

MINUTES OF THE CITY COUNCIL COMMITTEE  
MONDAY, AUGUST 14, 2023

23-0017

AD HOC LEGISLATIVE AFFAIRS COMMITTEE  
CITY COUNCIL CHAMBER, CITY HALL/VIDEO CONFERENCE  
COUNCILMEMBER CARA MENDELSON, PRESIDING

PRESENT: [5] Mendelsohn, Atkins, Gracey, Narvaez, Stewart (\*10:05 a.m.)

ABSENT: [0]

The meeting was called to order at 10:03 a.m. with a quorum of the committee present.

The meeting agenda, posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the committee had been considered, the meeting adjourned at 11:43 p.m.

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Chair

ATTEST:

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City Secretary Staff

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Date Approved

The agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the committee are attached to the minutes of this meeting as EXHIBIT B.

The briefing materials are attached to the minutes of this meeting as EXHIBIT C.

\*Note: Members of the Committee participated in this meeting by video conference.

\*\* Note: Indicates arrival time after meeting called to order/reconvened.

MINUTES OF THE CITY COUNCIL COMMITTEE  
MONDAY, AUGUST 14, 2023

EXHIBIT A

**RECEIVED**

2023 AUG 10 AM 11:15

**CITY SECRETARY  
DALLAS, TEXAS**

**City of Dallas**

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

**Public Notice**

**230693**

**POSTED** CITY SECRETARY  
DALLAS, TX



**Ad Hoc Legislative Affairs Committee**

**Monday, August 14, 2023  
1500 Marilla Street  
City Council Chambers, 6EN  
10:00 a.m.**

## 2023 CITY COUNCIL APPOINTMENTS

COUNCIL COMMITTEE	
<b>AD HOC LEGISLATIVE AFFAIRS</b> Mendelsohn (C), Atkins, Gracey, Narvaez, Stewart	

(C) – Chair, (VC) – Vice Chair

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

## General Information

The Dallas Council Committees regularly meet on Mondays beginning at 9:00 a.m. and 1:00 p.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council Committee agenda meetings are broadcast live on [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) and on Time Warner City Cable Channel 16.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Información General

Los Comités del Concejo de la Ciudad de Dallas se reúnen regularmente los lunes en la Cámara del consejo en el sexto piso del Ayuntamiento, 1500 Marilla, a partir de las 9:00 a.m. y la 1:00 p.m. Las reuniones de la agenda del Comité del Consejo se transmiten en vivo por la estación de [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) y por cablevisión en la estación *Time Warner City Cable Canal 16*.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

## **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."*

This Council Committee meeting will be held by videoconference and in the City Council Chambers, 6EN on the 6th Floor at City Hall.

The public is 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 95 and online at [bit.ly/cityofdallastv](https://bit.ly/cityofdallastv). The public may also listen to the meeting as an attendee at the following videoconference link: <https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m1171d5a5217b5c0d56412accdc9d6483>

CALL TO ORDER

### **ACTION ITEMS**

A. Approval of the June 12, 2023, Ad Hoc Legislative Committee Meeting Minutes

### **BRIEFING ITEMS**

- B. State Legislative Update (88<sup>th</sup> Regular Session, Special Sessions, Looking Forward)  
[Clifford Sparks, State Legislative Director]
- C. Impact of State Legislation  
[Tammy Palomino, Interim City Attorney]
- D. 2023-2024 State Legislative Lobbyists Contracts  
[Clifford Sparks, State Legislative Director]

### **BRIEFINGS BY MEMORANDUM**

- E. 2023-2024 Regional Membership Organizations
  - a. TEX-21
  - b. Dallas Regional Mobility Coalition
  - c. North Texas Commission
  - d. Metroplex Mayors
- F. Upcoming Items

**ADJOURN**

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**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:

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]

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]

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]

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]

deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

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]

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]



MINUTES OF THE CITY COUNCIL COMMITTEE  
MONDAY, AUGUST 14, 2023

EXHIBIT B

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

AUGUST 14, 2023

Item A: Approval of Minutes of the June 12, 2023 Ad Hoc Legislative Committee Meeting

Mayor Pro Tem Atkins moved to adopt the minutes as presented.

Motion seconded by Councilmember Narvaez and unanimously adopted. (Stewart absent when vote taken)

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

AUGUST 14, 2023

BRIEFING ITEMS

Item B: State Legislative Update (88th Regular Session, Special Sessions, Looking Forward)

The following individuals briefed the committee on the item:

- Clifford Sparks, State Legislative Director;
- Carrie Rogers, Director of Office of Government Affairs; and

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

AUGUST 14, 2023

BRIEFING ITEMS

Item C: Impact of State Legislation

The following individuals briefed the committee on the item:

- Tammy Palomino, Interim City Attorney, City Attorney's Office;
- Bertram Vandenberg, Chief of General Counsel, City Attorney's Office;
- Casey Burgess, Chief of Municipal Regulatory, City Attorney's Office

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

AUGUST 14, 2023

BRIEFING ITEMS

Item D: 2023-2024 State Legislative Lobbyists Contracts

The following individual briefed the committee on the item:

- Clifford Sparks, State Legislative Director;

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

AUGUST 14, 2023

BRIEFINGS BY MEMORANDUM

- Item E:           2023-2024 Regional Membership Organizations
- a. TEX-21
  - b. Dallas Regional Mobility Coalition
  - c. North Texas Commission
  - d. Metroplex Mayors

Item F:           Upcoming Items

The committee discussed the items.

MINUTES OF THE CITY COUNCIL COMMITTEE  
MONDAY, AUGUST 14, 2023

EXHIBIT C



**City of Dallas**

# **88<sup>th</sup> Texas Legislative Session Update**

**Legislative Ad Hoc Committee  
August 14, 2023**

Tammy Palomino  
City Attorney (I)

Clifford Sparks  
State Legislative Director



# Purpose



- 88<sup>th</sup> Legislative Session Review
- Favorable Legislation
- Budget Highlights
- Unsuccessful Bills
- Unfavorable Legislation
- Next Steps



# 88<sup>th</sup> Legislative Session Review



- 8,530 Total bills filed.
- 708 Total bills tracked that affected city.
- 1,258 Total bills sent to Governor.
- 159 Total bills sent to the Governor with interest to the City of Dallas.
- 25 of the city's 34\* legislative agenda items were addressed by the legislature.

\*2 items are still being addressed during the special called session by the Governor.



# Favorable Legislation



- HB 567 by Rep. Bowers - The Crown Act
- HB 718 by Rep. Goldman - The “Paper tags” bill.
- HB 1287 by Rep. Guillen – Snap assistance bill
- HB 2071 by Rep. Jetton - Public Facility Corporations.
- HB 2134 by Rep. Thimesch (amended to HB 3579 by Rep. Bumgarner) – Relating to regulation of massage therapists and massage establishments by political subdivisions.
- HB 3290 by Rep. Guillen - The “9-1-1 Funding” bill.
- HB 3858 by Rep. Frazier - The “Peace Officer Wellness Programs” bill.
- HB 4034 by Rep. Johnson - The Dallas Police and Fire Pension “Widow” bill
- HB 5202 by Rep. Neave Criado - The “Monica’s Law” bill.
- SB 1319 by Sen. Huffman - The “OD mapping” bill



established and rising leaders.

- NTC's state and federal legislative agendas covers issues such as infrastructure development, business and municipal friendly legislation, education/workforce accessibility and diversity protection.

**Metroplex Mayors Association (MAA) – Membership expires August 31, 2023**

Annual Membership Fee: \$1,200

Member Benefits:

- MMA convenes with the leaders of the cities of the Dallas/Ft. Worth Metroplex to connect with each other and those representing other entities with an interest in the governmental affairs of the region.

Please let us know if you have any questions.



Carrie Rogers  
Director of Government Affairs

c: T.C. Broadnax, City Manager  
Tammy Palomino, Interim City Attorney  
Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bazor Tolbert, Deputy City Manager  
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager  
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager  
Dr. Robert Perez, Assistant City Manager  
Carl Simpson, Assistant City Manager  
Jack Ireland, Chief Financial Officer  
Genesis D. Gavino, Chief of Staff to the City Manager  
Directors and Assistant Directors

# Budget Highlights



Budget Item	2022-2023 Appropriated	2024-2025 Appropriated	Change
9-1-1 Next Generation Formula Funding	\$150.0 M	\$185.2 M	\$35.2 M
Regional Training Facility at UNT-Dallas	\$0.0 M	\$20.0 M	\$20.0 M
Southern Gateway Park	\$0.0 M	\$5.0 M	\$5.0 M
Statewide Reentry Services Pilot Programs	\$1.0 M	\$5.0 M	\$4.0 M
Closed Circuit TVs for Neighborhood Safety Program	\$0.0 M	\$2.0 M	\$2.0 M



# Unsuccessful Bills



- HB 2665 by Rep. Gates - Relating to regulation of short-term rental properties by municipalities and counties.
- SB 491 by Rep. Hughes - Relating to building height restrictions in certain municipalities.
- SB 1412 by Rep. Hughes - Relating to regulation of accessory dwelling units by political subdivisions.
- SB 1787 by Sen. Bettencourt - Relating to size and density requirements for residential lots in certain municipalities.
- SB 1117 by Sen. Hancock - Relating to entities that provide video services.
- SB 175 by Sen Middleton - Relating to the use by a political subdivision of public funds for lobbying activities.
- HB 5140 by Rep. Cain - Relating to a prohibition against the consideration of race or ethnicity as a factor in governmental employment or contracting, in other governmental functions, and in higher education admissions





# Unfavorable Legislation Signed by the Governor



- HB 14 by Rep. Harris - Relating to certain approval procedures for property development review by a political subdivision.
- HB 1526 by Rep. Harris - Relating to parkland dedication for property development by certain municipalities.
- HB 1750 by Rep. Burns - Relating to the applicability of certain city requirements to agricultural operations.
- HB 2127 by Rep. Burrows – Relating to state preemption of certain municipal and county regulation.
- HB 4759 by Rep. Campos - Relating to an attack by a dangerous dog.
- SB 929 by Sen. Parker - Relating to the notice and compensation a municipality must provide before revoking the right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary.
- SB 1860 by Sen. Hughes - Relating to the adoption of a climate policy in a municipal charter.
- SB 1893 by Sen. Birdwell – Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.



# Next Steps



- Legislative Director interim initiatives:
  - Monitor plans for special legislative sessions.
  - Monitor state interim charges and agency actions.
  - Continuously engage in outreach and communication with state delegates.
  - Identify issues of interest for City legislative priorities for the 89th State Legislative Session.





- Questions?





**City of Dallas**

# **88<sup>th</sup> Texas Legislative Session Update**

**Legislative Ad Hoc Committee  
August 14, 2023**

Tammy Palomino,  
City Attorney(I)

Clifford Sparks, State Legislative Director  
City Attorney's Office





**City of Dallas**

# **Impact of State Legislation**

**Legislative Ad Hoc Committee  
August 14, 2023**

Tammy Palomino  
City Attorney (I)  
Bertram Vandenberg  
Chief of General Counsel (I)  
Casey Burgess  
Chief of Municipal Regulatory

# Overview



- This session of the state legislature saw numerous bills that affect cities.
- During the past legislative session, the City Attorney's Office reviewed over 150 bills.
- This briefing highlights a few bills that city council should be aware of because they either have the potential to require city council action or affect items that city council committees have been reviewing.



# Overview



- Out of the bills reviewed:
  - 93 require no action by the city.
  - 15 require a code amendment.
  - 14 require a policy change, but no code amendment.





- The bill adds a provision to the Local Government Code that if a regulatory authority does not approve a plat, plan, or development permit by the 15<sup>th</sup> day after the date prescribed for approval, the review may be conducted by someone who is NOT the applicant or a person whose work is the subject of the application; and IS:
  - an employee of the regulatory authority;
  - an employee of another political subdivision; or
  - a licensed engineer.





- Similarly, if a regulatory authority does not conduct a required inspection by the 15<sup>th</sup> day after the date prescribed for the inspection, the inspection may be conducted by someone who is NOT the owner of the land subject to the inspection; or a person who is the subject of the inspection, and who IS:
  - a certified building inspector;
  - an employee of the regulatory authority; or
  - an employee of another political subdivision under the same regulatory authority.







- The bill also makes decisions on development documents and inspections appealable to city council.
- Chapters 51A and 52 will need to be amended to incorporate the new timelines and establish an appeals procedure.







- State law currently prevents the establishment or operation of a cemetery, or use of any land for the interment of remains located in or within five miles of the boundaries of a municipality with a population of at least 200,000.
- This bill allows an applicant to file a written application with the city to establish or use a cemetery located within city limits.
- The bill also establishes a process for county approval of cemeteries in the ETJ if the county has a population of 750,000 or more or is adjacent to a county with a population of 750,000 or more.



- Need to amend Chapter 11 of the city code needs to:
  - to establish a process for receiving and approving applications to establish or use a cemetery within the city limits.
  - remove the application and approval process for cemeteries in the ETJ.



- The bill establishes complicated rules for parkland dedication and fees for cities with populations greater than 80,000.





- Prohibits parkland dedication fees for commercial uses except multifamily and hotel/motel.
- The bill does not affect parkland dedication fees for single family and duplex.





- If the city is going to charge a parkland dedication fee, it must hold a public hearing where it divides the whole city into one of three areas: central business district area, suburban area, or urban area. The only way the city can change the area lines is through a comprehensive area plan.
- Once every 10 years, the appraisal districts must calculate the average land value in each of the three areas and provide that information to the city. In years where the appraisal districts do not calculate the average land value, the city calculates it based on the CPI-inflation rate and the data previously provided by the appraisal districts.
- The city must designate a dwelling unit factor, which is the number of parkland acres for each dwelling unit. The maximum dwelling unit factor the city can require per dwelling unit is 0.005 acre per multifamily unit and 0.004 acre per hotel and motel room.





- The city must also designate a density factor, which is a number representing the diminishing expectation of parkland acres per dwelling unit in increasingly dense urban environments. The minimum density factor the city can impose is 40 for the central business district area, four for the suburban area, and one for the urban area.
- The bill establishes two ways to calculate parkland dedication requirements which include complicated math.



# HB 1526



- By December 1, 2023, the city must designate the entire city as either central business district area, suburban area, or urban area, and set the density factor and dwelling unit factor.
- The appraisal districts must provide the city with the average land value for each of the three areas by January 1, 2024.
- The requirements imposed by HB 1526 apply to all new developments filed on or after January 1, 2024.
- Need to amend Chapter 51A to incorporate the new parkland dedication methodology.





# HB 1707



- Requires that an open-enrollment charter school be treated the same as a public school operated by an independent school district for zoning, platting, and permitting purposes if the charter school certifies that no one affiliated with the charter school will derive any personal financial benefit from a real estate transaction with the open-enrollment charter school.
- Chapter 51A will need to be amended to reflect the change in state law.





- Updates the definition of “agricultural operation” to include:
  - Producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber.
  - Raising or keeping livestock or poultry, including veterinary services.



- Limits a city's ability to regulate agricultural operations unless:
  - There is clear and convincing evidence that the goals of the requirement cannot be addressed through less restrictive means and it is necessary to protect persons in the immediate vicinity of the agricultural operation from imminent danger.
  - City council makes a finding by resolution, based on a report prepared by the city health officer or consultant, that the requirement is necessary to protect public health.
  - The requirement is not otherwise prohibited by the act.



- Places limits on cities' ability to regulate:
  - The maximum height of vegetation at agricultural operations.
  - Restraints on dogs if the dog is used to protect livestock.



- Need to amend Section 18-13 to exempt certain agricultural operations from the requirements on high weeds and grass.
- Need to amend Section 7-3.1 on restraints on dogs to exempt dogs used to protect livestock as part of an agricultural operation.





- Report from city health officer/consultant determining whether or not existing governmental regulations meet the imminent danger test and do not otherwise conflict with this bill.
- No further code amendments required pending resolution finding that existing governmental requirements comply with this bill.
- Sections of the code that need to be examined include the regulations on:
  - keeping roosters and the sale of dogs and cats in Chapter 7; and
  - the requirements for agricultural operations and keeping livestock in Chapter 51A.





- A mobile food service establishment must apply and receive a permit from the county to operate.
  - This permit allows the mobile food service establishment to operate in any municipality located in the county.
- This bill is applicable to Dallas County, but not areas of the city outside Dallas County.
- The city is presumably still responsible for permitting mobile food units in areas outside Dallas County as counties that are not covered by HB 2878 are only allowed to issue permits for mobile food units in unincorporated areas.





- The bill establishes a food establishment ordinance registry.
- Cities are prohibited from enforcing compliance with food establishment ordinances that differ from state rules until the 60<sup>th</sup> day following submission of the ordinance to the registry.
- Cities can no longer require a food manager who is licensed by the state to obtain a city food manager license.
- Cities cannot regulate the type or quantity of packaging, utensils, or straws a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment provides to consumers.







- Ordinances regulating food establishments need to be submitted for inclusion in the state registry.
- Need to amend Chapter 17 to exempt state-licensed food managers from having to get a local license.





- The bill requires a city to provide written notice of any public hearing regarding a proposed zoning change that could result in the creation of a nonconforming use.
- The notice must be sent by mail “to each owner of real or business personal property where the proposed non-conforming use is located” and each occupant of the property; contain the time and place of the hearing; and include the specific language below:
  - “The [municipality name] is holding a hearing that will determine whether you may lose the right to continue using your property for its current use. Please read this notice carefully.”

- The bill provides the owner of a nonconforming use who is required to cease operations a choice of remedies:
  - the property owner or lessee may choose to amortize the investment in the nonconforming use through continued operation of the use until the investment is recovered; or
  - the property owner or lessee may choose to be paid for the costs of shutting down or relocating the business and the decrease in property value attributable to ceasing operation of the nonconforming use.

- Section 51A-4.701 needs to be amended in order to add that owners of business personal property and tenants be given notice in addition to the owners of real property.
- Section 51A-4.704 needs to be amended to address remedies if the board of adjustment orders a nonconforming use to cease operation.

- This bill limits a city's ability to regulate:
  - Access to energy sources, and
  - The use, sale, or lease of an engine based on its fuel source.
- This bill was enacted to prevent cities from attempting to ban or regulate gas powered leaf blowers.



- This bill provides rules and regulations for releasing land from extraterritorial jurisdiction (ETJ).
- Property owners may file a written petition with the city to be released from the ETJ.
- If a city fails to take action to release the area from the ETJ by the later of the 45th day after the date the city receives the petition or the next meeting of the city council that occurs after the 30th day after the date the city receives the petition, the area is released by operation of law.
- An area released from a city's ETJ by petition may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city's ETJ or corporate boundaries.





- A resident of an area in a city's ETJ may request the city to hold an election to vote on the question of whether to release the area from the city's ETJ by filing a petition with the city that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date.
- A city shall order an election on the question of whether to release an area from the city's ETJ to be held on the first uniform election date that falls on or after the 90th day after the date the city receives a petition requesting the election.
- Not later than 48 hours after the canvass of an election, the city shall notify the residents of the area proposed to be released from the city's ETJ of the results of the election.





- Prohibits a political subdivision from adopting or enforcing a juvenile curfew ordinance.
- Dallas City Code Section 31-33 will be unenforceable beginning September 1, 2023.

# Next Steps/Questions



- The City Attorney's Office is working with city departments to draft code amendments.
- Code amendments will be briefed to the appropriate city council committees in the coming weeks.
- Questions?





# Memorandum



CITY OF DALLAS

DATE August 14, 2023

TO Honorable Mayor and City Councilmembers

SUBJECT **Regional Membership Organizations**

In preparation for consideration of renewal for the upcoming fiscal year, provided below is information on the current organizational memberships: TEX-21, Dallas Regional Mobility Coalition, North Texas Commission and Metroplex Mayors.

## **TEX 21**

Annual Membership Fee: \$25,000

Member Benefits:

- TEX – 21 advocates for transportation infrastructure improvements in Texas and Oklahoma.
- TEX-21 creates strategies to increase investment in transportation infrastructure, improve the planning and management of our transportation facilities, and increase public awareness.
- Tex-21 Provides high-level access to transportation decision-makers at the Federal and State levels through TEX-21's strong Legislative Caucuses, Texas Department of Transportation (TxDOT) and the Texas Transportation Commission.

## **Dallas Regional Mobility Coalition (DRMC)**

Annual Membership Fee: \$25,000

Member Benefits:

- The Dallas Regional Mobility Coalition (DRMC) is a transportation advocacy group made up of cities, counties and transportation agencies in a five-county region (Dallas, Denton, Collin, Rockwall and Ellis).
- The DRMC advance critical mobility projects through advocacy efforts with state and federal elected officials and regional transportation agencies.

## **North Texas Commission (NTC)**

Annual Membership Fee: \$60,000

Member Benefits:

- NTC convenes and educates public and private sector leaders to ensure that state and federal policies promote strong local governments, support excellence in public schools, increase the skilled workforce pipeline, and safeguard a thriving business environment.
- NTC advocates on behalf of the region, with chambers of commerce and other associations, for issues that have no city or county boundaries.
- NTC provides extensive professional training and diversity programming for established and rising leaders.
- NTC's state and federal legislative agendas covers issues such as infrastructure

development, business and municipal friendly legislation, education/workforce accessibility and diversity protection.

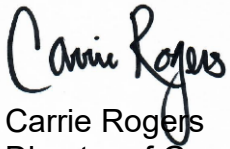
**Metroplex Mayors Association (MAA) – Membership expires August 31, 2023**

Annual Membership Fee: \$1,200

Member Benefits:

- MMA convenes with the leaders of the cities of the Dallas/Ft. Worth Metroplex to connect with each other and those representing other entities with an interest in the governmental affairs of the region.

Please let us know if you have any questions.



Carrie Rogers  
Director of Government Affairs

c: T.C. Broadnax, City Manager  
Tammy Palomino, Interim City Attorney  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizer Tolbert, Deputy City Manager  
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager  
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager  
Dr. Robert Perez, Assistant City Manager  
Carl Simpson, Assistant City Manager  
Jack Ireland, Chief Financial Officer  
Genesis D. Gavino, Chief of Staff to the City Manager  
Directors and Assistant Directors