

**COMMISSIONERS COURT
MAY 10, 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 - ABSENT
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 JUDGE HOGAN.

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 ADDRESS THE COURT.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY
COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF
APPROVING HEALTH COORDINATOR RON MERRITT TO GO OUT FOR BID FOR
THE DEMOLITION AND REMOVAL OF THE BURNED OUT HOME LOCATED AT 121
ALEXANDER LANE.

ITEM #2

THIS ITEM WAS SET ASIDE TO WAIT FOR INNOVATIVE TRANSPORTATION
SOLUTIONS, INC. (ITS) REPRESENTATIVE JOHN POLSTER TO ARRIVE.

ITEM #3

JOHNSTON RAMSAY ARCHITECTURAL AND CONSTRUCTION REPRESENTATIVE ROSS RAMSEY PRESENTED THE COURT WITH ARCHITECTURAL DRAWINGS OF THE IMPROVEMENTS TO BE MADE ON THE GOVERNMENT CENTER. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSION GRINNAN WITH THE COURT VOTING 3-1 IN FAVOR OF ACCEPTING THE PRELIMINARY DRAWINGS AND AUTHORIZING JOHNSTON RAMSAY ARCHITECTURAL AND CONSTRUCTION TO PROCEED WITH THE CONSTRUCTION BASED ON THE PRESENTED DRAWINGS. COMMISSIONER WIMPEE VOTED AGAINST. JUDGE HOGAN TOLD MR. RAMSEY TO SUBMIT HIS INVOICE TO THE AUDITOR FOR PAYMENT.

ITEM #2

ITEM #2 WAS READDRESSED DUE TO THE ARRIVAL OF ITS REPRESENTATIVE JOHN POLSTER. MR. POLSTER DISCUSSED WITH THE COURT A RECOMMENDED ACCOUNTING ADJUSTMENT OF ROAD BOND FUNDS AND ENGINEERING SERVICES. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 TO AUTHORIZE THE COUNTY AUDITOR TO PREPARE PAPERWORK FOR ITS TO BRING BACK TO THE COURT TO APPROVE THE RECOMMENDED ACCOUNTING ADJUSTMENT. THE ADJUSTMENT WOULD TRANSFER MONEY BETWEEN PROJECTS BUT NOT INCREASE THE CONTRACTED AMOUNT OF ANY PROJECT.

*COMMISSIONER MAGNESS LEFT THE MEETING AT 9:42 A.M.

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAYMENT TO AL SKRABANEK FOR WORK ASSOCIATED WITH THE COORDINATION OF THE RELOCATION OF EMPLOYEES FROM THE GOVERNMENT CENTER TO THE NEW COURTHOUSE WITH THE PAYMENT TO BE CALCULATED AT \$27.00 PER HOUR NOT TO EXCEED \$8,000.00 AND TO BE PAID OUT OF THE COURTHOUSE BOND MOVING COSTS MONIES.

ITEM #5

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A THREE YEAR XEROX COPIER LEASE WITH DENITECH FOR A REPLACEMENT COPIER AT THE ADULT PROBATION OFFICE FOR AN ANNUAL COST OF \$3,297.12 INCLUDING ALL MAINTENANCE AND SUPPLIES.

*COMMISSIONER MAGNESS RETURNED TO THE MEETING AT 9:45 A.M.

ITEM # 6

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE HEALTH & HUMAN SERVICES COMMISSION (HHSC) OFFICE OF INSPECTOR GENERAL AGREEMENT WITH THE LOCAL PROSECUTING AUTHORITY TO ASSIST WITH THE COSTS OF PROSECUTIONS IN THE COURSE OF THE REFERRAL OF THESE CASES FROM HHSC.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A 36-MONTH SUBSCRIPTION AGREEMENT FROM WEST PUBLISHING SERVICING/CLEAR PRODUCTS TO PROVIDE PUBLIC RECORD ACCESS AT AN ANNUAL COST OF \$7,668.00 TO BE PAID FROM THE LAW LIBRARY FUND.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 TO APPROVE A 36-MONTH SUBSCRIPTION AGREEMENT FROM WEST/WESTPACK PRODUCTS TO PROVIDE GOVERNMENT SELECT LAW BOOK UPDATES FOR THE COUNTY'S LAW LIBRARY AND OTHER COUNTY DEPARTMENTS AT AN ANNUAL COST OF \$17,598.00.

ITEM # 9

MANHATTAN CONSTRUCTION COMPANY REPRESENTATIVE NICK LINK DISCUSSED WITH THE COURT THE SCOPE AND COSTS ASSOCIATED WITH AN OWNER CHANGE ORDER REQUEST TO THE MANHATTAN CONTRACT SPECIFICALLY REGARDING THE 3RD FLOOR JUSTICE OF THE PEACE BUILD OUT ON THE NEW COUNTY COURTHOUSE. IF APPROVED BY THE COURT A FORMAL CHANGE ORDER WILL FOLLOW. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER GRINNAN TO APPROVE THE PROPOSED WORK ON THE 3RD FLOOR. COMMISSIONER WIMPEE REQUESTED JUDGE NANCY

BEATY TO DISCUSS WITH THE COURT HER CONCERNS REGARDING THE NEED FOR A SECURED RESTROOM TO BE USED BY JUDGES, STAFF AND JURORS ON THE 3RD FLOOR. AFTER SOME DISCUSSION THE COURT VOTED 3-1 IN FAVOR OF GIVING MANHATTAN CONSTRUCTION A NOTICE TO PROCEED FOR THE AMOUNT OF \$695,535.00 FOR THE 3RD FLOOR BUILD OUT IN THE NEW COUNTY COURTHOUSE FOR THE JUSTICE OF THE PEACE OFFICES. COMMISSIONER WIMPEE VOTED AGAINST.

*JUDGE HOGAN RECESSED THE MEETING AT 10:04 A.M. TO RECONVENE AFTER THE EXECUTIVE SESSION TODAY.

*JUDGE HOGAN RECALLED THE MEETING TO ORDER AT 10:17 A.M.

ITEM #10

EXECUTIVE SESSION FROM 10:05 A.M. TO 10:15 A.M.

1. Consult with legal counsel regarding pending or contemplated litigation, settlement offers and/or matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071);
2. Discussion of reimbursement or settlement of potential litigation, and all related issues;

ITEM #11

ACTION OF THE EXECUTIVE SESSION;

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH A VOTE OF 4-0 IN FAVOR OF THE USE OF SHERIFF DEPARTMENT BUDGET IN THE AMOUNT NOT TO EXCEED \$800 FOR EQUIPMENT REPAIRS PERTAINING TO A MOTOR VEHICLE ACCIDENT.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH A VOTE OF 4-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);
- b) Environmental Health Coordinator, monthly activity report(s);
- c) J.P. Pct. 1, monthly judicial activity report(s);
- d) Co. Agent, activity expense report(s);
- e) Co. Librarian, activity monthly report(s);
- f) Co. Auditor, Approve payment to H.W. Lochner, Inc. for engineering services provided during February 2011 at FM 740 from FM 1140 to FM 549 in the amount of \$81,822.66;
- g) Co. Auditor, Approve payment to HNTB Corporation for engineering services provided during March 2011 at FM 552 from SH 205 to SH 66 in the amount of \$27,420.63;
- h) Co. Auditor, Approve payment to Manhattan Construction Company for construction services on the new Rockwall County Courthouse in the amount of \$2,369,081.00;

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER GRINNAN TO APPROVE, SECONDED BY COMMISSIONER MAGNESS FOR DISCUSSION ON ITEM C. COUNTY AUDITOR LISA CONSTANT EXPLAINED TO THE COURT THE USES ALLOWED FOR THE COUNTY RECORDS MANAGEMENT AND PRESERVATION FUND IN REGARDS TO ITEM C. THE COURT VOTED 4-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISTIONS/DISPOSITIONS:

- A. County Judge to purchase from FY2006 Capital Purchases Fund: HP Color LaserJet 4600n refurbished printer including toner and delivery @ a quoted cost of \$1,084.96.
- B. Criminal District Attorney to purchase from FY2003 Capital Purchases Fund: mobile legal size locking tub file including delivery @ an estimated cost of \$250.00.
- C. County Jail to purchase from County Records Management & Preservation Fund: Kardex moveable filing system including shipping and installation @ a quoted cost of \$6,692.96.
- D. County Court at Law to transfer to Surplus: (4) law books.

- E. District Clerk to transfer to Surplus: (23) 5-drawer and (53) 4-drawer file cabinets.
- F. District Attorney to transfer to Surplus: various equipment/furniture.
- G. District Clerk to transfer to Salvage: (22) 4-drawer and (2) 5-drawer file cabinets.
- H. Various Departments to transfer to Salvage: miscellaneous parts/equipment/ materials.

ITEM #14

NON-EMERGENCY BUDGET TRANSFER(S);

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH A 4-0 VOTE IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS:

2011-08 - Transfer \$30,600 of funds within the General Fund Budget **TO** Capital Expenditures/Capital Outlay **FROM** General Government/ Contingency resulting from the purchase of Cisco equipment for the main hub at the new courthouse including delivery approved by the Commissioners Court on April 26, 2011.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER GRINAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$107,277.99; THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$2,736,186.80. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$523,905.22 FOR THE PAY PERIOD ENDING APRIL 30, 2011.

ITEM #16

JUDGE HOGAN MADE THE FOLLOWING ANNOUNCEMENTS:

THE BENEFITS COMMITTEE HAS MET AND SCHEDULED A SECOND MEETING FOR JUNE 6, 2011.

DAVID PEEK WILL SCHEDULE A MEETING OF THE INVESTMENT COUNCIL.

THE STRATEGIC PLANNING SESSION CONTINUES THURSDAY, MAY 10TH AT 6:30 P.M./7:00 P.M. AT THE LIBRARY. INTEREST CONTINUES TO STAY HIGH.

ITEM #17

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN ADJOURNED THE MEETING AT 10:20 A.M.

SHELLI MILLER,
ROCKWALL COUNTY CLERK