

**COMMISSIONERS COURT
NOVEMBER 13, 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-ABSENT
LORIE GRINNAN	COMMISSIONER PCT #2
DENNIS BAILEY	COMMISSIONER PCT #3
DAVID MAGNESS	COMMISSIONER PCT #4
SHELLI MILLER	COUNTY CLERK

JUDGE HOGAN CALLED THE MEETING TO ORDER AT 9:00AM.

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 HOGAN.

ROCKWALL COUNTY TREASURER DAVID PEEK ADDRESSED THE COURT REGARDING THE FLAGPOLES LOCATED AT 1111 E. YELLOWJACKET LANE AND STATED THAT HIS GOAL WAS TO REFOCUS THE CONVERSATION REGARDING THE FLAGPOLE HEIGHTS TO THE FACTS AND TO THE LAW. AS A VETERAN, MR. PEEK SAID THAT THE VETERANS WHO SPOKE TO THE COURT PREVIOUSLY DID NOT SPEAK FOR ALL VETERANS AND THAT HE WAS AN EXAMPLE OF THAT FACT. MR. PEEK INFORMED THE COURT THAT THE DESIGN CONFIGURATION OF THE FLAGS AND FLAGPOLES DID NOT COMPLY WITH THE US FLAG CODE, THE TEXAS FLAG CODE, THE POW/MIA DISPLAY STANDARDS ISSUED BY THE DEPARTMENT OF VETERANS AFFAIRS AND IT ALSO DID NOT

SATISFY THE FLAG CODE REQUIREMENT CALLING FOR A TEXAS FLAG TO BE ON OR NEAR THE MAIN ADMINISTRATION BUILDING OF EACH STATE INSTITUTION. HE STATED THAT MISTAKES WERE MADE BY VARIOUS GROUPS AND IN ORDER TO REMEDY THE MISTAKES, MR. PEEK RECOMMENDED CONSULTING THE FACTS AND THE LAW. HE ADVISED THE COURT THAT HE WOULD SEND THE COURT MEMBERS A DETAILED ANALYSIS OF THE FLAG CODES AND REQUESTED THE COURT TAKE THE TIME TO READ THE INFORMATION. MR. PEEK CONTINUED WITH STATING IT WAS HIS HOPE THAT AFTER LISTENING TO HIM TODAY AND READING THE INFORMATION HE WOULD SEND THAT THEY WOULD REVISIT THE VOTE PREVIOUSLY MADE BY THE COURT AND HE RECOMMENDED THAT ACTION BE TAKEN AS SOON AS POSSIBLE, PRIOR TO THE REPLACEMENT OF THE CENTER FLAGPOLE. HE FELT THERE WERE MANY OPTIONS THAT COULD BE EXPLORED THAT WOULD HONOR THE THREE FLAGS AND THE GOVERNING CODES AND BE ACCEPTABLE TO ALL PARTIES.

ITEM #1

DR. DAN JONES, PRESIDENT OF TEXAS A&M UNIVERSITY-COMMERCE DISCUSSED WITH THE COURT PLANS FOR THE TEXAS A&M COMMERCE ROCKWALL FACILITY TO BE LOCATED IN THE TECHNOLOGY PARK WITH CLASSES OPENING FOR THE SPRING SEMESTER. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #2

ROCKWALL AREA CHAMBER OF COMMERCE REPRESENTATIVE DANA

MACALICK REQUESTED PERMISSION TO USE LIBERTY HALL FOR THEIR ANNUAL AWARDS BANQUET ON JANUARY 10, 2013, AND REQUESTED A VARIANCE TO POLICY 8.11 OF THE ROCKWALL COUNTY FACILITY USE RULES AND PROCEDURES FOR COUNTY BUILDINGS AND GROUNDS FOR CONSUMPTION OF ALCOHOL. JUDGE HOGAN SUMMARIZED THAT THE COURT HAD TWO DECISIONS TO MAKE ON THE USE OF THE ROOM, ONE WHETHER OR NOT TO ALLOW CATERED FOOD AND TWO WHETHER TO ALLOW ALCOHOL. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #3

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE ROCKWALL COUNTY EMERGENCY OPERATIONS PLAN AS PRESENTED BY JOE DELANE AND THE RE-APPOINTMENT OF MARGO NIELSEN AS THE MANAGEMENT COORDINATOR FOR ROCKWALL COUNTY.

ITEM #4

THIS ITEM PERTAINING TO APPROVING TRAVEL FOR THE DISTRICT ATTORNEY WILL BE POSTPONED UNTIL ASSISTANT DISTRICT ATTORNEY JON THATCHER CAN CONTACT CRIMINAL DISTRICT ATTORNEY KENDA CULPEPPER.

ITEM #5

COMMISSIONER BAILEY GAVE THE COURT A BRIEF UPDATE ON THE REGIONAL HEALTH PARTNERSHIP. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #6

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 3-0 IN FAVOR OF GRANTING FARMERS ELECTRIC COOPERATIVE, INC. PERMISSION TO CONSTRUCT ELECTRICAL POWER DISTRIBUTION FACILITIES ACROSS EASTVIEW DRIVE LOCATED IN ROCKWALL COUNTY. COMMISSIONER MAGNESS ABSTAINED.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF DESIGNATING JUDGE HOGAN AND INFORMATION TECHNOLOGY DIRECTOR, BRIAN CRENSHAW AS THE CONTACT PERSONS TO WORK WITH THE SOFTWARE COMPANY, AMCAD AND THE COUNTY CONSULTANT COMPANY, TATUM, AS WELL AS AUTHORIZING JUDGE HOGAN TO MAKE CONTRACT CHANGES NOT TO EXCEED \$10,000.00 WITHOUT APPROVAL OF THE COMMISSIONERS COURT. JUDGE HOGAN ABSTAINED.

ITEM #8

THIS ITEM CONCERNING THE ROCKWALL COUNTY PUBLIC SAFETY AND FIRE ASSISTANCE DISTRICT IS DELAYED DUE TO ASSISTANT DISTRICT ATTORNEY JON THATCHER NOT BEING PRESENT.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF

APPROVING ANNUAL SOFTWARE MAINTENANCE AGREEMENTS WITH SOUTHERN SOFTWARE FOR THE COUNTY SHERIFF AND JAIL AT A TOTAL COST OF \$19,150.00.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF AWARDING THE 2013 CONTRACT FOR ROAD AND BRIDGE CONSTRUCTION CEMENT TREATED MATERIAL SUPER SLURRY TO TXI OPERATIONS BID NUMBER 1310023.

ITEM #8 RE-ADDRESSED

ASSISTANT DISTRICT ATTORNEY JON THATCHER SHARED WITH THE COURT BACKGROUND INFORMATION ON THE PUBLIC SAFETY AND FIRE ASSISTANCE DISTRICT EXPLAINING THAT LEGISLATURE WAS ENACTED BEGINNING IN 1990 WHICH ALLOWED COUNTIES TO COLLECT FUNDS ON A HALF CENT SALES TAX FOR PUBLIC SAFETY AND FIRE ASSISTANCE PURPOSES, AN ELECTION WAS HELD IN 2000 AND VALIDATED WITH AN ADDITIONAL ELECTION IN 2005 WHEN BOUNDARIES OF THE DISTRICT WERE SET TO INCLUDE THE CITIES OF FATE, MCLENDON CHISHOLM AND MOBILE CITY AND THE UNINCORPORATED AREAS OF THE COUNTY. MR. THATCHER STATED THAT A RECENT AMENDMENT WAS PASSED ALLOWING THE COURT TO TAKE ACTION TO REDUCE THE BOUNDARIES WITHOUT THE NEED FOR AN ELECTION IF THEY FOUND IT NECESSARY. COMMISSIONER MAGNESS STATED TO THE COURT THAT DUE TO THEIR GROWTH, THE CITY OF FATE HAS REQUESTED THE COURT TO

REVISIT THE BOUNDARIES IN AN ATTEMPT TO MAKE THEM MORE EQUITABLE. MR. THATCHER IS IN THE PROCESS OF CREATING A CURRENT BOUNDARIES MAP TO INCLUDE CHANGES MADE FROM ANNEXATIONS OVER THE YEARS AND WILL HAVE A WORKING MAP REPRODUCED AND AVAILABLE FOR THE COURT WITHIN A WEEK. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #11

SHERIFF EAVENSON DISCUSSED WITH THE COURT THE POSSIBILITY OF DODSON TRAINING RESOURCES CONDUCTING INTEGRITY AND ETHICS CLASSES TO INCLUDE COUNTY EMPLOYEES OTHER THAN THE SHERIFF'S OFFICE. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING THE REQUEST TO PAY JAMES DODSON OF DODSON TRAINING RESOURCES ODESSA, TEXAS TO CONDUCT A TWO-DAY INTEGRITY AND ETHICS CLASS IN AN AMOUNT NOT TO EXCEED \$5,000.00.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A ONE-YEAR SUBSCRIPTION RENEWAL WITH RECORDED BOOKS, LLC TO CONTINUE PROVIDING DIGITAL DOWNLOADABLE BOOKS FOR THE ROCKWALL COUNTY LIBRARY AT \$6,200.00 PER YEAR EFFECTIVE JANUARY 1, 2013.

ITEM #13

COUNTY AUDITOR LISA CONSTANT PULLED THIS ITEM REGARDING THE UPDATED ROCKWALL COUNTY TRAVEL POLICY. THE ITEM WILL BE PLACED ON THE NEXT REGULAR COMMISSIONERS COURT MEETING AGENDA.

ITEM #14

HDR ENGINEERING INC. REPRESENTATIVE JORDAN EVERHART DISCUSSED WITH THE COURT A SUPPLEMENTAL AGREEMENT THAT AMENDED THE SERVICES TO BE PROVIDED BY THE ENGINEER IN ORDER TO FINALIZE THE BIKE PLAN. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A SUPPLEMENTAL AGREEMENT NUMBER 1 TO THE CONTRACT FOR ENGINEERING SERVICES BETWEEN ROCKWALL COUNTY AND HDR FOR THE ROCKWALL COUNTY BICYCLE PLAN AS PRESENTED.

ITEM #19

FIRST SOUTHWEST REPRESENTATIVES BOYD LONDON AND MARTI SHEW PRESENTED THE COURT WITH THE LIVE RESULTS OF THE COMPETITIVE BOND SALE FOR THE 2012A ROAD BOND ISSUE WITH THE GOAL OF THE ROAD BOND TO PROVIDE THE COUNTY WITH \$25.5 MILLION DOLLARS IN FUNDS FOR THE PASS THRU TOLL PROGRAM. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AN ORDER PROVIDING FOR THE ISSUANCE OF ROCKWALL COUNTY, TEXAS, UNLIMITED TAX ROAD BONDS, SERIES 2012A, IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY

\$25,500,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT INCLUDING THAT BANK OF AMERICA MERRILL LYNCH BE THE BUYER. MS. SHEW ALSO PRESENTED THE COURT WITH A SUMMARY OF THE STANDARD AND POORS CREDIT ANALYSIS FOR ROCKWALL COUNTY STATING THAT THE COUNTY WAS ASSIGNED THE 'AA' RATING WITH A STABLE OUTLOOK ON THE COUNTY'S GENERAL OBLIGATION ROAD BONDS AND EXISTING GENERAL OBLIGATION DEBT.

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING KENDA CULPEPPER TO ATTEND THE NORTH TEXAS CRIME COMMISSION LEGISLATIVE DELEGATION NOVEMBER 27-29, 2012, IN WASHINGTON, D.C., INCLUDING ALL RELATED EXPENSES.

ITEM #15

COUNTY AUDITOR LISA CONSTANT DISCUSSED WITH THE COURT AN ADDITIONAL EXPENSE FOR CARPET REPLACEMENT AT THE HISTORIC COURTHOUSE. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AN ADDITIONAL \$450.00 DUE TO THE FINAL BILLING EXCEEDING THE ESTIMATE APPROVED FOR CARPET REPLACEMENT OF AREAS NOT AFFECTED BY WATER DAMAGE AT THE HISTORIC COURTHOUSE.

ITEM #16

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF AUTHORIZING REASONABLE TRAVEL EXPENSES FOR CONTINUING EDUCATION INCURRED BY A COUNTY OFFICER PRIOR TO THE BEGINNING OF THE OFFICER'S TERM OF OFFICE AS ALLOWED BY LOCAL GOVERNMENT CODE §152.907.

ITEM #17

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING AN AMENDMENT TO THE AGREEMENT WITH TLO LLC SYSTEMS REGARDING LAW ENFORCEMENT'S ACCESSIBILITY TO THEIR SYSTEM.

ITEM #18

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A QUOTE FROM GRUBBS PAINTING TO SEAL THE WALLS AND FLOORS OF THE OLD JAIL LOCATED AT THE HISTORIC COURTHOUSE.

ITEM #20

COMMISSIONER MAGNESS TOOK EXCEPTION TO ITEM A OF THE CONSENT AGENDA TO THE COUNTY CLERK'S MINUTES; HE STATED THAT HE FELT THE MEMBERS OF THE COURT'S OPINIONS SHOULD NOT BE REFLECTED IN THE MINUTES. COUNTY CLERK SHELLI MILLER EXPLAINED TO THE COURT THAT, AS HAS BEEN DONE IN PAST YEARS BY PRIOR COUNTY CLERKS, WHEN A

MEMBER OF THE COURT SAYS "FOR THE RECORD" PRIOR TO A STATEMENT, THE STATEMENT IS ADDED TO THE PERMANENT RECORD AS REQUESTED. MS. MILLER WENT ON TO ASK THE OTHER MEMBERS OF THE COURT FOR THEIR THOUGHTS ON THE ISSUE AND RECEIVED FAVORABLE COMMENTS FROM THE COURT TO CONTINUE THE PRACTICE OF ADDING COMMENTS PRECEDED BY "FOR THE RECORD" TO THE MINUTES OR PERMANENT RECORD AS REQUESTED. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-1 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s)
- b) J.P. Pct. 2, monthly judicial activity report(s);
- c) Environmental Health Coordinator, monthly activity report(s);
- d) Librarian, activity monthly report(s);
- e) Auditor, Approve payment to Half Associates, Inc. for engineering services provided thru 9/30/12 at SH 66 from SH 205 to FM 1777 in the amount of \$37,739.63;
- f) Auditor, Approve payment to Dannenbaum Engineering Company for engineering Services provided during September 2012 at FM 549 from SH 276 to SH 205 in the amount of \$2,210.13;

COMMISSIONER MAGNESS VOTED AGAINST.

ITEM #21

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

- A. Commissioners Court to purchase from Commissioners Court General Fund Capital Outlay: desk chair @ a quoted cost of \$497.13.
- B. County Jail to purchase from County Jail General Fund Capital Outlay: mirror beam LEDs including installation @ a quoted cost of \$409.40.
- C. County Jail to purchase from County Jail General Fund Capital Outlay: siren and speaker including installation @ a quoted cost of \$413.29.

- D. County Library to purchase from Library Donation Fund Capital Outlay: laptop computer including 3-year maintenance agreement @ a quoted cost of \$1,559.69.
- E. County Sheriff to transfer to County Jail: 2006 Ford Crown Victoria.
- F. County Library to transfer to Surplus: multi-function Xerox Workcenter C2424 DP color copier/printer/scanner.
- G. County Library to transfer to Surplus: (55) boxes of withdrawn books.

ITEM #22

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

2012-46 – Transfer \$1,420 of funds within the District Attorney General Fund budget **TO** Capital Outlay > \$200 < \$5,000 **FROM** Investigation Cases resulting from expenditures exceeding budgeted funds.

2012-47 – Transfer \$2,200 of funds within the County Sheriff General Fund budget **TO** Gas, Oil & Maintenance **FROM** Group Insurance resulting from expenditures exceeding budgeted funds.

2012-48 – Transfer \$375 of funds within the County Agent General Fund budget **TO** Equipment Repairs **FROM** Travel & Training resulting from expenditures exceeding budgeted funds.

2013-04 – Transfer \$3,500 of funds within the General Government budget **TO** Maintenance Agreements **FROM** Contingency resulting from contract approved in Commissioners Court on October 9, 2012.

ITEM #23

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$124,652.39. COUNTY TREASURER DAVID PEEK AND COUNTY AUDITOR LISA CONSTANT SPOKE TO THE COURT REGARDING FUNDS FOR DEPARTMENTAL BUDGETS FOR GROUP INSURANCE. FUNDS WILL BE PAID TO THE INSURANCE TRUST BASED ON

BUDGETED AMOUNTS. MS. CONSTANT MADE NOTE OF ANOTHER ITEM UNDER UNPAID CLAIMS. THE FUNDS THAT HAD PREVIOUSLY BEEN PULLED FOR HELPING HANDS ARE NOW BEING PAID. A FINAL ITEM WAS POINTED OUT BY MS. CONSTANT: AN INCREASED AMOUNT FOR THE CHRISTMAS TREE WAS BEING APPROVED AND PAID WHICH INCLUDED SHIPPING COSTS. THOSE COSTS WERE UNKNOWN WHEN ORIGINALLY APPROVED. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$494,240.34. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$529,266.38 FOR THE PAY PERIOD ENDING OCTOBER 27, 2012. SEE ATTACHED_____.

ITEM #29 – ANNOUNCEMENTS

JUDGE HOGAN ANNOUNCED THAT FILMING OF THE TV SERIES DALLAS WILL CONTINUE THIS WEEK. HE ALSO ANNOUNCED THAT THE CHRISTMAS TREE WILL BE PUT UP FRIDAY IN FRONT OF THE COURTHOUSE AND REMINDED PEOPLE THAT THE ROTUNDA AND THE AREA AROUND THE CHRISTMAS TREE WERE AVAILABLE FOR USE BY GROUPS FOR THE CHRISTMAS SEASON.

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

SHELLI MILLER
ROCKWALL COUNTY CLERK