

**COMMISSIONERS COURT  
JULY 12, 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:**

<b>JERRY HOGAN</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>SHELLI MILLER</b>	<b>COUNTY CLERK</b>

THE MEETING WAS CALLED TO ORDER BY JUDGE HOGAN AT 9:00 A.M.

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 BAILEY.

JUDGE HOGAN ANNOUNCED THAT THE ROCKWALL COUNTY JAIL HAD THEIR  
STATE INSPECTION IN JUNE. HE READ A LETTER FROM THE TEXAS  
COMMISSION ON JAIL STANDARDS CONGRATULATING SHERIFF EAVENSON  
FOR MAINTAINING A SAFE, SECURE AND SANITARY FACILITY. JUDGE HOGAN  
WENT ON TO ANNOUNCE AND CONGRATULATE THE SHERIFF FOR BEING  
ELECTED SERGEANT OF ARMS OF THE NATIONAL SHERIFF'S ASSOCIATION.

THE JUDGE ALSO ANNOUNCED THAT WE HAVE RECEIVED NOTICE FROM THE  
SMALL BUSINESS ADMINISTRATION THAT SMALL BUSINESSES IN ALL TEXAS  
COUNTIES MAY NOW APPLY FOR A DISASTER LOAN FROM THE SMALL  
BUSINESS ASSOCIATION.

**PUBLIC HEARING:**

JUDGE HOGAN OPENED THE PUBLIC HEARING AT 9:04 A.M.

THE JUDGE ASKED IF ANYONE WISHED TO ADDRESS THE COURT REGARDING REGULATIONS FOR MANUFACTURED HOME RENTAL COMMUNITIES OR REGARDING PROPOSED AMENDMENTS TO THE ROCKWALL COUNTY SUBDIVISION AND LAND DEVELOPMENT RULES AND REGULATIONS.

NO GUESTS WISHED TO ADDRESS THE COURT.

JUDGE HOGAN CLOSED THE PUBLIC HEARING AT 9:06 A.M.

**ITEM #1**

FIRST SOUTHWEST REPRESENTATIVES BOYD LONDON AND MARTI SHEW SPOKE TO THE COURT DISCUSSING DIFFERENT SCENARIOS OF FINANCING FOR ROAD CONSTRUCTION PROJECTS IN ROCKWALL COUNTY. INNOVATIVE TRANSPORTATION SOLUTIONS, INC. REPRESENTATIVE JOHN POLSTER DISCUSSED WITH THE COURT CONSEQUENCES OF NOT TAKING ADVANTAGE OF THE PASS THROUGH FINANCING PLAN.

**ITEM #2**

ASSISTANT JAIL ADMINISTRATOR LIEUTENANT TODD CALKINS INTRODUCED THE CRIMINAL JUSTICE STRATEGIC PLANNING GROUP AND EXPLAINED TO THE COURT THEIR INVOLVEMENT WITH THE ROCKWALL COMMUNITY AND THE COUNTY JAIL AS IT RELATES TO MENTAL HEALTH OR SUBSTANCE ABUSE DISORDERS. A WORKSHOP FOR FURTHER DISCUSSION AND GUIDANCE WAS REQUESTED.

**ITEM #3**

ASSISTANT DISTRICT ATTORNEY JON THATCHER DISCUSSED WITH THE COURT THE PROPOSED REGULATIONS FOR MANUFACTURED HOMES AND RENTAL COMMUNITIES AND RECOMMENDED THE COURT'S APPROVAL. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING REGULATIONS FOR MANUFACTURED HOME RENTAL COMMUNITIES.

**ITEM #4**

ASSISTANT DISTRICT ATTORNEY JON THATCHER EXPLAINED TO THE COURT PROPOSED CHANGES TO THE COUNTY SUBDIVISION RULES AND REGULATIONS. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AMENDMENTS TO THE ROCKWALL COUNTY SUBDIVISION AND LAND DEVELOPMENT RULES AND REGULATIONS AS PRESENTED WITH THE INCLUSION OF THE ADDITION OF SUBSECTION 4.03.16 TO READ: IF THE COUNTY WERE TO EVER APPROVE A PLAT THAT IS IN THE ETJ OF A MUNICIPALITY THAT IS GOVERNED BY AN INTERLOCAL AGREEMENT THAT SUCH PLAT WOULD BE VOID, WOULD BE OF NO FORCE OR EFFECT, ALSO, TO DELETE "IF ANY" FROM SUBSECTION 5.01.01 AND "OF INHABITANTS" FROM SUBSECTION 5.01.02.

**ITEM #5**

JUDGE HOGAN ANNOUNCED THERE WILL BE A PUBLIC HEARING ON FRIDAY, JULY 22, 2011 AT 10:00 A.M. HE POINTED OUT THE NEWLY PROPOSED MAP NUMBER 5. THE COURT DISCUSSED THE THREE PROPOSED REDISTRICTING MAPS.

**ITEM #6**

COMMISSIONER GRINNAN DISCUSSED WITH THE COURT THE PROPOSED FY2012 ADMINISTRATIVE BUDGET FOR COUNTY AMBULANCE SERVICE AND THE EMERGENCY SERVICES CORPORATION. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF PASSING THE FY2012 BUDGET FOR THE EMERGENCY SERVICES CORPORATION.

\*JUDGE HOGAN RECESSED THE MEETING AT 10:32 P.M. FOR A SHORT BREAK.

\*JUDGE HOGAN RECALLED THE MEETING AT 10:44 P.M.

**ITEM #7**

THIS ITEM REGARDING THE 2<sup>ND</sup> DRAFT BUDGET FOR FY2012 WAS MOVED TO THE WORKSHOP.

**ITEM #8**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AN INVESTMENT ADVISORY CONSULTING AGREEMENT WITH PATTERSON AND ASSOCIATES FOR BANK CONSULTING SERVICES.

**ITEM #9**

THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF ESTABLISHING A WORKING GROUP WITH A MEMBER OF THE COMMISSIONERS COURT, THE AUDITOR'S OFFICE, THE TREASURER'S OFFICE, THE IT DEPARTMENT AND THE COMMISSIONERS COURT ADMINISTRATOR TO LOOK AT THE ISSUE OF AUTOMATION OF THE COUNTY COMMISSIONERS COURT WORKING PAPERS AND FILES. COMMISSIONER MAGNESS VOLUNTEERED TO BE THE COURT'S REPRESENTATIVE.

**ITEM #10**

THIS ITEM REGARDING REDUCTION IN FORCE PROCEDURES, INCLUDING PROVISION OF BENEFITS WAS MOVED TO WORKSHOP.

**ITEM #11**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE COUNTY AUDITOR TO ADVERTISE BY PUBLIC NOTICE FOR BIDS FOR PROPOSALS FOR VENDING SERVICES IN ROCKWALL COUNTY FACILITIES. ADDITIONALLY TO APPROVE THE PROCEDURE TO CANCEL ANY EXISTING CONTRACTS CURRENTLY HELD AND TO ADJUST THE LENGTH OF THE PROPOSED CONTRACT/BID PACKAGE TO BE A MAXIMUM OF TWO YEARS WITH THE ABILITY TO RENEW AT THE SAME RATE.

**ITEM #12**

TATUM L.L.C. REPRESENTATIVE JERRY BYRD PRESENTED THE COURT WITH A PROPOSAL FOR CONSULTING SERVICES TO SELECT COMPREHENSIVE COUNTY JUSTICE AND FINANCIAL SOFTWARE SYSTEMS. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN TO AUTHORIZE THE COUNTY JUDGE AND THE COUNTY AUDITOR TO ACCEPT THE PROPOSAL AND ENTER INTO CONTRACT NEGOTIATIONS WITH TATUM L.L.C. FOR WORK PLAN PHASE ONE AND PHASE TWO. AFTER MUCH DISCUSSION COMMISSIONER GRINNAN RESCINDED HER MOTION. COUNTY AUDITOR LISA CONSTANT WILL START THE REQUEST FOR QUALIFICATIONS PROCESS TO LOOK FOR OTHER POSSIBLE PROVIDERS AND BRING BACK TO THE COURT.

\*JUDGE HOGAN RECESSED THE MEETING AT 12:00 P.M. FOR LUNCH AND TO RECONVENE AT 1:30 P.M.

\*JUDGE HOGAN RECALLED THE MEETING AT 1:30 P.M.

**ITEM #13 & ITEM 14**

AL SKRABANEK GAVE AN OVERVIEW OF THE BID SPECIFICATIONS FOR THE MOVE TO THE NEW COURTHOUSE. THE COURT VOTED BOTH ITEMS 13 AND 14 TOGETHER. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF AUTHORIZING THE COUNTY AUDITOR TO ADVERTISE BY PUBLIC NOTICE FOR BIDS BASED ON THE SPECIFICATIONS AS SET FORTH TODAY TO INCLUDE THE REMOVAL OF SPECIFICATIONS ON PAGES 15 THROUGH 22.

**ITEM #15**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 5-0 IN FAVOR OF AWARDING A BID FOR HOUSE DEMOLITION LOCATED AT 121 ALEXANDER LANE IN ROYSE CITY FOR \$5,500 TO MORROW CONSTRUCTION COMPANY.

**ITEM #16**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING THE CHANGE ORDER FOR CUSTODIAL SERVICES CHANGING THE AWARDED AMOUNT FROM \$145,380.00 TO \$136,980.00. COMMISSIONER WIMPEE VOTED AGAINST.

**ITEM #17**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A CONTRACT WITH FACILITIES SOLUTIONS GROUP FOR THE LIGHTING RETROFIT PROJECT AT DESIGNATED COUNTY FACILITIES.

**ITEM #18**

COUNTY AUDITOR LISA CONSTANT STATED TO THE COURT THAT THE PURCHASE OF A NEW PRIMARY SOFTWARE SYSTEM FOR THE LIBRARY IS A JUSTIFIABLE USE OF LIBRARY BOND MONEY. THE COURT DID NOT VOTE TO USE BOND MONIES AT THIS TIME. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING ADVERTISING BY PUBLIC NOTICE FOR

PROPOSALS FOR A NEW INTREGRATED LIBRARY SYSTEM FOR THE  
ROCKWALL COUNTY LIBRARY.

**ITEM #19**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY  
COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF  
APPROVING CHANGE ORDER NUMBER 01 TO THE MANHATTAN  
CONSTRUCTION COMPANY CONTRACT FOR THE CONSTRUCTION OF THE  
GRANITE WALL FEATURE AT THE NEW VETERANS MEMORIAL.

**ITEM #20**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY  
COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF  
APPROVING CHANGE ORDER NUMBER 03 TO THE MANHATTAN  
CONSTRUCTION COMPANY CONTRACT FOR THE NEW ROCKWALL COUNTY  
COURTHOUSE.

\*COMMISSIONER BAILEY LEFT THE MEETING AT 2:10 P.M.

**ITEM #21**

THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISIONER  
MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A THREE-  
YEAR PARTICIPATION AGREEMENT WITH OVERDRIVE, INC. TO PROVIDE  
DOWNLOADABLE SERVICES FOR THE ROCKWALL COUNTY LIBRARY AT  
\$6,000.00 PER YEAR WITH A STIPULATION TO BE ADDED THAT IF THE  
DONATION FUND IS NOT AVAILABLE THE CONTRACT WILL BE TERMINATED,  
SUBJECT TO LEGAL REVIEW.

**ITEM #22**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING UP TO \$10,000.00 FOR THE DEDICATION CEREMONY BUDGET FOR THE VETERANS MEMORIAL TO BE PAID FROM THE GENERAL FUND.

**ITEM #23**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A POLE LICENSE AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY L.L.C. SUBJECT TO AUDITOR'S APPROVAL.

**ITEM #24**

THIS ITEM REGARDING AUTHORIZING MONIES FOR CONTRACT BAILIFF SERVICES TO BE PAID FROM THE JUSTICE COURT BUILDING SECURITY FUND WAS MOVED TO THE WORKSHOP.

\*JUDGE HOGAN RECESSED THE MEETING AT 2:18 P.M. TO RECONVENE AFTER EXECUTIVE SESSION.

\*JUDGE HOGAN RECALLED THE MEETING AT 3:37 P.M.

**ITEM #25**

**EXECUTIVE SESSION FROM 2:20 P.M. TO 3:35 P.M.**

- 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);
- Discussion of personnel matters regarding the nursing staff at the County Detention Center, and all related issues; (Tex. Gov't Code §551.074);

- Discussion of personnel matters regarding County employees extended illness, and all related issues; (Tex. Gov't Code §551.074);

## **ITEM #26**

### **ACTION OF THE EXECUTIVE SESSION;**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING, EFFECTIVE IMMEDIATELY, THE ROCKWALL COUNTY STAFFING PROCEDURE FOR ORGANIZATIONAL CHANGE FOR REGULAR FULL TIME EMPLOYEES, THE SEVERANCE PROGRAM GUIDELINES AND THE VOLUNTARY SEPARATION PROGRAM ELECTION FORM AS PRESENTED BY HUMAN RESOURCES. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 4-0 IN FAVOR OF OFFERING THE INVOLUNTARY SEVERANCE PROGRAM TO THE NURSES THAT WERE TERMINATED AS OF JULY 15, 2011.

### **CONSENT AGENDA**

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) Environmental Health Coordinator, monthly activity report(s);
- c) Co. Tax Assessor-Collector, monthly activity/expense report(s);
- d) Co. Auditor, Approve payment to Manhattan Construction Company for construction services on the new Rockwall County Courthouse in the amount of \$2,433,627.00;
- e) Co. Auditor, Approve payment to Brinkley Sargent Architects for May 2011 architectural services on the new Rockwall County Courthouse in the amount of \$23,707.32;

- f) Co. Auditor, Approve payment to H.W. Lochner, Inc. for engineering services provided during April 2011 at FM 740 from FM 1140 to FM 549 in the amount of \$91,315.77;
- g) Co. Auditor, Approve payment to Parsons Transportation Group Inc., for engineering services rendered during May 2011 at the FM551/I30 interchange in the amount of \$76,907.50;
- h) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during May 2011 at FM 549 from SH 276 to SH 205 in the amount of \$4,472.13;
- i) Co. Auditor, monthly report(s);

**ITEM #27**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING ITEMS A) AND C) OF THE PROPERTY ACQUISITION/DISPOSITION. ITEM B) WAS SET ASIDE.

- A. County Jail to purchase from County Jail General Fund: air conditioner unit including installation @ an estimated cost of \$7,350.00. (Emergency Purchase)
- B. This item regarding a purchase from FY2006 Capital Purchases Fund: (5) iPads (64GB) with WiFi & 3G including delivery @ an estimated cost of \$4,150.00 was set aside.
- C. Information Technology to purchase from FY2006 Capital Purchases Fund: PowerConnect 48-port switch including delivery @ a quoted cost of \$899.00.

**ITEM #28**

**NON-EMERGENCY BUDGET TRANSFER(S);**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS:

**2010-41** - Transfer \$44,286 of funds within the County Sheriff General Fund Budget **TO** Equipment < \$5,000 **FROM** Capital Outlay resulting from the reclassification of non-capital items for FY2010 per the outside auditor's year-end adjusting journal entries.

**2011-14** - Transfer \$25,624 of funds within the General Fund General Government Budget **TO** Capital Outlay **FROM** Contingency resulting from the purchase of a replacement vehicle for the County Sheriff's office.

**ITEM #29**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$13,257.22. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$3,162,184.16. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$518,829.09 FOR THE PAY PERIOD ENDING JUNE 25, 2011.

**ITEM # 4**

COMMISSIONER WIMPEE READDRESSED THIS ITEM REGARDING AMMENDMENTS TO THE ROCKWALL COUNTY SUBDIVISION AND LAND DEVELOPMENT RULES AND REGULATIONS. IT WAS DECIDED THAT HEALTH COORDINATOR RON MERRITT WILL HAVE EACH CITY SIGN A RECEIPT WHEN THEY HAVE RECEIVED THE AMMENDED RULES AND REGULATIONS. AN ELECTRONIC VERSION WILL ALSO BE OFFERED ON THE WEBSITE.

**ITEM #30**

NO ADDITIONAL ANNOUNCEMENTS WERE MADE.

**ITEM #31**

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN ADJOURNED THE MEETING AT 3:45 P.M.

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SHELLI MILLER,  
ROCKWALL COUNTY CLERK