

# Memorandum



CITY OF DALLAS

DATE April 28, 2017

TO Honorable Mayor and Members of the City Council

SUBJECT **Paraphernalia Shops**

On Wednesday, April 5, 2017, the City Council was briefed on the proposed Code amendments for Paraphernalia Shops and Chapter 12B registration. Below is information pertaining to questions that were asked at the April 5, 2017 briefing.

### List and map of existing paraphernalia shops

The map of paraphernalia shops shown during the briefing is the product of information from the Community Prosecutors Office, Dallas Police Department (DPD), and two paraphernalia shop locator webpages. The list will be updated on a continuous basis with input from DPD, Code Compliance, Building Inspections, Current Planning, and Community Prosecutors Office.

Last week, staff sent maps and lists of possible paraphernalia shops identified by City Council District to the City Council. The list of possible paraphernalia store locations and the map were last updated on April 12, 2017. We will update the list as additional locations are identified.

### Vape devices as paraphernalia

Vape devices for nicotine would not be considered paraphernalia. Vape devices (vaporizers, pens, etc.) specifically intended or manufactured to vape cannabis, cannabis oil, etc. will be considered paraphernalia. Any vape cartridge with cannabis oils, etc. is already illegal at the City, State and Federal Level as marijuana (cannabis, THC) is a DEA Schedule 1 drug.

### Closing existing stores

The City may not force existing paraphernalia shops to close. The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The City Council, or a private citizen, may ask the Board of Adjustment to set a compliance date for a nonconforming use at a specific location. First, the Board must make a determination that the nonconforming use has an adverse effect on nearby properties. If the Board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall set a compliance date under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The Development Code lists the factors that the Board is to consider in determining a reasonable amortization period.

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### City Marshal's Office

The City currently has 44 funded sworn Marshal positions.

- 16: Warrant enforcement (day/evening shift)
- 13: Environmental crimes (day/evening shift)
- 2: Transport/subpoena (day shift)

If requested by DPD, the Marshal's Office can assist with identifying and inspecting businesses that qualify as paraphernalia shops after training and at DPD's direction. Due to staffing constraints and current enforcement responsibilities, current services would be impacted to some degree if additional duties are assumed.

Dallas Police Officer starting pay: \$46,870, with a four-year college degree, it will go up to \$50,470 (maximum \$74,172). Additional pay available for Dallas Police Officers include: Education, Certification, Field Training, Patrol Officer and Detective Assignment Pay.

Deputy Marshal (F) starting pay: \$43,540 (maximum \$56,566). No additional pay is available for Marshal's such as: Education, Certification, Field Training, Assignment Pay and no step plan.

### Additional distance requirements

As proposed, the ordinance requires new paraphernalia shops to be located at least 1,500 feet away from another paraphernalia shop, 1,000 feet away from a lot within a residential district, and 1,000 feet away from a school. During the council briefing, it was suggested that additional spacing regulations be added. The City Council indicated a desire to include churches, child-care facilities, and universities in separation requirements. The concern with adding additional distance restrictions is that the point might be reached where there would be an effective prohibition on the use. Regardless of the distance requirements, the SUP requirement will be in place and the City Council has the legislative authority to deny a request for an SUP if the City Council determines that the paraphernalia shop does not complement, or is not compatible, with surrounding uses.

### Limited hours of operations

Specific Use Permits provide a means for developing certain uses in a manner in which a specific use will be consistent with the character of the neighborhood and that could include establishing appropriate hours of operation. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare; and may be approved or denied as the findings indicate appropriate. Dallas Development Code Chapter 51A, Section 51A-4.219 provides the general findings the City Plan Commission and the City Council must consider when approving a Specific Use Permit (SUP).

Specifically, the Development Code provides that the City Council shall not grant an SUP for a use except upon a finding that the use will: (a) complement or be compatible with the surrounding uses and community facilities, (b) contribute to, enhance, or promote the welfare of the area of request and adjacent properties, (c) not be detrimental to the public health, safety, or general welfare, and (d) conform in all other respects to all applicable zoning regulations and standards.

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Section 51A-4.219 provides that the City Council may impose reasonable conditions upon the granting of an SUP, consistent with the purposes of this chapter. Therefore, as part of the approval process for SUPs, the City Plan Commission or the City Council may consider limiting operating hours.

#### Strategy to work among departments

DPD, Community Prosecutors Office, Code Compliance and Sustainable Development and Construction's Building Inspection and Current Planning divisions have been working together to develop this proposal and to identify existing paraphernalia shops.

Staff is taking the following steps, to be completed by May 5, 2017, preparing for the possible adoption of the proposed ordinances:

- Assigning individual for intake of registrations under 12B;
- Drafting flier that can be utilized in the field notifying paraphernalia stores of registration requirements and process;
- Drafting letter to be sent to all addresses identified as possible paraphernalia stores notifying them of registration requirements and process; and
- Modifying Certificate of Occupancy application to identify stores that would be classified as paraphernalia shops.

In addition to the above tasks, training will be provided to Police Officers, Code Compliance Officers, Health Inspectors, Fire Inspectors, and Building Inspectors on what constitutes a paraphernalia shop and how to report the location and advise the establishments of the registration requirements.

Current Planning will notify Code Compliance, DPD, and Building Inspections when an application is submitted for a Specific Use Permit for a paraphernalia shop use and the outcome of the application.

#### Comparison to Abilene

The proposed amendment to create the paraphernalia shop use in Dallas is similar to the City of Abilene's ordinance. Abilene only allows the use in Industrial and Heavy Commercial Districts; whereas, the proposal allows the use in two retail districts. Abilene allows the use by right and the proposal before the City Council requires an SUP in all zoning categories the use is permitted in. Lastly, Abilene has distance requirements from same use, residential district, school, hospital, college/university zoning district, church, and park. As recommended by the City Plan Commission, the use would have a distance requirement from same use, residential district, and a school though Council has indicated a desire to include distance requirements from churches and universities. A matrix of the comparison is attached.

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Other cities experience in closing similar businesses

Planning staff in the City of Abilene indicated there were approximately 10 to 12 of these types of stores prior to passage of their ordinance in 2013, and now they have approximately four remaining.



Majed A. Al-Ghafry  
Assistant City Manager

c: T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
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	<b>CITY OF DALLAS PROPOSED REGULATIONS</b>	<b>CITY OF ABILENE, TX ADOPTED REGULATIONS</b>
<b>Definition</b>	An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia	Any retail establishment open to the public that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, to include any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, State, or Federal law, and is adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.
<b>Zoning Districts where Allowed</b>	- CR - Community Retail	
	- RR - Regional Retail	
	- CS - Commercial Service	- HC - Heavy Commercial
	- Industrial districts (LI, IR, and IM)	- LI - Light Industrial - HI - Heavy Industrial
	- Mixed Use districts (MU-1, MU-2, and MU-3)	
<b>Specific Use Permit (SUP) Required?</b>	SUP is required for any new stores.	No requirement for Specific Use Permit. New stores are permitted by right in designated zoning districts.
	- 1,500 FT - of any other paraphernalia store	- 1,000 FT from another structure housing a head shop
	- 1,000 FT - a lot in a residential district	- 600 FT from the property boundary line of any residentially zoned lot
<b>Distance Requirements</b>	- 1,000 FT - a lot with a school	- 2,500 FT from any lot used for a school purpose
	CPC recommendation did not include distance requirements from churches, hospitals, universities or parks.	- 600 FT from a lot used for a hospital
		- 600 FT from the property boundary line of a lot in a "College University zoning district"
		- 600 FT from a lot used for a church
		- 600 FT from a lot used for a park;

# Memorandum



CITY OF DALLAS

DATE April 28, 2017

TO Honorable Mayor and Members of the City Council

SUBJECT **Sustainable Development and Construction – Real Estate Items**

On May 10, 2017, City Council will have the following items on the agenda relative to Real Estate items.

Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. LS Investments, et al., Cause No. CC-16-03529-B, pending in Dallas County Court at Law No. 2, to acquire approximately 125,973 square feet of land located near the intersection of Beltline and Fish Roads for the Southwest 120/96-inch Water Transmission Pipeline Project; - Financing: \$29,319 Water Utilities Capital Improvement Funds

Authorize acquisition from Lorean D. Thomas and James W. Thomas, of approximately 7,085 square feet of vacant land located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project - Not to exceed \$4,000 (\$2,500, plus closing cost and title expenses not to exceed \$1,500) – Financing: 2012 Bond Funds

A resolution authorizing the conveyance of an easement containing approximately 200 square feet of land to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electric transformer facilities across City-owned land located near the intersection of Chalk Hill Road and Hiawatha Street - Financing: No cost consideration to the City

An ordinance granting a revocable license to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard, for the use of approximately 1,368 square feet of aerial space to install, occupy, maintain and utilize an aerial sign over and above a portion of Commerce Street right-of-way, located near the intersection of Commerce and Pryor Streets – Revenue: \$1,779 annually, plus the \$20 ordinance publication fee

An ordinance abandoning a portion of Electronic Lane to Parker University, a Texas non-profit corporation, the abutting owner, containing approximately 44,860 square feet of land, located near its intersection with Program Drive and authorizing the quitclaim, and providing for the dedication of approximately 44,860 square feet of needed land for a water and wastewater easement - Revenue: \$228,786, plus the \$20 ordinance publication fee

An ordinance abandoning a utility easement to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 20,760 square feet of land, located near the intersection of Oak Park Drive and Vista Wood Boulevard - Revenue: \$5,400, plus the \$20 ordinance publication fee

DATE April 28, 2017

SUBJECT **Sustainable Development and Construction – Real Estate Items**

An ordinance abandoning a portion of a fire lane easement, sanitary sewer easement and a 10' temporary construction easement to DRI/Maple AF3 Apartments, LLC, the abutting owner, containing a total of approximately 9,079 square feet of land, located near the intersection of Throckmorton and Fairmount Streets - Revenue: \$5,400, plus the \$20 ordinance publication fee

An ordinance abandoning a portion of a storm sewer easement to Old Parkland Unit K, L.L.C., the abutting owner, containing approximately 609 square feet of land, located near the intersection of Maple Avenue and Throckmorton Street - Revenue: \$5,400, plus the \$20 ordinance publication fee

An ordinance abandoning portions of four drainage easements, two water and wastewater easements, and two wastewater easements to Texas Intownhomes, LLC, the abutting owner, containing a total of approximately 29,598 square feet of land, located near the intersection of Production Drive and Hawthorne Avenue; and providing for the dedication of approximately 31,287 square feet of land needed for wastewater easements, a drainage easement, water and wastewater easements, and a wastewater and drainage easement - Revenue: \$8,400, plus the \$20 ordinance publication fee

Should you have any questions on these items, please contact me at (214) 670-3302.



Majed Al-Ghafry  
Assistant City Manager

c: T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
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# Memorandum



CITY OF DALLAS

DATE April 28, 2017

TO Housing Committee Members: Scott Griggs, Chair, Carolyn King Arnold, Vice Chair, Mayor Pro-Tem Monica R. Alonzo, Tiffinni A. Young, Mark Clayton, Casey Thomas, II

SUBJECT Acceptance of DSHS Office of Title V and Family Health Grant Funds

On May 10, 2017, City Council will have the following WIC Program item on the agenda:

Authorize Amendment 002A to Contract No. 2015-047695-001 with DSHS to accept Grant Funds for the Lactation Resource Training Center Strategic Expansion Program in the amount of \$260,000 for the period of September 1, 2017 through August 31, 2018. The Lactation Resource Training Center Strategic Expansion Program was developed to provide and implement population-based public health services and strategies to increase accessibility, quality and coordination of breastfeeding support through the Dallas Lactation Care Center.

Approval of this item provides for the Dallas Lactation Care Center to (1) act as a lactation resource center for, and provide lactation education counseling and referral services to, women with breastfeeding problems who do not currently participate in the Texas WIC Program, (2) serve as a training center for WIC local agency staff and other health providers to receive clinic experience working with breastfeeding mothers, and (3) serve as a statewide Breastfeeding Resource Center for health providers to utilize for information and assistance when working with pregnant and breastfeeding women. This is the third year of a five-year grant for the continuation of these services.



Alan E. Sims  
Interim Chief of, Community Services

c: Honorable Mayor and Members of the City Council  
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DATE April 28, 2017

TO Housing Committee Members: Scott Griggs, Chair, Carolyn King Arnold, Vice Chair, Mayor Pro-Tem Monica R. Alonzo, Tiffinni A. Young, Mark Clayton, Casey Thomas, II

SUBJECT **Land Transfer Hold Public Hearing and Sale of 8 Lots to Habitat (District 7)**

On May 10, 2017, City Council will have the following Land Transfer item on the agenda:

A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, using the House Bill 110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens.

Should you have any questions, please contact me at (214) 670-3390.

A handwritten signature in black ink that reads "Raquel Favela".

Raquel Favela

Chief of Economic Development & Neighborhood Services

c: Honorable Mayor and Members of the City Council  
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# Memorandum



DATE April 28, 2017  
TO Honorable Mayor and Members of the City Council  
SUBJECT **City License Applications**

Attached is a list of the most recent Dance Hall and/or Sexual Oriented Business applications received for the week of April 17-21, 2017 by the Narcotics Bureau Licensing Squad of the Dallas Police Department.

Please have your staff contact Sergeant Lisette Rivera, #7947 at (214) 670-4811 and/or by email at [lisette.rivera@dpd.ci.dallas.tx.us](mailto:lisette.rivera@dpd.ci.dallas.tx.us) should you need further information.



Eric D. Campbell  
Assistant City Manager

[Attachment]

cc: T.C. Broadnax, City Manager  
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# ***Weekly License Application Report***

*April 17, 2017 - April 21, 2017*

<b><i>BEAT</i></b>	<b><i>DIST.</i></b>	<b><i>NAME OF BUSINESS</i></b>	<b><i>ADDRESS</i></b>	<b><i>LICENSE</i></b>	<b><i>STATUS</i></b>	<b><i>LATE HOUR</i></b>	<b><i>DATE</i></b>	<b><i>APPLICANT</i></b>
517	2	KING LOUNGE	1602 MARKET CENTER	SOB-CABARET	RENEWAL	NO	4/18/2017	PAPATHANASIOU, PAVLOS
552	6	ODYSSEY ADULT MEGASTORE	11505 ANAHEIM DRIVE	SOB-BOOKSTORE	RENEWAL	NO	4/18/2017	JOSHI, ARPIT
554	6	TO BE DETERMINED	2535 MANANA	SOB-CABARET	RENEWAL	NO	4/18/2017	CRAFT, STEVEN WILLIAM
134	14	SILVERADO	4428 MAIN STREET	DH-CLASS A	NEW	NO	4/18/2017	SOTO, DORA

***License Definitions:***

- DH - Class "A" -Dance Hall - Dancing Permitted 3 Days Or More A Week***
- DH - Class "B" Dance Hall - Dancing Permitted Less Than Three Days a Week***
- DH - Class "C" Dance Hall - Dancing Scheduled One Day At A Time***
- DH - Class "E" Dance Hall - Dancing Permitted Seven Days A Week for Persons Age 14 through Age 18 Only***
- LH - Late Hours Permit - Can Operate A Dance Hall Until 4:00***
- BH - Billiard Hall - Billiards Are Played***
- SOB - Sexually Oriented Business - Adult Arcade / Adult Book/Video Store / Adult Cabaret / Adult Adult Theater / Escort Agency / Nude Model Studio***