

ADDENDUM TO AGENDA

COMMISSIONERS COURT - DALLAS COUNTY, TEXAS

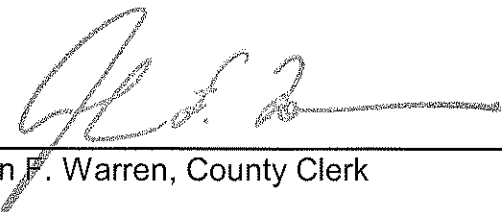
TUESDAY, OCTOBER 25, 2011

9:00 A.M.

Received: 10/21/2011 @ 11:16 A.M.

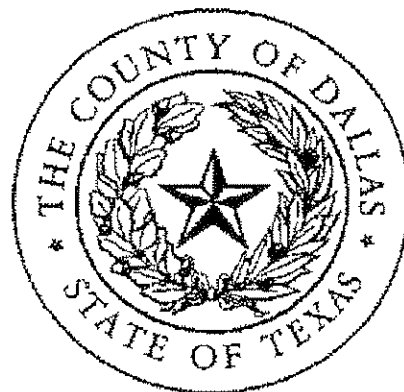
A1. COURT ORDER:

Committing Dallas County to the project development of the IH35E Managed Lanes Project; and that the appointed committee member for the IH35E Managed Lanes Stakeholders Committee shall be the Director of Public Works, Alberta Blair, P.E. , with alternate Antoinette Bacchus, P. E., and funding for MCIP Project 10403_2 will be secured by a future agreement.



John F. Warren, County Clerk

A G E N D A



Commissioners Court

Dallas County, Texas

Tuesday, October 25, 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:**

**Pastor Elzie Odom, Jr.
St. Paul United Methodist 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, October 25, 2011

7. RESOLUTIONS:

- A. Pamela M. Hooper
(Presented by Commissioner Mike Cantrell)
- B. Rhonda R. Carter
(Presented by Commissioner Dr. Elba Garcia)
- C. Red Ribbon Celebration
(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 OCTOBER 18-25, 2011:
- B. APPROVAL OF THE INVESTMENT OF DALLAS COUNTY FUNDS:
- C. RIGHTS OF WAY:

Summary Agreements.
- D. COURT AGENDA: (FOR FILING ONLY)

To approve filing of Commissioners Court Agenda, dated October 25, 2011.
- E. FIVE SIGNATURE DOCUMENTS: (FOR FILING ONLY)

*Minister's Letter of Appreciation
- F. TRANSFER OF FUNDS:

Commissioners Court Agenda – Tuesday, October 25, 2011

8. CONSENT AGENDA: (Cont'd.)

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

H. PERSONNEL ACTIONS:

Employee Replacements and Salary Adjustments.

9. AWARD BIDS/RFP'S:

Bid No. 2011-103-5732 Annual Contract for Plumbing Material and Related Products awarded to: Best Plumbing Specialists, Interline Brands, Inc., dba Sexauer, Plumbmaster, Inc., Secure Detention Products and Valley Industrial Specialties. (CONTRACT DATA PROVIDED SEPTEMBER 6, 2011)

Bid No. 2012-005-5771 Demolition and Reconstruction of Residential Property located at 405 E. Hickman, Hutchins, TX 75141 (Davis) awarded to: Legend Contracting, Inc.

10. COURT ORDER:

Approving the Attorney Fee Contract between Dallas County and White & Wiggins LLP, effective October 18, 2011, in Cause No. DC-11-11576, styled *Norvis Harmon, Dedrick Miller, and Tracy Robinson v. Dallas County, Texas*.

11. COURT ORDER:

Authorizing the denial of a claim presented by Safeco Insurance Company against Dallas County.

12. COURT ORDER:

Appointing/re-appointing Julius Evans Jenkins to the Dallas County Welfare Advisory Board for an unexpired term, effective October 25, 2011 through January 31, 2013.

Commissioners Court Agenda – Tuesday, October 25, 2011

13. COURT ORDER:

Approving the outlined Memorandum of Understanding (MOU) with Great City Attractions (GCA) Site Development Limited for the development of a project to place an observation wheel in Founders Plaza in Spring 2012; authorizing an exemption to the competitive procurement process as allowed by Local Government Code § 262.024(1) to preserve the property of the County to allow Jacobs Facilities, Inc., to perform a structural review of the proposed site.

14. COURT ORDER:

Accepting the FY 2011 State Criminal Alien Assistance Program (SCAAP) reimbursement award, and authorizing the electronic signature of the County Judge to the Department of Justice's drawdown request on the Internet.

15. COURT ORDER:

Approving the relocation of the County's Data Center and secondary server room to a third-party site (CyrusOne partnering with CDW-G available off of the TCPN state purchasing contract) and the procurement of all necessary hardware, software and services; funding for this request will be provided from the Major Capital Development Fund and the Major Technology Fund.

16. COURT ORDER:

Authorizing the County Judge to sign the Professional Services Contract between Dallas County and QNet, Inc., and approving the expenditure of \$811,000 to provide Data Center staffing during the term of the contract from November 1, 2011 through October 31, 2012.

17. COURT ORDER:

Approving an exception to the Discretionary Increase Policy to allow the salary adjustment for Mr. Charles Denson from \$7,041.67 per month to \$8,320.51 per month, effective with the earliest payroll period possible, with no back pay.

Commissioners Court Agenda – Tuesday, October 25, 2011

18. COURT ORDER:

Approving the utilization of funds from the Human Resources/Civil Service Department's budget to pay for costs associated with Dallas County's Annual Open Enrollment which are estimated at \$12,000 with full reimbursement from the Employee Benefits Trust Fund, and authorizing Judge Clay Lewis Jenkins to sign the event contract with INFOMART on behalf of Dallas County.

19. COURT ORDER:

Authorizing the audit report completed by the County Auditor, as required by V.T.C.A., Code of Criminal Procedure, Paragraph 59.06(g), as amended, on proceeds and property seized under this chapter by the Dallas County Criminal District Attorney to be certified as final with notice delivered to the Office of the Attorney General.

20. COURT ORDER:

Approving refunds to taxpayers, as listed, for the period ending October 25, 2011, in amounts over \$2,500.00 for erroneous or excessive tax payments.

21. COURT ORDER:

Approving refunds to taxpayers, as listed, for the period ending October 25, 2011, in amounts over \$5,000.00 for erroneous or excessive tax payments.

22. COURT ORDER:

Approving acceptance of a donation from White Rock United Methodist Church, in the amount of \$1,150.00, for deposit into the Heat Relief fund for the purchase and installation of air conditioning units to eligible households, and authorizing the discretionary exemption from competitive purchasing requirements as allowed by Local Government Code, Chapter 262.024(a)(2).

23. COURT ORDER:

Approving a donation from Atmos Energy in the amount of \$2,500 toward funding weatherization services for the Dallas LIFE Shelter project.

Commissioners Court Agenda – Tuesday, October 25, 2011

24. COURT ORDER:

Approving acceptance of a donation, in the amount of \$117,306.56, from TXU Energy, for the provision of utility payment assistance to those financially distressed TXU Energy customers in Dallas County.

25. COURT ORDER:

Approving the additional award from Atmos Energy Corporation, in the amount of \$22,127.24, under the Share the Warmth Program for assistance with energy costs for financially distressed Atmos Energy account holders.

26. COURT ORDER:

Approving the 2011-2012 DOE Weatherization Assistance Program Contract No. 56110001212, in the amount of \$628,951, effective April 1, 2011 through March 31, 2012, authorizing the new accountant position, and authorizing Dallas County Health and Human Services (DCHHS) to electronically sign the contract on behalf of Dallas County.

27. COURT ORDER:

Approving the additional funds under Amendment Number 3 of the 2011 Comprehensive Energy Assistance Program (CEAP) Contract No. 58110001076, in the amount of \$3,565,398, and approving the amended Budget, as outlined.

28. COURT ORDER:

Approving the FY 2012 Utility Allowance schedule, as outlined, to be utilized by the Dallas County Health and Human Services (DCHHS) City Home and Section 8 Housing Choice Voucher programs, effective October 1, 2011.

29. COURT ORDER:

Approving the FY 2012 Fair Market Rents (FMR) for Existing Housing, as outlined, to be utilized by the Dallas County Health and Human Services (DCHHS) City HOME program, effective October 1, 2011.

Commissioners Court Agenda – Tuesday, October 25, 2011

30. COURT ORDER:

Approving the FY 2012 Texas HUD Metro Small Area Fair Market Rents (SAFMR) by Zip Codes, as outlined, for implementation by the Dallas County Health and Human Services (DCHHS) Housing Choice Voucher Program (HCVP) October 1, 2011.

31. COURT ORDER:

Authorizing the final twelve (12) month extension of (RFP No. 2008-092-3640 – Request for Proposals for Third Party Claims Administration Services for Dallas County Self Insurance Workers' Compensation Program) as awarded to CCS Consulting, LP, effective October 29, 2011 through October 28, 2012, and authorizing all County documents/payments to reflect accordingly.

32. COURT ORDER:

Authorizing the first twelve (12) month extension of (SOQ No. 2010-065-5119 – Request for Statements of Qualifications for Professional Elevator Consultant Services) as awarded to Boca Group Central LLC, effective November 2, 2011 through November 1, 2012, and authorizing all County documents/payments to reflect accordingly.

33. COURT ORDER:

Authorizing, in accordance with Texas Local Government Code 262.031(a) "Changes in Plans and Specifications", the modification of (Bid No. 2011-023-5334 – Annual Contract for Janitorial Services for the North, West, and East Sections of Dallas County) as awarded to James Enterprise, to include janitorial services (2,100 square feet) at 715 Rowlett Road, Garland, Texas, at the current bid rate of \$0.04 sq. ft. (monthly rate of \$84.00) effective October 1, 2011, and authorizing all County documents/payments to reflect accordingly.

34. COURT ORDER:

Authorizing staff to enter into contract negotiations with Sire Technology (highest ranked firm) with respect to RFP No. 2011-037-5428 Request for Proposals for Agenda Management Software System.

Commissioners Court Agenda – Tuesday, October 25, 2011

35. COURT ORDER:

Authorizing, in accordance with Texas Local Government Code 262.031(a), "Changes in Plans and Specifications", the first modification of (Bid No. 2011-052-5496 – Annual Contract for Pest Control Services) as awarded to Protex Service Inc., recognizing the termination of pest control services at the Cliff House, 1545 S. Ewing, Dallas, Texas, effective October 1, 2011, and authorizing all County documents/payments to reflect accordingly.

36. COURT ORDER:

Authorizing the cancellation of Bid No. 2011-071-5566 Onsite/Online Training of Dallas County Fire Rescue Fire Department Volunteers, rejecting all proposals received from award consideration, and authorizing all County documents to reflect accordingly.

37. COURT ORDER:

Authorizing the cancellation of Bid No. 2011-091-5681 Annual Contract for Uniform Patches & Emblems and re-solicited immediately under revised specifications.

38. COURT ORDER:

Authorizing Dallas County Code Chapter 94 "Purchasing and Contract Management Policy" to reflect the outlined revisions to Section 94-122 and 94-123 (a) and the addition of Section 94-127 "Consideration of Location of Bidder's Principal Place of Business", and authorizing staff to take the necessary steps to implement the policy.

39. COURT ORDER:

Authorizing the Consultant Engineering Indefinite Delivery, Indefinite Quantity (IDIQ) contracts be executed with Hayden Consultants, Salcedo Group, Dal-Tech Engineering, Lina T. Ramey, Teague Nall & Perkins, Criado, Civil Associates, Civil Consulting Group, Nathan D. Maier, CP & Y, EJES, HNTB, APM & Associates, Urban Engineers, ARS Engineers, Half Associates, Freese & Nichols, and Huitt-Zollars.

Commissioners Court Agenda – Tuesday, October 25, 2011

40. COURT ORDER:

Authorizing and directing the County Judge to execute a Temporary License Agreement with Hanson Aggregates LLC for Trinity River East Bank Access to construct the Belt Line Road Trinity Bridge Repairs Project for a License Fee Amount of \$10.00, to be paid from County Bridge Fund Account No. 105.2550.08312.0000.

41. COURT ORDER:

Authorizing and directing the County Judge to sign Work Order No. 2 with TEAM Consultants, Inc., to perform the requested Laboratory Services, as outlined, in Work Order No. 2 and "Attachment A", in an amount not to exceed \$21,671.00 to be paid from MCIP Fund 196, Project 8201.

42. COURT ORDER:

Authorizing Dallas County, Texas to pay Mark Duvall and Edward H. Moore \$355,000 in satisfaction of the Judgment filed April 21, 2009, plus interest on this sum at the rate of .55% per annum from April 21, 2009 until paid in full; authorizing the County Treasurer to deliver said check, payable to Mark Duvall and Edward H. Moore, to Dolena T. Westergard, Assistant District Attorney, Federal Litigation Division, for delivery to these individuals.

43. CALLED BRIEFING SESSION:

See Briefing Agenda.

44. 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.

Commissioners Court Agenda – Tuesday, October 25, 2011


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

- Subjects: *Appointments
-2011-2013 County Board and Committee Appointments
- *Pending or Contemplated Litigation and Attorney-Client Information
-Dallas County Constable Beth Villareal, et al. vs. Dallas County, et al.; Civil Action 3:11-CV2233-F
-Nancy J. Woertendyke vs. Dallas County, Texas; DC-09-16445-B
-Mark Duvall vs. Dallas County; 3:07-CV-929
-Milad Nasrallah, Sr. et al. vs. Jim Foster; 09-16681 191st Judicial District Court of Dallas County, Texas
-Texas Democratic Party, et al. vs. Dallas County, et al.; 3:08-CV-02117-P
- *Personnel
-Deliberation Regarding Duties and Responsibilities of Position #3657
- *Consultation with Attorney/Legal Advice
-Attorney-Client Privilege Matter Concerning Audit of Service of Civil Process and Constable Duties
- *Security
-Deliberation Regarding Security

45. RECESS:

46. RECONVENE IF REQUIRED:

47. ADJOURN:



John F. Warren, County Clerk

DALLAS COUNTY COMMISSIONERS COURT
CLOSED SESSION AGENDA

ADDENDUM

October 25, 2011

PENDING OR CONTEMPLATED LITIGATION AND ATTORNEY CLIENT
INFORMATION Tex. Gov. Code. §§551.071(1)(A) and (B)

Myron Stroup vs. Dallas County, Cause Number cc-11-02033Insert