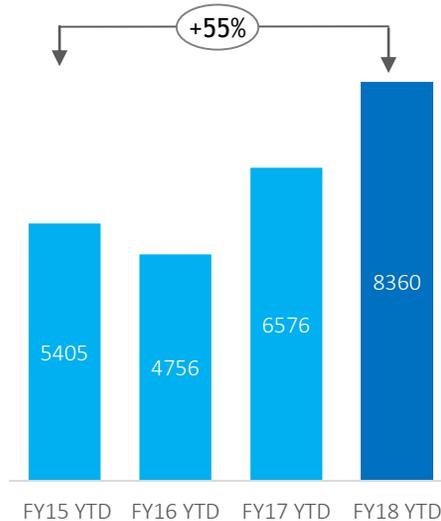
As of 5/1/18



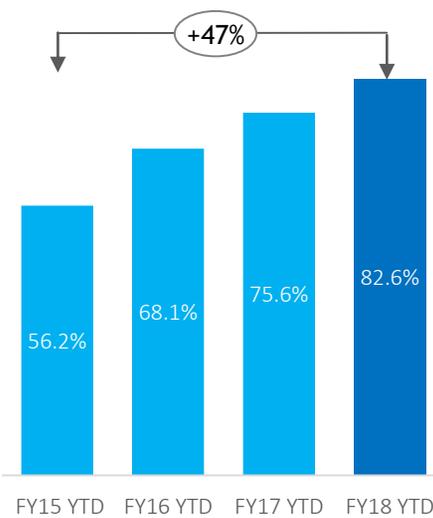
Loose and Loose Owned Dog Bites



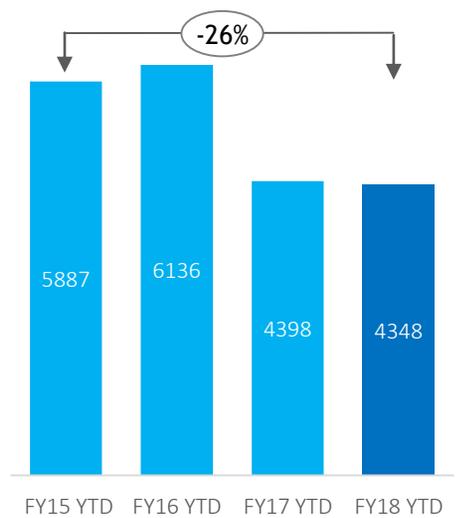
Dog Field Intake



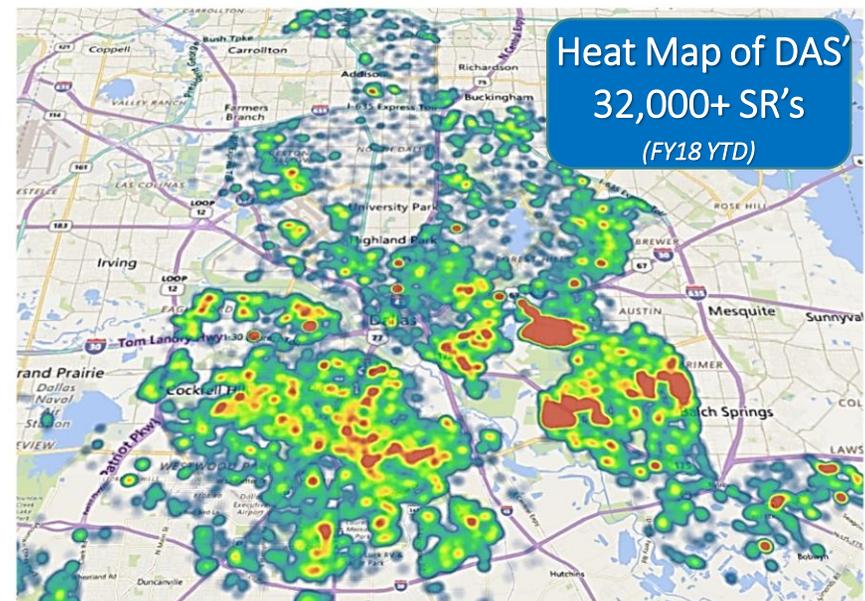
Shelter Live Release Rate



Dog Intake - Owner Surrender



DAS' Service Requests Through April	Count:	% of Total
Animal - Loose Dog (Owned) - DAS	5,995	18%
Animal - Vaccination Investigation - DAS	4,892	15%
Animal - Stray Dog - DAS	4,092	13%
Animal - Aggressive Activity - DAS	3,259	10%
Animal - Confined Stray - DAS	2,377	7%
Animal - Neglect - DAS	2,189	7%
Animal - Attack in Progress - DAS	2,018	6%
Animal - Critical Medical - DAS	1,234	4%
Animal - Bite - DAS	1,105	3%
Animal - Sick/Injured - DAS	1,074	3%
Animal - Noisy - DAS	894	3%
Animal - Wildlife/Livestock- Routine - DAS	609	2%
Other	2,986	9%
Total:	32,724	100%



Memorandum



CITY OF DALLAS

DATE June 6, 2018

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scot Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Recommended Ordinance for Animal Holding Periods**

Summary

On Monday, June 11, 2018, Ed Jamison, Director of Dallas Animal Services and Ryan Rogers, Assistant Director will brief the Quality of Life, Arts and Culture Committee. The briefings will cover the Dallas Animal Services Dashboard, Recommended Ordinance for Animal Holding Periods, Recommended Ordinance for Dangerous and Aggressive Dogs Proposed Satellite Location for Dallas Animal Services. Briefing materials are attached for your review.

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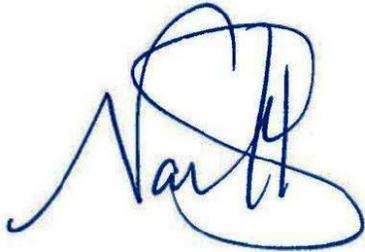
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Date June 6, 2018
Subject Recommended Ordinance for Animal Holding Periods

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



Nadia Chandler Hardy
Chief of Community Services

c: Honorable Mayor and Members of City Council
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Recommended Ordinance for Animal Holding Periods

Quality of Life, Arts, and Culture

June 11, 2018

Ryan Rogers, Assistant Director
Dallas Animal Services

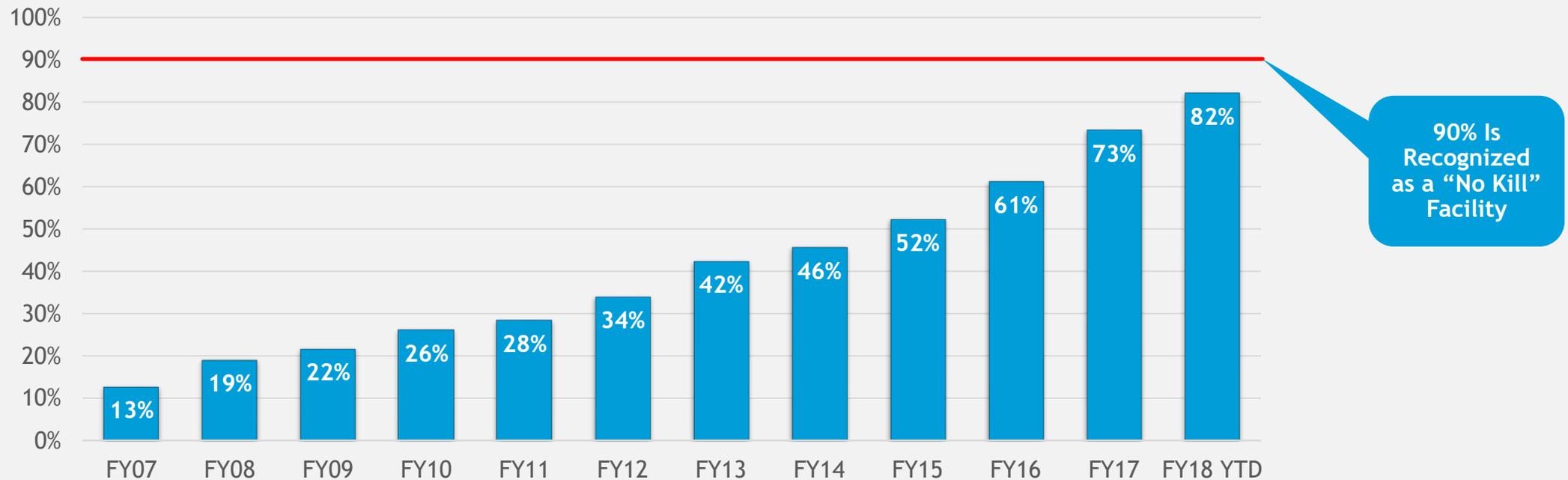


Briefing Objectives:

- ❖ Background to the Discussion
- ❖ Discuss the Current Problem with Ordinances: 7-2.5 & 7-2.6
- ❖ Present Analysis of the Issue
- ❖ Provide Overview of Recommended Changes
- ❖ Proposed Time Frame of Changes

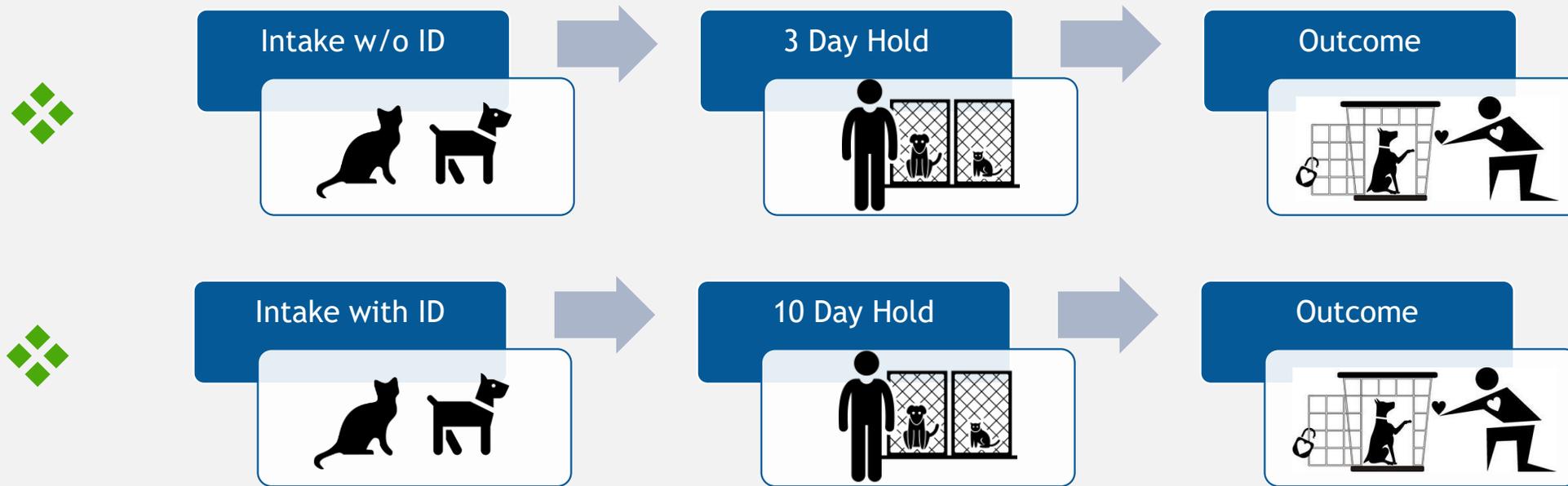
Background to the Discussion

- The Evolution of Dallas Animal Services – Live Release Rates



Background to the Discussion

- Animal Hold Policies Dictate the Flow of Animals



Discussing the Current Problem

- Dallas' 10 day animal hold period is outdated and deviates from best practices and what the data tells us:
 - ❖ Policy is from 2005 - does not align with modern day practices
 - ❖ Negatively impacts a facility built in 2007 - when LRR was <12.7%
- Additionally, the animal hold ordinance impedes live release rates for other groups, specifically:
 - ❖ Puppies, kittens, and nursing mothers

Present Analysis of the Issue

- FY17 Outcomes: Looking at Our Neonatal Kittens

FY17 Outcomes	ADOPTION	DIED	EUTH REQ	EUTH	RTO	NON-PART	TR PART	TOTAL
Neo Cats	2	67	10	1,056	2	831	24	1,992
Neo Dogs	32	38	0	167	50	836	13	1,136

Present Analysis of the Issue

- What the data shows about hold periods:

Days in Shelter	% of Possibly Owned Dogs RTO in FY17	Count of Possibly Owned Dogs Returned in FY17
1	11%	322
2	12%	343
3	7%	189
4	4%	116
5	3%	79
6	2%	60
7	1%	35
8	1%	20
9	1%	21
10+	2%	57
Total	43.6% Total Redeemed	1,242

After Day 5

93%

of these Animals will not be redeemed

Present Analysis of the Issue

- What are hold periods for animals with suspected owners in other cities?

City	Possible Owner Hold Period
San Antonio	5 days*
Houston	6 days
Austin	3 days
Ft. Worth	3 days
El Paso	6 days

Proposed Overview of Recommended Changes

- Immediate changes recommended to save lives this summer
- Four main changes:
 - ❖ Eliminating holds for kittens, puppies, and nursing mothers
 - ❖ Reducing the hold for animals with possible owners to 5 days (from 10)
 - ❖ Requiring mandatory spay/neuter for ALL redemptions
 - ❖ Ability to seize and impound animals with extreme health concerns
- In short: Inefficient hold requirements effect space/shelter capacity

Proposed Overview of Recommended Changes

- The Net Effect:

$$9.2\% + \text{Increase In Live Release Rate} = 2\% + \text{Net Lives Saved Under New Ordinance} = 600+$$

Gain In Kennel Space

Increase In Live Release Rate

Net Lives Saved Under New Ordinance

- Shelter capacity and flow will improve live release rates

Proposed Time Frame of Changes

- May 10th – Seek Support from AAC 
- June 11th – Seek Recommended Approval by QOLAC
- June 27th – Seek Recommended Approval by City Council

Conclusion

ORDINANCE NO. _____

An ordinance amending Chapter 7, “Animals,” of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; amending the rules on the impoundment of animals; amending redemption fees; amending redemption periods; clarifying redemption period for dogs deemed dangerous; providing a presumption of abandonment and transfer of ownership; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 7-2.5, “Impoundment of Animals,” of Article II, “Animal Services; City Animal Shelters,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.

- (a) The director or the chief of police is authorized to seize and impound any animal:
- (1) in the city that is loose;
 - (2) for protective custody;
 - (3) required to be quarantined under Section 7-2.4;
 - (4) seized pursuant to a warrant or court;
 - (5) that is a prohibited animal and kept in the city in violation of Section 7-6.1;
 - (6) posing a threat to the public health or safety; and[-]
 - (7) displaying signs and symptoms of extreme health concerns.

[~~and~~]

(b) If an animal is impounded, except pursuant to Subsection (a)(4) and Section 7-2.6(e), the director shall make a reasonable effort to locate the animal's owner by sending notice using contact information from the animal's vaccination tag, microchip, or other identification. Additionally, the director shall call all telephone numbers listed as part of the contact information.

(1) A notice delivered pursuant to this subsection is deemed to be received on the earlier of the date actually received, or the third day following the date upon which the notice was sent. On the second [~~seventh~~] calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.

(2) If the director is unable to locate contact information for the animal's owner from the animal's vaccination tag, microchip, or other identification, the director shall hold the animal at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.

(c) If an animal described in Subsection (a) is on private property, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.

(d) The director is the designated caretaker of a loose, impounded, or surrendered animal immediately upon intake at the animal shelter.

(e) Visitation of a seized animal is prohibited.

(f) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes."

SECTION 2. That Section 7-2.6, "Redemption of Impounded Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees for services rendered before redemption:

(1) on all animals held at least one full day, a redemption fee of:

(A) \$27 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) \$27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) on all animals held at least one full day, \$10 for each night the animal is housed in a city shelter;

(3) \$10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) a letter from a licensed veterinarian on office stationary dated prior to impoundment stating [proof] that the animal was not vaccinated due to health reasons [as verified by a licensed veterinarian];

(4) ~~[the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;~~

~~(5)~~ \$15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment;

(B) a letter from a licensed veterinarian on office stationary dated prior to impoundment stating [certifies] that the animal should not be injected with a microchip implant for health reasons; and

~~(5[6])~~ \$60 for sterilization of an animal~~[dog or \$60 for sterilization of a cat]~~, unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) the owner provides a letter from a licensed veterinarian on office stationary dated prior to impoundment certifying [a licensed veterinarian certifies] that the animal [dog or cat] should not be spayed or neutered for health reasons or is permanently non-fertile as confirmed by a health examination within 90 days prior to impoundment[;

~~(D) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;~~

~~(E) the animal is a competition cat or competition dog;~~

~~(F) the animal is a service animal; or~~

~~(G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter].~~

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) five~~[40]~~ days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner with contact information; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.

(c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) Except as provided in Section 7-5.3(e), t[F]he redemption period for an animal, with an identified owner, impounded for quarantine is the same day as~~[three days after]~~ completion of the quarantine period.

(e) Kitten litters, puppy litters, and mothers nursing litters impounded in the city's animal shelter cannot be redeemed and immediately become the sole property of the city and are subject to disposition as the director deems appropriate.

(f) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(g~~[f]~~) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a).”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. 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 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

Memorandum



CITY OF DALLAS

DATE June 6, 2018

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scot Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Recommended Ordinance for Dangerous and Aggressive Dogs**

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Recommended Ordinance for Dangerous and Aggressive Dogs

This presentation will detail the definition of a dangerous dog, the requirements of the owner of a dangerous dog, the current administrative challenges and proposed amendments. DAS has collaborated with the Animal Advisory Commission and Dangerous Dog Task Force, in the development of these recommendations. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

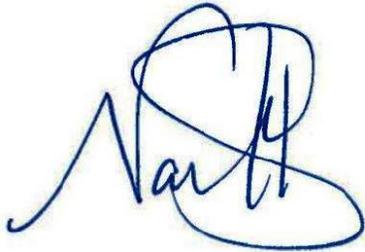
Proposed Satellite Location for Dallas Animal Services

This presentation will discuss Dallas Animal Services' intent to repurpose old fire station #44 (District 7) as a potential satellite location. This will be a pilot program, if approved. This briefing will include justification for a satellite location, potential budget impacts, and future uses should the site be activated. The AAC has express support for site activation.

Date June 6, 2018

Subject **Recommended Ordinance for Dangerous and Aggressive Dogs**

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



Nadia Chandler Hardy
Chief of Community Services

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Recommended Ordinance for Dangerous and Aggressive Dogs

Quality of Life Committee

June 11, 2018

**Ed Jamison, Director
Dallas Animal Services**



Meeting Objectives:

- ❖ State of Texas Definition of Dangerous Dog
- ❖ Discuss the Current Issues
- ❖ Provide Overview of Recommended Changes/Additions
- ❖ Draft



State Definition

Sec. 822.041. DEFINITIONS. In this subchapter:

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Requirements

Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- (1) register the dangerous dog with the animal control authority for the area in which the dog is kept;*
- (2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;*

Requirements Continued

(3) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and

(4) comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.

Current Issues

- Affidavit Requirements Limit DAS;
- Compliance Deadlines Too Long;
- Process is Confusing for Animal Owners/Bite Victims;
- Administrative Process Ends When Owner Surrenders Dog;
- Ordinance Does Not Cover Animal on Animal Attacks;
- Ordinance Allows Removal of Dog from City as an Option for Compliance.

Proposed Recommendations

- Creating Criminal Penalties for Allowing a Dog to Bite;
- City-Wide Dangerous Dog Registry Open to Public;
- Registry Requirements for Dangerous Dogs Leaving Dallas;
- Additional Penalties for Second Attacks;
- Bond Requirements for Dogs Held Pending Dangerous Dog Designation Outcome;
- Bond Requirements for Dogs Held Pending Dangerous Dog Designation Outcome;

Proposed Recommendations Continued

- Muzzling When Dog Leaves the Property
- Address Transfer of Ownership of Dangerous Dogs;
- Address Repeat Offenders;
- Additional Penalties for Surrender of Dangerous Dogs;
- Potential for Limiting Dog Ownership for Repeat Offenders;
- Creating Information Packets for Dog Owners/Victims of Dog Bites about Process; and
- Create a New Section for Aggressive Dogs (ARTICLE V-a.)

Conclusion

ORDINANCE NO. _____

An ordinance amending Chapter 7, “Animals,” of the Dallas City Code by amending Sections 7-1.1, 7-5.3, 7-5.4, 7-5.5, 7-5.6, 7-8.1, and 7-8.2; by adding Section 7-4.14 and Article V-a; adding a definition; aligning the dangerous dog determination process with state law; providing the presumption of the transfer of ownership for dangerous dogs; deleting removing the dangerous dog from the city as an compliance, amending the standard of review for appeal; providing courts with jurisdiction for appeals; providing an appeal bond; providing notice of responsibility of additional costs to dog owners on appeal; amending the time for compliance for requirements of owning a dangerous dog; providing additional requirements for ownership of a dangerous dog; providing additional requirements for transferring ownership of a dangerous dog; providing a surrender requirement for a dangerous dog that attacks; providing a minimum fine amount for a dog bite conviction; including dog bite convictions in additional enforcement provisions; establishing a criminal penalty for certain dog bites; providing a definition for an aggressive dog; providing a process for determination as an aggressive dog; providing an appeal process for an aggressive dog determination; providing requirements for ownership of an aggressive dog; providing the presumption for the transfer of ownership of an aggressive dog; providing for an investigation and enforcement of an attack by an aggressive dog; amending the providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 7-1.1, “Definitions,” Article I, “General,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new subsection 8.1 to read as follows:

“(8.1) BODILY INJURY means physical pain, illness, or any impairment of physical condition.”

SECTION 2. That Article IV, “Specific Requirements For Dogs And Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Section 7-4.14, “Dog Bites,” to read as follows:

“SEC. 7-4.14. DOG BITES.

(a) A person commits an offense if the person is the owner or keeper of a dog and the person fails to secure the dog and the dog makes an unprovoked bite that causes bodily injury to another person that occurs at a location other than the owner’s or keeper’s real property or in or on the owner’s or keeper’s motor vehicle or boat.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person:

(1) is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by the city, or a subdivision of the city, to deal with stray animals and has temporary ownership, custody, or control of the dog in connection to that position; or

(2) is an employee of a law enforcement agency and trains dogs or uses dogs for law enforcement or corrections purposes and is training or using the dog in connection with the person’s official capacity.”

SECTION 3. That Section 7-5.3, “Determination As A Dangerous Dog,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-5.3. DETERMINATION AS A DANGEROUS DOG.

In addition to the provisions of Section 822.0421 of the Texas Health and Safety Code, as amended:

~~(a) [Upon receipt of a sworn, written complaint by any person of an incident described in section 7-5.1(b)(2)(A) or (B) of this article, the director shall investigate to determine if a dog is dangerous.~~

~~(b) If a dog has caused bodily injury to any person, the director may seize and impound the dog at the owner’s expense pending the investigation and a determination of whether the dog is a dangerous dog. If the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection, the director shall impound the dog. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the director may order the dog humanely destroyed.~~

~~(e)]~~ At the conclusion of the investigation authorized by Section 822.0421 of the Texas Health and Safety code, as amended, ~~[required by this section]~~ the director shall:

(1) determine that the dog is not dangerous and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner; or

(2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection ~~(c)~~(e)] of this section.~~;~~or

~~(3) determine that the dog is dangerous and order the owner to permanently remove the dog from the city within a designated period of time.]~~

~~(b)~~(d)] If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:

(1) that the dog has been determined to be a dangerous dog;

~~(2) [whether the dog must be permanently removed from the city and the date by which the dog must be removed;~~

~~(3)]~~ what the owner must do to comply with requirements for ownership of a dangerous dog ~~[that is allowed to remain in the city]~~ and to reclaim the dog, if impounded; and

~~(3)~~(4)] that the owner has the right to appeal the determination of dangerousness ~~[or any order to remove the dog from the city].~~

(c[e]) An impounded dog determined by the director to be dangerous must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and[:

(1) ~~if and while the dog is allowed to remain in the city,]~~ complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, ~~]; or~~

(2) ~~if the dog is ordered permanently removed from the city, provides the director, in writing, with the street address, telephone number, and name of the person in control of the location outside the city where the dog will be relocated or other evidence satisfactory to the director that the dog will be permanently removed from the city.]~~

(d[f]) If the owner of an impounded dog has not complied with Subsection (c[e]) within 15[30] days after a final determination is made that an impounded dog is dangerous, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate [director may file a complaint in municipal court under Section 7-5.5 of this article].”

SECTION 4. That Section 7-5.4, “Appeals,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-5.4. APPEAL[S] OF DIRECTOR’S DANGEROUS DOG DETERMINATION.

(a) If, under Section 7-5.3 of this article, the director determines that a dog is dangerous [~~or orders a dangerous dog to be permanently removed from the city~~], that decision is final unless the dog owner files a written appeal with the municipal, justice, or county court within 15 days after receiving notice that the dog has been determined to be dangerous [~~or ordered to be removed from the city~~]. The appeal is a de novo hearing [limited to a hearing under the substantial evidence rule] and is a civil proceeding for the purpose of affirming or reversing the director’s determination of dangerousness [~~or affirming, reversing, or modifying the director’s removal order~~]. If the municipal court affirms the director’s determination of dangerousness[allows a dangerous dog to remain in the city], the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article [~~and may order additional conditions for maintaining ownership of a dangerous dog~~].

(b) The dog owner filing an appeal of a municipal court’s affirmation of the director’s determination shall also file an appeal bond in an amount determined as the estimated costs to board and impound the dog during the appeal process. The bond must be filed with the court if the dog is impounded in the city’s animal shelter or another director approved facility. The bond must be used to cover the cost of daily care of the dog. Should the judge or jury determine the dog is not dangerous, the appeal bond may be returned if the amount has not been assessed as costs of daily care.

(c) In addition to the appeal bond, the dog owner is responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal.”

SECTION 5. That Section 7-5.5, “Requirements For Ownership Of A Dangerous Dog; Noncompliance Hearing,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-5.5. REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG; NONCOMPLIANCE HEARING.

(a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 15~~[30]~~th day after learning that he is the owner of a dangerous dog:

- (1) have an unsterilized dangerous dog spayed or neutered;
- (2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of \$50;
- (3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
- (4) when taken outside the enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;
- (5) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;
- (~~6~~[5]) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;
- (~~7~~[6]) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and
- (~~8~~[7]) post a legible sign at each entrance to the enclosure in which the dangerous dog is confined stating “BEWARE DANGEROUS DOG.” The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of a dangerous dog shall renew registration of the dangerous dog with the director annually and pay an annual dangerous dog registration fee to the director of \$50.

(c) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 15~~[30]~~th day after learning that the animal is dangerous.

(d) ~~[The owner of a dangerous dog that has been ordered removed from the city shall relocate the dog to a place outside of the city within the time designated in the order. Within five days after the expiration of the time ordered for the dog's removal, the owner shall provide the director with proof of the removal and relocation, or other disposition, of the dog. Such proof must include the owner's written sworn affidavit stating:~~

~~(1) that the dog is no longer located in the city; and~~

~~(2) the name, street address, and telephone number of the person outside of the city in possession of the dog or the details of any other disposition of the dog.~~

~~(e)] Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with Subsection (a) of this section[~~or has failed to remove the dog from the city as required by order of the director or the municipal court~~], the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a) [~~or with an order of removal, whichever applies~~]. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide[~~, either in person or~~] by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested party [~~person~~] may present evidence at the hearing.~~

~~(e[f]) At the conclusion of the hearing, the municipal court shall:~~

~~(1) find that the owner of a dangerous dog is in compliance with Subsection (a) of this section [~~or with an order of removal, whichever applies,~~] and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or~~

~~(2) find that the owner of a dangerous dog is not in compliance with Subsection (a) of this section [~~or with an order of removal, whichever applies,~~] and order the director to seize and impound the dog (if the dog is not already impounded) and to:~~

~~(A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the director determines that the owner has complied with Subsection (a) before the 11th day;~~

~~(B) [~~release the dog to the owner if the director determines that the owner will permanently remove the dog from the city before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city by the 11th day; or~~~~

~~(C)] humanely destroy the dog if:~~

(i) the director determines that the owner has [~~will~~] not comply with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;

(ii) [~~the director determines that the owner will not permanently remove the dog from the city before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or~~

(~~iii~~) the owner of the dog cannot be located before the 11[~~15~~]th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or[-]

(iii) the dog was previously determined dangerous was at large.

(f) Prior to transferring ownership, either inside or outside the city limits, the owner shall notify the director in writing of his intention. In addition to written notification if ownership of the dangerous dog is being transferred to a person who resides within the city limits, the new owner must provide proof to the director of complying with Subsection (a) before the dangerous dog can be moved from the previous owner's custody. A person commits an offense if he transfers ownership without complying with the requirements of this subsection.

(g) The owner of the dangerous dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner.”

SECTION 6. That Subsection (b) of Section 7-5.6, “Attacks By Dangerous Dog; Hearing,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) Upon receipt of a sworn, written complaint by any person of an incident described in Section 7-5.1(b)(2)(A) or (B) of this article, the owner of a dangerous dog, in accordance with Section 822.0422 of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, shall deliver the dog to the director not later than the fifth day after the date on which the owner receives notice that a complaint has been filed. Additionally, the municipal court shall conduct a hearing to determine whether a dangerous dog committed an act described in Section 7-5.1(b)(2)(A) or (B) of this article. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and the complainant. Any interested person may present evidence at the hearing.”

SECTION 7. That Subsection (c) of Section 7-5.6, “Attacks By Dangerous Dog; Hearing,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(c) At the conclusion of the hearing, the municipal court shall:

(1) find that the dangerous dog did not commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the dangerous dog did commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog;

(B) humanely destroy the dog if the director determines that the owner has not complied with Section 7-5.5(a) within a period of time designated by the court, or release the dog to the owner if the director determines that the owner has complied with Section 7-5.5(a) within the designated period of time;

(C) ~~[release the dog to the owner if the director determines that the owner will permanently remove the dog from the city within a period of time designated by the court and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city within the designated period of time;]~~ or

~~[(D)]~~ humanely destroy the dog if the owner of the dog has not been located before the 11~~[15]~~th day after the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later.”

SECTION 8. That Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Section 7-5.11, “Dangerous Dog Registry,” to read as follows:

“SEC. 7-5.11. DANGEROUS DOG REGISTRY.

The director shall publish a list including identifying information on all dogs determined dangerous in the city. The list must include the dangerous dog’s address, description, pictures, microchip number, the owner’s name, and any other pertinent information. This list must be publicly available at the Dallas Animal Services Facility and on the animal services website.”

SECTION 9. That Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Article V-a, “Aggressive Dogs,” to read as follows:

“ARTICLE V-a.

AGGRESSIVE DOGS.

SEC. 7-5.12. DEFINITION.

In this article, AGGRESSIVE DOG means a dog that on at least one occasion, while not legally restrained, killed or injured a legally restrained domestic animal or livestock.

SEC. 7-5.13. DETERMINATION AS AN AGGRESSIVE DOG.

(a) Upon notification of an incident described in Section 7-5.12 of this article, the director shall investigate to determine if a dog is aggressive. The determination must be based upon an investigation that includes observation and testimony about the dog’s actions at the date of the incident, including the owner’s or keeper’s control of the dog, and any other relevant evidence determined by the director. Observations and testimony can be provided by the animal services officer or by other witnesses who personally observed the dog’s actions on the date of the incident. Animal service officers or other witnesses shall sign an affidavit attesting to the observed actions on the date of the incident or other evidence collected and detailed in a report by an animal services officer and agree to provide testimony regarding the dog’s actions on the date of the incident if necessary.

(b) Notwithstanding Subsection (a), the director shall have discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog engaged in acts specified in Section 7-5.12.

(c) The director may seize and impound the dog at the owner’s expense pending the investigation and determination of whether the dog is an aggressive dog. The director shall impound the dog, if the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) At the conclusion of the investigation required by this section, the director shall:

(1) determine that the dog is not aggressive and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner;

(2) determine that the dog is aggressive and order the owner to comply with the requirements for ownership of an aggressive dog set forth in Section 7-5.15 of this article and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (e) of this section.

(3) If a dog is determined to be an aggressive dog, the director shall notify the dog owner in person or by certified mail, return receipt requested:

- (i) that the dog has been determined to be an aggressive dog;
- (ii) what the owner must do to comply with requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and
- (iii) that the owner has the right to appeal the determination of aggressiveness.

(e) An impounded dog determined by the director to be aggressive must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this article.

(f) If the owner of an impounded dog has not complied with Subsection (e) within 15 days after a final determination is made that an impounded dog is aggressive, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

SEC. 7-5.14. APPEALS.

If, under Section 7-5.13 of this article, the director determines that a dog is aggressive, that decision is final unless the dog owner files a written appeal with the municipal court within 10 days after receiving notice that the dog has been determined to be aggressive. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director's determination of aggressiveness. If the municipal court affirms the director's determination of aggressiveness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.15 of this article. If the municipal court reverses the director's determination of aggressiveness and, if the dog is impounded, the court may waive any impoundment fees incurred and release the dog to its owner.

SEC. 7-5.15. REQUIREMENTS FOR OWNERSHIP OF AN AGGRESSIVE DOG; NONCOMPLIANCE HEARING.

(a) A person shall, not later than the 15th day after learning that he is the owner of an aggressive dog:

- (1) have an unsterilized aggressive dog spayed or neutered;
- (2) register the aggressive dog with the director and pay to the director an aggressive dog registration fee of \$50;
- (3) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(4) when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal and provide proof of the required liability insurance coverage or financial responsibility to the director;

(6) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;

(7) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;

(8) post a legible sign at each entrance to the enclosure in which the aggressive dog is confined stating "BEWARE AGGRESSIVE DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of the aggressive dog shall renew the registration of the aggressive dog with the director annually and pay an annual aggressive dog registration fee of \$50.

(c) The owner of an aggressive dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30th day after learning that the animal is aggressive.

SEC. 7-5.16. ATTACKS BY AN AGGRESSIVE DOG.

(a) If a previously determined aggressive dog commits an act describe in Section 7-5.12 of this article, the director may seize and impound the aggressive dog at the owner's expense pending a hearing before the municipal court in accordance with this section.

(b) Upon receipt of a sworn, written complaint by any person, including the director, of an incident described in Section 7-5.12 of this article, the municipal court shall conduct a hearing to determine whether an aggressive dog committed an act described in Section 7-5.12 of this article. The hearing must be conducted within 30 days after receipt of the complaint, but if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(c) At the conclusion of the investigation, the director shall:

(1) find that the aggressive dog did not commit an act described in Section 7-5.12 of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the aggressive dog did commit an act described in Section 7-5.12 of this article, and order the director to seize and impound the dog, if the dog is not already impounded, and the aggressive dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) The owner of an aggressive dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be release to the owner.”

SECTION 10. That Subsection (e) of Section 7-8.1, “Violations; Criminal and Civil Penalties,” of Article VIII, “Violations, Penalties, and Enforcement,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a); [-]

(2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and

(3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.2, or 7-7.1.”

SECTION 11. That Subsection (b) of Section 7-8.2, “Additional Enforcement Provisions,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) Upon a person’s third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, [~~or~~] 7-4.11, or 7-4.14 of this chapter, a court may do one or more of the following:

(1) order the impoundment of any animal owned by the person, forfeit the person’s ownership of the animal, and award sole possession of the animal to the city; or

(2) suspend the person’s right to own an animal in the city for a period of time as specified by the court.”

SECTION 12. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 13. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 14. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 15. 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 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

Memorandum



CITY OF DALLAS

DATE June 6, 2018

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scot Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Proposed Satellite Location for Dallas Animal Services**

Summary

On Monday, June 11, 2018, Ed Jamison, Director of Dallas Animal Services and Ryan Rogers, Assistant Director will brief the Quality of Life, Arts and Culture Committee. The briefings will cover the Dallas Animal Services Dashboard, Recommended Ordinance for Animal Holding Periods, Recommended Ordinance for Dangerous and Aggressive Dogs Proposed Satellite Location for Dallas Animal Services. Briefing materials are attached for your review.

Background

Dallas Animal Services Dashboard

This presentation will give a high-level overview of the current status of some of Dallas Animal Services' most important metrics.

Recommended Ordinance for Animal Holding Periods

This presentation will detail the current problem with the animal holding periods and how the ordinance impedes live release rates. Dallas Animal Services (DAS) has collaborated with the Animal Advisory Commission (AAC) to recommend immediate changes to save lives this summer and increase shelter capacity. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

Recommended Ordinance for Dangerous and Aggressive Dogs

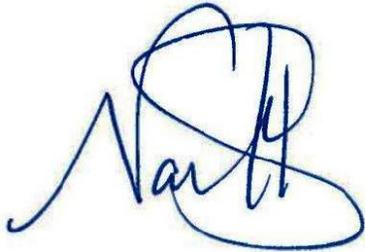
This presentation will detail the definition of a dangerous dog, the requirements of the owner of a dangerous dog, the current administrative challenges and proposed amendments. DAS has collaborated with the Animal Advisory Commission and Dangerous Dog Task Force, in the development of these recommendations. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

Proposed Satellite Location for Dallas Animal Services

This presentation will discuss Dallas Animal Services' intent to repurpose old fire station #44 (District 7) as a potential satellite location. This will be a pilot program, if approved. This briefing will include justification for a satellite location, potential budget impacts, and future uses should the site be activated. The AAC has express support for site activation.

Date June 6, 2018
Subject **Proposed Satellite Location for Dallas Animal Services**

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



Nadia Chandler Hardy
Chief of Community Services

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary
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Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Proposed Satellite Location for Dallas Animal Services

Quality of Life Committee

June 11, 2018

**Ed Jamison, Director
Dallas Animal Services**



Briefing Purpose

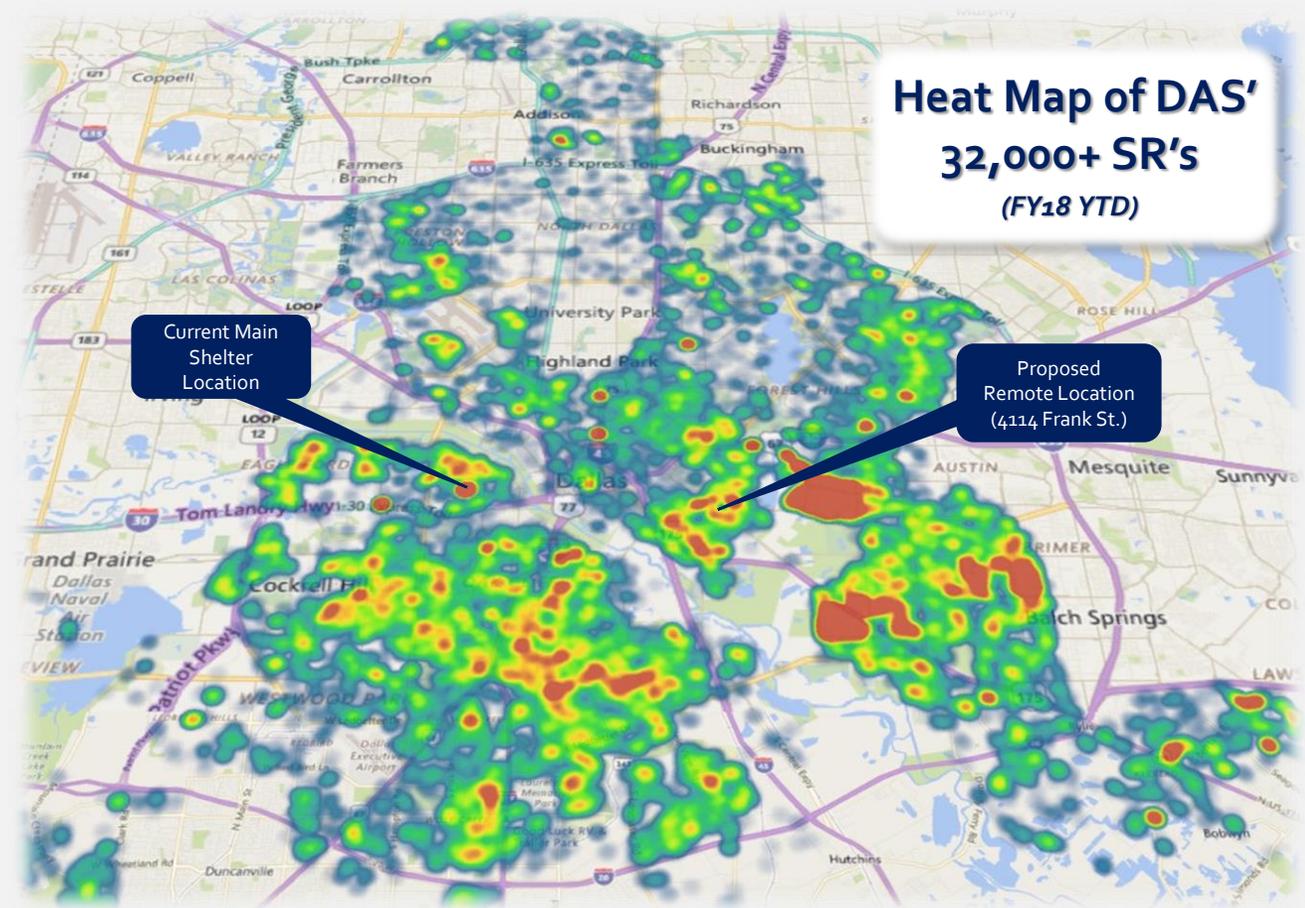
To discuss DAS' intent with acquiring old fire station #44 (4114 Frank St.) and how DAS plans to operate the facility within our existing budget

- The Need for a Remote Location
- About the Facility
- Costs: Remodel + O&M
- How the Building Will Be Utilized
- Net Benefits to DAS from 4114 Frank St.
- Next Steps & Recommendations

The Need for A Remote Location

Why a Remote Location is Needed:

- ❖ Decrease in response times for our field teams
- ❖ Presence in the community for our field teams
- ❖ Alleviation of parking issues at main shelter
- ❖ Long term plan will improve LRR through using the space as a holding area for PC or sick animals

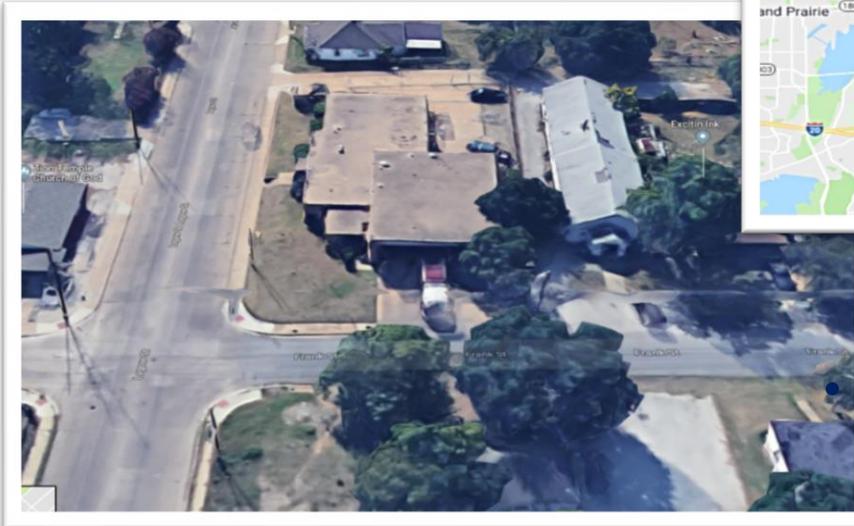


About the 4114 Frank St.

- Three Working Truck Bays
- Admin Quarters
- Kitchen & Locker Room



- Opened in 1959
- Vacant in 2015



Located Near Fair Park



About 4114 Frank St.

General Condition:

- Old Fire Station 44 building has been vacant since 2015±
- Utilities (Water, Gas and Electricity) are connected

Exterior Condition:

- The exterior walls (brick façade) appear in good condition, no cracking or deterioration.
- Roof appears in good condition, no evidence of leakage was observed.
- Foundation appears in good condition, no cracking or settlement were observed.
- Exterior windows were generally in good condition.
- Building has an underground diesel Storage tank (size unknown) with single fuel unit.

Interior Condition:

- Building has been vacant for 2 years, most of the interiors and fixtures are vandalized or broken.
- HVAC: the unit that used to serve the building is gutted
- No HVAC for the apparatus bay (only exhaust fans)
- Electrical: the main panel is working but will require replacement along with wiring and conduits
- Lighting: exterior lighting is fair condition, interior lighting will require replacement.
- Plumbing: all fixtures including water heater, showers, sinks, W.C. etc. are broken and vandalized
- Kitchen hood and cabinet are vandalized and damaged
- Life Safety or fire suppression

Estimated Renovation Cost	
Total SqFt 5,572	
Building	
Existing Building ft ² :	3,377
Environmental fees (Asbestos Abatement)	\$20,000
Cost per SF to finish out:	\$35
Renovation Costs	\$118,195
HVAC replacement	\$70,000
Contingencies (15%):	\$17,729
Total Costs:	\$205,924
Apparatus Bay	
Existing Building ft ² :	2,195
Asbestos Abatement	\$0
Cost per SF to finish out:	\$15
Renovation Costs	\$32,925
HVAC add-on	\$20,000
Contingencies (15%):	\$4,939
Total Costs:	\$57,864

Bottom Line:

- Option #1: Basic remodel = \$132,668
- Option#2: Complete remodel = \$263,788

Costs: Remodel + O&M

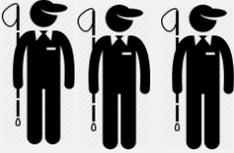
❖ Remodel:

- Source: DAS' Donation Funds (Fund: 0898); Balance >\$250k
- Expected Costs: ≈ \$132,668
 - \$132,668 For basic HVAC/Asbestos/Contingency costs

❖ Ongoing O&M:

- Source: Existing Gen. Fund Budget & DAS' Donations (for one time only costs)
- Expected Costs: <\$15k
 - \$3,000 Mowing (object 3210), \$1,000 water (object 2170),
 - \$4,000 Janitorial Services and Pest Control (object 3210),
 - \$2,000 Other Supplies (object 2280)

How the Building will be Utilized

Groups	Basic Functions	Employee Count
<p>Field Team</p> 	<p>- Basic Officers: Attend 311 SRs of all types</p>	<p>1 Manager - 4 days per week 1 Supervisor - 7 days per week 3-4 ASO's - 7 days per week</p>
<p>Op's Team</p> 	<p>- Primary focus is to capture loose dogs</p>	<p>1 Supervisor - 4 days per week 4 ASO's - 4 days per week</p>
<p>CARE Team</p> 	<p>- Educate/Assist the community to come into compliance</p>	<p>6 ASO's - 4 days per week</p>

Net Benefits to DAS from 4114 Frank St.

❖ Near Term

- Decrease in response times for our field teams
- Presence in the community for our field teams
- Alleviation of parking issues at main shelter
- (Could) Improve Live Release Rate by $\approx 1\%$ through space appropriation

❖ Long Term

- (Will) Improve Live Release Rate by $>2\%$ through using the space as a holding area for protective custody or sick animals currently at our main shelter

Next Steps & Recommendations to CMO

Next Steps

- ❖ DAS to develop remodel and move-in timeline with EBS (currently occurring)
- ❖ Work with CIS & EBS to agree to ongoing costs (occurring)
- ❖ Do basic remodel for HVAC and asbestos (May-July)
- ❖ Move in with basic field functions (August)
- ❖ Implement basic shelter holding capabilities (Dec. 2018)

Recommendations:

- ❖ No action required from Council, as no additional Gen. Fund budget needed other than EBS & CIS support. Requested support going forward.

Conclusion

Memorandum



CITY OF DALLAS

DATE June 4, 2018

Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson
TO (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott
Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Potential Preservation of Open Space and Natural Lands Near the Trinity River**

The City of Dallas (“City”) owns a 60-acre property located at 4223 S. Beltline Road (the “DWU Property”). Dallas Water Utilities (“DWU”) obtained the DWU Property when it acquired the assets and operations of Dallas Water Control and Improvement District No. 7. The DWU Property comprises unimproved and wooded Trinity River floodplain outside City limits in an unincorporated area of Dallas County. It is bounded on the southwest by Parsons Slough and on the north by the Sandbranch community. (See [Attachment A](#), a map identifying the boundaries and location of the DWU Property.) It is secured and monitored by Dallas Water Utilities (“DWU”) but does not serve a water/wastewater utility purpose.

Over the past year, City staff worked to identify opportunities for the DWU Property to reduce the cost of maintenance. No City department has a potential use, and similar private parcels in the area are currently being used for sand and gravel mining, scrap operations, or other industrial activities. City staff approached Dallas County to determine whether the DWU Property might enhance Dallas County’s Open Spaces & Preserves Program. In response, Dallas County expressed desire to obtain the DWU Property because it “will help create a continuous wildlife-ecosystem corridor on both sides of the Trinity River.” (See [Attachment B](#), a letter from Dallas County.) Dallas County currently has preserves in the immediate vicinity as part of the nascent preserve corridor (see [Attachment C](#), a map identifying nearby preserves), and is in discussions to acquire other parcels adjacent to the DWU Property.

In its current state, the DWU Property has significant ecological value. The DWU Property is located in a transitional zone between the Trinity River bottomland hardwoods and post oak savannah, and is relatively undisturbed. The proximity to existing preserves provides connectivity for fauna and recreational purposes. As such, it is an excellent candidate for preservation. The benefits of conveying the DWU Property to Dallas County for inclusion in the Open Spaces & Preserves Program include the following:

- The City promotes the preservation of open space areas and natural lands for the use and benefit of the public and future generations at no cost to Dallas residents.
- The City protects against a private industrial use – such as an unregulated scrap yard – that could degrade water quality or exacerbate flooding.
- The City ensures the DWU Property is deed restricted to be used only for public purpose as a preserve.
- The City can convey the DWU Property on an expedited, “as is” basis.
- The City avoids future costs of security and monitoring.
- Dallas County is responsible for the costs of maintenance, security, and public access.
- Dallas County offered \$60,000 based on its appraisal of \$850-\$1,100 per acre.

DATE June 4, 2018
SUBJECT Potential Preservation of Open Space and Natural Lands Near the Trinity River

If the DWU Property was auctioned, a higher price might be obtained from a private purchaser. However, it is very likely that a private purchaser would pursue a commercial or industrial use and the space would not be open to the public as a preserve.

We seek your feedback on whether to draft a resolution and schedule an item for consideration during a City Council agenda meeting consistent with the recommendation in this memorandum.

Please contact DWU Director Terry Lowery at 214-670-3188, or myself if you have any questions or need additional information.



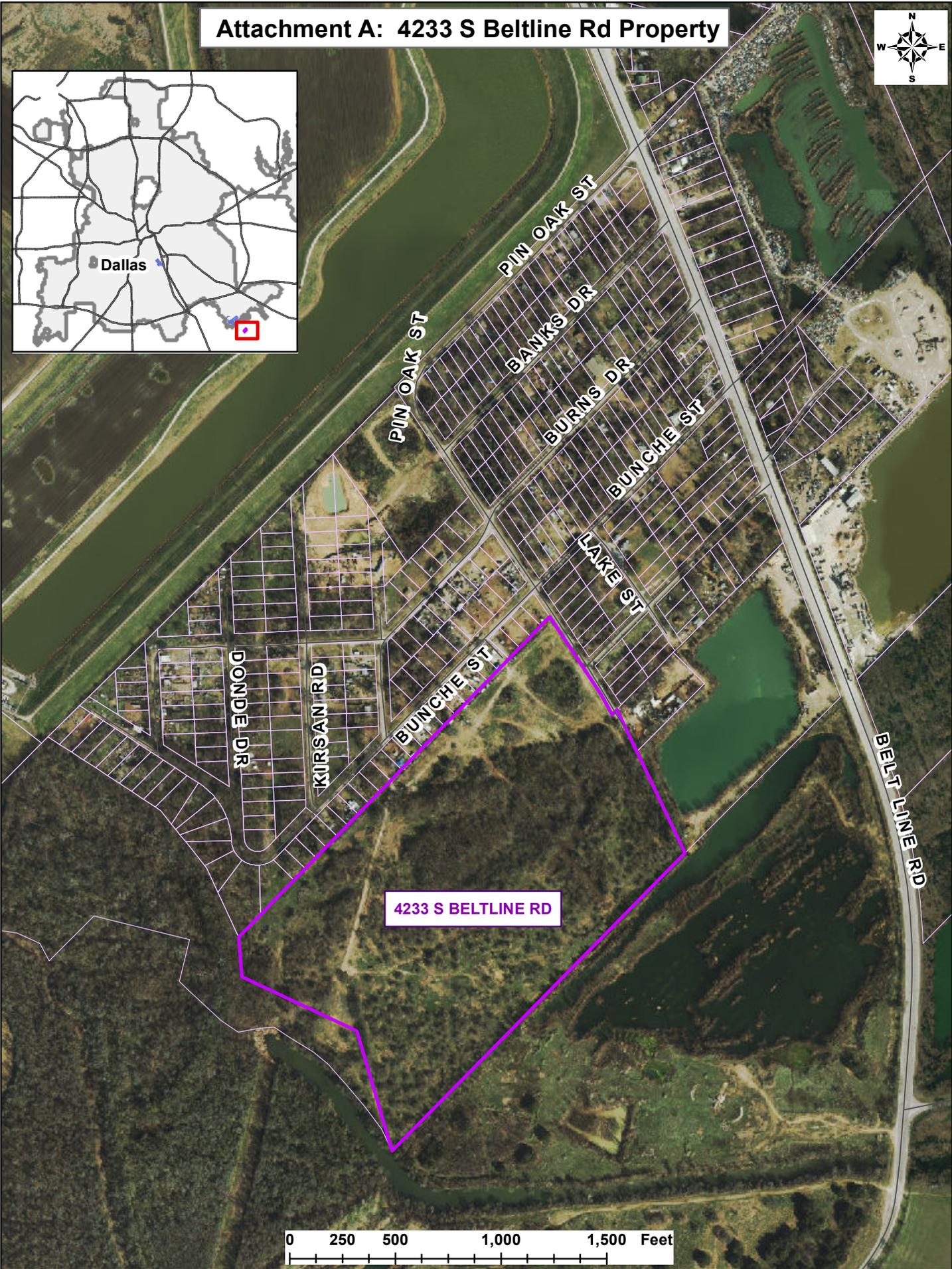
Majed A. Al-Ghafry, P.E.
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
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Attachment A: 4233 S Beltline Rd Property



4233 S BELTLINE RD

0 250 500 1,000 1,500 Feet



DALLAS COUNTY
COMMISSIONERS COURT
DEPARTMENT OF PLANNING & DEVELOPMENT

August 16, 2017

Mr. Majed Al-Ghafry
Assistant City Manager
City of Dallas
1500 Marilla, 4EN
Dallas, TX 75201

Dear Mr. Al-Ghafry:

Dallas County has become aware that the City of Dallas is considering disposing of sixty acres (DCAD tax account 65146334010100000) that it owns at 4233 S. Beltline Road in the unincorporated area. We are interested in acquiring this property for inclusion in the County's open space system. We presently have 348 acres in our nearby Goat Island Preserve and almost 518 acres in our River Bend Preserve which is just south of this area, and this additional acreage will help us create a continuous wildlife-ecosystem corridor on both sides of the Trinity River.

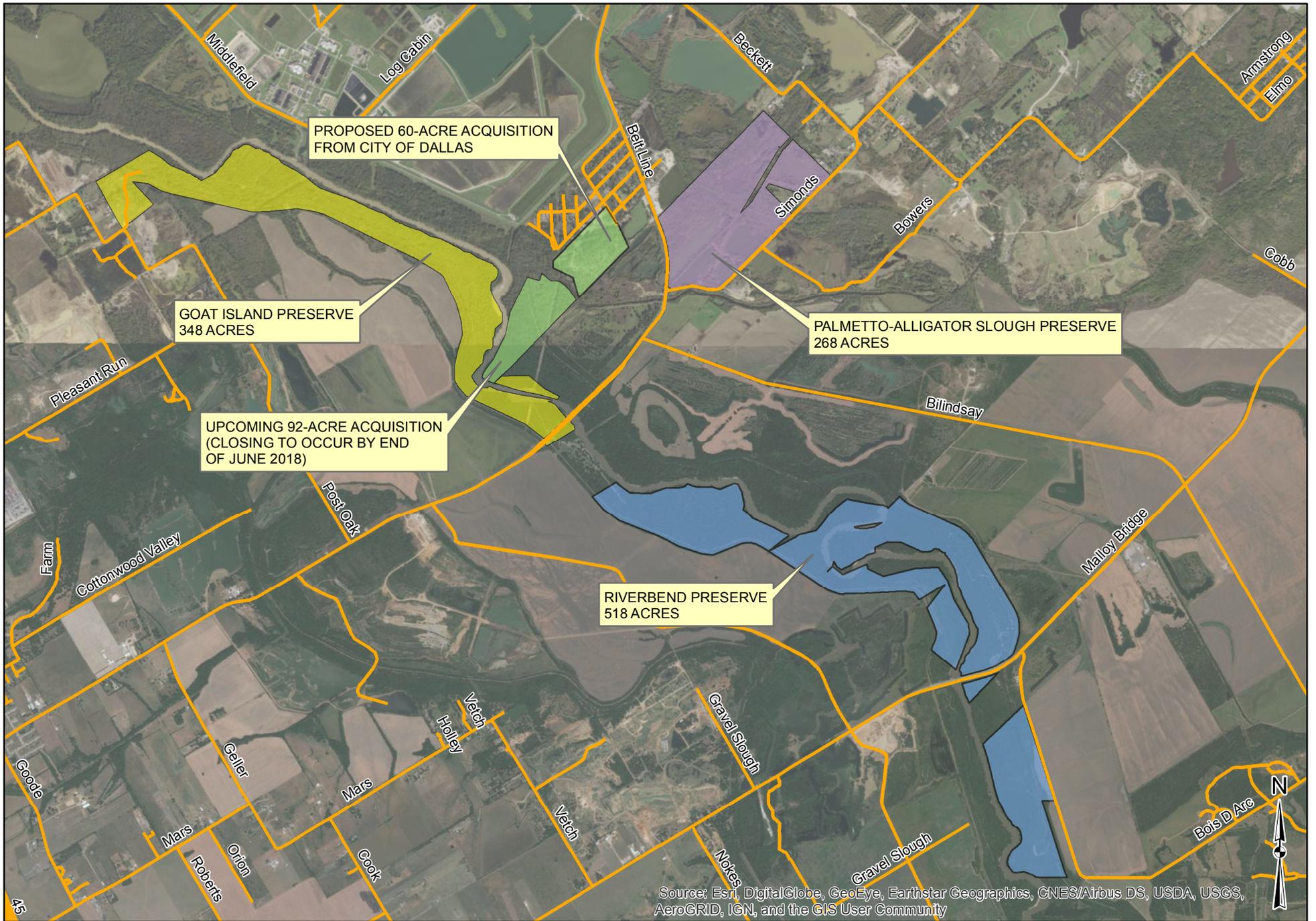
If you could please let me know what the process for this acquisition and what the cost of the property might be, I would greatly appreciate it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Loessberg".

Rick Loessberg
Director of Planning & Development

cc: Terry S. Lowery
James McGuire



**DALLAS COUNTY OPEN SPACE PRESERVES
IN UNINCORPORATED AREA**

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: June 13, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Cultural Affairs
Department of Convention and Event Services

CMO: Joey Zapata, 670-3009

MAPSCO: 45P

SUBJECT

A resolution to ratify emergency work performed by van Enter Studio, Ltd. to remove and relocate ten bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, due to the unstable foundations compromising the stability of the sculptures - Not to exceed \$42,000 - Financing: Convention and Event Services Current Funds

BACKGROUND

On May 10, 2018, a conservation review of the steers and equestrian sculptures at Pioneer Park located at 1428 Young Street, indicated that nine bronze steers and one equestrian statue were in urgent need of conservation treatment that required the immediate removal of the bronze sculptures. Due to the unstable foundations compromising the stability of the sculptures, they were removed by van Enter Studios, Ltd. between May 30, 2018 and June 1, 2018 and relocated to a secure site at Hensley Field, a City property where the conservator will address condition issues and restore the foundations prior to reinstallation of the sculptures.

The areas where the steers have been removed has been covered with gravel. The expected timeline for treatment and reinstallation of the entire group is 8-9 months. Once repaired, the steers will be reinstalled in groups of three, so they will not all be gone for the entire time.

Signage to inform the public about the removal of the steers for conservation has been installed.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 11, 2018.

FISCAL INFORMATION

Convention and Event Services Current Funds - \$42,000

June 13, 2018

WHEREAS, on May 10, 2018, a conservation review of the steers and equestrian sculptures at Pioneer Park, located at 1428 Young Street, indicated that nine bronze steers and one equestrian statue were in urgent need of conservation treatment that required the immediate removal of the bronze sculptures; and

WHEREAS, due to the unstable foundations compromising the stability of the sculptures, which posed a risk to public safety and the possibility of additional expenses should structural failure occur, they were removed between May 30, 2018 and June 1, 2018 and relocated to a secure site at Hensley Field, a City property where a conservator can address condition issues and restore the foundations prior to reinstallation of the sculptures.

Now, Therefore,

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

SECTION 1. That emergency work and expenses to remove and relocate bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, rendered by van Enter Studio, Ltd. during the period May 30, 2018 through June 1, 2018, in an amount not to exceed \$42,000, is hereby ratified.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$42,000 to van Enter Studio, Ltd. from Convention and Event Services Current Fund, Fund 0080, Department CCT, Unit 7821, Activity PUBA, Object 3099, Encumbrance/Contract No. CX-OCA-2018-00006599, Vendor VS0000022723.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: June 13, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: Various

SUBJECT

Authorize a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation for the implementation of a community outreach outdoor program – Financing: No cost consideration to the City

BACKGROUND

The Texas Parks and Wildlife Department (TPWD) is offering a CO-OP grant in the amount of \$45,509 to agencies, through its Community Outreach Outdoor Program, for the purpose of providing outdoor education and programming to underserved populations. This is the second time the Dallas Park Foundation (DPF) has been awarded the CO-OP grant from TPWD. The City of Dallas, through its Park and Recreation Department will implement a community outreach outdoor program pursuant to the grant agreement between the DPF and TPWD.

The City of Dallas Park and Recreation Department (City) staff has identified the following program categories: Overnight Camping, Fishing, Geocaching, Kayaking, Mountain Biking and Nature Photography. This program will serve low income and physically and/or mentally challenged youth.

The Memorandum of Understanding shall be subject to the following terms:

The grant performance period is from May 1, 2018 to November 1, 2019.

DPF Responsibilities:

1. DPF shall accept grant from TPWD on behalf of the City.
2. DPF shall purchase items as directed by the City.

BACKGROUND (continued)

3. DPF shall utilize award funds from TPWD in the amount of \$45,509 for the purposes of:
 - a. Paying registration fees for City staff trainings;
 - b. Purchasing lodging and travel expenses for City staff for training and implementation of the program; and
 - c. Purchasing supplies and equipment to support the community outreach outdoor program on behalf of the City.

City Responsibilities:

1. City shall implement the community outreach outdoor program.
2. City shall provide staffing for the community outreach outdoor program.
3. City shall make all purchasing decisions.
4. City shall determine any needs for amendments to the fund utilization from the original grant application.
5. City shall be responsible for completing quarterly reports.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 17, 2018, the Park and Recreation Board authorized a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 11, 2018.

FISCAL INFORMATION

No cost consideration to the City.

June 13, 2018

WHEREAS, the City of Dallas Park and Recreation Department (City) and the Dallas Parks Foundation (DPF) would like to increase the number of outdoor education program offerings; and

WHEREAS, the City and the DPF, desire to enter into a Sub-Grant Memorandum of Understanding (MOU) for the purpose of implementing a community outreach outdoor program pursuant to the terms of the MOU; and

WHEREAS, the City will provide staffing to support the community outreach outdoor program and target specific audiences to participate in the program; and

WHEREAS, DPF will make purchases for the community outreach outdoor program as directed by the City in an amount not to exceed \$45,509, pursuant to the terms of the MOU.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation, approved as to form by the City Attorney, for the implementation of a community outreach outdoor program.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Sub-Grant Memorandum of Understanding, approved as to form by the City Attorney.

SECTION 3. That this contract is designated as Contract No. PKR-2018-00006516.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.