

**COMMISSIONERS COURT
APRIL 26, 2011**

**STATE OF TEXAS
COUNTY OF ROCKWALL**

**BE IT REMEMBERED THERE WAS HELD A REGULAR MEETING OF
THE COMMISSIONERS COURT ON THE ABOVE DATE WITH THE FOLLOWING
MEMBERS OF THE COURT PRESENT:**

JERRY HOGAN	COUNTY JUDGE
JERRY WIMPEE	COMMISSIONER PCT #1 - ABSENT
LORIE GRINNAN	COMMISSIONER PCT #2
DENNIS BAILEY	COMMISSIONER PCT #3
DAVID MAGNESS	COMMISSIONER PCT #4
SHELLI MILLER	COUNTY CLERK

THE MEETING WAS CALLED TO ORDER BY JUDGE HOGAN AT 9:00 A.M.

THE INVOCATION WAS GIVEN BY COMMISSIONER MAGNESS.

THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND
TO THE TEXAS FLAG WERE LED BY COMMISSIONER GRINNAN.

NO GUESTS WERE PRESENT THAT WISHED TO ADDRESS THE COURT.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY
COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF
APPROVING SHERIFF EAVENSON TO ATTEND THE NATIONAL SHERIFFS'
ASSOCIATION 2011 ANNUAL CONFERENCE IN ST. LOUIS, MO JUNE 17-22, 2011.

ITEM #2

JUDGE HOGAN STATED THAT NO ACTION WAS NECESSARY REGARDING A
LETTER TO BE SENT TO THE CITY OF ROCKWALL DOWNTOWN BUSINESSES
FROM THE COMMISSIONERS COURT REGARDING PARKING ISSUES AROUND

THE SQUARE. HE WENT ON TO EXPLAIN THAT THERE HAD BEEN A SERIES OF MEETINGS WITH THE CITY OF ROCKWALL AND THE ROCKWALL DOWNTOWN ASSOCIATION. AS A RESULT THE CITY OF ROCKWALL HAS AGREED TO SPLIT THE RENT ON THE PUBLIC PARKING LOT ACROSS THE STREET FROM THE HISTORIC COURTHOUSE WITH ROCKWALL COUNTY. JUDGE HOGAN READ A LETTER RECEIVED FROM ROCKWALL DOWNTOWN ASSOCIATION PRESIDENT NORMA BALES. THE LETTER STATED THAT THE ASSOCIATION HAD SENT A LETTER BY E-MAIL TO THEIR MEMBERS REQUESTING THE MERCHANTS TO AVOID PARKING AT THE COURTHOUSE. JUDGE HOGAN STATED THAT THE MATTER WAS CLOSED.

ITEM #3

JUDGE HOGAN STATED THAT THIS ITEM REGARDING MOVING APPROXIMATELY \$113,000.00 FROM THE LIBRARY BOND FUND TO THE COUNTY GENERAL FUND AS REPAYMENT FOR MONIES SPENT BY THE LIBRARY DURING CONSTRUCTION FOR ELECTRONIC EQUIPMENT HAS BEEN SETTLED. JUDGE HOGAN WENT ON TO SAY THAT THERE WAS NO RECORD FOUND INDICATING THAT THE MONIES WERE A LOAN TO THE LIBRARY. ASSISTANT DISTRICT ATTORNEY JONATHAN THATCHER ADDED THAT HE HAD SPOKEN WITH BOND COUNSEL FOR THE COUNTY ON THE MATTER REGARDING WHETHER THERE WAS A MECHANISM TO ALLOW REIMBURSEMENT OF THESE FUNDS. HE STATED THERE WAS, BUT TAX LAWS LIMIT THE COUNTY'S ABILITY TO DO SO BY STATING IT MUST BE WITHIN THE PREVIOUS EIGHTEEN MONTHS. SINCE THE PURCHASE WAS MADE IN 2008 THE

COUNTY WAS THEREFORE, BASED ON THE TAX LAWS OF THE STATE, UNABLE TO REIMBURSE THE GENERAL FUND. JUDGE HOGAN STATED THAT THERE WILL BE NO TRANSFER OF THESE FUNDS AND THE MATTER IS CLOSED.

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF AUTHORIZING HUMAN RESOURCE DIRECTOR RANDY JENNINGS TO GO OUT FOR BID FOR RISK MANAGEMENT INSURANCE FOR ROCKWALL COUNTY.

ITEM #5

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE UPDATED ROCKWALL COUNTY EMPLOYEE POLICY MANUAL DATED APRIL 26, 2011 AS PRESENTED BY HUMAN RESOURCES TO SUPERSEDE ALL PREVIOUS VERSIONS AND REVISIONS OF PERSONNEL POLICY MANUALS. THE MOTION ALSO INCLUDED TWO CHANGES TO THE MANUAL, ONE BEING A CHANGE ON D16 OMITTING THE CONSENT OF THE COUNTY JUDGE AND ONLY TO HAVE THE CONSENT OF COMMISSIONERS COURT REGARDING OUTSIDE SOLICITATION AND SELLING ON COUNTY PROPERTY AND THE SECOND CHANGE BEING TO DATE EACH PAGE WITH APRIL 26, 2011.

ITEM # 6

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF

CANCELLING THE TWO MAINTENANCE AGREEMENTS WITH OCE' NORTH AMERICA, INC. FOR THE TWO COPIERS IN THE COUNTY CLERK'S OFFICE.

ITEM #7

COMMISSIONER GRINNAN GAVE A BRIEF SUMMARY OF THE WORKSHOP DISCUSSION ON THIS ITEM REGARDING THE ROCKWALL COUNTY BICYCLE PLAN PROJECT. HDR ENGINEERING, INC. REPRESENTATIVE BRIAN CLARK AND INNOVATIVE TRANSPORTATION SOLUTIONS, INC. REPRESENTATIVE CLAUD "BUZ" ELSOM DISCUSSED WITH THE COURT THE AGREEMENT WITH HDR ENGINEERING, INC. AND ROCKWALL COUNTY FOR THE COUNTY BICYCLE PLAN. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC. TO PROVIDE ENGINEERING SERVICES FOR THE ROCKWALL COUNTY BICYCLE PLAN PROJECT #8 IN THE AMOUNT OF \$58,584.62 TO BE PAID OUT OF THE 2008 ROAD BOND AUTHORIZATION.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 TO APPROVE AN ASSIGNMENT AND ASSUMPTION LETTER REGARDING THE MERGER OF BUCHER, WILLIS & RATLIFF CORPORATION (BWR) AND H.W. LOCHNER, INC. (LOCHNER) WHICH AUTHORIZES THE ASSIGNMENT OF BWR CONTRACTS TO LOCHNER.

ITEM # 9

THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER GRINNAN WITH A VOTE OF 4-0 IN FAVOR OF APPROVING AN AGREEMENT WITH JOHNSTON RAMSAY ARCHITECTURE AND CONSTRUCTION TO PROVIDE ARCHITECTURAL SERVICES FOR THE REMODELING OF THE GOVERNMENT CENTER BUILDING AT A COST NOT TO EXCEED \$24,500.00. COMMISSIONER MAGNESS NOTED THAT THE TERMINATION CLAUSE IS RATHER SOFT BUT HE WOULD VOTE IN FAVOR BECAUSE HE DIDN'T THINK THERE WOULD BE ANY PROBLEM. ASSISTANT DISTRICT ATTORNEY JONATHAN THATCHER STATED THAT AS WRITTEN IT DOES PROVIDE SOME OUT FOR THE COUNTY AND ALTHOUGH THE CLAUSE ISN'T AS STRONG AS IT COULD BE HE THOUGHT THE WORDING WAS SUFFICIENT.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE AMENDED CAPITAL ASSET AND EQUIPMENT REQUISITION POLICY FOR ROCKWALL COUNTY.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH A VOTE OF 4-0 IN FAVOR OF RESCINDING A PREVIOUS AGREEMENT APPROVED ON DECEMBER 28, 2010 AND TO APPROVE A REVISED INTERLOCAL AGREEMENT WITH THE CITY OF ROCKWALL FOR

SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ROCKWALL.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY FOR DISCUSSION WITH A VOTE OF 4-0 IN FAVOR OF APPROVING THE FEE OF \$150.00 FOR AN ANNUAL COMMERCIAL FIRE INSPECTION AT EACH BUSINESS LOCATION WITHIN THE COUNTY TO BE PERFORMED BY BUREAU VERITAS (BV). THE COUNTY WILL PAY BV \$125.00 FOR EACH PERFORMED INSPECTION PURSUANT TO THE AGREEMENT DATED OCTOBER 12, 2010 BETWEEN THE COUNTY AND BV. HEALTH COORINATOR RON MERRITT DISCUSSED WITH THE COURT QUESTIONS REGARDING THE VERBIAGE OF THE MOTION AND THE REASONING BEHIND THE \$150.00 CHARGE TO BUSINESSES FOR FIRE INSPECTIONS.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 TO APPROVE THE ROCKWALL COUNTY VETERANS MEMORIAL OWNER AGREEMENT AMENDMENT #01 ESTABLISHING THE GUARANTEED MAXIMUM PRICE AND INCLUDES AMENDMENTS 1, 2, 3 AND ATTACHMENTS A-E.

ITEM #14

COMMISSIONER GRINNAN GAVE THE COURT AN UPDATE ON THE VETERANS MEMORIAL CEREMONY SCHEDULED FOR THIS EVENING. THIS WAS A DISCUSSION ITEM ONLY.

*JUDGE HOGAN RECESSED THE MEETING AT 10:18 A.M. TO RECONVENE AFTER THE EXECUTIVE SESSION TODAY.

*JUDGE HOGAN RECALLED THE MEETING TO ORDER AT 10:30 A.M.

ITEM #15

EXECUTIVE SESSION FROM 10:20 A.M. TO 10:28 A.M.

1. Consult with legal counsel regarding pending or contemplated litigation, settlement offers and/or matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071);
2. Discussion of personnel matters for an employee within the Information Technology Department (Tex. Gov't Code §551.074);

ITEM #16

ACTION OF THE EXECUTIVE SESSION

NO ACTION TAKEN.

ITEM #17

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF CREATING A TEMPORARY POSITION IN THE INFORMATION TECHNOLOGY DEPARTMENT TO BE EFFECTIVE IMMEDIATELY AND PAID FROM WITHIN THE CURRENT BUDGETED AMOUNTS.

ITEM #18

COMMISSIONER GRINNAN REQUESTED TO SET ASIDE APPROVING ITEM 18(a), MINUTES OF THE PREVIOUS MEETINGS, DUE TO THE FACT THAT THEY WERE RECEIVED LATE AND THAT COMMISSIONER WIMPEE WAS ABSENT. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY

COMMISSIONER GRINNAN WITH A VOTE OF 4-0 IN FAVOR OF APPROVING THE
FOLLOWING CONSENT AGENDA ITEMS:

- b) Co. Clerk , Mar-11 fee report(s);
- c) District Clerk, Mar-11 fee report (s);
- d) J.P. Pct. 2, Mar-11 monthly judicial activity report(s);
- e) Indigent Health, Jan-11 expenditure/case report(s);
- f) Co. Treasurer, Mar-11 monthly report(s);
- g) Co. Tax Assessor-Collector, Mar-11 monthly activity/expense report(s);
- h) Co. Agent, Mar-11 activity expense report(s);
- i) Co. Auditor, Acknowledge merger of Post, Buckley, Schuh & Jernigan, Inc., d/b/a PBS&J with Atkins North America, Inc as of April 1, 2011;
- j) Co. Auditor, Approve payment to Brinkley Sargent Architects for March 2011 architectural services on the new Rockwall County Courthouse in the amount of \$40,533.62;
- k) Co. Auditor, Approve payment to PBS&J for engineering services provided during January and February 2011 at FM 549 from SH 66 to IH 30 in the amount of \$28,194.70;
- l) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during February 2011 at FM 549 from SH 276 to SH 205 in the amount of \$12,689.59;
- m) Co. Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services rendered during March 2011 at the FM549/I30 interchange in the amount of \$11,802.85;
- n) Co. Auditor, Approve payment to Halff Associates, Inc. for engineering services provided during March 2011 at SH 66 from SH 205 to FM 1777 in the amount of \$40,560.48;
- o) Co. Auditor, Approve payment to H.W. Lochner, Inc. a BWR Division for engineering services provided December 2010 thru January 2011 at FM 740 from FM 1140 to FM 549 in the amount of \$50,438.42;
- p) Co. Auditor, Feb-11 monthly report(s);

ITEM #19

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY
COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF
APPROVING THE FOLLOWING PROPERTY ACQUISTIONS/DISPOSITIONS:

- A. Information Technology to purchase from Capital Outlay: Cisco equipment for main hub/new courthouse including delivery @ a quoted cost of \$30,595.74.
- B. Justice of the Peace #2 to purchase from Justice Court Technology Fund: computer system, printer and copier for courtroom @ an estimated cost of \$2,800.00.
- C. 382nd District Court to transfer to Salvage: law books.
- D. District Attorney to transfer to Salvage: law books and miscellaneous items.

- E. Various Departments to transfer to Salvage: various obsolete equipment/ furnishings/miscellaneous items.

ITEM #20

NON-EMERGENCY BUDGET TRANSFER(S);

NONE

ITEM #21

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$251,080.09; COMMISSIONER BAILEY ABSTAINED. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$331,721.29. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$507,209.04 FOR THE PAY PERIOD ENDING APRIL 16, 2011.

ITEM #22

JUDGE HOGAN MADE THE FOLLOWING ANNOUNCEMENTS:

THE GROUNDBREAKING FOR THE NEW VETERANS MEMORIAL IS SCHEDULED FOR 5:00 P.M. TONIGHT, APRIL 26, 2011. JUDGE HOGAN NOTED THAT THIS WILL BE A SIGNIFICANT EVENT AND HE HOPES THAT AS MANY PEOPLE AS POSSIBLE CAN ATTEND.

THE SECOND JUDGES TOWN HALL MEETING WILL BE HELD APRIL 27, 2011 AT 7:00 P.M. AT LAKE POINTE MEDICAL CENTER IN ROWLETT.

THE MASTER PLANNING MEETING WILL BE HELD THURSDAY, APRIL 28, 2011 AT 6:30 P.M. AT THE LIBRARY. OVER ONE HUNDRED AND TEN CITIZENS HAVE VOLUNTEERED TO SERVE ON THE COMMITTEE TO DATE. INFORMATION PRESENTED TO THE PARTICIPANTS CAN BE FOUND ON THE ROCKWALL COUNTY WEBSITE.

ITEM #29

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN ADJOURNED THE MEETING AT 10:22 A.M.

SHELLI MILLER,
ROCKWALL COUNTY CLERK