

**JANUARY 6, 2016 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated January 6, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

12-18-15

Date



Jeanne Chipperfield
Chief Financial Officer

12/16/2015

Date

RECEIVED

2015 DEC 31 PM 1:32

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

January 6, 2016

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

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

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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 está comprometida a 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 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 esté 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 esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JANUARY 6, 2016
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the December 2, 2015 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS 6ES

- A. Cite & Release
- B. Open Carry Legislation

Lunch

Closed Session 6ES
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- Legal matters related to the Good Faith Effort Program.
Security Personnel and Devices (Sec. 551.076 T.O.M.A)
- The deployment and implementation of security personnel and devices including a security exercise with Council Members.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JANUARY 6, 2016

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

SUPPLEMENTAL NOTICE FOR AGENDA POSTING

"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."

This Supplemental Notice applies to the following public notice. This information also appears on the first page of the corresponding agenda.

Memorandum



DATE: December 31, 2015

TO: Honorable Mayor and Members of the City Council

SUBJECT: **Cite & Release**

On Wednesday, January 6, 2016, you will be briefed on Cite & Release. The materials are attached for your review.

Please let me know if you have any questions or need additional information.



Eric D. Campbell
Assistant City Manager

Attachment

cc: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Cite & Release

City Council Briefing
January 6, 2015



Purpose of Briefing

- Provide historical background on certain misdemeanors currently resulting in custodial arrests
- Provide details of House Bill 2391 which allows for the Cite & Release for certain misdemeanors
- Provide an overview of options for a pilot program
- Provide an overview of processes for Cite & Release Pilot Program

Goals

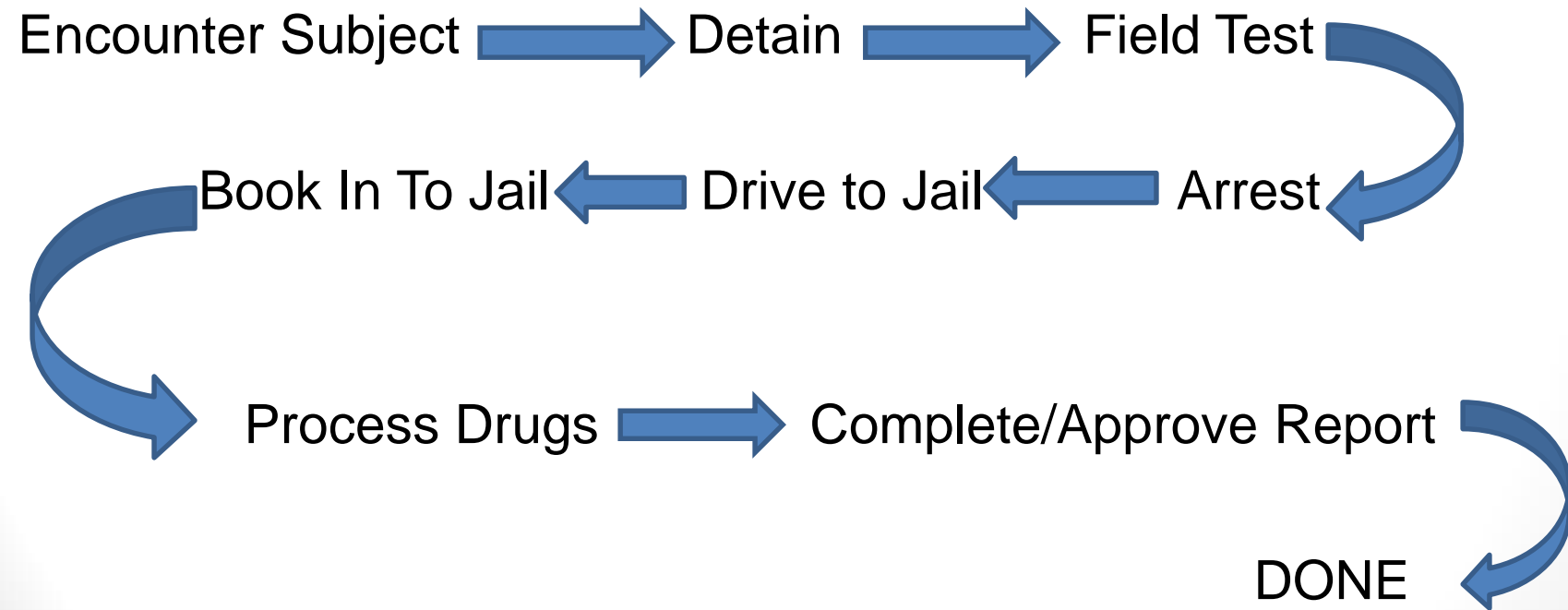
- Seek recommendations from Council on implementing Cite & Release pilot program
- Reduce jail population for non-violent offenders
- Reduce the time officers spend on jail processing procedures
- Improve response times by getting officers back into service more quickly

Background

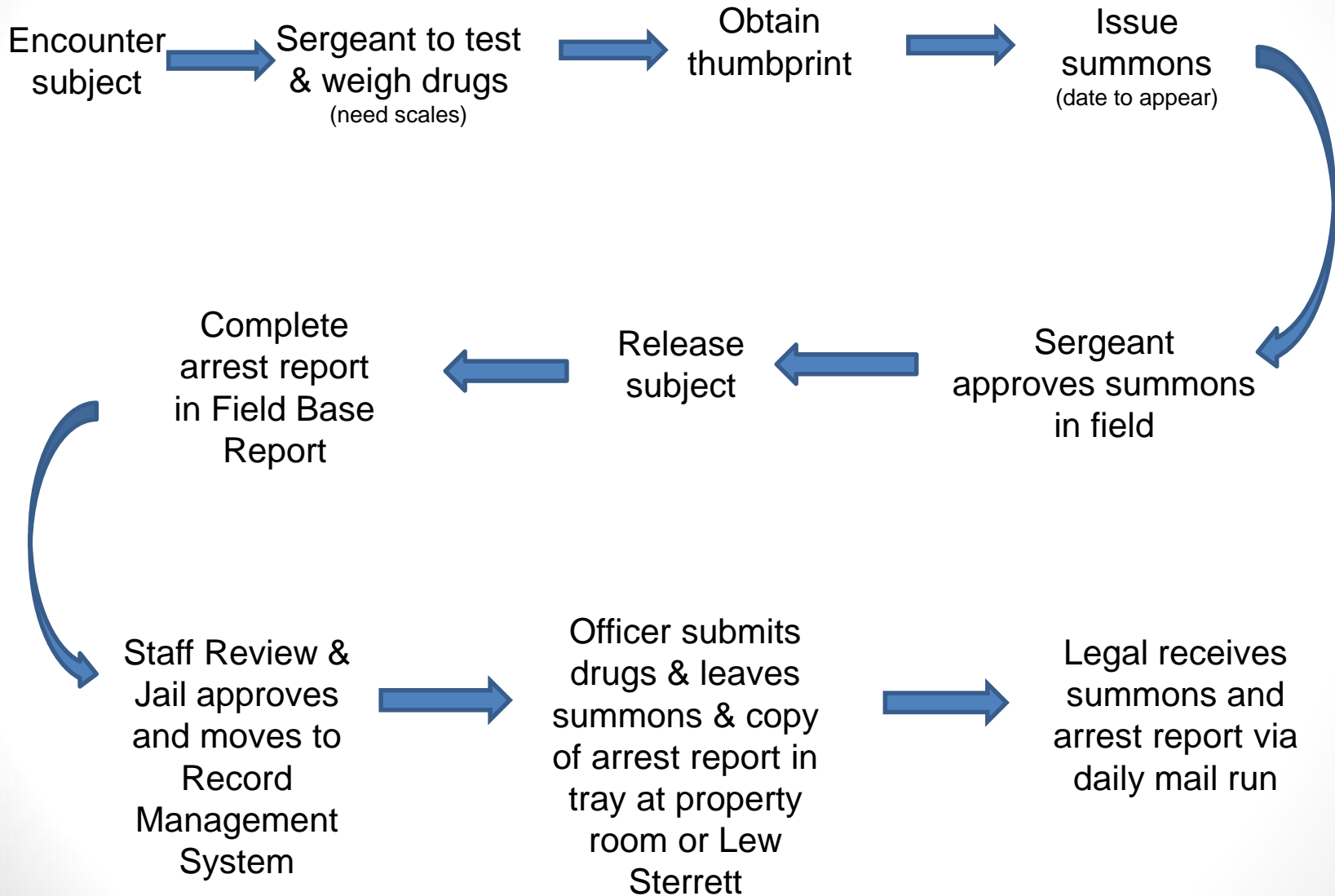
- The 80th Legislature passed Cite & Release laws authorizing a peace officer to issue a citation/summons to appear before a magistrate at a later time, in lieu of requiring an immediate appearance, to a person who is charged with **certain** Class A or Class B misdemeanors, if the person resides in the county where the offense occurred.
- The certain offenses include:
 - Possession of Marijuana (Misdemeanor A & Misdemeanor B)
 - Criminal Mischief (Misdemeanor B)
 - Graffiti (Misdemeanor B)
 - Theft (Misdemeanor B)
 - Theft of Service (Misdemeanor B)
 - Contraband in Correctional Facility (Misdemeanor B)
 - Driving While License is Invalid (Misdemeanor B)

Current Arrest Process

Example of a Current Marijuana Arrest



Cite & Release Workflow



Beyond HB2391

Additional Dallas guidelines as discussed by Dallas County and DPD:

- Valid state issued ID on person
- No prior convictions that would enhance charge
- Provide a thumbprint
- 17 years of age
- Must sign citation/summons
- Video the encounter from contact through release, when possible

Numbers

- DPD experiences between 100-120 Class A & B marijuana arrests each month
- DPD experiences an average of 147 Class B theft offenses per month

Effective September 1, 2015, the amount for Class B Theft changed to \$100 or more, but less than \$750

- The previous amount was \$50 or more, but less than \$500

The arrest numbers do not factor in the valid ID and residing in county criteria

Jail

- The pilot program will not reduce DPD's jail costs for Class A or B arrests, unless accompanied by a Class C arrest
- Class C arrests result in an intake fee and a housing fee
 - Housing fee is two days maximum

Failure to Appear

- If a subject fails to respond to the requirements of the summons, an arrest warrant will be issued
- The subject will eventually be taken into custody for the outstanding warrant and placed in jail
- Officers may have to handle a subject on two separate occasions
 - First, at time of issuing the original summons
 - Second, at time of custodial arrest when failure to appear occurs

The Summons

Dallas County

- Design, create, and print the summons
- Law enforcement agency orders citation/summons from County
- Court Process

Dallas Police Department

- Sergeant witness field test and initial weight in the field
- Sergeant approves summons in the field
- Officers submits summons at drug storage location at jail or property room ONLY

Court Dates

- Officer will set date on summons for a Wednesday
- Minimum time for court from issuance of summons is 14 days
- Maximum time for court from issuance of summons is 20 days

Implementation

- Write Roll Call Training Bulletin for police personnel
- Reconfigure Record Management System to allow for a County arrest without a body in custody
- Obtain equipment (direct costs)
 - Scales
 - Thumbprint Ink Pads
- Create summons with County
- Establish county court is designated
- Involve Dallas County Criminal Justice Advisory Board

Limitations

- Per HB2391, subjects who are eligible for Cite & Release must reside in the same county in which the offense occurs
- Due to the city of Dallas extending into multiple counties, Cite & Release can not be applied to areas of Dallas that are outside of Dallas County
- This limitation prevents consistency across the whole city for a Cite & Release program
- If a subject resides in Dallas but not Dallas County, Cite & Release can not be applied
- If a subject resides in Dallas, within Dallas County, but commits a Cite & Release eligible crime in Dallas, but outside Dallas County, the program can not be applied

Summary

- Seeking recommendation from Council on implementing Cite & Release pilot program
- HB2391 allows Cite & Release for certain offenses
- DPD can roll out a pilot program for Class A & B marijuana
- Program's success will determine implementation of other possible offenses
- DPD will continue to collaborate with Dallas County

Questions?

Memorandum



DATE: December 31, 2015

TO: Honorable Mayor and Members of the City Council

SUBJECT: **Open Carry Legislation**

On Wednesday, January 6, 2016, you will be briefed on Open Carry Legislation. The materials are attached for your review.

Please let me know if you have any questions or need additional information.



Eric D. Campbell
Assistant City Manager

Attachment

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Open Carry Legislation

Presented to the City Council
January 6, 2016



Purpose

- Update Dallas City Council on changes the Texas Legislature made in 2015 to state handgun laws
- Discuss effect at City Hall and other City buildings
- Discuss educational plan for the public and City organization

U.S. and Texas Constitutions

- “A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.”

- Second Amendment to the U.S. Constitution (ratified 1791)

- “Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.”

- Tex. Constitution, Article I, § 23 (enacted 1876)

Concealed Handgun License (CHL)

- In 1995, the Texas Legislature passed the Concealed Handgun Licensing Act, which allows qualified persons to obtain licenses to carry concealed handguns.
- The following persons cannot qualify for a license:
 - Persons convicted of or charged with a felony or a Class A or B misdemeanor.
 - Persons who have had 2 convictions for chemical or alcohol dependency-related issues within a 10-year period.
 - Persons who suffer from certain psychological impairments or conditions (unless a medical professional certifies that the condition is in remission).
 - Persons subject to a protective or restraining order.
 - Persons who are in default on taxes, child support, or governmental fees.

New Texas Handgun Laws

- In 2015, the Texas Legislature passed three significant handgun laws:
 - S.B. 273 prohibits governments from posting misleading handgun ban notices
 - S.B. 11 authorizes concealed campus carry
 - H.B. 910 authorizes “open carry”

Misleading Handgun Ban Notices

- S.B. 273 prohibits governments from posting misleading handgun ban notices
 - As of September 1, 2015, a state agency or a political subdivision of the state may not provide notice that a license holder carrying a concealed handgun is prohibited from being at a place “**owned or leased by**” the governmental entity unless license holders are actually prohibited from carrying a handgun on the premises by Section 46.03 or 46.035 of the Texas Penal Code.

Concealed Campus Carry

- S.B. 11 authorizes concealed campus carry
 - Beginning August 1, 2016, a license holder may carry a concealed handgun on the premises of an institution of higher education [other than the premises of a public junior college, on which concealed carry will not go into effect until August 1, 2017] or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution.

“Open Carry”

- H.B. 910 authorizes “open carry”
 - Beginning on January 1, 2016, persons with a license to carry generally may openly carry a handgun in the same places that allow the licensed carrying of a concealed handgun.
 - The license must be issued by Texas or a state that gives Texans with licenses the right to carry in that state.
 - The concealed handgun license (CHL) was renamed a license to carry (LTC)

“Open Carry”

- H.B. 910 (continued)
 - Unconcealed handguns, loaded or unloaded, must be carried in a shoulder or belt holster.



“Open Carry”

- Other provisions in the “open carry” law
 - Individuals who hold a valid concealed handgun license (CHL) may carry openly with that license.
 - No additional fee will be required.
 - Persons currently licensed will not be required to attend additional training.
 - The eligibility criteria to obtain a license to carry do not change.

Prohibited Locations for any Firearm

- Persons may not carry **any** firearms (including handguns) at certain locations, including:
 - the premises of a school or educational institution
 - the grounds or building on which an activity sponsored by a school or educational institution is being conducted
 - a passenger transportation vehicle of a school or educational institution
 - a polling place during voting
 - a racetrack
 - a government court and offices utilized by the court, and
 - a secured area of an airport
- Notice (such as a sign) is optional, but it is not required.

Prohibited Locations for Handguns

- Persons with a license to carry may not carry a handgun at certain locations, including:
 - a TABC-licensed or permitted business that derives at least 51% of its income from the sale or service of alcoholic beverages for on-premises consumption
 - a correctional facility
 - a high school, collegiate, or professional sporting event
 - a licensed hospital or nursing home*
 - an amusement park*
 - an established place of worship, and *
 - "in the room or rooms where a meeting of a governmental entity is held" if the meeting is an open meeting subject to the Texas Open Meetings Act and the government provided notice as required by that Act. *
- *Notice (usually a sign) of the handgun prohibition must be provided at these locations

Private Property

- Private businesses may prohibit concealed carry, open carry, or both by posting specific signs or communicating verbally.

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF A LICENSE TO CARRY A CONCEALED HANDGUN) A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (CONCEALED HANDGUN LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO.



Employee Prohibitions

- State law allows employers (including the City) to restrict employees from carrying firearms into the workplace even though the employee is licensed to carry.
- The law allows persons who can legally transport firearms and ammunition to store them in a privately-owned motor vehicle in a parking location provided by the employer with some exceptions, such as school district parking lots, chemical plants, and private land owners.
- The City's Personnel Rules prohibit possession of firearms by employees on City property, unless specifically authorized and work related, except for storing firearms in their locked private vehicles when authorized by law to possess the firearms.

Carrying Handguns in City Buildings

- LTC holders generally will be able to conceal or openly carry in the **public areas** of City Hall and other City facilities.
- Common exceptions will include:
 - a polling place during voting,
 - a government court and offices utilized by the court,
 - a secured area of an airport, and
 - the room or rooms where a meeting of a governmental entity is held if the meeting is an open meeting subject to the Open Meetings Act (with proper notice).

Carrying Handguns in City Buildings

- EBS Security has been trained on the new laws for LTC holders.
- EBS Security will request LTC holders to provide their names, identifications, and destinations in the same manner CHL holders have done previously.
- DPD officers will be notified to assist EBS Security when a LTC holder does not comply with the requests.
- LTC holders are required to present ID and their LTC license to a peace officer upon demand.

Texas

Stanley S. Clark, Director

CONCEALED HANDGUN
LICENSE



99999999999999999999

Your
Picture
Here

LICENSE # 999999999

CATEGORY: NSA

DL/ID: TX12345678

DOB 07/30/1976

EXPIRES: 07/30/2014

HAIR: BRO EYES: BLU SEX: [REDACTED]

HT: 5-04 WT: 150

LAST NAME, FIRST NAME MIDDLE SUFFIX

2120 OLD MAIN STREET

ANYTOWN TX 12345-000000

Jamice Sample



Raising Awareness of the New Laws

- The City has taken several steps to inform the public, DPD officers, EBS Security, and other City employees about the new laws:
 - Information has been provided to the media via social media and postings to the City internet website, including a FAQ page and links where citizens can obtain more information.
 - City employees were informed via internal correspondence and a town-hall style meeting with a subject matter panel. More informational meetings will be provided throughout the year.
 - Specific training was provided to EBS Security, 911, and 311 personnel.

Raising Awareness of the New Laws

- All DPD officers received a Roll Call training bulletin, PowerPoint presentation, video scenarios, and FAQ information.
- Jail sergeants received additional training and will serve as a 24/7 resource for officers.
- A new call sheet designation was established for “open carry” 911 calls for documentation and tracking purposes.
- Training is on-going. “Open carry” is the January 2016 DPD training theme. Training tips will be provided throughout the month via DPD intranet.
- Officers will distribute flyers to the community.

QUESTIONS?