

RECEIVED

Public Notice

2021 DEC -2 PM 1:29

CITY SECRETARY
DALLAS, TEXAS

City of Dallas

2 1 1031

POSTED CITY SECRETARY
DALLAS, TX

1500 Marilla Street,
Council Chambers, 6th Floor
Dallas, Texas 75201



Quality of Life, Arts, and Culture Committee

December 6, 2021

3:00 PM

SPECIAL CALLED MEETING

The Quality of Life, Arts, and Culture Committee will be held by videoconference and in the City Hall Council Chambers (6th Floor).

Members of the public are encouraged to attend the meeting virtually. However, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The meeting will be broadcast live on Spectrum Cable Channel 16 and online at <https://bit.ly/cityofdallastv>.

The public may also listen to the meeting as an attendee at the following videoconference [link](#).

2021 CITY COUNCIL APPOINTMENTS

COUNCIL COMMITTEE	
ECONOMIC DEVELOPMENT Atkins (C), Arnold (VC), McGough, Narvaez, Resendez, West, Willis	ENVIRONMENT AND SUSTAINABILITY Blackmon(C), Ridley (VC), Arnold, Bazaldua, Resendez, Schultz, West
GOVERNMENT PERFORMANCE AND FINANCIAL MANAGEMENT Mendelsohn (C), Willis (VC), Atkins, Bazaldua, McGough, Ridley, West	HOUSING AND HOMELESSNESS SOLUTIONS Thomas (C), Moreno (VC), Arnold, Blackmon, Mendelsohn, Ridley, Schultz
PUBLIC SAFETY McGough (C), Mendelsohn (VC), Atkins, Moreno, Resendez, Thomas, Willis	QUALITY OF LIFE, ARTS, AND CULTURE Bazaldua (C), West (VC), Arnold, Blackmon, Narvaez, Ridley, Thomas
TRANSPORTATION AND INFRASTRUCTURE Narvaez (C), Atkins (VC), Bazaldua, Mendelsohn, Moreno, Schultz, Willis	WORKFORCE, EDUCATION, AND EQUITY Schultz (C), Thomas (VC), Blackmon, McGough, Moreno, Narvaez, Resendez
AD HOC JUDICIAL NOMINATING COMMITTEE Resendez (C), Arnold, Bazaldua, Ridley, Thomas, West, Willis	AD HOC LEGISLATIVE AFFAIRS Atkins (C), McGough, Mendelsohn, Narvaez, Willis
AD HOC COMMITTEE ON COVID-19 RECOVERY AND ASSISTANCE Thomas (C), Atkins, Mendelsohn, Moreno, Ridley	AD HOC COMMITTEE ON GENERAL INVESTIGATING & ETHICS Mendelsohn (C), Atkins, Blackmon, McGough, Schultz

(C) – Chair, (VC) – Vice Chair

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."

"Pursuant to Section [46.03](#), Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección [46.03](#), Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

Note: A quorum of the Dallas City Council may attend this Council Committee meeting.

Call to Order**MINUTES**

- A. [21-2331](#) Approval of the November 15, 2021 Committee Minutes

Attachments: [Minutes](#)

BRIEFING ITEMS

- B. [21-2332](#) Humane Pet Store Ordinance
[Lauren Loney, Texas State Director, Humane Society of the United States;
Shelby Bobosky, Executive Director, Texas Humane Legislation Network]

Attachments: [Presentation](#)

- C. [21-2333](#) Latino Cultural Center Phase II Update
[Jennifer Scripps, Director, Office of Arts & Culture; Benjamin Espino,
Assistant Director, Office of Arts & Culture]

Attachments: [Presentation](#)

- D. [21-2334](#) Sexually Oriented Businesses Regulations and Public Hearing
[Devon Palk, Major; Stephen Bishopp, Lieutenant; Dallas Police
Department]

Attachments: [Presentation](#)

ADJOURNMENT

EXECUTIVE SESSION NOTICE

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

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 21-2331

Item #: A.

Approval of the November 15, 2021 Committee Minutes

Quality of Life, Arts & Culture Committee

Meeting Record

The Quality of Life, Arts & Culture Committee meetings are recorded. Agenda materials are available online at www.dallascityhall.com.

Meeting Date: November 15, 2021

Convened: 9:00 a.m.

Adjourned: 10:24 a.m.

Committee Members Present:

Adam Bazaldua, Chair
Chad West, Vice Chair
Carolyn Arnold
Paula Blackmon
Omar Narvaez
Paul E. Ridley
Casey Thomas, II

Committee Members Absent:

Other Council Members Present:

Presenters:

Julia Ryan, Interim Director, Planning and Urban Design Department
Melissa Webber, Interim Director, Dallas Animal Services Department
Joey Zapata, Assistant City Manager

AGENDA

Call to Order (9:00 a.m.)

A. Approval of the October 18, 2021 Meeting Minutes

Presenter(s): Adam Bazaldua, Chair

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes for the October 18, 2021 Quality of Life, Arts & Culture Committee meeting.

Motion made by: Chad West
Item passed unanimously: X
Item failed unanimously:

Motion seconded by: Casey Thomas, II
Item passed on a divided vote:
Item failed on a divided vote:

B. Small Discount Retail Store Regulations

Presenter(s): Julia Ryan, Interim Director, Planning and Urban Design Department

Action Taken/Committee Recommendation(s): The Committee discussed: Justification of the current and proposed regulations. Caution of over-regulating these type of businesses. Request for a heat map that overlays discount and grocery stores. Whether the prevalence of discount stores affects non-discount stores opening. Incentives for discount stores to offer fresh food products and unintended consequences of discount store regulations. Community meetings hosted by Councilman Thomas, II about this specific topic. The Committee vote on

a motion to request a follow-up Committee briefing in January to discuss the creation of incentive programs and invite an industry expert to advise on the City's goals for grocery stores and fresh food access.

Motion made by:
Item passed unanimously:
Item failed unanimously:

Motion seconded by:
Item passed on a divided vote:
Item failed on a divided vote:

C. INFORMATIONAL MEMORANDUM: Dallas Animal Services FYE21 Performance Dashboard

Presenter(s): MeLissa Webber, Interim Director, Dallas Animal Services Department

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

Motion made by:
Item passed unanimously:
Item failed unanimously:

Motion seconded by:
Item passed on a divided vote:
Item failed on a divided vote:

D. Amendments to Chapter 41A, "Sexually Oriented Businesses," of the Dallas City Code to increase the minimum age for employees and contractors; and to impose hours of operation

Presenter(s): Joey Zapata, Assistant City Manager

Action Taken/Committee Recommendation(s): The Committee discussed: The forthcoming staff recommendation for restrictions on hours of operation based on crime data. A request to include discussion of any opposition or litigation on other cities' similar ordinances when this item returns to Committee in December. A request that staff make distinctions between SOB uses such as dance, retail, alcohol sale and video sales and rentals.

Motion made by:
Item passed unanimously:
Item failed unanimously:

Motion seconded by:
Item passed on a divided vote:
Item failed on a divided vote:

Adjourn (10:24 a.m.)

APPROVED BY:

ATTESTED BY:

Adam Bazaldua, Chair
Quality of Life, Arts & Culture Committee

Juan Garcia, Coordinator
Quality of Life, Arts & Culture Committee



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 21-2332

Item #: B.

Humane Pet Store Ordinance

[Lauren Loney, Texas State Director, Humane Society of the United States; Shelby Bobosky, Executive Director, Texas Humane Legislation Network]

Dallas Humane Pet Store Ordinance Quality of Life Committee Dec. 6, 2021

Lauren Loney

Texas State Director

The Humane Society of the United States

Shelby Bobosky

Executive Director

Texas Humane Legislation Network



**THE HUMANE SOCIETY
OF THE UNITED STATES**



**TEXAS HUMANE
LEGISLATION
NETWORK®**

The Humane Pet Store Ordinance

Will prohibit the sale of dogs and cats in pet stores.

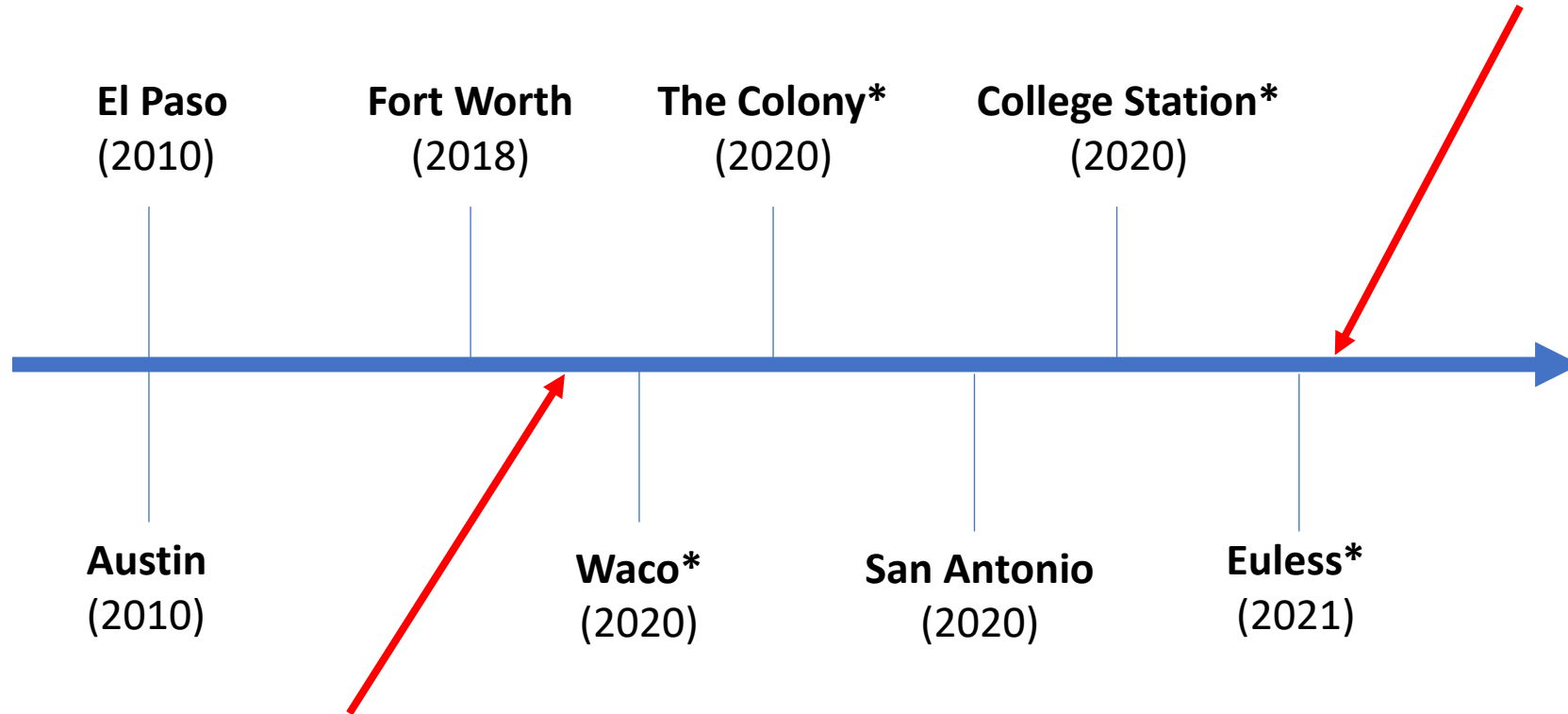
Similar to HB 1818: Statewide law that nearly passed and Dallas supported.

Similar to laws in 400 localities across 31 states, including **9 in Texas**, and 5 states.



Texas Humane Pet Store Ordinances

87th Legislative Session:
H.B. 1818 supported by
City of Dallas and many
local rescue organizations.



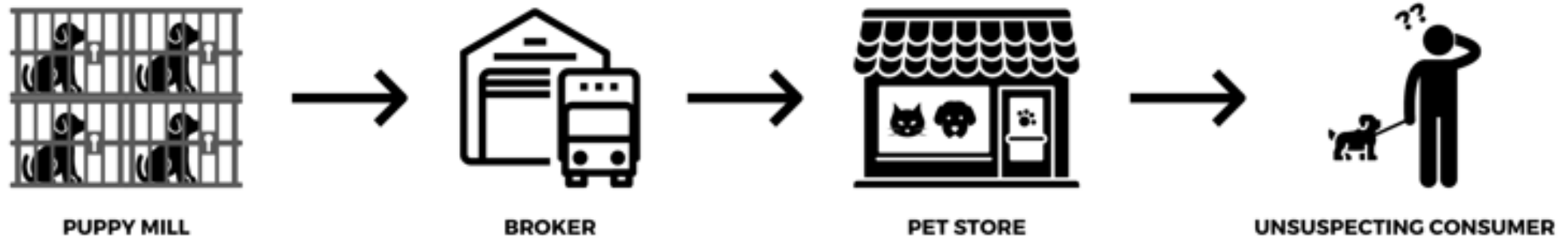
2019: HSUS released
undercover investigation at
Frisco puppy-selling pet
store.

*These cities passed a humane pet
store ordinance preemptively to
prevent puppy-selling pet stores from
moving in.

Benefits to Dallas

- ✓ Stop hundreds of weeks old puppies from being trucked into Dallas each year from Midwest puppy mills and prevent the problem from worsening should additional stores want to sell puppies;
- ✓ Protect consumers from deceptive sales tactics, ending up with sick puppies, and puppy financing interest rates that are often much higher than disclosed;
- ✓ Protect the community from the ongoing antibiotic-resistant infection outbreak connected to pet store puppies;
- ✓ Support dozens of Dallas humane pet stores that already don't sell puppies;
- ✓ Support Dallas Animal Services by moving the local pet market towards shelters and rescues, alleviating pressure on those organizations.
- ✓ Encourages people to support responsible breeders who only sell directly to the public and who frequently offer support services such as rehoming support, when needed.

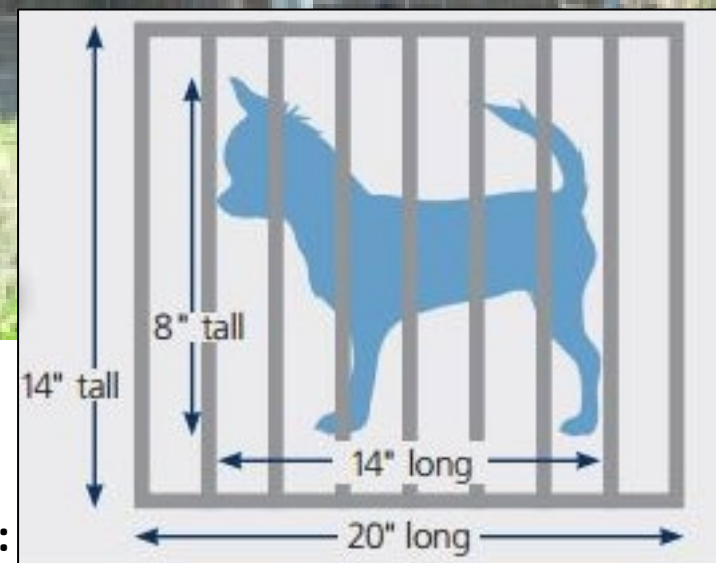
The Puppy Mill Pipeline



- Public records: From 2019-present thousands of puppies were imported into Dallas to be sold at just one puppy-selling pet store.
- Puppy-selling pet store relies heavily on puppy mill brokers—middlemen dealers who buy puppies from many different commercial breeders and resell them to pet stores.
- Utilizing brokers adds an additional leg of transport for young, stressed, and often neglected puppies
 - Preferred Canines, for example, buys puppies from dozens of breeders, transports them to their facility in Sugarcreek, OH, and then trucks them to Dallas—a **1,143 mile/17 hour and 32 minutes trip**.
 - Reports of feces/urine-filled cages, sick and dead puppies, dehydrated puppies, and failed air conditioning and heat in transport vehicles.

Where the Mother Dogs Live

- Lewis Bloom (Clay Center, KS)
- July 2020 photo shows dogs confined to small, raised enclosures with wire walls
- Kansas violations in 2018 and 2019.
- No USDA violations since 2017 despite poor conditions



USDA Cage Requirements:

Where the Mother Dogs Live

- Milton Lewis (Newport, NE)
- History of egregious animal welfare violations from Nebraska Dept. of Ag
 - Golden Retriever with puncture wounds on leg and swollen eye after being attacked by other dogs
 - Lab puppy who had leg bitten off by another dog
 - Told inspector he wanted to euthanize dogs rather than groom them
 - Photo to right is dog he euthanized rather than seeking veterinary care



No Pet Store Needs to Sell Puppies

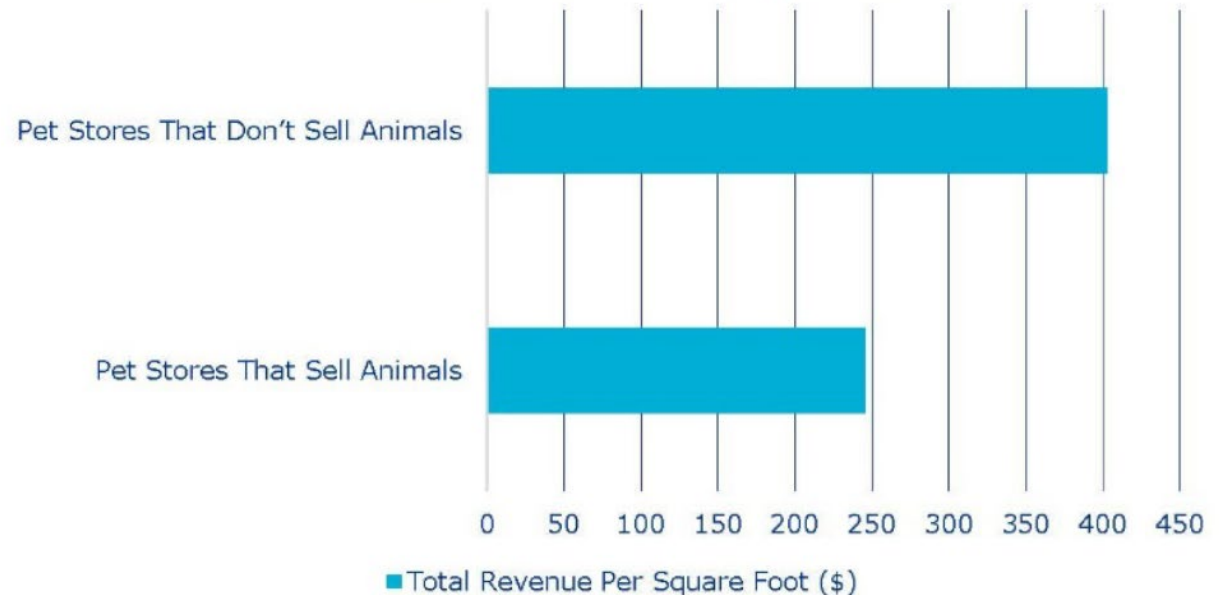
American Pet Products Association: Americans spent \$103 billion on their pets in 2020 with pet food, products, and services dominating.

Pet Business Magazine: Of the top 25 pet retailers in North America only one sells puppies, and that chain has moved down the list as more than half of the top retailers (that don't sell puppies) expanded their business in 2020.

Ex-Parthenon: One of the largest consulting organizations in the world reported the pet products and services industry has become “a potentially explosive market” and that even with the availability of online retail, 78% of people prefer to shop for their pets in brick-and-mortar stores.

World Pet Association: In 2019, pet stores that only sold dry goods reported more total revenue per square foot (\$403) than those that sold animals (\$246).

Pet Store Revenue Per Square Foot





Why not a different kind of regulation?

- City of Dallas (or State of Texas) unable to inspect and regulate out-of-state breeders.
- Violates the Dormant Commerce Clause to limit sales to in-state breeders.
- “Transparency” laws have proven to be unsuccessful in protecting consumers from deceptive business practices or the welfare of either puppies or the parent dogs.
- Almost all Dallas pet stores are already complying with this ordinance—the law should reflect that.
- Prevents new puppy-selling pet stores from moving into Dallas:
 - *New Braunfels*
 - *San Marcos*
 - *Houston*

Where Residents Will Obtain Their Next Pet



- Responsible breeders, local shelters and rescues, including breed-specific ones
- Search of AKC Marketplace and other reputable online sites show a wide variety of young puppies available directly from breeders in the area
- HSUS provides responsible breeder resources/checklist to public
- There is no evidence that humane pet store ordinances lead puppy buyers to the internet!
 - Impulse pet store purchasers won't buy at all;
 - Those who want to meet the puppy first will find local breeder;
 - Online sellers are regulated by USDA.

Responsible breeders don't sell to pet stores

Heart of Texas Akita Club of Greater Dallas/Fort Worth

"Refuse to deal with dog wholesalers or to sell puppies to pet shops..."

Dallas-Fort Worth Metro Golden Retriever Club, Inc.

All persons who subscribe to the purpose of the Club, who are in good standing with the American Kennel Club, who are in good standing with the Golden Retriever Club of America, if a member of such organization, who have indicated a willingness to serve the Club in some capacity such as committee member, steward, trophy donor, etc., who shall not have been nor presently engaged in the buying and selling of dogs for resale, and who has not and does not sell puppies in litter lots, are eligible for membership.

The Great Dane Club of Greater Dallas

All breeders and owners of Great Danes (bitches and stud dogs alike) shall: Not wholesale litters of Great Danes, sell to Brokers or Pet Shops, provide any animal for prize or raffle purposes; nor use a Stud Dog in like manner.

Local Success Stories

- **Woof Gang Bakery & Grooming:** Thriving store in Dallas; recently surpassed Petland on the Top 25 Pet Retailers list. The owners have stated: “**Good pet stores do not sell puppies and responsible pet breeders do not sell to stores.**”
- **Downtown Pawz:** Local, family-owned business; voted best pet store in Dallas by D Magazine. Full-service pet supply store offering natural pet foods and treats, products, bathing and grooming, dog walking and free delivery.
- **PetSmart, PetCo, Pet Supplies Plus & Pet Supermarket:** All have Dallas stores; none sell dogs/cats but rather host adoption events and sell a variety of pet products and services



Local Support

- At least 6 (list is growing) Dallas veterinarians have voiced support for ordinance due to concerns with the health of pet store puppies.
- 20+ Dallas pet stores have signed the HSUS Puppy Friendly Pet Store Pledge.



Pet stores that sign our puppy-friendly pledge offer pet supplies only, or have rescue dogs available for adoption.

Text **PUPPY** to **30644** to find a store near you.

 **THE HUMANE SOCIETY**
OF THE UNITED STATES

Message and data rates may apply. Text **HELP** for info. Text **STOP** to opt out. By performing this action, you are signing up for recurring messaging from the Humane Society of the United States. Expect four messages a month. No purchase necessary. Privacy policy at humanesociety.org/privacy. Terms at humanesociety.org/sms.

Local Support Con't



Complicated Financing, Lending and NDAs

- A humane pet store ordinance would protect consumers from complicated contracts and hidden, high interest rates.
- A key part of the pet store puppy sales pitch is financing, especially when a consumer cannot afford to pay thousands of dollars for a puppy outright.
- These financing schemes have extremely high interest rates that are not disclosed at the time a puppy is purchased. These agreements also include undisclosed fees, very high interest rates, and refusal to help consumers whose puppies had gotten sick or even died.
- The THLN 800-hotline has received hundreds of complaints for Dallas retail stores selling puppies. They often cannot tell their story due to the Non-Disclosure Agreements.



Next Steps

- City Attorney's office will draft ordinance based on model language provided by HSUS
- Animal Advisory Board briefing – January 2022
- Full Council agenda – February 2022
- A delayed effective date will give the local store time to sell the puppies they have and transition to a more humane model.
 - *Note: HSUS has open invitation to any corporation that runs local store to help convert all stores to a more humane business model.*



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 21-2333

Item #: C.

Latino Cultural Center Phase II Update

[Jennifer Scripps, Director, Office of Arts & Culture; Benjamin Espino, Assistant Director, Office of Arts & Culture]



City of Dallas

LCC Phase II Briefing

**Quality of Life,
Arts & Culture Committee
December 6, 2021**

Benjamin Espino, Assistant Director
Office of Arts and Culture
City of Dallas

Purpose



- To share the progress on the LCC Phase II multi-form (black box) theater space
- To provide an update on the residency company agreements with Cara Mia Theatre Co. and Teatro Dallas



LCC History and Background



- LCC History and Background

- Mission: To serve as a regional catalyst for the preservation, promotion, and development of Latino/a and Hispanic arts and culture
- May 1995: \$3.5M bond funding approved by voters to develop center as a private public/partnership
- Oct. 1996: Internationally-recognized Mexican architect Ricardo Legorreta chosen to design 27,500 sq. ft. multi-disciplinary arts center
- Nov. 1997: The Meadows Foundation donates land at Good Latimer and Live Oak Streets for building construction. Land valued at \$2M
- Sept. 2003: Latino Cultural Center opens to the public after \$9.8M campaign: \$5.6M in City of Dallas funding and \$4.2M in private contributions
- Nov. 2003 & May 2006: \$4.6M bond funding authorized for master plan and expansion of center



LCC Phase II Update - Background



- LCC Phase II funded by 2003 & 2006 Bond Programs
 - Design and construction of building: February 2019 – August 2021
 - \$4.6M support from Bond Program
 - Included funding for master plan by Legorreta Arquitectos (Design Architect), GFF (Architect of Record), and \$3.4M for construction
 - Full state of the art theater fit-out – March 2022
 - \$500K consolidated capital campaign



LCC Phase II Update - Background



- Phase II was a top priority of the 2018 Dallas Cultural Plan
 - This project addresses Equity, Diversity, Space, Support for Artists and Sustainable Arts Ecosystem priorities
 - Focus on City's Equity initiatives – 43% Latino/a population
 - Dallas City Council unanimously passed resolution for future resident theater companies on December 13, 2019
 - Sets Dallas as the national standard in municipal arts complexes with two resident theaters – Cara Mia Theatre Co. & Teatro Dallas
- In February 2019, Council approved OAC's request to commit 2006 bond dollars towards the multi-form theater, deferring other items in the 2006 Master Plan



LCC Phase II Update – Original Site Plan



LCC Phase II Update – Expanded Site Plan



LCC Phase II Update - Photos



LCC Phase II Update - Photos



LCC Phase II Update - Programming



- 5,200 sq. ft. addition:
 - Multiform theater and second entrance, lobby, and support areas
 - Continues relationship with Legorreta Arquitectos (original design architect and master plan)



LCC Phase II Update – Capital Campaign



Joint Campaign Goal - \$500,000

- Integral requirement of residency agreements - deadline of December 2021

Giving Opportunities:

<https://portal.cftexas.org/LCCphase2>



Gift and Pledges Received	Amount
Cara Mia Theatre Co.	\$150,000
Biscuit Holdings	\$100,000
The Meadows Foundation	\$85,000
The Dallas Foundation	\$50,000
Dr. Catalina Garcia	\$50,000
Anonymous	\$50,000
Hoblitzelle Foundation	\$30,000
Teatro Dallas	\$20,000
Linebarger, Goggan, Blair, & Sampson	\$10,000
Individuals	\$5,000
Total Gifts and Pledges Received:	\$550,000



Cultural Venue Naming Policy



- Council Resolution 19-1905 approving the residency agreements provided for both groups' names to be on the outside of the multifunction theater pending fulfillment of contract requirements
- For the capital campaign acknowledgment, OAC naming policy (part of 2018 Dallas Cultural Policy) provides for naming to increase sustainability of the arts ecosystem and OAC buildings
- Policy requires that contributions related to naming rights must be dedicated in part to facility needs
- LCC consolidated capital campaign follows policy, with 100% of contributions dedicated to the LCC Phase II project
- Naming proposals for received contributions must undergo a 30-day public comment period on OAC's website and other applicable public forums
- Following the 30-day comment period, the Arts and Culture Advisory Commission will vote to recommend to the Director
- Staff anticipate LCC naming rights to be posted in mid-December with a Commission vote in January



Next Steps



- Capital Campaign will conclude on 12/31/2021
- The Arts and Cultural Advisory Commission will consider proposed named areas in January 2022
- Signage is currently being designed and will be installed in 2022 for ribbon cutting and official opening
- The job posting for a new General Manager of the Latino Cultural Center has been posted and promoted





Appendix A: LCC User Groups



The following arts and cultural organizations have utilized the LCC in the last few years:

- Alegre Ballet Folklorico
- Anita N. Martinez Ballet Folklorico
- Cara Mia Theatre Company
- Casa de España
- Casa Jalisco
- Consul General of Mexico's Office in Dallas
- Consul General of Peru's Office in Dallas
- Contemporary Ballet Dallas
- Dallas Black Dance Theatre
- Dallas Mexican American Historical League
- Daniel de Cordoba Bailes Españoles
- Diversita Opera
- Evolution Tango
- HOGAR de Dallas
- Indian Cultural Heritage Foundation
- Mexico Institute
- Oak Cliff Coalition for the Arts
- Oak Lawn Band
- Ollimpaxqui Ballet Folklorico
- Puerto Rican Association de Dallas/Fort Worth
- Teatro Dallas
- Technotitlan Ballet Folklorico
- Texas Ballet Theatre
- Texas Chinese Performing Arts
- Uptown Players
- Voices of Change





City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 21-2334

Item #: D.

Sexually Oriented Businesses Regulations and Public Hearing
[Devon Palk, Major; Stephen Bishopp, Lieutenant; Dallas Police Department]



City of Dallas

Sexually Oriented Businesses Regulations and Public Hearing

December 6, 2021

Eddie Garcia, Chief of Police
Dallas Police Department
City of Dallas

Presentation Overview



- Definition Sexually Oriented Business
- Purpose of Chapter 41A
- Constitutional Considerations
- Texas Senate Bill 315
- Regulation of SOBs
- Crime Activity Overview
- Research & Study Findings
- Recommendations
- Next Steps
- Research References



Definition Sexually Oriented Business



- Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency or nude model studio *as defined in Dallas City Ordinance Chapter 41A.*



Purpose of Chapter 41A



- To promote the health, safety, morals and general welfare of the citizens of the city
- To establish reasonable and uniform regulations
- To minimize the secondary harm or damage inside or outside the SOBs
- NOT intending to restrict or deny access by adults; protected First Amendment



Constitutional Considerations



- Regulation of SOBs implicates freedom of speech protections under the U.S. and Texas Constitutions.
- Any regulation of SOBs:
 - must further a substantial governmental interest that is unrelated to the suppression of free expression; and
 - the restriction shall not be greater than is essential to the furtherance of that interest



Texas Senate Bill 315



- Texas Senate Bill 315
- Became law September 1, 2021
- Prohibits a Sexually Oriented Business from employing or contracting with a person under the age of 21
- This change brings Chapter 41A in line with the new law



Regulations of SOB



- Regulated by:
 - SOB ordinance
 - Texas Alcohol Beverage Code
- “All-nude” establishments are BYOB
- BYOBs are not regulated by TABC
- These regulations do not restrict hours of operations for SOB



Regulation of SOBs – Hours of Operation



Texas Cities	Hours of Operation Provisions - SOBs
El Paso	requires sexually oriented businesses to be closed between 2:00 a.m. and 6:00 a.m.
Fort Worth	requires sexually oriented businesses to be closed between 2:00 a.m. and 10:00 a.m., Sunday through Thursday, and between 3:00 a.m. and 10:00 a.m., Fridays and Saturdays. A sexually oriented business may remain open until 4:00 a.m. on Fridays and Saturdays if the business has a valid food establishment permit issued by the city.
San Antonio	requires sexually oriented businesses to be closed between 2:15 a.m. and 7:00 a.m.
Plano	requires sexually oriented businesses to be closed between 2:00 a.m. and 10:00 a.m.
Grand Prairie	requires sexually oriented businesses to be closed between 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between 2:00 a.m. and 12:00 p.m. on Sunday.



Northwest “Club” Task Force 2021



- Task Force created in March 2021.
- Created due to multiple shootings, violent crimes and crime data showed it increasing after midnight
- Primarily occurred at or near the SOBs
- 8 officers starting at Midnight on Thursday. Friday and Saturday
- The arrest range from Drugs, UCW, UPF, Warrants, Jail Traffic, and various other arrests



Northwest Club Task Force Activity

March – October 2021



Taskforce Activity	Felony	Misdemeanor	Citations	Calls Answered	Traffic Stops	Stolen Recovered	Weapons Seized	Drug Seized	Staff Hours
Total	101	149	1,036	118	1,454	7	94	205	997.5



Crime Activity-Arrests



- The following 9 slides are data related to SOB locations
- Reviewed aggravated assaults, robberies, prostitution, gun and drug-related arrests over three-year period (2019-2021)
- Guns and drugs comprise 58% of all arrests 10p-2a and 63% of all arrests 2a-6a
- Gun and drug arrests have steadily increased during both time frames, the greatest increase occurring 2a-6a
- In 2021, more total arrests occurred 2a-6a, 94 vs 83



Crime Activity Overview 2019-2021 (Reported Violent Crimes)



Violent crimes include aggravated assault, rape, robbery, and murder (UCR Part I)

- 2a-6a comprised nearly 67.16% of all reported violent crime
- In 2021, 2a-6a had 76% of all reported violent crime
- Across all years, violent crime decreased 29% during 10p-2a but increased 80% during 2a-6a



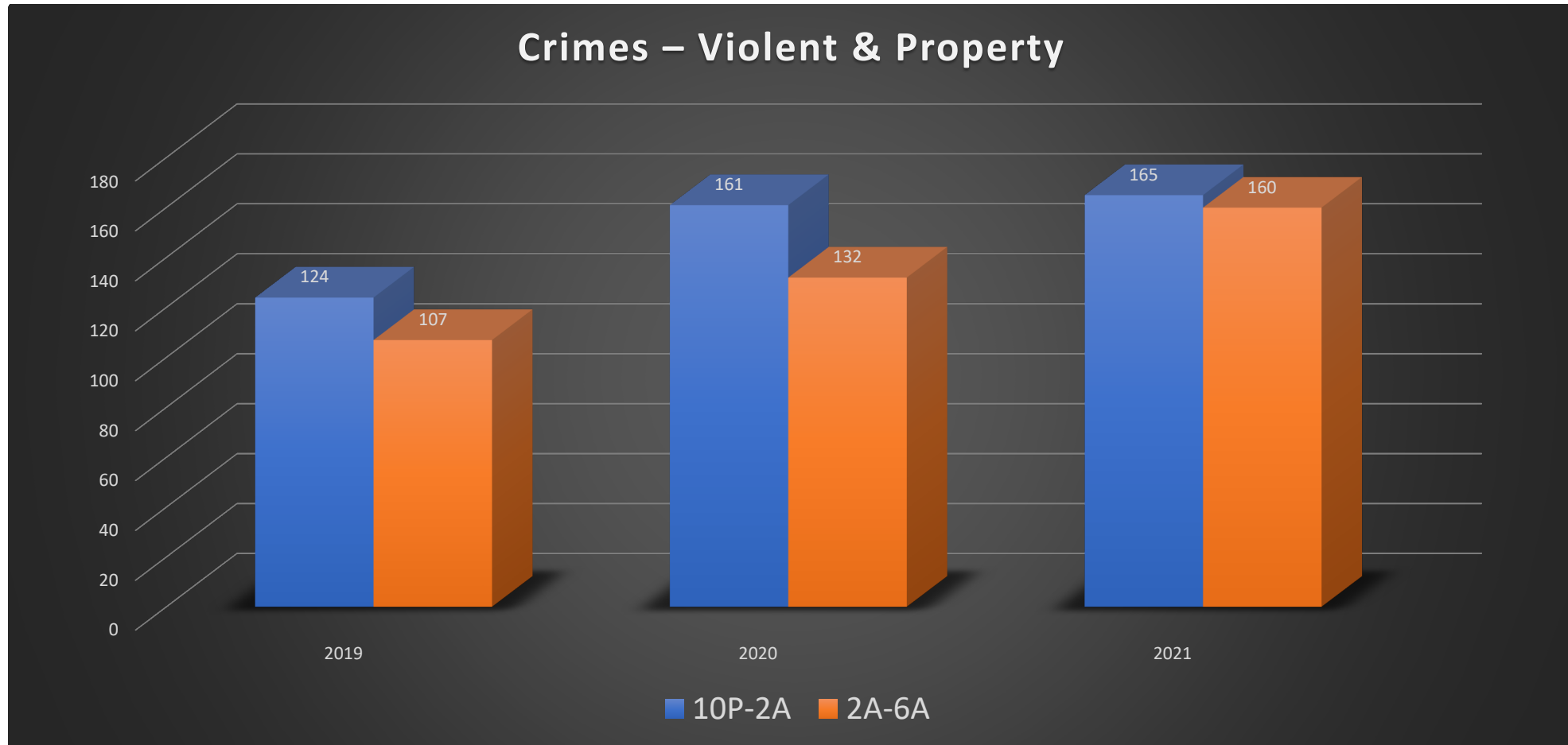


Property crimes include burglary, theft, and motor vehicle theft (UCR Part I)

- Unlike violent crime, more property crime occurred 10p-2a (59%) than 2a-6a (41%)
- Across all years, property crime increased during both times; 10p-2a (48%), 2a-6a (38%)



Comparison Crimes Reported



Arrests Activity – Certain Times

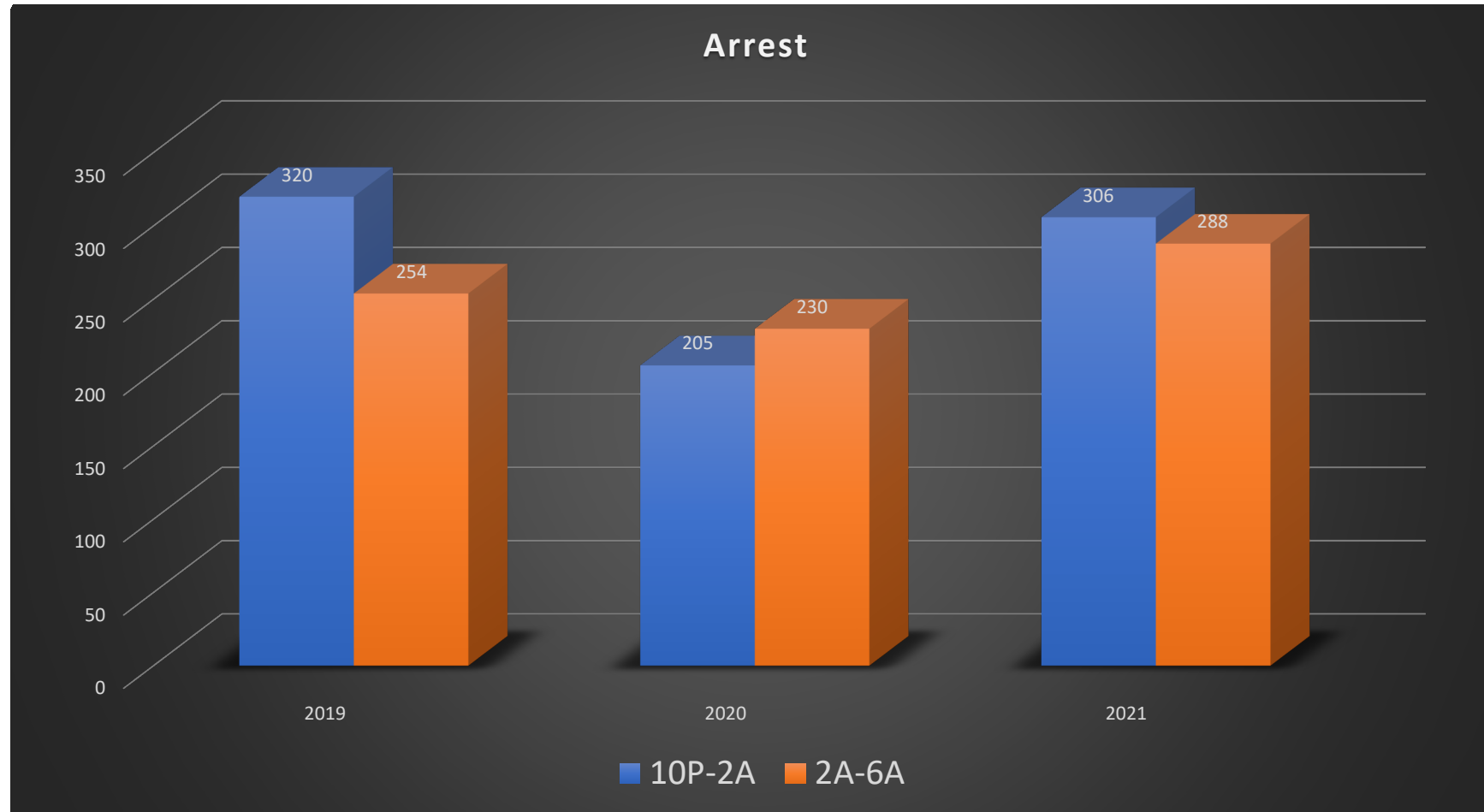


There were 2,082 custodial arrests at SOB locations, 2019-2021.

- 1,603 (77%) occurred between 10p-6a
- 10p-2a – 831 arrests
- 2a-6a – 772 arrests
- No discernable increase/decrease



Comparison Arrests at SOB Locations



Calls for Service - Police

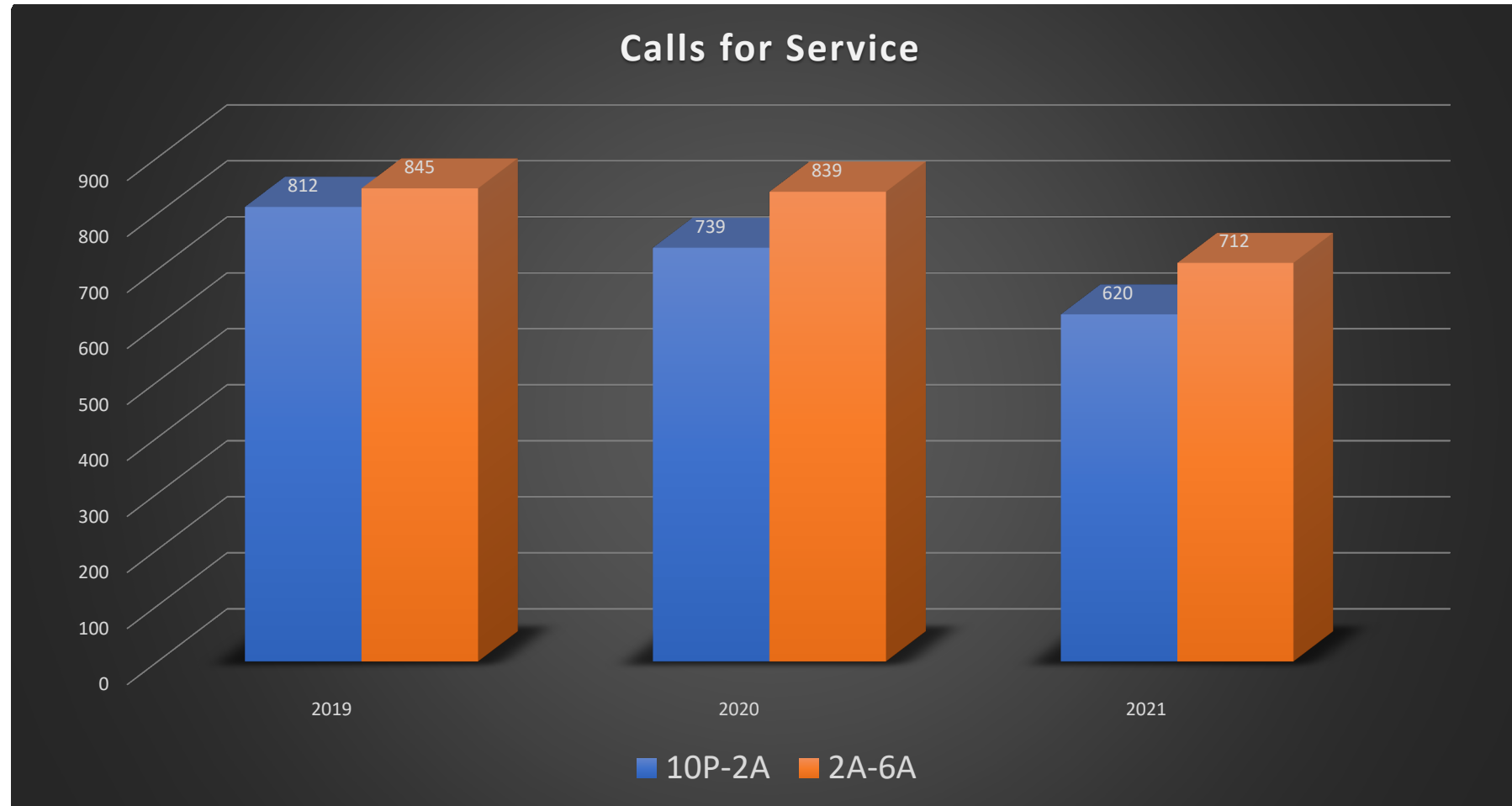


Between 2019-2021, 11,999 calls for service (CFS) were generated at SOB locations.

- More than 4,500 were between 10p-6a
- 10p-2a – there were 2,171 CFS, 165 were Priority 1 (code 3 response)
- 2a-6a – there were 2,396 CFS, 214 were Priority 1



Calls for Service – Police



Calls for Service - Fire



Between 2019-2021, 1,317 calls for service (CFS) were generated at SOB locations.

- Of those, 675 occurred between 10p-6a
- 10p-2a – there were 270 CFS
- 2a-6a – there were 405 CFS



Research Findings



McCord & Tewksbery (2012): Spatial analyses using buffer zones of rates of violent, property, and public order offenses in the vicinity of sexually oriented businesses in Louisville, Kentucky.

- Results show there were higher rates of all types of offenses in the immediate vicinity of the business
- Effects continue to significantly impact local community even further from the SOB

McCleary (2008): Examined whether criminological theories can be generalized to rural areas.

- When an adult entertainment business opens on an interstate highway off-ramp to a small rural village, total crime rises by 60%
- Total crime in the village dropped by approximately 60% within 2 years of the SOB closing

Weinstein & McCleary (2012): Law review examining SOB industry attacks on “secondary-effects” of crime.

- Adult businesses are associated with heightened incidences of crime regardless of location
- Routine Activities Theory is prevailing explanatory theory
- SOB industry studies finding no secondary crime effects methodologically or analytically flawed



Study & Report Findings



A number of Texas cities* found recognized many factors that they considered in developing city ordinances regulating SOB.

- Recognized that conduct occurring at SOB “is detrimental to the public health, safety and general welfare” and should be regulated
- SOB promote prostitution, drug use, an other criminal activity
- Positive correlation between SOB, specifically their hours of operation, people attracted, and higher crime rates
- SOB - deleterious effect on existing businesses and the surrounding residential areas adjacent to them,
- Increased crime and downgrading of property values

*

Beaumont, Texas Planning Department entitled "Regulation of Adult Uses" & Amarillo, Texas - Planning Department: "A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo"



Recommendations



- Change City Ordinance to minimum age of 21 to comply with new state law
- Set Hours of Operations to decrease criminal activity, improve safety and reduce the demand on City Services
- Hours of operation to end at 2am and remain closed until 6 am
- Consistent with TABC and all other entertainment districts
- Adopt the 2am closing time which is consistent with surrounding agencies



NEXT STEPS



- City Council consideration and direction based on this initial briefing
- City Staff research for ordinance based on City Council direction
- City Staff present final options to City Council
- City Council review presentation for approval





City of Dallas

Sexually Oriented Businesses Regulations and Public Hearing

December 6, 2021

Eddie Garcia, Chief of Police
Dallas Police Department
City of Dallas

Research References



McCleary, R. (2008). Rural hotspots: The case of adult businesses. *Criminal Justice Policy Review*, 19(2), 153-163.

McCord, E. S., & Tewksbury, R. (2013). Does the presence of sexually oriented businesses relate to increased levels of crime? An examination using spatial analyses. *Crime & Delinquency*, 59(7), 1108-1125.

Weinstein, A. C., & McCleary, R. (2011). The association of adult businesses with secondary effects: Legal doctrine social theory, and empirical evidence. *Cardozo Arts & Ent. LJ*, 29, 565.

