

**COMMISSIONERS COURT
OCTOBER 12, 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
DAVID MAGNESS	COMMISSIONER PCT #4
LEA CARLSON	CHIEF DEPUTY COUNTY CLERK

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

THE INVOCATION WAS GIVEN BY COMMISSIONER GRINNAN.

THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND
TO THE TEXAS FLAG WERE LED BY JUDGE FLORANCE.

NO GUESTS WERE PRESENT THAT WISHED TO ADDRESS THE COURT.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY
COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF
AUTHORIZING THE ROAD AND BRIDGE DIRECTOR PAT NESMTIH TO ADVERTISE
FOR AN OPERATOR LEVEL B POSITION AT PAY STEP LEVEL 5.

ITEM #2

ARCHITECT DEWAYNE BRINKLEY GAVE THE COURT A PRESENTATION ON THE
DIFFERENT OPTIONS FOR THE PLACEMENT OF "IN GOD WE TRUST" ON THE
OUTSIDE OF THE NEW COURTHOUSE. THE COURT DISCUSSED THE

DIFFERENT OPTIONS AND ASKED MR. BRINKLEY TO PROVIDE MORE OPTIONS BASED ON THE DISCUSSIONS TODAY. THIS ITEM WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

ITEM #3

COMMISSIONER MAGNESS ANNOUNCED THAT THE NEXT CONSORTIUM MEETING WILL BE HELD ON NOVEMBER 17, 2010 AND THAT THERE WILL NOT BE A MEETING IN EITHER OCTOBER OR DECEMBER 2010.

ITEM #4

COMMISSIONER GRINNAN GAVE THE COURT AN UPDATE ON THE STATUS OF THE DESIGN DOCUMENTS THAT ARE BEING PREPARED BY BRINKLEY-SARGENT FOR THE CONSTRUCTION OF THE ROCKWALL COUNTY VETERANS MEMORIAL.

ITEM #5

NO ACTION TAKEN REGARDING THE 2010 CENSUS.

ITEM #6

NO ACTION TAKEN REGARDING COUNTY SPACE ISSUES.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A NEW FIVE-YEAR AGREEMENT WITH SECURUS TECHNOLOGIES, INC. FOR THE INMATE TELEPHONE APPLICATIONS AND SYSTEM. THE COUNTY WILL RECEIVE 50% OF THE GROSS COMMISSION ON COLLECT CALLS REVENUE.

ITEM #8

BUREAU VERITAS REPRESENTATIVE RICK HERTZBERGER OUTLINED CHANGES IN THE PROPOSED AGREEMENT AMENDMENT PRESENTED TODAY ARE THAT THE PRICE FOR THE ANNUAL FIRE SAFETY INSPECTION PROGRAM SET UP CHARGE A ONE TIME FEE, FROM \$1500.00 CHANGING TO \$1000.00 AND THAT THE COST OF EACH ANNUAL FIRE SAFETY INSPECTION AND RE-INSPECTION FEES CHANGING FROM \$150.00 TO \$125.00. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING AN AMENDMENT TO THE MASTER CONTRACT WITH BUREAU VERITAS NORTH AMERICA, INC. (BV) TO INCLUDE FIRE ALARM AND FIRE SPRINKLER PLAN REVIEW SERVICES AND INSPECTIONS FOR THE COUNTY WITH THE CHANGES OUTLINED BY RICK HERTZBERGER TODAY. JUDGE FLORANCE VOTED AGAINST.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL SERVICES AGREEMENT WITH FORENSIC RESOURCES OF NORTH TEXAS (FRNT) TO PROVIDE MENTAL HEALTH SERVICES FOR ROCKWALL COUNTY JAIL INMATES AT A COST OF \$500.00 PER WEEK.

ITEM #10

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

APPROVING A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH JAMES WILLIAMS SIMMONS TO PERFORM THE FIRE MARSHAL DUTIES IN THE COUNTY AT A MONTHLY FEE OF \$1000.00 EFFECTIVE OCTOBER 1, 2010.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A TWO-YEAR INTERLOCAL AGREEMENT WITH ROCKWALL INDEPENDENT SCHOOL DISTRICT (RISD) TO PROVIDE SCHOOL BUSES FOR THE TRANSPORTATION OF ROCKWALL COUNTY JAIL INMATES IN THE EVENT OF AN EMERGENCY EVACUATION.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING ADDITIONAL SERVICES WITH AFFILIATED COMMUNICATIONS INC. RELATING TO THE TRANSFER OF SERVICES FROM NORTEL TO AVAYA FOR TELEPHONE COMMUNICATION HARDWARE AND UPGRADES AT \$17,157.38.

ITEM #13

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 ESTIMATED AT \$39,149.00 FOR FISCAL YEAR 2011 FOR THE IMPROVEMENT OF INDIGENT DEFENSE SERVICES IN ROCKWALL COUNTY.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A LETTER OF AGREEMENT WITH THE CITY OF ROCKWALL MAIN STREET DEPARTMENT TO HOLD SCARE ON THE SQUARE ON THE HISTORIC COURTHOUSE PROPERTY ON SATURDAY, OCTOBER 30, 2010, FROM 4:00P.M.- 6:00P.M.

ITEM #15

THE COURT DISCUSSED HAVING SECURITY AVAILABLE FOR THE DAYS THAT THE ATTORNEY GENERAL HOLDS CHILD SUPPORT CASES AT THE HISTORICAL COURTHOUSE. AFTER MUCH DISCUSSION JUDGE FLORANCE CALLED FOR A MOTION. NO MOTION WAS GIVEN. THE COURT AGREED TO WORKSHOP THIS ITEM FOR FURTHER DISCUSSION.

ITEM #16

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

<u>Vendor</u>	<u>Coverage</u>	<u>Annual Cost</u>
Netdata	County Treasurer/Auditor/Hardware	\$5,000.00

ITEM #17

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING UNANIMOUSLY IN FAVOR

OF APPROVING CONSENT AGENDA ITEMS A-M. COMMISSIONER GRINNAN

ABSTAINED FROM THE VOTE ON ITEM A.

- a) Minutes of previous meeting(s);
- b) Co. Librarian, Aug-10 activity monthly report(s);
- c) J.P. Pct. 1, Sep-10 monthly judicial activity report(s);
- d) Environmental Health Coordinator, Sep-10 monthly activity report(s);
- e) Co. Auditor, Approve payment to Brinkley Sargent Architects for August 2010 architectural services on the new Rockwall County Courthouse in the amount of \$112,403.33;
- f) Co. Auditor, Approve payment to HNTB Corporation for engineering services provided during August 2010 at FM 552 from SH 205 to SH 66 in the amount of \$32,212.80;
- g) Co. Auditor, Approve payment to Halff Associates, Inc. for engineering services rendered during August 2010 at SH66 from SH205 to FM1777 in the amount of \$112,232.90;
- h) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during July 2010 at FM 549 from SH 276 to SH 205 in the amount of \$7,119.88;
- i) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during August 2010 at FM 549 from SH 276 to SH 205 in the amount of \$5,297.77;
- j) Co. Auditor, Approve payment to BWR Corporation for engineering services provided during July 2010 at FM 740 from FM 1140 to FM 549 in the amount of \$5,451.64;
- k) Co. Auditor, Approve payment to CH2M HILL, Inc. for engineering services provided during August 2010 at SH276 from SH205 to FM549 in the amount of \$18,572.64;
- l) Co. Auditor, Approve payment to Manhattan Construction Company for preconstruction services on the new Rockwall County Courthouse in the amount of \$743.98;
- m) Co. Auditor, Approve payment to Manhattan Construction Company for construction services on the new Rockwall County Courthouse in the amount of \$1,822,784.00;

ITEM #18

APPROVAL OF TREASURERS MONTHLY REPORT(S):

NONE.

ITEM #19

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

- A. County Jail to purchase from County Jail General Fund: (1) Fax machine including shipping @ a quoted cost of \$365.62.
- B. County Judge to transfer to Surplus: HP N5390 laptop computer.

- C. Commissioners Court to transfer to Surplus: HP Photosmart 7760 printer.
- D. Commissioner Pct. 1 to transfer to Surplus: Dell Inspiron 8100 Pentium III laptop computer.
- E. County Clerk to transfer to Surplus: (2) Epson TM0U375 journal receipt printers.
- F. Elections Administrator to transfer to Surplus: Model 550 OMR ballot scanner, table, dust cover and (2) Model 520 Okidata printers.
- G. County Treasurer to transfer to Surplus: Epson Stylus Pro color printer, Brother Intellifax 770 plain paper fax machine and Hepman EDPplus check signing machine.
- H. County Jail to transfer to Surplus: 1999 Ford Crown Victoria and 2004 Ford Crown Victoria.

ITEM #20

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

2010-36 - Transfer \$100 of funds within the Tax Assessor General Fund Budget **TO** Travel & Training **FROM** Office Supplies resulting from expenditures exceeding budgeted funds during FY2010.

ITEM #21

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$9,088.57. 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 \$2,714,408.55. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF

APPROVING PAYROLL IN THE AMOUNT OF \$504,632.74 FOR THE PAY PERIOD ENDING OCTOBER 2, 2010.

*JUDGE FLORANCE RECESSED THE MEETING AT 9:52 A.M. UNTIL AFTER THE WORKSHOP TODAY.

*JUDGE FLORANCE RECALLED THE MEETING TO ORDER AT 10:45 A.M.

ITEM #2 RE-ADDRESSED

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-2 IN FAVOR OF APPROVING THE OWNER AGREEMENT AMENDMENT NO.1 ESTABLISHING A GUARANTEED MAXIMUM PRICE OF \$31,811,462.00 AS PROPOSED IN THE LETTER DATED OCTOBER 12, 2010 WITH ITS ASSOCIATED AMENDMENTS AND ATTACHMENTS BETWEEN ROCKWALL COUNTY AND MANHATTAN CONSTRUCTION COMPANY. JUDGE FLORANCE AND COMMISSIONER GRINNAN VOTED AGAINST.

ITEM #22

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE FLORANCE ADJOURNED THE MEETING AT 10:50 A.M.

LEA CARLSON, CHIEF DEPUTY
ROCKWALL COUNTY CLERK