

**COMMISSIONERS COURT
SEPTEMBER 25, 2012**

**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
DAVID MAGNESS	COMMISSIONER PCT #4
SHELLI MILLER	COUNTY CLERK

THE MEETING WAS CALLED TO ORDER BY JUDGE HOGAN AT 7:00 P.M.

THE INVOCATION WAS GIVEN BY COMMISSIONER BAILEY.

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

JUDGE HOGAN ANNOUNCED THAT THE COURT HAD A BALANCED BUDGET
WITH NO TAX INCREASE AND THANKED ALL PARTICIPANTS FOR THEIR HARD
WORK IN MAKING THAT HAPPEN.

ITEM #1

COUNTY EXTENSION AGENT TODD WILLIAMS ANNOUNCED TO THE COURT
THAT SEPTEMBER 24TH WAS THE ANNUAL KICK OFF FOR THE ROCKWALL
COUNTY 4-H PROGRAM AND REQUESTED THE COURT SIGN A PROCLAMATION
TO PROCLAIM OCTOBER 7-13, 2012 AS NATIONAL 4-H WEEK. MR. WILLIAMS
READ THE PROCLAMATION WHICH EXPLAINED THE MANY BENEFITS THE
PROGRAM MADE AVAILABLE TO THE YOUTH IN ROCKWALL COUNTY. THE

MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A PROCLAMATION DESIGNATING OCTOBER 7-13, 2012 AS NATIONAL 4-H WEEK.

ITEM #2

JUDGE HOGAN GAVE THE COURT A BRIEF EXPLANATION OF THE TEXAS REGIONAL PUBLIC DEFENDER OFFICE PROGRAM FOR CAPITAL CASES AND STATED THE PROVISIONS NEEDED TO PARTICIPATE. ASSISTANT DISTRICT ATTORNEY JON THATCHER STATED TO THE COURT THAT THE INTERLOCAL AGREEMENT HAD NOT BEEN SIGNED TO DATE AND ADVISED THAT ACTION COULD BE TAKEN WITH THE CONDITION THAT IT WOULD BE CONTINGIENT ON LEGAL APPROVAL. THE COURT CONTINUED TO DISCUSS THE PROGRAM AT LENGTH. THE ITEM WAS SET ASIDE UNTIL THE INTERLOCAL AGREEMENT WAS RECEIVED. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKEN.

ITEM #3

JUDGE HOGAN ADVISED THE COURT THAT HE HAD CONTACTED THE COMPANY THAT SUPPLIED THE CITY OF ROCKWALL WITH THEIR CHRISTMAS TREE AND STATED THAT A TREE OF AN APPROPRIATE SIZE FOR THE FRONT OF THE NEW COURTHOUSE WOULD COST THE COUNTY \$17,500.00. THE DISCUSSION OF PURCHASING A CHRISTMAS TREE TO BE DISPLAYED OUTSIDE THE NEW COURTHOUSE WILL CONTINUE AT THE NEXT WORKSHOP. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKEN.

ITEM #4

FIRST SOUTHWEST COMPANY REPRESENTATIVE BOYD LONDON GAVE THE COURT A BRIEF EXPLANATION OF ACTION NEEDED FOR THE PROPOSED ISSUANCE OF UNLIMITED TAX ROAD BONDS. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A RESOLUTION AUTHORIZING PRELIMINARY ACTION IN CONNECTION WITH THE PROPOSED ISSUANCE OF UNLIMITED TAX ROAD BONDS.

ITEM #5

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF AWARDING 2013 CONTRACTS AS THE COUNTY AUDITOR PRESENTED AND STATED FOR BIDS RECEIVED FOR THE FOLLOWING ROAD & BRIDGE CONSTRUCTION MATERIALS:

HOT MIX ASPHALT CONCRETE

- a. ITEM 340 - TYPE D AWARDED TO APAC – TEXAS, INC.
ALTERNATE - R.K. HALL CONSTRUCTION
- b. ITEM DMS 9202 AWARDED TO APAC – TEXAS, INC.
ALTERNATE - R.K. HALL CONSTRUCTION

ASPHALTS, OILS & EMULSIONS

- a. ITEMS CRS-2- AWARDED TO HEARTLAND ASPHALT MATERIALS, INC.
ALTERNATE – ERGON EMULSION & ASPHALTS, INC.
- b. 2P- AWARDED TO ERGON EMULSION & ASPHALTS, INC.
ALTERNATE – HEARTLAND ASPHALT MATERIALS, INC.
- c. 2H- AWARDED TO HEARTLAND ASPHALT MATERIALS, INC.
ALTERNATE – ERGON EMULSION & ASPHALTS, INC.
- d. 2HP - AWARDED TO ERGON EMULSION & ASPHALTS, INC.
ALTERNATE – HEARTLAND ASPHALT MATERIALS, INC.
- e. ITEM MEDIUM SET PRIME - NO BIDDERS
- f. ITEM AEP (PRIME) AWARDED TO HEARTLAND ASPHALT MATERIALS, INC.
ALTERNATE –ERGON EMULSION & ASPHALTS, INC.

GAS & DIESEL

- a. UNLEADED GASOLINE - AWARDED TO FOUR SISTERS PETROLEUM
- b. #2 DIESEL WITH LUBRICITY ADDITIVE - AWARDED TO FOUR SISTERS PETROLEUM
- c. DIESEL ENGINE OIL DETERGENT – NO BIDDERS

- d. AUTOMOTIVE TRANSMISSION FLUID – NO BIDDERS
 - e. MULTIPURPOSE GEAR LUBRICANT – NO BIDDERS
 - f. ANTI-FREEZE, ETHYLENE – NO BIDDERS
 - g. JD AR69445 HY GUARD HYD OIL – NO BIDDERS
- AGGREGATE FOR SURFACE TREATMENT
- a. ITEM 302 TYPE B GRADE 3 – NO BIDDERS
 - b. ITEM 302 TYPE B GRADE 4 – NO BIDDERS
 - c. ITEM 302 3/8 #2 COVER AWARDED TO DOLESE BROS. COMPANY (ONLY BIDDER)
 - d. ITEM 302 5/8 C2 COVER AWARDED TO DOLESE BROS. COMPANY (ONLY BIDDER)
 - e. ITEM 302 5/8 #3 COVER AWARDED TO DOLESE BROS. COMPANY (ONLY BIDDER)
 - f. ITEM 302 3/4 #1 COVER AWARDED TO DOLESE BROS. COMPANY (ONLY BIDDER)
- FLEXIBLE BASE
- a. ITEM 247 FLEX BASE TYPE A GRADE 4 – AWARDED TO BIG CITY CRUSHED CONCRETE
- CORRUGATED METAL PIPE
- a. ITEM 460 CORRUGATED METAL PIPE – AWARDED TO WILSON CULVERT
 - b. ALLUMINIZED TYPE 2 STEEL – NO BIDDERS
- LIME SLURRY
- a. ITEM 264.2 LIME SLURRY TYPE B – NO BIDDERS
 - b. ITEM DMS 6330 QUICK LIME DRY – NO BIDDERS
- AGGREGATE HAULING – NO BIDDERS

ITEM #6

COUNTY AUDITOR LISA CONSTANT AND ASSISTANT DISTRICT ATTORNEY JON THATCHER DISCUSSED WITH THE COURT OPTIONS AVAILABLE TO USE ALL THREE VENDORS BIDDING ON VEHICLE MAINTENANCE AND SERVICE FOR THE COUNTY. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF REJECTING ALL BIDS RECEIVED FOR VEHICLE MAINTENANCE AND SERVICE AND TO GRANT A DISCRETIONARY EXEMPTION PER LOCAL GOVERNMENT CODE 262.024 FOR COUNTY VEHICLE AND EQUIPMENT REPAIRS; AND AUTHORIZING THE USE OF THE FOLLOWING LOCAL VENDORS FOR COUNTY VEHICLES AS GOODYEAR, HORIZON AUTO CENTER AND CHRISTIAN BROTHERS, TO BE DETERMINED BY EACH DEPARTMENT AS NECESSARY.

ITEM #7

JUDGE HOGAN EXPLAINED TO THE COURT TWO BIDS RECEIVED FOR CLEANING SUPPLIES, ONE OF WHICH WAS NOT COMPLETE AND NOT ACCEPTABLE AND THE SECOND FROM CHANEY PAPER PRODUCTS WHICH IS OWNED BY THE FUTURE CONSTABLE FOR PRECINCT 2 AS OF JANUARY 1, 2013. THE COURT DISCUSSED AT LENGTH THE FACT THAT ALTHOUGH IT WAS LEGAL TO DO SO, THERE WAS THE PERCEPTION OF A CONFLICT OF INTEREST IN ACCEPTING A BID FROM A SOON TO BE ROCKWALL COUNTY ELECTED OFFICIAL. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN FOR DISCUSSION TO REJECT ALL BIDS RECEIVED AND AUTHORIZE THE COUNTY AUDITOR TO RE-BID FOR COUNTY CLEANING SUPPLIES AND PAPER PRODUCTS. THE COURT CONTINUED THEIR DISCUSSION IN DETAIL AND AT GREAT LENGTH. THE COURT VOTED 3-2 AGAINST THE SAID MOTION WITH COMMISSIONERS WIMPEE, BAILEY AND MAGNESS VOTING AGAINST AND JUDGE HOGAN AND COMMISSIONER GRINNAN VOTING FOR.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE RECOMMENDATION BY THE COUNTY AUDITOR TO INCREASE THE CHANGE FUND BY \$50,00 FOR THE COUNTY CLERK, PURSUANT TO LGC § 130.902 (D).

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AN AGREEMENT WITH THE CITY OF FORT WORTH TO SHARE THEIR SPECIAL NEEDS ASSISTANCE WEB BASED PORTAL DATABASE FOR ASSISTANCE IN AN EMERGENCY OR DISASTER.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CHILDREN'S CENTER OF COLLIN COUNTY FOR THE PROVISION OF CHILD FORENSIC INTERVIEWS FOR ROCKWALL COUNTY AT A COST OF \$200.00 PER INTERVIEW.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ROOFING PROPOSAL FROM CEI ROOFING TEXAS, LLC TO PROVIDE WATERPROOFING SERVICES AT THE ADULT PROBATION FACILITY AS A RESULT OF LEAK REPORT PRESENTED IN THE AMOUNT OF \$3,972.00.

ITEM #12

THIS ITEM REGARDING APPROVAL OF A PROPOSAL FROM THE ROCKWALL COUNTY ROAD AND BRIDGE ADMINISTRATOR FOR THE EQUIPMENT AND

MATERIALS NEEDED FOR THE ASPHALT IMPROVEMENT OF CIRCLE DRIVE IN ROYSE CITY WAS PULLED TO BE RE-ADDRESSED AT A FUTURE MEETING.

COMMISSIONER BAILEY LEFT THE MEETING AT 8:10 P.M.

ITEM #13

THE COURT DISCUSSED THE BENEFITS OF APPROVING CONTINUED MEMBERSHIPS WITH TEX-21 AND THE DALLAS REGIONAL MOBILITY COALITION. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE TO APPROVE THE FY2013 MEMBERSHIPS WITH TEX-21 IN THE AMOUNT OF \$4,250.00 AND THE DALLAS REGIONAL MOBILITY COALITION IN THE AMOUNT OF \$8,027.00. THE COURT CONTINUED THE DISCUSSION ON THE TEX-21 MEMBERSHIP. THE COURT VOTED 3-1 AGAINST APPROVING THE SAID MOTION. JUDGE HOGAN, COMMISSIONER GRINNAN AND COMMISSIONER WIMPEE VOTED AGAINST. COMMISSIONER MAGNESS VOTED FOR. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE FY2013 MEMBERSHIP WITH THE DALLAS REGIONAL MOBILITY COALITION IN THE AMOUNT OF \$8,027.00. COMMISSIONER MAGNESS WILL DISCUSS WITH INNOVATIVE TRANSPORTATION SOLUTIONS, INC. (ITS) REPRESENTATIVE JOHN POLSTER FOR FURTHER INFORMATION REGARDING TEX-21 AND BRING IT BACK TO THE COURT.

ITEM #14

ELECTIONS DIRECTOR GLENDA DENTON EXPLAINED TO THE COURT AN AGREEMENT WITH DEMOCRACY LIVE, INC. FUNDED BY HELP AMERICA VOTE ACT (HAVA) FOR THE FIRST PHASE OF A PROGRAM TO ASSIST DISABLED PEOPLE BE ABLE TO VOTE. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE AGREEMENT WITH DEMOCRACY LIVE, INC. FOR THE IMPLEMENTATION OF AN ACCESSIBLE VOTER SPECIFIC SAMPLE BALLOT AND SPECIFIC VOTER PRECINCT/VOTE CENTER FACILITY LOOKUP MODULE TO BE FUNDED BY THE HELP AMERICA VOTE ACT (HAVA) OPPORTUNITY FOR ACCESS 2012 GRANT.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, 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, monthly fee report(s);
- c) District Clerk, monthly fee report (s);
- d) Tax Assessor-Collector, monthly activity/expense report(s);
- e) J.P. Pct. 1, monthly judicial activity report(s);
- f) Co. Treasurer, monthly report(s);
- g) Indigent Health, monthly expenditure/case report(s);
- h) Co. Auditor, monthly report(s);

ITEM #16

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

- A. County Agent to purchase from County Agent Capital Outlay: refrigerator @ an estimated cost of \$650.00.

ITEM #17

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS;

2012-34 – Transfer \$1,050 of funds within the Consolidated Collections budget **TO** Capital Outlay >\$200 <\$5,000 **FROM** Copier Expense resulting from the purchase of a laptop computer approved in Commissioners Court on August 21, 2012.

2012-35 – Transfer \$830 of funds within the General Government Fund budget **TO** Justice of the Peace #2/ Capital Outlay >\$200 <\$5,000 **FROM** Contingency resulting from the purchase of a Sentry Safe including shipping/setup approved in Commissioners Court on June 26, 2012.

2012-36 – Transfer \$435 of funds within the District Attorney budget **TO** Capital Outlay >\$200 <\$5,000 **FROM** Reporters Records resulting from the purchase of a telephone including license and software approved in Commissioners Court on June 12, 2012.

2012-37 – Transfer \$215 of funds within the County Treasurer budget **TO** Capital Outlay >\$200 <\$5,000 **FROM** Office Supplies resulting from the purchase of an HP LaserJet P2015dn printer approved in Commissioners Court on August 14, 2012.

2012-38 – Transfer \$5,000 of funds within the General Government budget **TO** Transfer to Veterans Memorial **FROM** Contingency resulting from the purchase of software installation, licensing and maintenance for the Veterans Memorial Kiosk approved in Commissioners Court on June 26, 2012.

ITEM #18

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 \$313,486.42. 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 \$341,021.44. 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 \$523,617.91 FOR THE PAY PERIOD ENDING SEPTEMBER 15, 2012.

ITEM #19 – ANNOUNCEMENTS

JUDGE HOGAN, QUESTIONED THE EFFECTIVENESS OF NIGHT TIME COMMISSIONERS COURTS. JUDGE HOGAN ANNOUNCED THAT THE OLD JAIL IN THE HISTORIC COURTHOUSE WAS OPEN TO THE PUBLIC FOR TOURS.

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN ADJOURNED THE MEETING AT 8:25 P.M.

SHELLI MILLER
ROCKWALL COUNTY CLERK