

COMMISSIONERS COURT
September 24, 2013

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
Cliff Sevier Commissioner Pct 1
Lorie Grinnan Commissioner Pct 2
Dennis Bailey Commissioner Pct 3
David Magness Commissioner Pct 4
Shelli Miller County Clerk

- **CALL TO ORDER;** Judge Hogan called the meeting to order at 9:00 a.m.
- **INVOCATION;** - The invocation was given by Commissioner Sevier.
- **PLEDGES OF ALLEGIANCE;** The Pledges of Allegiance to the American Flag and to the Texas Flag were given by Judge Hogan.
- **RECOGNITION OF GUESTS;**

No guests were present that wished to address the Court.

AGENDA:

1. Discuss/Act on approving the Rockwall County Bicycle Master Plan, and all related issues; (Grinnan)

Commissioner Grinnan presented the Rockwall County Bike Master Plan to the Court and stated for the record that our citizens had long expressed the desire for facilities that promoted healthy living, bike and walking trails in particular. Ms. Grinnan explained that Rockwall County was the first county-wide bike plan in North Texas and was the culmination of a 2 year effort between the County, ITS, HDR, TXDOT and NCTCOG. Commissioner Grinnan stated that the citizens expected efforts to maintain a high standard of living and quality of life, which our \$100,000,000 road bond authorization addresses and the multimodal facilities along these improved roads helped to achieve that goal. Commissioner Grinnan continued by recognizing the point person from the engineering firm HDR, Jordan Everhart for dedicating an extraordinary amount of time and exhaustive effort to produce the comprehensive plan. Commissioner Grinnan said that the plan identified existing facilities, current and future city plans, opportunities for paths, trails and connectivity, constraints such as physical barriers and economic hindrances, federal and state standards and "Complete Streets" initiatives. She sited that they did not want the plan to be a document that sat on a shelf and encouraged the

Court members to work with their respective cities to utilize the plan, consider forming a task force and certainly working with the Open Space Committee. Commissioner Grinnan concluded by thanking Jordan Everhart of HDR, Buz Elsom of ITS, Kathy Klenschmidt of TXDOT and NCTCOG/BPAC representatives Kevin Kotes and Alma Morphis and finally the Commissioners Court all for their support.

County resident Ron Simmons voiced his concerns of bike trails on Hwy 66 due to the road's poor condition in his area. Mr. Simmons went on to state that he had to pay to drive his vehicles on the roads and bikes did not.

County resident Bruce Foith spoke to the court and stated that as a cyclist he had concerns about Hwy 66 and encouraged the Court to continue their work on the bike lanes. Mr. Foith concluded by thanking the Court for their efforts to date.

Commissioner Bailey wanted to enter into the record his appreciation to Commissioner Grinnan for the superior job she had done in completing the plan.

The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving the Rockwall County Bicycle Master Plan.

2. Discuss/Act on moving the regular scheduled Commissioners Court meeting from October 8, 2013, to Tuesday, October 15, 2013, at 10:00 a.m. due to the Commissioners Court members attending the 91st Annual County Judges and Commissioners Association of Texas Conference, and all related issues; (Hogan)

Judge Hogan discussed with the Court changing the Court's schedule due to the Commissioners Court members attending the 91st Annual County Judges and Commissioners Association of Texas Conference and to allow Rockwall High School Government classes to attend a Commissioners Court meeting as requested by RISD.

The motion was made by Commissioner Magness, seconded by Commissioner Grinnan with the Court voting 5-0 in favor of moving the regularly scheduled Commissioners Court meeting from October 8, 2013, to October 15, 2013, at 10:00 a.m. and moving the October 22, 2013 meeting to October 29, 2013 to start at the regular time of 9:00 a.m.

3. Discuss/Act on appointing a Commissioners Court representative and to authorize the Court's representative the authority to approve expenditures for the Tis Christmas Time event, and all related issues; (Court)

County Auditor Lisa Constant Wylie discussed with the Court the need for the court to appoint a Court representative for the Tis Christmas Time event and to consider approving an amount for expenditures. Rockwall County Historical Foundation representative Carolyn Francisco gave the Court an update on the event planning efforts to date.

The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of appointing Commissioner Sevier as the Commissioners Court representative and to authorize him the authority to approve expenditures for the Tis Christmas Time event up to \$3,500.

4. Discuss/Act on temporarily closing a segment of North Country Lane Road, and all related issues; (Magness)

Commissioner Magness explained to the Court the need to close a segment of North Country Lane Road to allow Mr. Baker, a rancher in the County to move his cattle to from one side of the road to the other to access available water.

The motion was made by Commissioner Sevier, seconded by Commissioner Magness with the Court voting 5-0 in favor of approving a temporary closing of a segment of North Country Lane Road with barricades and signage.

5. Discuss/Act on the proposed Counsel Contingent Fee Contract with Malouf & Nockels LLP for legal services regarding Mortgage Electronic Registration Systems, Inc. (MERS), and all related issues; (Thatcher)

Assistant District Attorney Jon Thatcher updated the Court on the MERS situation and advised that the District Attorney's Office had asked that the Court retain outside counsel to represent the County in the MERS matter and explained the process to do so.

The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving the proposed Counsel Contingent Fee Contract with Malouf & Nockels LLP for legal services regarding Mortgage Electronic Registration Systems, Inc. (MERS)

6. Discuss/Act on approving Proclamation designating October 6-12, 2013, as National 4-H Week, and all related issues; (Bailey-Todd Williams)

County Agent Todd Williams read a proclamation honoring the Rockwall County 4-H program designating October 6 - 12 as National 4-H Week.

The motion was made by Commissioner Bailey, seconded by Commissioner Grinnan with the Court voting 5-0 in favor of approving a Proclamation designating October 6-12, 2013, as National 4-H Week.

7. Discuss/Act on the use of county facilities for TV/film projects utilizing location agreements, and all related issues; (Magness)

Commissioner Magness addressed the Court and discussed using County facilities for TV and Movie filming and asked the Court to allow filming and to appoint him to work to bring filming opportunities to the county. Commissioner Grinnan requested that the Veterans Memorial be kept separate from any filming.

The motion was made by Commissioner Bailey, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving the use of county facilities for filming opportunities and to appoint Commissioner Magness to work with the entities for minor projects.

8. Discuss/Act on maintenance of roads in the Alexander Ranch Subdivision/Rockwall County Subdivision Rules and Regulations, and all related issues; (Magness)

Commissioner Magness gave the Court the background of the Alexander Ranch Road issue and reminded the Court of past action taken asking the residents to pay \$15,500 upfront for the County to make repairs to the road. The Court discussed a letter received from the home owners that stated the residents were not in agreement to do so. Commissioner Magness asked the Court to allow the County to make the repairs by going through the process of assessing a lien on the residences. Assistant District Attorney Jon Thatcher explained the needed process stating that a Public Hearing would be needed and a vote with a majority of the home owners to approve. Commissioner Magness stated he felt this was the only way to bring the roads up to County standards. The Court discussed what methods had been used in the past to remedy similar situations.

Commissioner Magness asked the Court for guidance on how to solve the problem. Assistant District Attorney Jon Thatcher gave the Court further explanation of Chapter 253 of the Transportation Code and stated there was an underlying premise that health and safety is an issue for this statute to apply. The Court continued discussion of the issue at length. Commissioner Magness stated that the Court needs to take the initiative to look at the homeowner's rules and regulations and seek advice on this. The item will be discussed further at a workshop. This was a discussion item only. No action taken.

9. Discuss/Act on approving a Memorandum of Understanding (MOU) with AMCAD and Xerox Commercial Solutions, LLC for the electronic recording of real property documents for the AMCAD software implementation, and all related issues; (Auditor)

The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving a Memorandum of Understanding (MOU) with AMCAD and Xerox Commercial Solutions, LLC for the electronic recording of real property documents for the AMCAD software implementation.

10. Discuss/Act on approving a one-year agreement with the Rockwall County Emergency Services Corporation (ESC) for the provision of Emergency Management Services effective October 1, 2013, at a cost of \$68,999.50, and all related issues; (Auditor)

County Auditor Lisa Constant Wylie noted a "where as" that was stricken on the first page of the document.

The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving a one-year agreement with the Rockwall County Emergency Services Corporation (ESC) for the provision of Emergency Management Services effective October 1, 2013, at a cost of \$68,999.50 with the noted stricken language.

11. Discuss/Act on approving a one-year agreement effective October 1, 2013, with the Rockwall County Emergency Services Corporation (ESC) for the County's share of the administrative and consulting costs in the amount of \$10,247.50, and all related issues; (Auditor)

The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving a one-year agreement effective October 1,

2013, with the Rockwall County Emergency Services Corporation (ESC) for the County's share of the administrative and consulting costs in the amount of \$10,247.50.

12. Discuss/Act on approving a one-year agreement with Rockwall County Emergency Services Corporation (ESC) for the County's share of the Medic Rescue subsidy for ambulance services in the amount of \$239,823.50 effective October 1, 2013, and all related issues; (Auditor)

County resident John Kiser addressed the court and stated that this was a good use of money and urged the Court's approval.

The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving a one-year agreement with Rockwall County Emergency Services Corporation (ESC) for the County's share of the Medic Rescue subsidy for ambulance services in the amount of \$239,823.50 effective October 1, 2013.

13. Discuss/Act on approving the one-year renewal Interlocal Agreements effective October 1, 2013, with the Cities of Rockwall (\$58,250), Royse City (\$63,000), Heath (\$17,250), Fate (\$94,000) and McLendon-Chisholm (\$67,500) for fire protection services to non-incorporated areas within the County, and all related issues; (Auditor)

The motion was made by Commissioner Bailey, seconded by Commissioner Grinnan with the Court voting 5-0 in favor of approving the one-year renewal Interlocal Agreements effective October 1, 2013, with the Cities of Rockwall (\$58,250), Royse City (\$63,000), Heath (\$17,250), Fate (\$94,000) and McLendon-Chisholm (\$67,500) for fire protection services to non-incorporated areas within the County.

14. Discuss/Act on approving an Interlocal Agreement with the City of Fate for road improvements to North Ben Payne, South Ben Payne, Barnes, Blackland and Greenbriar Roads at an agreed upon cost and available schedule, and all related issues; (Auditor)

The Court discussed not taking action until Fate finalized a prior action to annex certain County roads. The item was tabled until later in the month. This was a discussion item only. No action taken.

15. Discuss/Act on exempting vehicle and equipment repairs and maintenance from the requirement established by Local Government Code §262.023, and all related issues; (Auditor)

County Auditor Lisa Constant Wylie explained to the Court and gave the history of prior action taken regarding this item on vehicle repairs and maintenance. Ms. Constant went on to explain that the Court may exempt the County from the usual bidding process for vehicle maintenance and repairs and just allow the use of local vendors. Assistant District Attorney Jon Thatcher stated that the recommendation would be to exempt vehicle repairs and maintenance from the County Purchasing Act.

The motion was made by Commissioner Magness, seconded by Commissioner Bailey with the Court voting 4-1 in favor of approving exempting vehicle and equipment repairs and maintenance from the County Purchasing Act. Judge Hogan voted against.

16. Discuss/Act on authorizing the County Auditor to request proposals for replacing the washed out culvert on Troy Road, and all related issues; (Auditor)

County Auditor Lisa Constant Wylie recommended the Court consider allowing her to go out for formal request for proposals for replacing the washed out culvert on Troy Road.

The motion was made by Commissioner Bailey, seconded by Commissioner Sevier with the Court voting 5-0 in favor of authorizing the County Auditor to draw up a proposal subject to review by legal counsel and authorize her to request proposals for the work to be performed on the culvert on Troy Road subject.

17. Discuss/Act to approve a software license agreement with Network Sciences, Inc. for the software system to be used by the Indigent Health Care department, and all related issues; (Auditor)

The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving a software license agreement with Network Sciences, Inc. for the software system to be used by the Indigent Health Care department.

18. CONSENT AGENDA;

- a) J.P. Pct. 2, monthly judicial activity report(s);
- b) District Clerk, monthly fee report(s);
- c) J.P. Pct.1, monthly judicial activity report(s);
- d) J.P. Pct. 3, monthly judicial activity report(s);
- e) Treasurer, monthly report(s);
- f) J.P. Pct. 4, monthly judicial activity report(s);
- g) Auditor, Approve payment to Atkins North America, Inc. for engineering services provided from October 1, 2012 thru July 28, 2013 at FM 3549 from SH 66 to IH 30 in the amount of \$10,707.21;
- h) Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during July 2013 at FM 549 from SH 276 to SH 205 in the amount of \$9,163.25;
- i) District Judges, Acknowledge for the record the Court Order reappointing Lisa Constant Wylie as the Rockwall County Auditor;
- j) Auditor, monthly report(s);

The motion was made by Commissioner Grinnan, seconded by Commissioner Magness with the Court voting 5-0 in favor of approving Consent Agenda items A-J.

19. PROPERTY ACQUISITIONS/DISPOSITIONS; Discuss/Act on approving the following property acquisitions and dispositions of fixed assets;

NONE

20. NON-EMERGENCY BUDGET TRANSFER(S);

NONE

21. APPROVAL OF ACCOUNTS, BILLS, CLAIMS, AND PAYROLL(S);

The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving Paid Claims in the amount of \$318,734.65.

The motion was made by Commissioner Bailey, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving Unpaid Claims in the amount of \$519,624.55.

The motion was made by Commissioner Grinnan, seconded by Commissioner Magness with the Court voting 5-0 in favor of approving payroll in the amount of \$530,071.31 for the pay period ending September 14, 2013.

22. ANNOUNCEMENT; Announcements regarding County news, and upcoming County events.

Judge Hogan announced that the work on the County Services Building was complete with only touch-up left to be done. The Judge stated that the DPS, Game Warden and State Troopers would be moving in starting October 14th and the DPS Drivers License office would close on Fannin St. on October 14 and reopen at the County Services Building on October 28th. Judge Hogan announced the next workshop and regular meeting dates and recommended agenda items. He also announced a scheduled management meeting on September 25th and 26th for an explanation and introduction of the new employee pay system.

23. ADJOURN;

With no further business before the Court, Judge Hogan adjourned the meeting at 10:50 a.m.

**SHELLI MILLER
ROCKWALL COUNTY CLERK**