

Memorandum



CITY OF DALLAS

DATE May 3, 2019

TO Honorable Members of the Public Safety and Criminal Justice Committee

SUBJECT **May 8, 2019 Upcoming Agenda Items – Public Safety and Criminal Justice Committee**

The next scheduled Public Safety and Criminal Justice Committee (PSCJC) Meeting is Monday, May 13, 2019. Due to the committee not meeting again prior to the May 13, 2019 Council Agenda, I have provided a summary of upcoming agenda items below and attached the information for each item.

- A. Agenda Item #34 (File ID: 19-610): A public hearing to receive comments on an amendment to Chapter 16, "Dallas Fire Code," of the Dallas City Code, **(1)** decreasing the hourly standby personnel fee; **(2)** providing a definition of alternative standby personnel; **(3)** allowing alternative standby personnel to conduct fire watch duties; **(4)** requiring standby personnel and alternative standby personnel to have a minimum of two means of contact the fire department; and **(5)** providing minimum qualifications of alternative standby personnel; and, at the close of the public hearing an ordinance granting an amendment to Chapter 16, "Dallas Fire Code", of the Dallas City Code - Financing: This action has no cost consideration to the City (see Fiscal Information for cost consideration to others)

- B. Addendum Item #7 (File ID: 19-621): Authorize (1) an application for and acceptance of the "Click It or Ticket" Mobilization Grant (Grant No. 2019-Dallas-CIOT-00005, CFDA No. 20.616) in the amount of \$84,990.00 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for a safety belt enforcement initiative for the period May 17, 2019 through June 5, 2019; (2) a City contribution of Federal Insurance Contributions Act costs in the amount of \$1,232.36; (3) the establishment of appropriations in the amount of \$84,990.00 in the "Click It or Ticket" FY19 Mobilization Grant Fund; (4) the receipt and deposit of grant funds in the amount of \$84,990.00 in the "Click It or Ticket" FY19 Mobilization Grant Fund; and (5) execution of the sub-grant agreement and all terms, conditions, and documents required by the grant agreement - Total amount \$86,222.36 - Financing: General Fund (\$1,232.36) and Texas Department of Transportation Grant Funds (\$84,990.00)

DATE May 3, 2019

SUBJECT **May 8, 2019 Upcoming Agenda Items – Public Safety and Criminal Justice Committee**



Jon Fortune
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
Michael Mendoza, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Aleqresh, Chief Innovation Officer
Directors and Assistant Directors



Agenda Information Sheet

File #: 19-610

Item #: 34.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Fire-Rescue Department

EXECUTIVE: Jon Fortune

SUBJECT

A public hearing to receive comments on an amendment to Chapter 16, "Dallas Fire Code," of the Dallas City Code, **(1)** decreasing the hourly standby personnel fee; **(2)** providing a definition of alternative standby personnel; **(3)** allowing alternative standby personnel to conduct fire watch duties; **(4)** requiring standby personnel and alternative standby personnel to have a minimum of two means of contact the fire department; and **(5)** providing minimum qualifications of alternative standby personnel; and, at the close of the public hearing an ordinance granting an amendment to Chapter 16, "Dallas Fire Code", of the Dallas City Code - Financing: This action has no cost consideration to the City (see Fiscal Information for cost consideration to others)

BACKGROUND

In 1999, Dallas Fire-Rescue (DRF) battled a 7-alarm fire at 2500 Gould Street, a two-story manufacturing facility. Business was placed on notice to correct fire code violations and to provide a fire watch by qualified personnel chosen by the business. A fire investigation revealed a lack of proper fire watch protocol by the property's assigned personnel.

DFR proposed an amendment to the 2000 International Fire Code during adoption phase to only allow "qualified fire service personnel" to conduct fire watch activities.

In 2003, the Dallas City Council approved this revision, along with all proposed amendments for the adoption of the 2000 International Fire Code.

During the Public Safety and Criminal Justice Committee meeting on November 26, 2018, a request was brought forward to DFR to explore options for conducting fire watches with alternative personnel (non-DFR). This option was requested because of concerns brought forward to the committee from private entities due to fees incurred from fire watches.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2016, City Council authorized an amendment to Chapter 16, "Dallas Fire Code," of the Dallas City Code, as amended, by approving an ordinance adopting, with local amendments, the 2015 Edition of the International Fire Code of the International Code Council by Resolution No. 16-1124; Ordinance No. 30135.

The Public Safety and Criminal Justice Committee was briefed on the proposed changes to Fire Watch procedures on January 14, 2019.

The Public Safety and Criminal Justice Committee was briefed on the updated proposed ordinance amending Fire Watch procedures on March 25, 2019.

FISCAL INFORMATION

This action has no cost consideration to the City. This item will decrease the hourly fire watch fee to \$110 per hour where a fire code official deems it necessary for fire service personnel to provide a fire watch. Additionally, this item will allow the fire code official to permit the use of alternative standby personnel, to be fully paid for by the property owner, in compliance with this ordinance, including providing two means of contacting 911. Finally, this item establishes a fine, upon conviction, not to exceed \$2,000 for violating a provision of this ordinance.

ORDINANCE NO. _____

An ordinance amending Chapter 16, “Dallas Fire Code,” of the Dallas City Code, as amended by amending Sections 105, 202, 403, and 901; decreasing the hourly standby personnel fee; providing a definition of alternative standby personnel; allowing alternative standby personnel to conduct fire watch duties; requiring standby personnel and alternative standby personnel to have a minimum of two means of contact the fire department; providing minimum qualifications of alternative standby personnel; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have posted the required notice and have held the required public hearing regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subsection 105.8 “Fees and Permits Schedule,” of Section 105, “Permits and Fees,” of Part 2, “Administrative Provisions,” of Chapter 1, “Scope and Administration,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended to read as follows:

“**105.8 Fees and permits schedule.** An applicant for a permit required by Section 105.6 shall pay, upon issuance of the permit, a nonrefundable permit fee in accordance with the following schedule.

1. Acetylene generator, annual	\$300.00
2. Aerosol products, annual	\$250.00
3. Air curtain incinerator/pit/trench burn, daily	\$404.00
4. Amusement building, annual	\$150.00
5. Asphalt (tar) kettles, annual	\$199.00
6. Aviation facilities, annual	\$300.00
7. Calcium carbide storage, annual	\$300.00
8. Candle and open flames	\$125.00
9. Carnivals and fairs, daily	\$200.00

10. Combustible storage (miscellaneous), annual	\$250.00
11. Commercial cooking fire-extinguishing system	\$267.00
12. Compressed gas filling/storage/use, annual	\$250.00
13. Cryogenic fluids, annual	\$250.00
14. Dry cleaning plant, annual	\$300.00
15. <i>Explosive</i> /blasting, daily	\$450.00
16. Fireworks/ <i>explosive</i> storage, daily	\$300.00
17. Fireworks/ <i>explosive</i> transportation, daily	\$300.00
18. Fireworks display (initial)	\$500.00
19. Fireworks display (subsequent)	\$300.00
20. Flammable and combustible liquids, annual	\$250.00
21. Floor/wall finishing	\$150.00
22. Fruit and crop ripening, annual	\$279.00
23. Hazardous materials, annual	\$550.00
24. Hazardous production material (HPM), annual	\$550.00
25. High-piled storage, annual	\$200.00
26. Industrial oven, annual	\$250.00
27. Limited access gates, annual	
(1 to 3 gates)	\$250.00
(4 to 7 gates)	\$300.00
(8 or more gates)	\$400.00
28. Liquid- or gas-fueled vehicles or equipment in assembly buildings, per event:	
(1 to 10 vehicles or pieces of equipment)	\$200.00
(11 to 30 vehicles or pieces of equipment)	\$300.00
(31 to 400 vehicles or pieces of equipment)	\$400.00
(over 400 vehicles or pieces of equipment)	\$500.00
29. LP-gas storage/use	\$254.00
30. LP-gas demonstration/portable cooking (CART)	\$150.00
31. LP-gas demonstration/portable cooking (VEHICLE)	\$300.00
32. Lumber yards and woodworking plants, annual	\$269.00
33. Magnesium, annual	\$250.00
34. Mobile fueling	
(site survey), annual	\$400.00
(vehicle inspection) annual	\$300.00
35. Open burning/recreational fires	\$250.00
36. Private fire hydrant and water supplies, annual	\$350.00
37. Pyrotechnic special effects material, daily:	
Initial performance	\$300.00
Subsequent performances	\$300.00
38. Refrigeration equipment, annual	\$205.00
39. Scrap tire storage, annual	\$200.00
40. Spray painting/dipping, annual	\$200.00
41. Standby personnel: <u>[</u>]	
<u>H</u> [hourly	\$110.00 [\$150.00]
<u>New construction re-tests</u>	<u>\$622.00</u>

42. State licensed facilities	
(child care facility, 35 children or fewer), annual	\$150.00
(child care facility, more than 35 children), annual	\$200.00
(residential care facility), annual	\$200.00
(small assisted living), annual	\$200.00
(adult day care facility), annual	\$200.00
43. Temporary membrane structures and tents, Including plan review (per event)	\$300.00
44. Tire-rebuilding plant, annual	\$200.00
45. Torch and open flames	\$200.00
46. Waste handling, annual	\$250.00
47. Welding/cutting/hotworks	\$194.00”

SECTION 2. That Subsection 105.8, “Standby Personnel/Fire Watch Fee,” of Section 105, “Permits and Fees,” of Part 2, “Administrative Provisions,” of Chapter 1, “Scope and Administration,” of the 2015 International Fire Code is deleted as follows:

“~~105.8 Standby Personnel/Fire Watch fee. The standby personnel/fire watch fees shall be calculated as follows:~~

New Construction Staffing—Regular hours, per inspector per hour	\$ 120.00
New Construction Staffing—Overtime hours, per inspector per hour	\$ 120.00
New Construction—Re tests (fee)	\$ 622.00
Special Event/Trade Show Staffing—Regular hours, per inspector per hour	\$ 120.00
Special Event/Trade Show Staffing—Overtime hours, per inspector per hour	\$ 120.00
Standby Personnel/Fire Watch Staffing—Regular hours, per inspector per hour	\$ 120.00
Standby Personnel/Fire Watch Staffing—Overtime hours, per inspector per hour	\$ 120.00

~~105.8.1 When required. Whenever a building or premises in the city is required to provide standby personnel or a fire watch, the owner, occupant, operator or other responsible person shall pay to the fire department a fee in accordance with the following schedule.~~

~~105.8.2 Failure to pay. A person commits an offense if he fails to pay the fee assessed under Section 105.8.1 to the Dallas Fire-Rescue Department within 30 calendar days after the date of services provided.]”~~

SECTION 3. That Section 202, “General Definitions,” of Chapter 2, “Definitions,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended by adding a new definition of “alternative standby personnel” to read as follows:

“**ALTERNATIVE STANDBY PERSONNEL.** Standby personnel not employed by Dallas Fire Rescue that meet the minimum qualifications in Section 403.12.1.3.”

SECTION 4. That Paragraph 403.12.1, “Standby Personnel,” of Subsection 403.12, “Special Requirements of Public Safety,” of Section 403, “Emergency Preparedness Requirements,” of Chapter 4, “Emergency Planning and Preparedness,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended to read as follows:

“**403.12.1 Standby personnel.** Where, in the opinion of the *fire code official*, it is essential for public safety in a place of assembly, occupied building, or any other place where people congregate, because of the number of persons, failure of life safety systems, or the nature of the performance, exhibition, display, contest or activity, the *owner*, agent or lessee shall provide one or more *standby personnel*, as required and *approved*. *Standby personnel* shall comply with Sections 403.12.1.1 and 403.12.1.2. During times when a property owner elects to use standby personnel that is not employed by Dallas Fire Rescue, *alternative standby personnel* may be used. *Alternative standby personnel* must meet the qualifications in Section 403.12.1.3.

The *fire code official* reserves the authority to designate fire service personnel exclusively to conduct a fire watch when the *fire code official*:

1. determines that the system impairment presents an increased risk to the public or occupants within a large public venue or event; or
2. has just cause to believe *alternative standby personnel* have not or cannot conduct the fire watch protocols properly.

The *fire code official* reserves the authority to monitor all fire watches conducted by *alternative standby personnel*. Failure to properly follow the listed fire watch protocols by *alternative standby personnel* may result in a municipal citation to the person in control of the facility at the time of the infraction. After a citation has been issued, a subsequent failure to properly follow the listed fire watch protocols may result in the immediate forfeiture of the use of *alternative standby personnel* and subsequent fire watch duties may be conducted exclusively by Dallas Fire Rescue personnel for the duration of the fire watch.

403.12.1.1 Duty times. *Standby personnel, or alternative standby personnel,* shall remain on duty while places requiring a fire watch are open to the public, occupied, or when an

activity requiring a fire watch is being conducted. The fire code official must give final onsite approval of the functionality of life safety systems repaired or replaced before a fire watch may be terminated.

403.12.1.2 Duties. On-duty *standby personnel*, including *alternative standby personnel*, shall have the following responsibilities:

1. Keep diligent watch for fires, obstructions to means of egress and other hazards.
2. Take prompt measures for remediation of hazards and extinguishment of fires that occur.
3. Take prompt measures to assist in the evacuation of the public from the structures.
4. Be capable of performing the sole duty of providing a fire watch.
5. For alternative standby personnel, provide a schedule of personnel shifts to the fire official 24 hours in advance of each day of fire watch operations.

403.12.1.3 Alternative standby personnel qualifications. Alternative standby personnel shall meet the following qualifications:

1. Must be at least 21 years of age.
2. Must be familiar with the layout of the facility.
3. Must be physically capable of performing the fire watch duties, including walking and climbing stairs.
4. Must be capable of performing continuous intervals of monitoring.
5. Must be equipped with at least two means of contacting 911.
6. Must be familiar with functionality of the life safety systems onsite, both operational and non-operational.
7. Must be familiar with and trained in the use of portable fire extinguishers.”

SECTION 5. That Subsection 901.7, “Systems Out of Service,” of Section 901, “General,” of Chapter 9, “Fire Protection Systems,” of Chapter 16, “Dallas Fire Code,” of the Dallas City Code is amended to read as follows:

“901.7 Systems out of service. Where a required *fire protection system* is out of service, or in the event of an excessive number of accidental activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or *standby personnel or alternative standby personnel* shall be provided for all occupants left unprotected until the *fire protection system* has been returned to service.

Where utilized, *standby personnel or alternative standby personnel* shall be provided with at least two [~~one~~] *approved* means for notification of the fire department and their only duty shall be to perform patrols of the protected premises and keep watch for fires.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That Chapter 16 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. 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 10. That this ordinance shall take effect on *[30 days after passage of the ordinance]*, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____



Agenda Information Sheet

File #: 19-621

Item #: 7.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: May 8, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

Authorize **(1)** an application for and acceptance of the "Click It or Ticket" Mobilization Grant (Grant No. 2019-Dallas-CIOT-00005, CFDA No. 20.616) in the amount of \$84,990.00 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for a safety belt enforcement initiative for the period May 17, 2019 through June 5, 2019; **(2)** a City contribution of Federal Insurance Contributions Act costs in the amount of \$1,232.36; **(3)** the establishment of appropriations in the amount of \$84,990.00 in the "Click It or Ticket" FY19 Mobilization Grant Fund; **(4)** the receipt and deposit of grant funds in the amount of \$84,990.00 in the "Click It or Ticket" FY19 Mobilization Grant Fund; and **(5)** execution of the sub-grant agreement and all terms, conditions, and documents required by the grant agreement - Total amount \$86,222.36 - Financing: General Fund (\$1,232.36) and Texas Department of Transportation Grant Funds (\$84,990.00)

BACKGROUND

This item is placed on the addendum due to late award notification and must be approved before receiving funding.

The "Click It or Ticket" Mobilization Grant provides for the reimbursement of overtime salaries paid to officers enforcing seatbelt and child safety seat laws at locations throughout the City of Dallas.

This grant is one of the "wave" grants from the Texas Department of Transportation (TxDOT) that are part of the national traffic safety plan and are awarded to TxDOT grant recipients. The grant is for the increased enforcement of seatbelt and child safety seat laws during the national campaign of May 20, 2019 through June 2, 2019 (enforcement period).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 2014, City Council authorized an application for and acceptance of the “Click It or Ticket” Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period April 29, 2014 through June 7, 2014; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 14-0756.

On May 13, 2015, City Council authorized an application for and acceptance of the “Click It or Ticket” Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period April 28, 2015 through June 6, 2015; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 15-0843.

On April 27, 2016, City Council authorized an application for and acceptance of the “Click It or Ticket” Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period April 28, 2016 through June 6, 2016; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 16-0688.

On April 26, 2017, City Council authorized an application for and acceptance of the “Click It or Ticket” Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period May 2, 2017 through June 10, 2017; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 17-0697.

On April 11, 2018, City Council authorized an application for and acceptance of the “Click It or Ticket” Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period May 2, 2018 through June 10, 2018; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 18-0552.

The Public Safety and Criminal Justice Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - \$84,990.00
General Fund - \$1,232.36

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WHEREAS, the Texas Department of Transportation has made the "Click It or Ticket" Mobilization Grant funds available for overtime salaries for a safety belt enforcement initiative for the period May 20, 2019 through June 2, 2019; and

WHEREAS, the "Click It or Ticket" Mobilization Grant will provide \$84,990.00; and

WHEREAS, the City of Dallas contributes Federal Insurance Contributions Act costs related to the overtime in an amount not to exceed \$1,232.36; and

WHEREAS, it is in the best interest of the City of Dallas to apply for and accept such funding.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept the "Click It or Ticket" Mobilization Grant (Grant No. 2019-Dallas-CIOT-00005, CFDA No.20.616), in the amount of \$84,990.00 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for the safety belt enforcement initiative for the period May 17, 2019 through June 5, 2019; provide a City's Federal Insurance Contributions Act costs in the amount of \$1,232.36; and execute a sub-grant agreement with the Texas Department of Transportation and all terms, conditions, and documents required by the grant agreement, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of \$84,990.00, in the "Click It or Ticket" FY19 Mobilization Grant Fund, Fund F574, Department DPD, Unit 3879, Object 3090.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount of \$84,990.00 into the "Click It or Ticket" FY19 Mobilization Grant Fund, Fund F574, Department DPD, Unit 3879, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$1,232.36 for City's Federal Insurance Contributions Act costs related to the overtime expenditure from Fund 0001, Department DPD, Unit 2127, Object Codes 1302 and 1306.

SECTION 5. That the Chief Financial Officer is hereby authorized to reimburse funds in the amount of \$84,990.00 from the "Click It or Ticket" FY19 Mobilization Grant Fund, Fund F574, Department DPD, Unit 3879, Object 3090 to Fund 0001, Department DPD, Unit 2127, Object 5011 after the overtime expenditure is incurred.

May 8, 2019

SECTION 6. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 8. That this contract is designated as Contract No. DPD-2019-00010163.

SECTION 9. 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.