

**COMMISSIONERS COURT
JUNE 22, 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
DENNIS BAILEY	COMMISSIONER PCT #3-ABSENT
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 DAVID MAGNESS.

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

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

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY
COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF
APPROVING THE APPOINTMENT OF JAMES ERVIN TO THE LAKES REGIONAL
MHMR CENTER BOARD OF TRUSTEES.

ITEM #18

THE MOTION MADE BY COMMISSIONER WIMPEE, SECONDED BY
COMMISSIONER MAGNESS WITH THE COURT VOTING 3-1 IN FAVOR OF

APPROVING A LIMITED NOTICE TO PROCEED #2 WITH MANHATTAN CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE NEW COURTHOUSE. COMMISSIONER GRINNAN VOTED AGAINST ASKING THE COURT TO RECONSIDER A PREVIOUS VOTE TO INCREASE THE SCOPE OF THE COURTHOUSE PROJECT. COMMISSIONER GRINNAN STATED THAT IN HER OPINION EITHER THE SQUARE FOOTAGE OR THE CHOICE OF MATERIALS OR BOTH NEED TO BE REDUCED IN ORDER TO BRING THE COSTS OF THIS PROJECT DOWN AND THAT THE EXCESS SQUARE FOOTAGE WILL NOT BE NEEDED FOR MANY, MANY YEARS AND IT ONLY MAKES SENSE TO BUILD IT NOW IF WE CAN AFFORD TO FINISH IT OUT AND USE SOME OF IT IN THE INTERIM. COMMISSIONER GRINNAN GAVE THE EXAMPLE OF THE DOME BEING A FEATURE THAT CAN BE REDUCED OR ELIMINATED STATING THAT IT IS A COMPLETELY UNNECESSARY AND OVER THE TOP EXPENDITURE AND THAT SHE IMPLORES THE COURT TO RECONSIDER THIS GROSS MISUSE OF TAXPAYER DOLLARS. COMMISSIONER GRINNAN FURTHER STATED THAT THERE IS NO DENYING THAT A NEW COURTHOUSE IS NEEDED BUT THAT THE COURT HAS A RESPONSIBILITY TO THE TAXPAYERS TO ACHIEVE THE GOAL IN PROVIDING A NEW FACILITY IN A MORE ECONOMICAL SOLUTION. COMMISSIONER MAGNESS COMMENDED THE COURT ON WORKING THROUGH A DIFFICULT PROCESS OF PUTTING TOGETHER A BUILDING THAT IS ADEQUATE FOR ROCKWALL COUNTY AS IT GROWS AND THAT WILL ACTUALLY LAST FOR MANY, MANY, MANY YEARS WHICH IS SOMETHING THAT IS NOT USUALLY DONE THESE DAYS AND THAT WE SEE SO MANY TIMES WHEN

GOVERNMENTS BUILD BUILDINGS THAT ARE ADEQUATE FOR THE DATE OF MOVE IN BUT THEN ARE INADEQUATE JUST A FEW YEARS LATER.

COMMISSIONER MAGNESS FURTHER STATED THAT HE THINKS THE COURT HAS SHOWN GREAT FORESIGHT WITH THE PLAN THAT HAS BEEN TAKEN THROUGH CAREFUL CONSIDERATION WITH THE ARCHITECTUAL TEAM, CONSTRUCTION TEAM AND THE COURT; HE THINKS THEY'VE DONE A VERY GOOD JOB.

ITEM #2

TODD WILLIAMS COUNTY EXTENSION AGENT GAVE THE COURT A PRESENTATION ON "KEYS TO THE COURTHOUSE," THE NEW EXTENSION CURRICULUM FOR COUNTY GOVERNMENT.

ITEM #3

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE ROCKWALL COUNTY SHERIFF'S DEPARTMENT PARTICIPATION AS A HOST SITE FOR THE SHERIFF'S ASSOCIATION OF TEXAS TECHNOLOGY COMMITTEE. SHERIFF EAVENSON CONFIRMED THAT THIS DID NOT OBLIGATE THE COUNTY FINANCIALLY IN ANY WAY.

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING ROCKWALL COUNTY DETENTION OFFICERS PAUL MARTEL AND HART LUCAS (FIRST RESPONDERS OF THE DISTURBANCE CONTROL TEAM)

ATTENDING THE LESS-LETHAL INSTRUCTOR PROGRAM IN LAKE CHARLES, LA JULY 11-16, 2010. COUNTY AUDITOR LISA CONSTANT STATED THAT THE UNPAID CLAIMS AMOUNT FOR TODAY WILL NEED TO BE CHANGED TO INCLUDE THESE EXPENSES IN THE AMOUNT OF APPROXIMATELY \$2529.85.

ITEM #5

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN REGARDING THE EXPENDITURE OF THE DISTRICT ATTORNEY'S FORFEITURE FUND.

ITEM #6

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKEN REGARDING WEBCASTING THE ROCKWALL COUNTY COMMISSIONERS COURT MEETINGS.

ITEM #7

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN REGARDING THE ROCKWALL COUNTY VETERANS MEMORIAL.

ITEM #8

THIS ITEM WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

ITEM #9

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN REGARDING ROADS AND ROAD BOND ISSUES.

ITEM #10

NO ACTION TAKEN REGARDING THE 2010 CENSUS.

ITEM #11

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN REGARDING COUNTY SPACE ISSUES.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 3-1 IN FAVOR OF APPROVING AN AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC FOR THE EXTENSION OF COMPANY DELIVERY SYSTEM FACILITIES AT THE NEW COURTHOUSE SITE. JUDGE FLORANCE VOTED AGAINST.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AN AGREEMENT WITH DANNENBAUM ENGINEERING COMPANY-DALLAS, LLC TO PROVIDE ENGINEERING SERVICES FOR THE FM 549 FROM SH 276 TO SH 205 ROAD PROJECT #6 IN THE AMOUNT OF \$535,223.76 TO BE PAID OUT OF THE 2008 ROAD BOND AUTHORIZATION.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FY2011 TEXAS VINE ANNUAL MAINTENANCE GRANT CONTRACT IN THE AMOUNT OF \$18,283.00 WITH THE ATTORNEY GENERAL'S OFFICE EFFECTIVE SEPTEMBER 1, 2010.

ITEM #15

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

APPROVING THE TEXAS VINE SERVICE AGREEMENT WITH APPRISS FOR FY2011 IN THE AMOUNT OF \$18,283.00 TO BE PAID WITH GRANT MONIES RECEIVED THROUGH THE OFFICE OF THE ATTORNEY GENERAL.

ITEM #16

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AGREEMENTS INCLUDING AN AIA DOCUMENT A121 – OWNERS AGREEMENT AND AN AIA DOCUMENT A201 – GENERAL CONDITIONS AGREEMENT WITH MANHATTAN CONSTRUCTION COMPANY TO BE THE CONSTRUCTION MANAGER AT RISK FOR THE CONSTRUCTION OF THE NEW ROCKWALL COUNTY VETERANS MEMORIAL.

ITEM #17

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A PROPOSAL WITH BUREAU VERITAS TO PERFORM PLAN REVIEW AND INSPECTIONS FOR THE NEW ROCKWALL COUNTY COURTHOUSE OF \$96,033.84.

ITEM #19

EXECUTIVE SESSION: 9:40A.M.-10:25 A.M.

- **DISCUSSION OF PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY, AND ALL RELATED ISSUES;**

ITEM #20

ACTION OF EXECUTIVE SESSION;

NO ACTION TAKEN.

ITEM #21

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

- a) Minutes of previous meeting(s);
- b) Co. Clerk, May-10 fee report(s);
- c) District Clerk, May-10 fee report (s);
- d) J.P. Pct. 2, May-10 monthly judicial activity report(s);
- e) Co. Tax Assessor-Collector, May-10 monthly activity/expense report(s);
- f) Co. Treasurer, Receive Treasurer's property tax revenue analysis report as of 5/31/2010;
- g) Co. Agent, Apr/May-10 activity expense report(s);
- h) District Judge , Acknowledge for the record the Court Order and Oath of Office appointing Sandy Amelia Withrow as Assistant to the Rockwall County Auditor;
- i) Co. Auditor, Approve payment to Manhattan Construction Company for preconstruction services on the new Rockwall County Courthouse in the amount of \$5,667.34;
- j) Co. Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services rendered during April 2010 at the FM549/I30 interchange in the amount of \$3,643.60;

ITEM #22

APPROVAL OF TREASURERS MONTHLY REPORT(S);

NONE.

ITEM #23

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

- A. Courthouse Security to purchase from the General Government General Fund: (4) Cameras and (1) 4 Camera Triplex DVR @ an actual cost of \$1,025.64. (Emergency Purchase)
- B. County Sheriff to purchase from the County Sheriff General Fund: NEC 42" LCD Display Security Monitor @ an actual cost of \$1,351.97. (Emergency Purchase)

ITEM #24

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

2010-22 - Transfer \$540 of funds within the Justice of the Peace #1 General Fund Budget **TO** Capital Outlay **FROM** Visiting Judges/Arraignments resulting from the purchase of (2) 4-drawer legal file cabinets with locks including delivery approved by the Commissioners Court on May 25, 2010.

2010-23 - Transfer \$1,715 of funds within the District Attorneys General Fund Budget **TO** Capital Outlay **FROM** Gas, Oil & Maintenance resulting from the purchase of a Computer System with software, monitor & a refurbished HP LaserJet printer approved by the Commissioners Court on May 25, 2010.

ITEM #25

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$63,538.20. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$347,946.41. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$502,364.41 FOR THE PAYPERIOD ENDED JUNE 12, 2010.

*JUDGE FLORANCE RECESSED THE MEETING AT 10:28 A.M. UNTIL AFTER THE WORKSHOP TODAY.

*JUDGE FLORANCE RECALLED THE MEETING TO ORDER AT 11:35 A.M.

ITEM #8 RE-ADDRESSED

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A CONTRACT WITH CMJ ENGINEERING, INC. FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR THE NEW ROCKWALL COUNTY COURTHOUSE WITH THE COUNTY AUDITOR BEING SATISFIED THAT THE LANGUAGE IN THE CONTRACT INCLUDE THE COUNTY'S NORMAL PAYMENT SCHEDULE AND TERMS.

ITEM #26

JUDGE FLORANCE WANTED TO MAKE A STATEMENT SAYING THAT SOMETIMES THE PUBLIC IS CONFUSED ON HOW THE COURT HAS GOTTEN TO THIS POINT ON THE CONSTRUCTION OF THE NEW COURTHOUSE AND THAT THE BEAUTY OF COUNTY GOVERNMENT IS THAT WE HAVE A RECORD. SOMETIMES STATEMENTS ARE MADE THAT ARE UNTRUE. IF YOU HAVE QUESTIONS AS TO WHY WE ARE AT THIS POINT IN THE PROCESS AND WHICH COMMISSIONER HAS VOTED ON WHAT ITEMS THERE IS A REMEDY TO FINDING WHAT IS FACTUAL AND WHAT ISN'T. THERE BEING NO FURTHER BUSINESS BEFORE THE COURT JUDGE FLORANCE ADJOURNED THE MEETING AT 11:39 A.M.

LEA CARLSON, CHIEF DEPUTY
ROCKWALL COUNTY CLERK