

**COMMISSIONERS COURT
NOVEMBER 8, 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
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 WIMPEE.

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

JUDGE HOGAN ASKED IF ANYONE PRESENT WISHED TO ADDRESS THE
COURT. THE FOLLOWING CITIZENS SPOKE:

PAST CITY OF ROCKWALL MAYOR BILL CECIL SPOKE TO THE COURT ON
BEHALF OF THE FRIENDS OF THE LIBRARY AND HIMSELF AND ASKED THE
COURT TO CONSIDER NOT MOVING THE COUNTY EXTENSION AGENT TO THE
LIBRARY AND TO LEAVE THE TECHNOLOGY DEPARTMENT THERE. HE WENT
ON TO APPLAUD THE COURT FOR THEIR EFFORTS TO SAVE THE COUNTY
MONEY.

ROCKWALL COUNTY CITIZEN NELL WELBORN SPOKE TO THE COURT
REGARDING THE LONG RANGE PLANS THAT HAD BEEN MADE FOR

RELOCATION OF COUNTY OFFICES. MS. WELBORN STATED HER CONCERNS WITH THE COURT LOSING CREDIBILITY DUE TO CHANGING DIRECTION AFTER MAKING A FIRM DECISION. SHE WENT ON TO ADDRESS HER CONCERNS WITH RELOCATING COUNTY DEPARTMENTS TO BUILDINGS THAT WEREN'T DESIGNED FOR THEIR PARTICULAR USE.

ITEM #1

COMMISSIONER BAILEY UPDATED THE COURT ON THE PROGRESS BEING MADE ON THE COMPLETION OF WORK AT THE NEW COURTHOUSE. THE JUSTICE OF THE PEACE OFFICES ARE CURRENTLY BEING MOVED INTO THE NEW COURTHOUSE. THEY ARE THE LAST OFFICES TO BE MOVED. REPAIRS ARE BEING MADE TO CONCRETE AT THE ENTRANCE AND TO DIFFERENT NIGHT LIGHTING ISSUES. COMMISSIONER WIMPEE WILL START THE PROCESS OF CREATING A POLICY FOR THE INTERIOR OF THE BUILDING. MAINTENANCE MANAGER LUIS GUZMAN WILL PLACE "NO SMOKING" SIGNS AROUND THE BUILDING. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKEN.

ITEM #2

THIS ITEM REGARDING APPOINTING COMMISSIONER BAILEY TO THE TEXAS CONFERENCE OF URBAN COUNTIES (CUC) POLICY COMMITTEE WAS MOVED TO LATER IN THE MEETING TO ALLOW AN UPDATED RESOLUTION TO BE PREPARED.

ITEM #3

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE FOR DISCUSSION, TO ADOPT THE ORDER

REGULATING PROTESTS/DEMONSTRATIONS ON COUNTY PROPERTIES AS PRESENTED BY ASSISTANT DISTRICT ATTORNEY JON THATCHER. AFTER DISCUSSION THE COURT VOTED 5-0 IN FAVOR.

ITEM #4

THE COURT DISCUSSED ASSIGNING OFFICE SPACE IN THE NEW COURTHOUSE.

*JUDGE HOGAN RECESSED THE MEETING AT 9:38 A.M.

*JUDGE HOGAN RECALLED THE MEETING AT 9:45 A.M.

DISCUSSION CONTINUED REGARDING OFFICE SPACE IN THE NEW COURTHOUSE. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF LOCATING THE VETERANS SERVICES OFFICER IN ONE OF THE CURRENT LAWYER INTERVIEW ROOMS ON THE FOURTH FLOOR OF THE NEW COURTHOUSE. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF THE CENTRALIZED COLLECTION MANAGER TO REPORT TO THE DISTRICT CLERK AND BE OFFICED IN THE CURRENT PASSPORT OFFICE ON THE SECOND FLOOR OF THE NEW COURTHOUSE ADJACENT TO THE DISTRICT CLERK'S OFFICE. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF BUILDING OUT THE SPACE BEHIND THE DISTRICT ATTORNEY'S OFFICES ON THE SECOND FLOOR OF THE NEW COURTHOUSE FOR THE COUNTY AUDITOR. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER

MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF MOVING THE HUMAN RESOURCE DEPARTMENT TO ONE OF THE FUTURE LAWYER INTERVIEW ROOMS TO BE LOCATED ON THE THIRD FLOOR OF THE NEW COURTHOUSE. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF LOCATING THE INDIGENT HEALTH OFFICE WITH THEIR ENTRANCE OFF OF THE PUBLIC ELEVATORS AND THE COUNTY TREASURER WITH THEIR ENTRANCE OFF THE EMPLOYEE ELEVATOR IN THE SPACE TO BE BUILT ON THE THIRD FLOOR AS DEPICTED IN DRAWINGS PRESENTED BY JOHNSTON RAMSEY ARCHITECTURE REPRESENTATIVE ROSS RAMSEY. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF KEEPING THE TECHNOLOGY DEPARTMENT IN THE LIBRARY AND LOCATING THE COUNTY EXTENSION AGENT IN OFFICES TO BE BUILT USING EXISTING AVAILABLE BOND MONEY AT THE COUNTY SERVICES BUILDING, PREVIOUSLY CALLED THE WHITMORE BUILDING,. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN TO STAY WITH MANHATTAN CONSTRUCTION FOR THE CONSTRUCTION OF EXTRA OFFICE SPACE NEEDED IN THE NEW COURTHOUSE AND ONCE COMMISSIONER BAILEY HAS NEGOTIATED A PRICE WITH MANHATTAN IT WILL BE BROUGHT BACK TO THE COURT FOR APPROVAL. COMMISSIONER BAILEY RESTATED HIS MOTION TO AUTHORIZE COMMISSIONER BAILEY TO NEGOTIATE THE CONSTRUCTION OF APPROVED NEW OFFICE ADDITIONS WITH MANHATTAN CONSTRUCTION AND BRING DOCUMENTS AND PRICING

BACK TO THE COURT FOR APPROVAL. THE COURT VOTED 5-0 IN FAVOR. THE MOTION WAS MADE BY JUDGE HOGAN FOR ROSS RAMSAY OF JOHNSTON RAMSAY ARCHITECTURE TO COMPLETE CONSTRUCTION DRAWINGS AND THE CONSTRUCTION MANAGEMENT ON THE PREVIOUS MOTION FOR CONSTRUCTION AT THE COUNTY SERVICES BUILDING AND THE NEW COURTHOUSE AT A COST OF \$11,000 FOR THE DRAWING AND \$1,000 FOR CONSTRUCTION MANAGEMENT. THE MOTION DIED FOR LACK OF A SECOND. THE ITEM WILL BE READDRESSSED FOR ACTION AT THE MEETING NEXT WEEK.

ITEM #5

COMMISSIONER GRINNAN GAVE THE COURT AN UPDATE ON THE PLANS FOR THE VETERANS MEMORIAL DEDICATION AND THE NEW COURTHOUSE OPEN HOUSE AND DISCUSSED THE SCHEDULE FOR PICTURES TO BE TAKEN OF ELECTED OFFICIALS AND DEPARTMENT HEADS. ALL PLANS ARE IN PLACE AND READY TO GO. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKEN.

ITEM #6

THE MOTION WAS MADE BY COMMISSIONER MAGNESS AND SECONDED BY COMMISSIONER GRINNAN FOR DISCUSSION TO APPROVE THE INDIGENT DEFENSE FORMULA GRANT FOR FISCAL YEAR 2012 FOR THE IMPROVEMENT OF INDIGENT DEFENSE SERVICES IN ROCKWALL COUNTY. AFTER DISCUSSION COMMISSIONER MAGNESS WITHDREW THE MOTION. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF

APPROVING THE INDIGENT DEFENSE FORMULA GRANT FOR FISCAL YEAR 2012 FOR THE IMPROVEMENT OF INDIGENT DEFENSE SERVICES IN ROCKWALL COUNTY AND TO INCLUDE THE EXECUTION OF THE ATTACHED RESOLUTION.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A NOTIFICATION LETTER OF CANCELLATION OF LEASE AGREEMENT TO BENBROOKE RIDGE PARTNERS, L.P., FOR THE DPS OFFICE LOCATED AT 1111 RIDGE ROAD EFFECTIVE DECEMBER 31, 2011.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF AMENDING THE PREVIOUS AWARD TO LIBRA-TECH INCREASING THE AWARDED AMOUNT BY \$2,504.00 FOR A TOTAL AMOUNT OF \$13,232.00 TO CORRECT AN ERROR IN ADDITION ON THE ORIGINAL BID PRESENTED BY LIBRATECH. THE NEW TOTAL AMOUNT OF THE BID WAS STILL THE LOWEST BID RECEIVED.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A NOTIFICATION LETTER OF CANCELLATION OF LEASE AGREEMENT TO SOROPTIMIST HOUSE FOR THE COUNTY EXTENSION AGENT OFFICE LOCATED AT 1350 EAST WASHINGTON STREET EFFECTIVE DECEMBER 31, 2011.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A RENEWAL AND MODIFICATION OF LEASE AGREEMENT LETTER TO MCCALLUM V LTD., FOR THE ELECTIONS OFFICE LOCATED AT 107 EAST KAUFMAN EFFECTIVE JANUARY 1, 2012 AND THAT THE PRESENTED LETTER WILL BE REVISED TO STATE SEPTEMBER 30, 2014 INSTEAD OF SEPTEMBER 30, 2012.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING THE PROPOSAL FROM JOHNSTON RAMSAY ARCHITECTURE AND CONSTRUCTION FOR PROVIDING ADDITIONAL INTERIOR MODIFICATION ARCHITECTURE SERVICES AT THE GOVERNMENT CENTER AT A FEE OF \$4,800.00. COMMISSIONER BAILEY VOTED AGAINST.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AN INCREASED TOTAL PROJECT COST FOR THE CONTROL ROOM PROJECT AT THE LAW ENFORCEMENT CENTER TO \$202,500.00.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF

APPROVING THE AGREEMENT FROM TURTLECREEK LANDSCAPE SERVICES FOR LAWN FERTILIZATION, IRRIGATION INSPECTION AND TREE FERTILIZATION SERVICES AT THE COUNTY LIBRARY AT AN ANNUAL COST OF \$10,218.00. COMMISSONER MAGNESS VOTED AGAINST.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING THE AGREEMENT FROM TURTLECREEK LANDSCAPE SERVICES FOR LAWN FERTILIZATION, IRRIGATION INSPECTION AND TREE FERTILIZATION SERVICES AT THE NEW COURTHOUSE AT AN ANNUAL COST OF \$8,314.94. COMMISSONER MAGNESS VOTED AGAINST.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING THE AGREEMENT FROM TURTLECREEK LANDSCAPE SERVICES FOR LAWN CARE AND SPRINKLER MAINTENANCE AT THE VETERANS MEMORIAL AT AN ANNUAL COST OF \$5,084.64. COMMISSONER MAGNESS VOTED AGAINST.

ITEM #2 - READDRESSED

THE MOTION WAS MADE BY COMMISSIONER GRINAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A RESOLUTION APPOINTING COMMISSIONER BAILEY TO THE TEXAS CONFERENCE OF URBAN COUNTIES (CUC) POLICY COMMITTEE.

ITEM #16

EXECUTIVE SESSION FROM 11:05 A.M. TO 11:55 A.M.

- Discussion of purchase, exchange, lease, or value of real property (Texas Govt. Code §551.072), and all related issues;
- Discussion of personnel matters related to the Road and Bridge Administrator and Manager and the part time Library Assistant (Texas Government Code §551.074), and all related issues;

*JUDGE HOGAN RECALLED THE MEETING AT 11:55 A.M.

ITEM #17

ACTION FROM THE EXECUTIVE SESSION;

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF AUTHORIZING PAYMENT TO WAYNE HENSLEY FOR DIFFERENTIAL PAY IN THE GROSS AMOUNT OF \$5,000.00 AND RON MERRITT FOR DIFFERENTIAL PAY IN THE GROSS AMOUNT OF \$2,500.00 FOR ADMINISTRATIVE DUTIES PERFORMED IN THE ROAD AND BRIDGE DEPARTMENT. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-1 IN FAVOR OF AUTHORIZING PAYMENT TO EMPLOYEE GLORIA BISHOP OF THE COUNTY LIBRARY FOR SEVERENCE PAY OFFERED AS PART OF THE FY2012 REDUCTION IN FORCE PACKAGE IN THE AMOUNT OF \$4,442.38. COMMISSIONER WIMPEE VOTED AGAINST. COUNTY AUDITOR LISA CONSTANT STATED TO THE COURT THAT FOR THE RECORD SHE DISAGREED WITH THE COURT AND DID NOT RECOMMEND THESE PAYMENTS. SHE SAID THAT THE LIBRARY POSITION IS NOT A SEVERED POSITION AND THAT IN HER OPINION IT DOESN'T ADHERE TO THE COURT'S POLICY ON SEVERENCE. SHE

WENT ON TO SAY THAT THE DIFFERENTIAL PAY SOUNDS LIKE RETROACTIVE PAY. THE MOTION WAS MADE BY COMMISSIONER GRINNAN TO RESCIND THE PRIOR ACTION ON THE DIFFERENTIAL PAY TO WAYNE HENSLEY AND RON MERRITT UNTIL FURTHER REVIEW FROM LEGAL COUNSEL AND THE COUNTY AUDITOR. THE MOTION DIED FOR LACK OF A SECOND.

ITEM #18

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);
- b) Indigent Health, monthly expenditure/case report(s);
- c) Environmental Health Coordinator, monthly activity report(s);
- d) Co. Librarian, activity monthly report(s);
- e) Co. Auditor, Approve payment to Halff Associates, Inc. for engineering services provided during September 2011 at SH 66 from SH 205 to FM 1777 in the amount of \$8,411.35;
- f) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during September 2011 at FM 549 from SH 276 to SH 205 in the amount of \$21,603.37;
- g) Co. Auditor, Approve payment to HNTB Corporation for engineering services provided during September 2011 at FM 552 from SH 205 to SH 66 in the amount of \$4,678.43;
- h) Co. Auditor, Accept Certificate of Substantial Completion from Manhattan Construction Company for construction of the new Rockwall County Courthouse;

ITEM #19

PROPERTY ACQUISITIONS/DISPOSITIONS;

NONE

ITEM #20

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFER(S);

2012-01 - Transfer \$1,715 of funds within the Courthouse Security Fund Budget **TO** Capital Outlay **FROM** Uniforms & Accessories resulting from the purchase of 2 Motorola HT1250 portable radios with accessories and delivery approved by Commissioners Court on October 11, 2011.

2012-02 - Transfer \$5,440 of funds within the Courthouse Construction Fund Budget **TO** Move Coordinator @ \$4,582 & Social Security Taxes @ \$350 & Retirement @ \$412 & Workers Comp @ \$84 & Unemployment @ \$12 **FROM** Services & Fees resulting from work associated with the coordination of the relocation of employees from the Government Center to the new Courthouse incurred in FY2012 and approved by Commissioners Court on May 10, 2011.

ITEM #21

THE MOTION WAS MADE COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$83,264.80. COMMISSIONER BAILEY ABSTAINED. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$445,979.43. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$506,599.23 FOR THE PAY PERIOD ENDING OCTOBER 29, 2011.

ITEM #22

JUDGE HOGAN MADE THE FOLLOWING ANNOUNCEMENTS:

THE EMPLOYEE OPEN HOUSE FOR THE NEW COURTHOUSE IS SCHEDULED FOR THURSDAY, 11/10/11.

THE VETERANS MEMORIAL DEDICATION AND NEW COURTHOUSE OPEN HOUSE FOR THE PUBLIC IS SCHEDULED FOR FRIDAY, 11/11/11.

ITEM #23

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN
ADJOURNED THE MEETING AT 12:05 P.M.

SHELLI MILLER
ROCKWALL COUNTY CLERK