



Agenda Information Sheet

File #: 19-95

Item #: 26.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: February 13, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Procurement Services
EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a two-year service price agreement for the purchase and maintenance of automatic and manual defibrillators, related support systems, and supplies with Physio-Control, Inc. through the National Association of State Procurement Officials cooperative agreement - Estimated amount of \$2,315,454.25 - Financing: General Fund (\$2,007,383.30), Dallas Water Utilities Fund (\$292,705.95), and Convention and Event Services Fund (\$15,365.00)

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for goods and services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Fire-Rescue Department
- Water Utilities Department
- Park & Recreation Department
- Department of Convention & Event Services
- Library

This service price agreement will allow for the purchase and maintenance of automatic and manual defibrillators, support systems, and supplies. Defibrillators deliver a controlled electric shock to the heart to convert potentially lethal heart rhythms back into normal heart rhythms which allows paramedics time to transport the patient to the nearest medical facility for definitive care. Automated External Defibrillators (AEDs) are used by the general public to administer treatment to persons who experience potential lethal cardiac rhythms prior to the arrival of first responders. Manual defibrillators are used by specially trained and certified Fire-Rescue Department paramedics to administer pre-hospital medical treatment to persons who experience potential lethal cardiac rhythms.

Due to the high number of calls placed for emergency medical services, the manual defibrillators require maintenance, annual inspection and software upgrades. This service price agreement will also allow for the purchase of approximately 43 manual defibrillators to replace aging units.

AEDs are placed in public, heavy traffic areas to provide immediate medical attention to victims of an irregular cardiac rhythm while first responders are enroute. An entity that owns AEDs is required by the Texas Health and Safety Code to maintain and test the AEDs according to the manufacturers guidelines. This service price agreement will allow for the purchase of approximately 95 AEDs to replace aging units as well maintenance for the current fleet of approximately 235 AEDs.

The National Association of State Procurement Officials cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Public Safety and Criminal Justice Committee will receive information regarding this matter on February 11, 2019.

FISCAL INFORMATION

General Fund - \$2,007,383.30 (Estimated Amount)
 Dallas Water Utilities Fund - \$292,705.95 (Estimated Amount)
 Convention and Event Services Fund - \$15,365.00 (Estimated Amount)

Fund	FY 2018-19	FY 2019-20
General Fund	\$1,400,096.80	\$607,286.50
Dallas Water Utilities Fund	\$165,747.40	\$126,958.55
Convention and Event Services Fund	\$7,682.50	\$7,682.50
Total	\$1,573,526.70	\$741,927.55

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,315,454.25	CO-OP	N/A	N/A	N/A

• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).

PROCUREMENT INFORMATION

Cooperative Purchasing	<ul style="list-style-type: none">• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices• Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement
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OWNER

Physio-Control, Inc.

Bradford L. Saar, President
Joseph A. Krill, Vice President
Dean H. Bergy, Secretary
Jeanne M. Blondia, Treasurer

February 13, 2019

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

SECTION 1. That the City Manager is hereby authorized to execute a service price agreement with Physio-Control, Inc. (038759) through the National Association of State Procurement Officials cooperative agreement, approved as to form by the City Attorney, for purchase and maintenance of automatic and manual defibrillators, related support systems and supplies for a term of two years, in the estimated amount of \$2,315,454.25. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Physio-Control, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Physio-Control, Inc. under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,315,454.25, but not more than the amount of budgetary appropriations for this service price agreement during its term to Physio-Control, Inc. from Service Price Agreement No. POM-2018-00008060.

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



Agenda Information Sheet

File #: 19-188

Item #: 40.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: February 13, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

Authorize the revision to Rule XXIII of the Civil Service Board Code of Rules and Regulations related to minimum qualifications for police officer to allow applicants that possess an active, valid Texas Commission on Law Enforcement license be accepted in lieu of the current forty-five required hours of college - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

Nationwide, police departments are seeing fewer applicants for entry level police officer careers. At the same time many officers are also retiring from the job. This relates to fewer applicants nationwide for more openings. The Dallas Police Department has been researching new ideas and programs to recruit these highly sought-after applicants.

Current requirements for applying for a police officer position with the Dallas Police Department are: An applicant must have 45 semester hours of college with a C average or better from an accredited college or university or a minimum of thirty-six (36) months active service in the Armed Forces of the United States with an Honorable Discharge or thirty-six (36) months of fulltime certified law enforcement experience with a city, county or state law enforcement agency and be currently employed or separated from the agency for no more than 4 months prior to the application.

The Texas Commission on Law Enforcement (TCOLE) advises there are approximately 78,000 sworn police officers in the state. Many law enforcement agencies in Texas hire these officers whom already possess this state certification. This allows the officer to be ready to work on patrol faster than an applicant needing to obtain the state certification.

The intent of this revision is to hire TCOLE certified officers that will require less training with the Dallas Police Department and be capable of reporting to patrol approximately 22-23 weeks sooner. This will result in a cost savings to the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 11, 2018, the Civil Service Board approved the revision to Rule XXIII of the Civil Service Board Rules and Regulations.

On December 10, 2018, the Public Safety and Criminal Justice Committee was briefed and approved the rule change for council approval.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on February 11, 2019.

FISCAL INFORMATION

This action has no cost consideration to the City. The adoption of this rule change would result in a cost savings to the City of \$39,946.10 per applicant hired.

February 13, 2019

WHEREAS, the City of Dallas desires to modify Rule XXIII of the Rules and Regulations of the Civil Service Board; and

WHEREAS, an active, valid Texas Commission on Law Enforcement (TCOLE) license be accepted in lieu of the current forty-five (45) required semester hours of college credit; and

WHEREAS, it is in the best interest of the City to approve this revision.

Now, Therefore,

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

SECTION 1. That Section 1.A (1) of Rule XXIII of the Rules and Regulations of the Civil Service Board entitled "REQUIREMENTS FOR TRAINEE OFFICER" is hereby amended to read as follows:

A. In addition to the general requirements of Rule VI, applicants for Trainee Police Officer must meet the following requirements:

(1) Have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university. OR A minimum of 36 months active service in the Armed Forces of the United States with an Honorable Discharge (Allowance for no more than 10 calendar days less than 36 months; more than 10 days requires approval from the Assistant Chief of Police over Personnel and Support Division). OR currently holds an active, valid Texas Commission on Law Enforcement (TCOLE) license. OR Thirty-six (36) months of fulltime certified law enforcement experience (from date of receipt of license) with a city, county or state law enforcement agency and be currently employed or separated from the agency for no more than 4 months prior to the date of application.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Agenda Information Sheet

File #: 19-179

Item #: 51.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: February 13, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

A public hearing to receive comments on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors; and, at the close of the public hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

BACKGROUND

Enforcement of the Dallas juvenile curfew Ordinance began May 1, 1994. Section 370.002 of the Texas Local Government Code requires that the curfew ordinance be reviewed every three years after conducting public hearings to receive citizen comments on whether the curfew ordinance should be abolished, continued, or modified. The last renewal of the curfew ordinance was approved on November 10, 2015 and became effective January 18, 2016. This ordinance contained both a daytime and nighttime ordinance. *(The daytime curfew hours were added to the juvenile curfew ordinance and became effective on May 18, 2009.)*

The previously authorized juvenile curfew ordinance expired on January 18, 2019. The new proposed curfew ordinance utilizes Community Courts to focus on improving the safety and security for both the juvenile and the community. The Community Courts Program will focus on providing services to juveniles and their parent or guardian. The judge can require juveniles to perform community service and/or attend rehabilitative and educational programs in lieu of a fine.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to the Public Safety and Criminal Justice Committee on January 14, 2019.

On January 23, 2019, City Council authorized two public hearings to be held on February 6, 2019 and February 13, 2019 on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors by Resolution No. 19-0224.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance reinstating Section 31-33 of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended; providing for the continuation of the city's juvenile curfew ordinance as required by state law; continuing daytime and nighttime curfew hours for minors; readopting definitions; continuing and amending provisions for offenses and defenses for minors, parents and guardians of minors, and business establishments violating curfew requirements; continuing and amending provisions for enforcement of curfew requirements by the police department; continuing provisions for waiver by the municipal court of jurisdiction over a minor when required under the Texas Family Code; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date and an expiration date.

WHEREAS, on June 12, 1991, the city council of the city of Dallas adopted Ordinance No. 20966, which added Section 31-33 to the Dallas City Code to establish nighttime curfew hours for minors, which ordinance was amended by Ordinance No. 21309 on June 10, 1992; and

WHEREAS, the city voluntarily delayed enforcement of this juvenile curfew ordinance pending adjudication of a challenge to the ordinance's constitutionality; and

WHEREAS, on August 10, 1992, the United States District Court for the Northern District of Texas permanently enjoined the city from enforcing the juvenile curfew ordinance; on November 19, 1993, the United States Fifth Circuit Court of Appeals overturned the district court's decision and upheld the city's ordinance as constitutional; and in April 1994, the United States Supreme Court declined to review the Fifth Circuit's decision; and Chapter 31 of the Dallas City Code; and

WHEREAS, on May 1, 1994, the city began initial enforcement of the juvenile curfew ordinance; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that, before the third anniversary of the adoption of a juvenile curfew ordinance and every third year thereafter, the governing body of a home rule city must review the ordinance's effects on the community and on the problems the ordinance was intended to remedy, conduct public hearings on the need to continue the ordinance, and abolish, continue, or modify the ordinance, or else the ordinance will automatically expire; and

WHEREAS, after conducting public hearings on the need to continue the juvenile curfew ordinance, the city council adopted Ordinance No. 23079 (passed April 9, 1997; effective May 1, 1997), Ordinance No. 24235 (passed April 26, 2000; effective May 1, 2000), Ordinance No. 25231 (passed April 9, 2003; effective May 1, 2003), Ordinance No. 26336 (passed April 26, 2006; effective May 1, 2006), and Ordinance No. 27527 (passed April 22, 2009; effective May 1, 2009), each of which readopted and continued in effect the juvenile curfew ordinance establishing nighttime curfew hours for minors; adopted Ordinance No. 27538 (passed May 13, 2009; effective May 18, 2009), which added daytime curfew hours for minors to the juvenile curfew ordinance; and adopted Ordinance No. 28639 (passed April 25, 2012; effective May 1, 2012) and Ordinance No. 29985 (passed January 13, 2016; effective January 18, 2016), which readopted and continued in effect the juvenile curfew ordinance establishing daytime and nighttime curfew hours for minors; and

WHEREAS, although the juvenile curfew ordinance automatically expired on January 18, 2019, the city council has reviewed the ordinance and determined that the daytime and nighttime curfew hours for minors established by the ordinance have had a positive effect on the community by increasing the safety and security of juveniles in the city, which problem the ordinance was intended to remedy; and Chapter 31 of the Dallas City Code; and

WHEREAS, on February 6, 2019 and February 13, 2019, the city council conducted public hearings on the need to continue the juvenile curfew ordinance; and

WHEREAS, the city council has determined that a need exists to continue in effect the juvenile curfew ordinance in order to further the health, safety, and welfare of juveniles, and other persons, residing in or visiting the city of Dallas; Now, Therefore:

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

SECTION 1. That Section 31-33, "Curfew Hours for Minors," of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended, is readopted and continued in effect, as restated below, with an amendment to Subsections (b), (d), and (f) to read as follows:

"SEC. 31-33. CURFEW HOURS FOR MINORS.

(a) Definitions. In this section:

(1) CURFEW HOURS means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a

natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) GUARDIAN means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

(6) MINOR means any person under 17 years of age.

(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(8) PARENT means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(10) REMAIN means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(11) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if the minor [he] remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if the parent or guardian [he] knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee [he] knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;

(G) attending an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

(A) the school in which the minor was enrolled or otherwise required to attend was not in session;

(B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;

(C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the workstudy program without any detour or stop;

(D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

(E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

(F) the minor was a high school graduate or had received a high school equivalency certificate.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall provide a verbal warning and advisement of the juvenile curfew upon first contact with a minor. The officer shall then attempt to contact the minor's parent or guardian and transport the minor home without taking enforcement action. If a minor has been previously contacted on a violation of Subsection (b)(1), the officer shall only issue a citation for an appearance in community court. The officer shall not issue a citation [~~or make an arrest~~] under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to ~~[or arrest]~~ a parent or guardian of a minor for a violation of Subsection (b)(2) of this section ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~. In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian that are documented in an incident report will be counted, regardless of whether the warnings relate to the same minor. If, within the same calendar year, the parent or guardian has received two written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report, the officer may only issue a citation for an appearance in community court.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~, unless the owner, operator, or employee of the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3) ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~. In calculating the number of warnings received by an owner, operator, or employee of an establishment in a calendar year, all warnings issued to the same individual ~~[any owner, operator, or employee of the establishment]~~ will be counted, regardless of whether the warnings relate to the same minor.

(e) Penalties.

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on February 18, 2022 ~~[January 18, 2019]~~, unless sooner modified, terminated, or extended by city council ordinance.”

SECTION 2. That Chapter 31 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on February 18, 2019.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT