

ADDENDUM TO AGENDA

COMMISSIONERS COURT - DALLAS COUNTY, TEXAS


TUESDAY, May 10, 2011

9:00 A.M.

Received: 5/6/2011 @ 8:52 A.M.

A1. COURT ORDER:

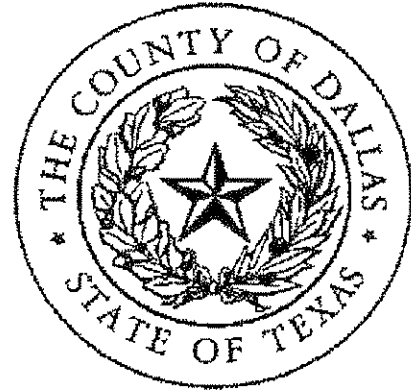
Appointing Jeffrey Tillotson to the Dallas County Trail and Preserves Program Board for a two (2) year term, effective May 6, 2011 through January 31, 2013.



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John F. Warren, County Clerk

# **A** G E N D A



**Commissioners Court**

**Dallas County, Texas**

**Tuesday, May 10, 2011**

**9:00 A.M.**

- 1. Call Court To Order:**
- 2. Declare A Quorum Present:**
- 3. Declare Legal Notices Posted And Court Duly Called:**
- 4. Motion To Open Court:**
- 5. Bailiff To Open Court:**
- 6. Invocation:**

**Dr. Gary W. Cook  
Gaston Oaks Baptist Church  
Dallas, Texas**

Dallas County Code Sec. 74-71. Meetings.

- Citizens and other visitors attending commissioners court meetings shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or rules of the commissioners court. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing and/or attending the commissioners court meeting shall be removed from the commissioners' courtroom if security is so directed by the presiding officer. If the presiding officer fails to act, any member of the commissioners court may move to require enforcement of the rules, and the affirmative vote of a majority of the commissioners court shall require the presiding officer to act.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted. The presiding officer may direct security to remove offenders from the courtroom. If the presiding officer fails to act, any member of the commissioners court may move to require enforcement of the rules, and the affirmative vote of a majority of the commissioners court shall require the presiding officer to act.
- No placards, banners, or signs will be permitted in the commissioners' courtroom or in any other room in which the commissioners court is meeting. This does not prohibit displays and visual aids used in connection with a presentation to the commissioners court.
- Any person ordered to be removed from a commissioners court meeting under the provisions of this section shall be barred from further attendance of that session of the commissioners court meeting. Any person ordered to be removed from any commissioners court meeting may be barred from addressing and/or attending any commissioners court meeting for up to a six-month period. Any second violation within a year of the first shall result in a one-year suspension from attendance.
- A person that is found to be in violation of these rules by order of the presiding officer or an affirmative vote of the commissioners court may be held in contempt as allowed by V.T.C.A., Local Government Code, § 81.023. The punishment for contempt is a \$25.00 fine or 24 hours in jail. For an individual's first time to be held in contempt they shall be fined and for all additional times they will be subject to confinement in jail.
- Persons removed from a commissioners court meeting for failure to adhere to these rules shall be subject to arrest and prosecution for violation of the V.T.C.A., Penal Code §§ 38.13, 42.01 or 42.05.

(Admin. Policy Manual, § E(1.00--1.08); Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008)

Código del Condado de Dallas Sec. 74-71. Reuniones.

- Ciudadanos y otros visitantes asistiendo la Corte de Comisionados preservarán el orden y decoro y ni por conversación o de otra manera, demorarán o interrumpirán los actos, ni se negarán a obedecer las órdenes del oficial dirigiendo la corte o reglas de la Corte de Comisionados. Cualquier persona que haga comentarios personales, impertinentes, profanos, difamatorios, o se agite mientras se dirige o asiste a la Corte de Comisionados sera retirada de la corte con la asistencia de seguridad por orden del oficial dirigiendo la corte. Si el oficial dirigiendo la corte falla en actuar, cualquier miembro de la Corte de Comisionados puede requerir un voto para ejecutar las reglas. El voto afirmativo de la mayoría de la Corte de Comisionados requerira al oficial dirigiendo la corte a actuar.
- Declaraciones hecha sin autorización por el publico, pisoteos fuertes, silbatos, gritos o cualquier otra demostración similar no seran permitidos. El oficial dirigiendo la corte le dara la orden al oficial de seguridad de retirar de la corte a cualquier ofensor. Si el oficial dirigiendo la corte falla en actuar cualquier miembro de la Corte de Comisionados puede requerir un voto para ejecutar las reglas. El voto afirmativo de la mayoría de la Corte de Comisionados requerira al oficial dirigiendo la corte a actuar.
- Nigun letrero, bandera, o pancarta sera permitido dentro de la Corte de Comisionados o cualquier otro cuarto donde los comisionados se juntan. Esto no prohíbe demostraciones o ayuda visual en presentaciones a la Corte de Comisionados.
- Cualquier persona que sea retirada de cualquier Corte de Comisionados segun las provisiones de esta sección sera prohibida en continuar asistiendo esa session. Cualquier persona que sea retirada de cualquier Corte de Comisionados se le prohibira dirigirse o asistir cualquier corte por un periodo de hasta seis meses. Cualquier violación, dentro de un año de la primera violacion resultara en un año de suspension en poder dirigirse o asistir a la corte.
- Cualquier persona que se encuentra en violacion de las reglas por orden del oficial que dirige la corte o por voto afirmativo de los comisionados puede ser detenido por desacato, como lo permite el V.T.C.A codigo de gobierno local §81.023. El castigo por desacato es una multa de \$25.00 o 24 horas de carcel. Cualquier individuo que se haye culpable sera sometido a una multa a la primera ofensa, para todas violaciones adicionales el individuo sera sometido y procesado a la carcel.
- Personas retiradas de la Corte de Comisionados por falta de obedecer las reglas seran detenidas por violacion de el V.T.C.A. codigo penal §§38.13, 42.01 or 42.05.

(Admin. Policy Manual, § E(1.00--1.08); Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008)

Commissioners Court Agenda – Tuesday, May 10, 2011

7. RESOLUTIONS:

- A. Barbara J. Kelly  
(Presented by Commissioner Mike Cantrell)
- B. MacArthur High School Lady Cardinal's Basketball Team  
(Presented by Commissioner Dr. Elba Garcia)

8. CONSENT AGENDA:

- A. APPROVE COMMISSIONERS COURT REGISTER OF APPROVED CHECKS, AUTHORIZED CLAIMS CERTIFICATION, MINUTES OF REQUISITIONS, AND PAYROLL REGISTERS FOR THE PERIOD OF MAY 3-10, 2011:

- B. OPEN BIDS/RFP'S:

THE FOLLOWING BIDS/RFP'S TO BE OPENED MAY 12, 2011:

Bid No. 2011-068-5550 Gaston Avenue and Washington Avenue Improvements MCIP Project No. 30206.

THE FOLLOWING BIDS/RFP'S TO BE OPENED MAY 16, 2011:

Bid No. 2011-070-5552 Annual Contract for EVA Sandals. (CONTRACT DATA PROVIDED APRIL 19, 2011)

Bid No. 2011-071-5566 Onsite / Online Training of Dallas County Fire Rescue Fire Department Volunteers.

- C. APPROVAL OF THE INVESTMENT OF DALLAS COUNTY FUNDS:

- D. COURT AGENDA: (FOR FILING ONLY)

To approve filing of Commissioners Court Agenda, dated May 10, 2011.

- E. FIVE SIGNATURE DOCUMENTS: (FOR FILING ONLY)

- \*Minister's Letter of Appreciation
- \*Letter to Mrs. Carolina Pace

Commissioners Court Agenda – Tuesday, May 10, 2011

8. CONSENT AGENDA: (Cont'd.)

F. TRANSFER OF FUNDS:

G. APPROVAL OF PLACEMENT OR SUBSTITUTION OF COLLATERAL FOR DALLAS COUNTY FUNDS:

H. PERSONNEL ACTIONS:

Employee Replacements and Salary Adjustments.

9. COURT ORDER:

Authorizing Kathy Fragnoli of Burdin Mediations to be paid \$800 for a full day of court ordered mediation in Cause No. DC-10-03558, styled *James Polk v. Dallas County*, and denying the plaintiff's offer to settle said lawsuit for \$507,918.

10. COURT ORDER:

Authorizing the Civil Division of the Dallas County Criminal District Attorney's Office to retain Dr. Marvin E. Van Hal as an expert witness at the rate of \$350 per hour to review records and draft a report, \$350 per hour for consultation, \$995 per hour for deposition testimony, and \$1,250 per hour for trial testimony in Cause No. DC-10-16333, styled *Michele Marvin v. Dallas County*, and denying the plaintiff's offer to settle said lawsuit for \$90,000.

11. COURT ORDER:

Authorizing Dallas County, Texas to pay Charles Nichols, Matthew Rollins and Russell Endsley jointly the sum of \$56,222.14 in satisfaction of the Judgment filed October 29, 2009, as later amended, plus \$4,176.22 in satisfaction of the Bill of Costs filed November 13, 2009, \$66,620.25 in satisfaction of the Order filed March 3, 2010 awarding attorneys' fees at trial, \$10,000 in satisfaction of Rollins' claim for attorneys fees, costs and expenses related to the appeal of this matter to the Fifth Circuit, plus interest on all of these amounts at the rate of .36% per annum from October 29, 2009 until paid in full, as set forth in the Order filed March 4, 2010, and authorizing the County Treasurer to deliver the check representing the total of these sums payable to Charles Nichols, Matthew Rollins and Russell Endsley to Dolena T. Westergard, Assistant District Attorney-Federal Litigation Division, for delivery to these individuals.

Commissioners Court Agenda – Tuesday, May 10, 2011

12. COURT ORDER:

Authorizing the electronic submission of the grant application for reimbursement to the Bureau of Justice Assistance (BJA) for the Southwest Border Prosecution Initiative by the Office of the Budget and Evaluation.

13. COURT ORDER:

Authorizing the creation of: one (1) Attorney V position; two (2) Attorney IV positions; two (2) Attorney III positions; and two (2) Investigator II positions for the remainder of FY 2011 (5 months); and ordering the Human Resources/Civil Service Department to review the new positions for proper classification as soon as possible.

14. COURT ORDER:

Approving the extension of the Personal Services Contract with ARC, Austin Ribbon + Computer for the services of James Barnes, and authorizing the Dallas County Judge to sign Amendment No. 1 on behalf of Dallas County.

15. COURT ORDER:

Approving the extension of the Personal Services Contract with ARC, Austin Ribbon + Computer for the services of Darryl Campbell, and authorizing the Dallas County Judge to sign Amendment No. 1 on behalf of Dallas County.

16. COURT ORDER:

Approving an exception to the Discretionary Increase Policy to allow the salary adjustment for Mr. Robert Martin and Mr. Donald McKinney from \$18.74 per hour to \$19.30 per hour, effective in the earliest payroll period possible, with no back pay.

17. COURT ORDER:

Approving the Pathology Microbiology Fellowship Program Agreement with the University of Texas Southwestern Medical Center at Dallas, and Dallas County Health and Human Services (DCHHS) for the term of July 1, 2011 through June 30, 2012, and authorizing the County Judge to sign the Agreement and all related documents on behalf of Dallas County.

Commissioners Court Agenda – Tuesday, May 10, 2011

18. COURT ORDER:

Approving the Agreement between Dallas County Health and Human Services (DCHHS) and The University of Texas at Austin School of Nursing, for the term of July 1, 2011 through June 30, 2012, and authorizing the County Judge to sign the Agreement on behalf of Dallas County.

19. COURT ORDER:

Approving the contract between the Dallas County Hospital District (the "District") and Grant Thornton, LLP for financial audit services for an amount not to exceed \$4,000,000.00 for a seven (7) year period which includes a five (5) year initial contract to begin April 1, 2011 and ending April 30, 2016, plus two (2) one-year options to renew.

20. COURT ORDER:

Authorizing a ninety (90) day extension of (Bid No. 2008-053-3399 – Annual Contract for Licensed/Certified Court Interpreters) as awarded to Access Language Center, LLC, for the period of June 1, 2011 through August 29, 2011, and authorizing all County documents/payments to reflect accordingly.

21. COURT ORDER:

Authorizing the final twelve (12) month extension of (Bid No. 2009-064-4327 – Annual Contract for Automobile and General Liability Insurance for the Dallas County Sheriff's Courtesy Patrol) as awarded to Upshaw Insurance Agency, Inc., for the period from May 11, 2011 through May 11, 2012, and authorizing all County documents/payments to reflect accordingly.

22. COURT ORDER:

Authorizing the final twelve (12) month extension of (Bid No. 2009-076-4376 – Annual Contract for the Purchase of R-22 Refrigerant) as awarded to Airgas Refrigerants for the period from June 23, 2011 through June 22, 2012, and authorizing all County documents/payments to reflect accordingly.

Commissioners Court Agenda – Tuesday, May 10, 2011

23. COURT ORDER:

Authorizing and approving a 5% price increase for Type B and D hot mix asphalt, as listed in Table I, as awarded to Austin Asphalt, LP for Bid No. 2010-014-4736 – Annual Contract for Road and Highway Building Materials, effective May 14, 2011, and authorizing all County documents/payments to reflect accordingly.

24. COURT ORDER:

Authorizing the first twelve (12) month extension of (Bid No. 2010-039-4981 – Annual Contract for Written Translation Services) as awarded to Interlingua USA for the period of June 15, 2011 through June 14, 2012, and authorizing all County documents/payments to reflect accordingly.

25. COURT ORDER:

Authorizing and directing the County Judge to execute the outlined Master Agreement Governing Major Capital Improvement Program with the Cities of Rowlett, DeSoto, Cedar Hill, Coppell and Grand Prairie.

26. COURT ORDER:

Authorizing and directing the County Judge to execute the outlined Master Agreement Governing Major Capital Improvement Program with the Cities of Lancaster-District 3 and Wilmer-District 3.

27. COURT ORDER:

Authorizing: (1) in accordance with Section 272.001 of the Local Government Code, the disposal of surplus right-of-way existing along the northern property line of Crossroads Baptist Church's property at 1520 W. Beltline Road, Lancaster, which is not part of the public road for purposes of the Transportation Code, Section 251.058(b); (2) upon receipt of the legal land description and a survey plat of the excess property from the Church, the Public Works Department to appraise the property to establish its fair market value pursuant to Section 272.001 (b) of the Local Government Code; (3) the City of Lancaster relinquish its rights in the surplus property for roadway/street purposes, by resolution/ordinance, prior to Dallas County disposing of the surplus property; and (4) Public Works to initiate negotiations with the abutting property owner (at the appraised fair market value, plus administrative costs to prepare the appraisal report), and submit the results to the Commissioners Court for formal approval.



Commissioners Court Agenda – Tuesday, May 10, 2011

28. COURT ORDER:

Approving the request of the Dallas County Juvenile Department to release Request for Proposals (RFP) No. 2011-073-5568 for purchase of non-residential services for FY 2012.

29. PUBLIC HEARING: (9:00 A.M.)

- A. MOTION TO OPEN PUBLIC HEARING:
- B. REDISTRICTING:
- C. DISCUSSION/REQUEST FOR PUBLIC COMMENT:
- D. MOTION TO CLOSE PUBLIC HEARING:

30. CALLED BRIEFING SESSION:

See Briefing Agenda.

31. CALL EXECUTIVE SESSION:

For purposes permitted by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075 and 551.076. The Commissioners Court reserves the right to exercise its discretion and may convene in closed/executive session as authorized by the Texas Government Code §§ 551.071, *et seq.* on any of the items listed on its Formal or Briefing agendas.

Subjects: \*Appointments

-2011-2013 County Board and Committee Appointments

\*Pending or Contemplated Litigation and Attorney-Client Information

-Milad Nasrallah, Sr. et al. vs. Jim Foster; 191<sup>st</sup> Judicial District Court of Dallas County, Texas; 09-16681

-Armando Gonzales v. Dallas County; 01-08074-F

-Ballesteros v. Nueces County; 09-0561

-Roccaforte v. Jefferson County; 09-0326

-Phil Hillis et al. v. City of Dallas; 10-0447

-Deborah McCalister-Holland v. County of Dallas, Texas; DC-09-14916

-Linda Pearl Wilson vs. Dallas County, et al.; 3:11-CV-0879-F

Commissioners Court Agenda – Tuesday, May 10, 2011

31. CALL EXECUTIVE SESSION: (Cont'd.)

Subjects: \*Personnel

-Extended Administrative Leave with Pay for Florretta Hampton  
Records Supervisor I, Position #4966 – Pending Outcome of  
an Investigation

\*Claims

-Bill Aleshire v. Dallas County; TW #11-000192

\*Consultation with Attorney/Legal Advice

-Charles Bailey, Deputy Chief Constable, Precinct 4  
Martha Rand, Assistant Deputy Chief Constable, Precinct 4  
Pattie Dotsy, Lieutenant, Precinct 5-1

-Redistricting

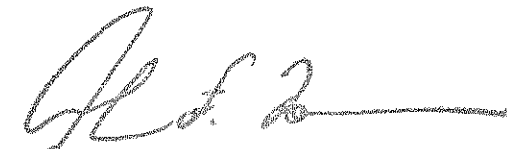
-Contract Compliance Review

-Discussion of Bond for Position #1387

32. RECESS:

33. RECONVENE IF REQUIRED:

34. ADJOURN:



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John F. Warren, County Clerk