

**COMMISSIONERS COURT
APRIL 13, 2010**

**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:**

CHRIS FLORANCE	COUNTY JUDGE
JERRY WIMPEE	COMMISSIONER PCT #1
LORIE GRINNAN	COMMISSIONER PCT #2-ABSENT
DENNIS BAILEY	COMMISSIONER PCT #3
DAVID MAGNESS	COMMISSIONER PCT #4
LEA CARLSON	CHIEF DEPUTY COUNTY CLERK

THE MEETING WAS CALLED TO ORDER BY JUDGE FLORANCE AT 9:00AM.

THE INVOCATION WAS GIVEN BY COMMISSIONER BAILEY.

THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND

TO THE TEXAS FLAG WERE LED BY COMMISSIONER MAGNESS.

NO GUESTS WERE PRESENT THAT WISHED TO BE RECOGNIZED OR ADDRESS
THE COURT.

ITEM #1

COUNTY AUDITOR LISA CONSTANT GAVE THE COURT A STATUS UPDATE ON
THE BID PROCESS FOR A CONSTRUCTION MANAGER AT RISK FOR THE
ROCKWALL COUNTY VETERANS MEMORIAL.

ITEM #2

COMMISSIONER MAGNESS STATED THAT A WORKSHOP WILL BE HELD ON
TUESDAY APRIL 20, 2010 AT 9:00 A.M. TO DISCUSS THE SEVEN ROAD BOND
ENGINEERING PROJECTS AND THAT RYDER SCOTT WITH THE DALLAS

REGIONAL MOBILITY COALITION ALONG WITH BILL HALE FROM TXDOT AND (ITS) REPRESENTATIVE JOHN POLSTER WILL BE PRESENT TO ANSWER ANY QUESTIONS FROM THE COURT.

ITEM #3

NO ACTION TAKEN REGARDING THE 2010 CENSUS.

ITEM #4

COMMISSIONER MAGNESS GAVE THE COURT AN UPDATE ON THE POSSIBLE RENOVATIONS TO THE COUNTY SERVICES BUILDING.

ITEM #5

COMMISSIONER BAILEY GAVE THE COURT AN UPDATE ON THE PROGRESS OF THE CONSTRUCTION OF THE NEW ROCKWALL COUNTY COURTHOUSE.

ITEM #6

COMMISSIONER MAGNESS LED THE DISCUSSION ON THE PROPOSED IMPROVEMENTS TO HIGHTOWER LANE. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF DETERMINING THAT IMPROVEMENTS TO HIGHTOWER LANE ARE NECESSARY FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF ROCKWALL COUNTY AND PROVIDED THAT THE PROPERTY OWNERS ON HIGHTOWER LANE VOTE IN FAVOR OF THESE ROAD IMPROVEMENTS WILL BE AS FOLLOWS:

- ROAD WILL BE BROUGHT UP TO COUNTY STANDARDS (CHIP SEAL);
- COST OF UPGRADE WILL BE \$60,800.00;
- COST WILL BE DIVIDED EVENLY AMOUNG 23 LOT OWNERS;

- ASSESSMENT LIEN WILL BE PLACED ON EACH PROPERTY FOR PROPORTIONATE SHARE OF COST;
- OWNERS WILL MAKE 60 MONTHLY PAYMENTS, NO INTEREST CHARGED;
- IN THE CASE OF DEFAULT, THE UNPAID PRINCIPAL BALANCE FOR AN OWNER WILL ACCRUE INTEREST AT 5% COMPOUND PER YEAR STARTING WITH THE 61ST MONTH. THE UNPAID PRINCIPAL AND ACCRUED INTEREST WILL BE COLLECTED WHEN THE PROPERTY CHANGES OWNERSHIP.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 3-1 IN FAVOR OF CREATING A NEW POSITION AT PROSECUTOR II LEVEL ONE PAY GRADE, TO CHANGE THE PART-TIME DA INVESTIGATOR POSITION TO A FULL-TIME DA INVESTIGATOR POSITION LEVEL ONE AND TO ALLOCATE THE SUM OF \$6317.00 OUT OF THE CONTINGENCY FUND TO THE DISTRICT ATTORNEY'S OFFICE DEPARTMENTAL FUND TO FINANCE THIS REORGANIZATION ACCORDINGLY. COMMISSIONER MAGNESS VOTED AGAINST.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE TRANSFER OF APPROXIMATELY 2000

CUBIC YARDS OF RECYCLED ASPHALT PAVEMENT TO ROCKWALL COUNTY AT NO COST TO THE COUNTY.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);
- b) Co. Tax Assessor-Collector, March-10 monthly activity/expense report(s);
- c) J.P. Pct. 1, March-10 monthly judicial activity report(s);
- d) Environmental Health Coordinator, March-10 monthly activity report(s);
- e) District Clerk, Mar-10 monthly fee report(s);
- g) Co. Auditor, Feb-10 monthly report;

THE COURT DISCUSSED ITEM F AS A SEPARATE ISSUE REGARDING THE INVOICE PAYMENT TO BRINKLEY SARGENT ARCHITECTS FOR FEBRUARY 2010 ARCHITECTURAL SERVICES. COMMISSIONER WIMPEE EXPRESSED HIS WISH TO WRITE A LETTER TO BRINKLEY SARGENT REQUESTING INFORMATION ON CERTAIN ITEMS. COMMISSIONER BAILEY AGREED WITH COMMISSIONER WIMPEE STATING THAT HE WOULD ALSO LIKE TO INCORPORATE IN THE LETTER SPECIFIC ITEMS AND A TIMELINE THAT COULD BE ENFORCED AS WELL. A MOTION WAS MADE BY COMMISSIONER WIMPEE TO APPROVE THE PRESENTED INVOICE SUBMITTED BY BRINKLEY SARGENT WITHOUT THE \$22,400.00 FOR LANDSCAPING DESIGN. THE MOTION DID NOT RECEIVE A SECOND. COMMISSIONER BAILEY REQUESTED ADVICE FROM ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS REGARDING THE COURTS RIGHT FROM A CONTRACTUAL STANDPOINT TO DEDUCT AN AMOUNT FROM AN INVOICE.

MR. WILLIAMS STATED THAT HE WOULD LIKE TO HAVE AN OPPORTUNITY TO REVIEW THE CONTRACT BEFORE GIVING THE COURT ADVICE ON THE MATTER. COMMISSIONER BAILEY MADE THE MOTION, SECONDED BY COMMISSIONER MAGNESS TO APPROVE THE INVOICE TO BRINKLEY SARGENT IN THE TOTAL AMOUNT OF \$171,763.49 AND THAT THE COURT DRAFT A LETTER TO BRINKLEY SARGENT AND MANHATTAN CONSTRUCTION IDENTIFYING THE COURTS DESIRE FOR A TIMELINE FOR COMPLETION OF PROJECTS GOING FORWARD AND DOCUMENTATION THAT THE COURT WILL REQUIRE BEFORE APPROVAL OF FUTURE INVOICES. THE COURT VOTED 2-2 WITH COMMISSIONER MAGNESS AND COMMISSIONER BAILEY VOTING FOR AND COMMISSIONER WIMPEE AND JUDGE FLORANCE VOTING AGAINST THE MOTION. COUNTY AUDITOR LISA CONSTANT SUGGESTED THE COURT RECESS TO REVIEW THE CONTRACT THEN ADDRESS THE MATTER AFTER THE RECESS. JUDGE FLORANCE AGREED STATING THAT THE COURT WILL DISCUSS/ACT ON THE OTHER MATTERS ON THE AGENDA THEN RECESS TO REVIEW THE CONTRACT.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISITIONS/DISPOSITIONS;

- A. Information Services to purchase from the Information Services General Fund budget: Apple MacBook Pro Core 2 Duo laptop computer including shipping @ a quoted cost of \$1,196.85.
- B. County Sheriff to purchase from FY2005 Capital Purchases Fund: 2010 Dodge Charger (replacement vehicle from insurance claim) including delivery and installation of equipment @ an estimated cost of \$21,500.00.

- C. District Clerk transfer to Information Services: HP LaserJet P3005N printer.
- D. Surplus transfer to Human Resources: (4) File cabinets.
- E. District Attorney transfer to Surplus: (18) Law books.
- F. County Sheriff transfer to Surplus: 2005 Ford Crown Victoria.
- G. County Sheriff transfer to Surplus: 2005 Ford Crown Victoria.
- H. County Sheriff transfer to Surplus: 2005 Ford Crown Victoria.
- I. County Sheriff transfer to Surplus: 2005 Ford Crown Victoria.
- J. County Jail transfer to Surplus: 1999 Ford Crown Victoria.
- K. County Jail transfer to Surplus: 2001 Ford Crown Victoria.
- L. County Jail transfer to Surplus: 2003 Chevy Impala.
- M. County Jail transfer to Surplus: 7020 Konica copier.
- N. Emergency Management transfer to Surplus: 2003 Ford Crown Victoria.
- O. Road & Bridge transfer to Surplus: 2000 Dynapac Compactor.
- P. Road & Bridge transfer to Surplus: 2000 International 4700 Dump Truck.
- Q. Various Departments transfer to Surplus: Miscellaneous computer monitors/displays, CPUs, janitorial equipment, chairs, desks, tables and miscellaneous items.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFER(S):

2010-20 - Transfer \$1,650 of funds **TO** General Fund/Maintenance & Operations/ Capital Improvements **FROM** General Government/Contingency resulting from the installation of drains for roof improvements at the Adult Probation Building approved by the Commissioners Court.

ITEM #12

COUNTY AUDITOR LISA CONTANT STATED THAT SHE WOULD HOLD THE ANNOUNCEMENT OF UNPAID CLAIMS UNTIL AFTER THE RECESS TODAY. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$12,552.97. COMMISSIONER BAILEY ABSTAINED. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$483,171.62 FOR THE PAY PERIOD ENDING MARCH 20, 2010. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$497,131.05 FOR THE PAY PERIOD ENDING APRIL 3, 2010.

*JUDGE FLORANCE RECESSED THE MEETING AT 9:35 A.M. UNTIL 10:15 A.M.

*JUDGE FLORANCE RECALLED THE MEETING TO ORDER AT 10:18 A.M.

ITEM #9 (F) RE-ADDRESSED

ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS STATED THAT THE CONTRACT BETWEEN ROCKWALL COUNTY AND BRINKLEY SARGENT READS THAT EACH DAY AN INVOICE IS NOT PAID AFTER 30 DAYS OF THE DATE ON THE INVOICE INTEREST WILL ACCRUE. MR. WILLIAMS FURTHER STATED THAT ANOTHER SECTION OF THE CONTRACT GIVES A FIFTEEN DAY PERIOD TO CHALLENGE AN INVOICE AFTER IT HAS BEEN PAID. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH

THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT
AGENDA ITEM:

f) Co. Auditor, Approve payment to Brinkley Sargent Architects for February 2010
Architectural services on the new Rockwall County Courthouse in the amount of
\$171,763.49;

ITEM #12 RE-ADDRESSED

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY
COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF
APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$673,251.55.

ITEM #13

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE
FLORANCE ADJOURNED THE MEETING AT 10:23 A.M.

LEA CARLSON, CHIEF DEPUTY
ROCKWALL COUNTY CLERK