

A G E N D A



Commissioners Court

Dallas County, Texas

Tuesday, October 8, 2013

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 Johnny Head
Southwood 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 haya 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)

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7. RESOLUTIONS:

A. Mental Illness Awareness Week

Presented by Judge Clay Lewis Jenkins & Commissioner Dr. Theresa M. Daniel

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 1-8, 2013.

B. OPEN BIDS/RFP'S:

THE FOLLOWING BIDS/RFP'S TO BE OPENED OCTOBER 14, 2013:

Bid No. 2014-002-6383 Request for Proposal for Aerial Spraying (DCHHS).

C. APPROVAL OF THE INVESTMENT OF DALLAS COUNTY FUNDS.

D. COURT AGENDA: (FOR FILING ONLY)

To approve filing of Commissioners Court Agenda, dated October 8, 2013.

E. FIVE SIGNATURE DOCUMENTS: (FOR FILING ONLY)

- Minister's Letter of Appreciation

F. TRANSFER OF FUNDS.

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

H. PERSONNEL ACTIONS:

Employee Replacements and Salary Adjustments.

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9. COURT ORDER:

Authorizing Dallas County to retain J. Rod McCutcheon as an independent toxicology expert, effective September 16, 2013 in connection with the lawsuit against Dallas County, Texas, in the United States District Court for the Northern District of Texas, Dallas Division, styled *Cathy Bailey, Individually and as the Representative of the Estate of Corey Deon Bailey, Plaintiff v. Dallas County, et al.*, Cause No. 3:09-CV-0865-K; Dallas County, Texas shall pay J. Rod McCutcheon for services in accordance with his fee schedule, as outlined.

10. COURT ORDER:

Approving acceptance of the grant award for the Public Defender's Wrongful Conviction Program, designating the County Judge as the grantee's authorized official and the County Auditor as the Financial Officer; the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

11. COURT ORDER:

Certifying that Dallas County has made a grant to Jewish Family Service of Dallas in the amount of \$9,207, to be used between the 1st of October 2013 and the 30th of September 2014; certifying that Jewish Family Service of Dallas provides home-delivered meals to homebound persons in the County who are elderly and/or have a disability, and certifying that the County has approved the Jewish Family Service of Dallas fiscal agent.

12. COURT ORDER:

Approving paid administrative leave to Employee #44267 from September 20, 2013 to October 4, 2013, for a total of \$1,188.97 (80 hours x \$11.90 hourly wages plus \$175.64 in benefits), as requested by the Director.

13. COURT ORDER:

Approving paid administrative leave to Employee #45664 from August 12, 2013 to August 31, 2013, a total cost of \$1,547.84 (112 hours x \$13.82 hourly wages), and employee shall be paid for a total of 37 hours of accrued time (36.9 hours of vacation time and 0.1 of compensatory time) for an additional payout of \$511.34, as requested by the Director.

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14. COURT ORDER:

Approving back pay for Employee #26865 from August 16, 2013 to September 15, 2013, a total cost of \$4,248.56 (168 hours x \$21.35 hourly wages plus \$661.76 in benefits).

15. COURT ORDER:

Approving the engagement of Virtual Clarity by the County Clerk to develop an application store to be used on mobile devices for the purpose of creating the secured use of mobility as part of business processes.

16. COURT ORDER:

Authorizing the purchase of WiFi network hardware, installation, and cabling services using funds available from the County Clerk's Court Technology Fund (94085) for the purpose of expanding the Dallas County WiFi network within the Administration Building.

17. COURT ORDER:

Approving the acceptance of the equipment, Mine Resistant Ambush Protected (MRAP) Tactical Vehicle, for use by the Dallas County Sheriff's Office, and accepting the maintenance and liabilities of said equipment from this day forward.

18. COURT ORDER:

Authorizing the County Judge to execute the Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the Sheriff's Department to perform enforcement and incident management on certain parts of the High-Occupancy Vehicle (HOV) lane system in Dallas County.

19. COURT ORDER:

Approving refunds to taxpayers, as listed, for the period ending October 8, 2013, in amounts over \$5,000.00 for erroneous or excessive tax payments.

20. COURT ORDER:

(ITEM 1A ON BRIEFING AGENDA)

Approving submission of the FY 2014 Ryan White Part A-Minority AIDS Initiative (MAI) continuation grant application in the amount of \$14,324,000 as outlined, and authorizing the signature of the County Judge on all related documents on behalf of Dallas County.

21. COURT ORDER:

(ITEM 1D ON BRIEFING AGENDA)

Approving the Lease Agreement for 1113 E. Jefferson, Suite 200, Dallas, Texas, with Marcer Investments, LLC and Dallas County Health and Human Services (DCHHS), and authorizing the County Judge to sign the agreement and all related documents on behalf of Dallas County.

22. COURT ORDER:

Approving the Inter-local Agreement between the Juvenile Department and the University of Texas Southwestern Medical Center, not to exceed \$69,705 from September 1, 2013 through August 31, 2014, and authorizing the Juvenile Board Chairman to execute all related documents.

23. COURT ORDER:

Approving the Juvenile Department's request to amend the residential services contract with Brookhaven Youth Ranch to include intensive level services at a per diem rate of \$235.85, and authorizing the County Judge to sign the contract amendment documents on behalf of Dallas County.

24. COURT ORDER:

Approving the Juvenile Department's continued participation in the Juvenile Detention Alternatives Initiative (JDAI) project sponsored by the Annie E. Casey Foundation, and approving the professional service contract with Dr. Renee Walker for coordination of the JDAI project.

25. COURT ORDER:

Approving the compensation of \$15,000 from Cardea Services to the Dallas County Juvenile Department Substance Abuse Unit for additional programming and training.

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26. COURT ORDER:

Approving the extension to expend Fiscal Year 2012-13 juror fund allocations to December 31, 2013.

27. COURT ORDER:

Approving the request of the Youth Services Advisory Board and the Dallas County Juvenile Department to expend juror funds for the listed initiatives, as outlined.

28. COURT ORDER:

Authorizing the third 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, 2013 through November 1, 2014, and authorizing all County documents/payments to reflect accordingly.

29. COURT ORDER:

Authorizing the third twelve (12) month extension of RFQ No. 2010-072-5146 Financial Audits of Dallas County, Community Supervision & Corrections and the Juvenile Board, as awarded to KPMG, LLP, effective November 9, 2013 through November 8, 2014, authorizing the County Judge to execute the outlined Amendment Number Four, and authorizing all County documents/payments to reflect accordingly.

30. COURT ORDER:

Authorizing the final extension of Bid No. 2011-104-5734 Annual Contract for the Purchase of Paper Towels, Toilet Paper, Seat Covers, Trash Bags and Related Items, as awarded to M.A.N.S. Distribution, Interboro Packaging, Complete Supply and Empire Paper for the period October 17, 2013 through October 16, 2014, and authorizing all County documents/payments to reflect accordingly.

31. COURT ORDER:

Authorizing the final extension of Bid No. 2012-012-5794 Annual Contract for Janitorial Services for the Southwestern Institute of Forensic Sciences/Office of the Medical Examiner Facility, as awarded to D&A Building Services for the period December 1, 2013 through November 30, 2014, and authorizing all County documents/payments to reflect accordingly.

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32. COURT ORDER:

Authorizing the first annual twelve (12) month extension of Bid No. 2013-003-6169 Annual Contract for Asbestos/Lead/Mold/Assessment/Consultant Services for the Engineering and Project Management Department, as awarded to EDI Environmental Technology, Inc. for the period November 6, 2013 through November 5, 2014, and authorizing all County documents/payments to reflect accordingly.

33. COURT ORDER:

Authorizing the first twelve (12) month extension of Bid No. 2013-007-6188 Annual Contract for the Purchase of Mattresses for the Detention Facilities, as awarded to Bob Barker Company, Inc. for the period November 6, 2013 through November 5, 2014 in accordance with the terms, conditions and pricing set forth, and authorizing all County documents/payments to reflect accordingly.

34. COURT ORDER:

Authorizing the Purchasing Department to solicit RFP 2014-008-6389 Ground Mosquito Spraying for Dallas County Health & Human Services as authorized by Local Government Code 262.030.

35. COURT ORDER:

Granting, in accordance with Texas Local Government Code 262.024(a)(7)(A), the discretionary exemption for the purchase of Robotic Liquid Handling Workstations and related supplies for DNA sample processing from PerkinElmer Inc., and authorizing all County documents/payments to reflect accordingly.

36. COURT ORDER:

Approving the two (2) outlined AT&T ILEC HB2128 agreements for five (5) year terms.

37. COURT ORDER:

Accepting the offer from David G. Cardoza of \$7,500 to purchase the vacant tax foreclosure property at 319 Woodhaven Blvd., Duncanville, Texas, DCAD Account No. 60257500030220000; upon receipt of the balance of the purchase price, authorizing the County Judge to execute the quitclaim deed, subject to the prior owners' remaining right of redemption, if any, post judgment taxes and the pro rata property taxes for the remaining part of the current calendar year, and authorizing the Tax Assessor Collector to disburse the proceeds in accordance with the Property Tax Code.

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38. COURT ORDER:

Accepting the offer from Taxactional Funding, LLC of \$50,000 to purchase the tax foreclosure property at 940 Pine Tree Lane, DeSoto, Texas, DCAD Account No. 20083500160110000; upon receipt of the balance of the purchase price, authorizing the County Judge to execute the quitclaim deed, subject to the prior owners' remaining right of redemption, if any, post judgment taxes and the pro rata property taxes for the remaining part of the current calendar year, and authorizing the Tax Assessor Collector to disburse the proceeds in accordance with the Property Tax Code.

39. COURT ORDER:

Authorizing the County Judge to execute the outlined Cooperative Data Program Participation Agreement between Dallas County and North Central Texas Council of Governments in order to continue participation in the Cooperative Data Program.

40. COURT ORDER:

Authorizing the Dallas County Purchasing Agent to advertise for bids for the construction of the 0.04-mile section of Walnut Hill Lane MCIP Project 10209A located in the City of Dallas in Road and Bridge District No. 4, with said bids to be returned to the Purchasing Department on or before 2:00 P.M. on Thursday, November 7, 2013.

41. CALLED BRIEFING SESSION:

See Briefing Agenda.

42. 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:

- 2013-2014 County Board and Committee & Joint Appointments

• Texas Health & Safety Code:

- Deliberations regarding the Joint Commission (TJC), formerly the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Advice Regarding the legal obligations and impact upon the Hospital District and Dallas County in implementing the Affordable Health Care Act

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

- Subjects:
- Personnel:
 - Regarding Status of CEO Search
 - Request for Back Pay for Employee #33524
 - Pending or Contemplated Litigation and Attorney-Client Information:
 - Claims related to property damage in George Allen Courts Building
 - Claim of Rachel Lindo against Dallas County
 - Cash Construction Claim Update
 - Legal Matters/Legal Advice, Consultation with Legal Counsel:
 - Net Data/JCMS Contract
 - Deliberations by Commissioners Court about County Advisory Body
 - Civil Action No. 3:11-CV-02733-O, Dallas County, et al. vs. MERSCORP, Inc., et al.
 - Legal issues relating to contract terms with Texas Association of Counties Risk Management Pool in response to Dallas County RFP No. 2013-033-6289
 - Security:
 - Deliberation Regarding Security

43. RECESS:

44. RECONVENE IF REQUIRED:

45. ADJOURN:



John F. Warren, County Clerk

DALLAS COUNTY COMMISSIONERS COURT
CLOSED SESSION AGENDA

ADDENDUM

October 8, 2013

PENDING OR CONTEMPLATED LITIGATION AND ATTORNEY CLIENT
INFORMATION - Tex. Gov. Code §§551.071

MERS' Litigation Update.....N/A

LEGAL MATTERS / LEGAL ADVICE, CONSULTATION WITH LEGAL COUNSEL, as
authorized by Tex. Gov. Code §§551.071, 551.074 and 551.0745

Legal issues related to Case No. 1:13-CV-00862 in the United States District
Court for the Western District of Texas, Austin Division.....N/A