

**COMMISSIONERS COURT  
SEPTEMBER 28, 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:**

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

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

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 FLORANCE CALLED VIVIAN CRAIG FORWARD TO ADDRESS THE COURT.

**ITEM #1**

ROCKWALL COUNTY EXTENSION AGENT TODD WILLIAMS READ TO THE COURT  
A PROPOSED PROCLAMATION HONORING THE 4-H YOUTH DEVELOPMENT  
PROGRAM OF TEXAS AGRILIFE EXTENSION SERVICE FOR PROVIDING  
EXPERIENCE BASED EDUCATION TO YOUNGSTERS THROUGHOUT THE LONE  
STAR STATE. THE MOTION WAS MADE BY COMMISSIONER MAGNESS,  
SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN  
FAVOR OF APPROVING THE PROCLAMATION FOR NATIONAL 4-H WEEK  
OCTOBER 3-9, 2010.

**ITEM #2**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING TODD WILLIAMS TO ATTEND THE NAE4-HA NATIONAL CONFERENCE OCTOBER 24-28, 2010, IN PHOENIX, AZ WITH THE EXPENSE TO BE PAID OUT OF THE FY2011 BUDGET.

**ITEM #3**

ROCKWALL COUNTY EXTENSION AGENT TODD WILLIAMS INTRODUCED HIS DISTRICT ADMINISTRATOR HURLEY MILLER WHO GAVE THE COURT AN OVERVIEW OF THE QUALIFICATIONS OF THE FAMILY CONSUMER SCIENCE AGENT POSITION CANDIDATE LEXIE MCGRAY.

**ITEM #4**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING KENDA CULPEPPER TO ATTEND AS AN INVITED MEMBER OF THE NORTH TEXAS CRIME COMMISSION LEGISLATIVE DELEGATION NOVEMBER 17-19, 2010, IN WASHINGTON D.C., INCLUDING ALL RELATED EXPENSES.

**ITEM #5**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING GLENDA DENTON TO ATTEND LEADERSHIP ROCKWALL INCLUDING ALL RELATED EXPENSES.

**ITEM #6**

THIS ITEM REGARDING THE ROAD ASSESSMENT FOR LUIS CAVAZOS PROPERTY ON SUN VALLEY DR. WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

**ITEM #7**

THIS WAS A DISCUSSION ITEM ONLY. ARCHITECT HAL SARGENT GAVE THE COURT AN UPDATE ON THE CONSTRUCTION DOCUMENTS FOR THE ROCKWALL COUNTY VETERANS MEMORIAL.

**ITEM #8**

THIS ITEM REGARDING ROADS AND ROAD BOND ISSUES WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

**ITEM #9**

NO ACTION TAKEN REGARDING THE 2010 CENSUS.

**ITEM #10**

THIS ITEM REGARDING COUNTY SPACE ISSUES WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

**ITEM #11**

THIS ITEM REGARDING THE NEW COURTHOUSE ARCHITECTURAL/ CONSTRUCTION MANAGEMENT/ CHANGE ORDERS WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

**ITEM #12**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF NAMING

JIM SIMMONS AS THE ROCKWALL COUNTY FIRE MARSHAL EFFECTIVE OCTOBER 1, 2010 AT PAY OF A \$1000.00 A MONTH AND THAT THE AUDITOR'S OFFICE DRAFT A CONTRACT TO PRESENT TO THE COURT ON OCTOBER 12, 2010.

**ITEM #13**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY FOR DISCUSSION TO APPROVE AMENDMENT NO. 3 TO THE JUVENILE INFORMATION SYSTEM RESOURCE SHARING ADDENDUM WITH THE TEXAS CONFERENCE OF URBAN COUNTIES EFFECTIVE UNTIL SEPTEMBER 30, 2010 FOR SERVICES RECEIVED DURING FY2010 IN THE AMOUNT OF \$5,500.00. AFTER MUCH DISCUSSION THE COURT VOTED 5-0 IN FAVOR OF APPROVING THE MOTION.

**ITEM #14**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING THE ONE-YEAR RENEWAL INTERLOCAL AGREEMENTS EFFECTIVE OCTOBER 1, 2010, WITH THE CITIES OF ROCKWALL (\$93,600), ROYSE CITY (\$58,800), HEATH (\$48,000), FATE (\$48,000) AND MCLENDON CHISHOLM (\$48,000) FOR FIRE PROTECTION SERVICES TO NON-INCORPORATED AREAS WITHIN THE COUNTY. JUDGE FLORANCE VOTED AGAINST.

**ITEM #15**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF

APPROVING A THREE-YEAR CONTRACT RENEWAL EFFECTIVE OCTOBER 1, 2010 WITH MEDIC RESCUE, INC. TO PROVIDE TRANSPORTATION OF HUMAN REMAINS TO THE MEDICAL EXAMINER'S OFFICE AT A COST OF \$400.00 PER DECEASED.

**ITEM #16**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF A THREE-YEAR CONTRACT RENEWAL EFFECTIVE OCTOBER 1, 2010, WITH MEDIC RESCUE, INC. TO PROVIDE TRANSPORTATION OF PERSONS TO A MENTAL HEALTH FACILITY PURSUANT TO CHAPTERS 573 & 574 OF THE TEXAS MENTAL HEALTH CODE AT A COST OF \$500.00 PER TRANSPORT.

**ITEM #17 & 18**

HUMAN RESOURCES DIRECTOR RANDY JENNINGS EXPLAINED TO THE COURT THAT THE CONTRACT WITH MAJESTIC UNDERWRITERS LLC TO PROVIDE SPECIFIC STOP LOSS REINSURANCE AND AETNA TO PROVIDE AGGREGATE STOP LOSS REINSURANCE HAS NOT BEEN RECEIVED YET. THIS ITEM WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

**ITEM #19**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE 2011 RENEWAL NOTICE AND BENEFIT CONFIRMATION MEMBERSHIP WITH THE TEXAS ASSOCIATION OF COUNTIES HEALTH AND

EMPLOYEE BENEFIT POOL PROGRAM (TACHEBP) REGARDING RETIREE MEDICAL AND PRESCRIPTION RATES.

**ITEM #20**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A THREE-YEAR AVAYA PARTNER ASSURANCE SUPPORT SERVICES AGREEMENT WITH AFFILIATED COMMUNICATIONS INC. TO PROVIDE NECESSARY SOFTWARE UPGRADES, INSTALLATION, PROGRAMMING AND TRAINING TO THE COUNTY'S TELECOMMUNICATION SYSTEM AT A COST OF \$22,480.35. COMMISSIONER BAILEY ABSTAINED.

**ITEM #21**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING ANNUAL MAINTENANCE AGREEMENTS FOR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011:

	<u>Vendor</u>	<u>Coverage</u>	<u>Annual Cost</u>
A.	DelBosque Landscaping Inc.	Historic Courthouse/Landscaping	\$1,920.00
B.	Netdata	County Treasurer & Auditor/Financial Software	\$22,775.00

**ITEM #22**

**EXECUTIVE SESSION 10:00 A.M.-10:45 A.M.**

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

- **DISCUSSION OF FAMILY CONSUMER SCIENCE AGENT POSITION, AND ALL RELATED ISSUES;**

**ITEM #23**

**ACTION OF EXECUTIVE SESSION;**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF TERMINATING THEIR AGREEMENT WITH JONES LANG LASALLE FOR THE SALE OF COUNTY PROPERTY AND THAT THE COUNTY JUDGE GIVE WRITTEN NOTICE OF TERMINATION TO JONES LANG LASALLE IN ACCORDANCE WITH THEIR AGREEMENT. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF ACCEPTING ALEXANDRA MCGRAY AS THE NEW FAMILY CONSUMER SCIENCE AGENT.

**ITEM #24**

THE COURT AGREED TO MOVE ITEM A FROM THE CONSENT AGENDA TO THE NEXT COMMISSIONER'S COURT MEETING. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- b ) Co. Clerk , Aug-10 fee report(s);
- c) J.P. Pct. 1, Aug-10 monthly judicial activity report(s);
- d) J.P. Pct. 2, Aug-10 monthly judicial activity report(s);
- e) Indigent Health, Aug-10 expenditure/case report(s);
- f) Co. Agent, Jul/Aug-10 activity expense report(s);
- g) Co. Treasurer, Receive Treasurer's property tax revenue analysis report as of 8/31/2010;
- h)Co. Auditor, Approve payment to CMJ Engineering, Inc. for August 2010 geotechnical services on the new Rockwall County Courthouse in the amount of \$24,778.50;
- i) Co. Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services

rendered during August 2010 at the FM549/I30 interchange in the amount of \$1,400.05;  
j) Co. Auditor, Jul-10 monthly report(s);

WITH ITEM A IS TO BE MOVED TO THE NEXT COMMISSIONER'S COURT  
MEETING AGENDA.

**ITEM #25**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY  
COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF  
APPROVING THE TREASURERS AUGUST 2010 MONTHLY ACTIVITY/EXPENSE  
REPORT. COUNTY TREASURER BILL SINCLAIR COMMENTED THAT THE  
COUNTY, THROUGH EFFORTS FROM HIS OFFICE AND THE AUDITOR'S OFFICE,  
HAVE RECEIVED THE GOLD STAR AWARD FROM THE STATE COMPTROLLER'S  
OFFICE FOR FINANCIAL TRANSPARENCY.

**ITEM #26**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY  
COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF  
APPROVING THE FOLLOWING PROPERTY ACQUISITIONS/ DISPOSITIONS:

- A. County Court at Law to purchase from County Court at Law General Fund: (1)  
Refurbished HP LaserJet 4250n printer including toner @ an estimated cost of \$645.  
**(Emergency Purchase)**

**ITEM #27**

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

**2010-34** - Transfer \$600 of funds within the General Government General Fund Budget **TO**  
Group Insurance & Retirees **FROM** Contingency resulting from the time of employee retirement  
exceeding the projected budgeted amount.

**2010-35** - Transfer \$645 of funds within the County Court at Law General Fund Budget **TO** Capital Outlay **FROM** Court Appointed Attorney resulting from the purchase of a refurbished HP LaserJet 4250n printer including toner.

**ITEM #28**

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 \$299,818.38. COMMISSIONER BAILEY ABSTAINED. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$247,677.67. 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 \$496,161.22 FOR THE PAY PERIOD ENDED SEPTEMBER 18, 2010.

\*JUDGE FLORANCE RECESSED THE MEETING AT 10:55 A.M. UNTIL AFTER THE WORKSHOP TODAY.

\*JUDGE FLORANCE RECALLED THE MEETING TO ORDER AT 2:20 P.M.

**ITEM #6 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 5-0 IN FAVOR OF RELEASING THE LIEN ASSESSMENT ON THE PROPERTY OWNED BY LUIS CAVAZOS LOT #62 IN THE SUN VALLEY ACRES SUBDIVISION. ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS STATED THAT THIS IS A VERY FACT SPECIFIC SITUATION WITH A LOT OF DISCREPRANCIES BETWEEN THE PLAT THAT IS ON FILE AND THE

ASSESSMENTS THAT WERE MADE. THE PROPERTY HAS TWO SEPTIC TANK PERMITS AND TWO HOMES ON ONE LOT AS IF IT IS TREATED AS TWO SEPARATE LOTS AND NOT ONE WHICH WARRANTS THE ACTION TAKEN TODAY.

**ITEM #8 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF SELECTING HDR ENGINEERING AS THE FIRM TO DEVELOP THE COUNTY'S HIKE AND BIKE TRAILS. COMMISSIONER GRINNAN DID NOT VOTE DUE TO TRYING TO GET THE ADVICE OF I.T.S. REPRESENTATIVE JOHN POLSTER ON THE IMPORTANCE OF NAMING THE TRAILS BICYCLE PLAN AS OPPOSED TO HIKE AND BIKE TRAILS. AFTER THE VOTE COMMISSIONER GRINNAN PUT MR. POLSTER ON SPEAKER PHONE. MR. POLSTER EXPLAINED THAT IF YOU CALL IT A HIKE AND BIKE PLAN THE RIGHT OF WAY HAS TO BE SIGNIFICANTLY WIDER THAN IF YOU CALL IT A BICYCLE PLAN. AFTER MUCH DISCUSSION WITH MR. POLSTER THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF RESCINDING THE PREVIOUS MOTION MADE REGARDING SELECTING HDR ENGINEERING AS THE FIRM TO DEVELOP THE COUNTY'S HIKE AND BIKE TRAILS. THE MOTION WAS MADE BY GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF AWARDED HDR ENGINEERING AS THE ENGINEERING FIRM TO DEVELOP THE 2010 ROCKWALL COUNTY BICYCLE PLAN.

**ITEM #10 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF SPLITTING ONE OF THE ROOMS BEING BUILT AT THE COUNTY SERVICES BUILDING INTO TWO STORAGE ROOMS.

**ITEM #11 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-2 IN FAVOR OF SETTING A GUARANTEED MAXIMUM PRICE WITH MANHATTAN CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE NEW COURTHOUSE AT \$31,811,462.00 AND SUBMIT FOR THE RECORD THE BUDGET STATUS REVIEW DOCUMENT PRESENTED TO THE COURT TODAY AND INCLUDE AS STATED ON THIS DOCUMENT THE OUTSTANDING PRICING CONSIDERATIONS ITEMS A THRU F AND ITEM I. COMMISSIONER BAILEY ALSO INCLUDED IN HIS MOTION FUNDING SOURCE ITEM 4 IN THE AMOUNT OF \$163,403.00.

**ITEM #17 & 18 RE-ADDRESSED**

AFTER DISCUSSING THE MATTER WITH ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS THE COURT DECIDED TO SET THESE ITEMS ASIDE UNTIL THE CONTRACTS FROM MAJESTIC UNDERWRITES LLC AND AETNA ARRIVE.

**ITEM #29**

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE FLORANCE ADJOURNED THE MEETING AT 2:50 P.M.

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LEA CARLSON, CHIEF DEPUTY  
ROCKWALL COUNTY CLERK