

**COMMISSIONERS COURT**  
**August 27, 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 a 9:00 a.m.
- **INVOCATION;** The Invocation was given by Judge Hogan.
- **PLEDGES OF ALLEGIANCE;** The pledges of allegiance to the United States Flag and to the Texas Flag were led by Commissioner Grinnan.
- **RECOGNITION OF GUESTS;**

Judge Hogan introduced Michael Dillingham and Don Cates from the Sheriff's Department and recognized them for their extraordinary attention to detail and planning to build new storage cages at the new Courthouse to store County records from numerous departments. The records needed to be moved from the County Services Building to allow for the Department of Public Safety (DPS) offices to relocate into the space. Judge Hogan thanked Mr. Dillingham and Mr. Cates for getting the job done professionally and on time and on budget.

Judge Hogan introduced County Maintenance Department Director Luis Guzman and staff Gary Morris, Tony Hackett and Omar Sanchez and commended them for their diligent efforts to relocate thousands of county records from the County Services Building to the new Courthouse to enable renovation work to be completed to move the Driver's license office and DPS Troopers into the building. The Judge went on to thank them for their hard work, professional organizational skills and extraordinary efforts.

**AGENDA:**

1. Receive input from the citizens of Rockwall County regarding the 2013 County Tax Rate, and all related issues; (Court)

Rockwall County citizen Mr. Harold Clampet of 2920 Lago Vista Lane addressed the Court to ask about the increase in the tax rate. Judge Hogan explained that the tax rate was proposed to be increased by .095 (less than a penny).

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

Commissioner Grinnan updated the Court and presented a map on the proposed countywide Bicycle Master Plan and introduced HDR Engineering, Inc. representative Jordan Everhart and ITS representative John Polster. Mr. Everhart presented the Court with a brief overview of activities to date to develop the Bicycle Plan with a completion date for the recommended plan to be ready to present in September of 2013. Mr. Everhart stated that the recommendations were meant to address safety first and then ease of travel. Mr. Polster gave a quick update on the County road projects and the bicycle plan and how they have been affected by recent changes in State and Federal mandates. The final plan will be brought before the Court at a regular meeting in September for the Courts approval. This was a discussion item only. No action taken.

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

Commissioner Magness led the discussion pertaining to subdivision rules and roads located in Alexander Ranch Subdivision and how to bring these roads up to County standards at a cost of \$15,500.00. Commissioner Magness recommended that the Court vote to allow the owners to take a vote to accept the expense and if the HOA has a majority vote to pay it out at what would be a cost of \$250.00 per lot. Assistant District Attorney Jon Thatcher explained the process needed to put this in place if it were approved. Commissioner Magness suggested that the Court change and strengthen the County's Subdivision Rules Regulations to avoid similar situations in the future.

The motion was made by Commissioner Magness, seconded by Commissioner Grinnan with the Court voting 4-1 in favor of approving the County to upgrade the roads in Alexander Ranch Subdivision to bring them up to County standards and to accept maintaining the roads only if the lot owners vote to fund the cost of the repairs and the funds are received by the County prior to any work being completed with final approval of the roads from the Road and Bridge Department. Commissioner Bailey voted against.

Commissioner Magness stated that he would like for the Court to consider making revisions to the County Subdivision Rules and Regulations and said he would do more research and bring it back to the court at the September 17th Workshop for discussion.

4. Discuss/Act on approving the contract for the sale of 108 S. Fannin St. and authorizing the execution of all closing documents, and all related issues; (Hogan)

Assistant District Attorney Jon Thatcher explained a request from Ranger Title, the title company being used on the sale of the property located at 108 Fannin and asked the Court to provide formal acceptance of the contract for the sale of the property to help

them move forward on the close of the sale. Mr. Thatcher presented the Court with a draft order for the Court's approval.

The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving the Rockwall County real estate contract for the sale of 108 S. Fannin Street and authorizing Judge Hogan to execute all closing documents.

5. Discuss/Act on accepting the EASE 2.0 Grant (Effective Absentee Systems for Elections) offered by the Federal Voting Assistance Program, a division of the Department of Defense; approval of agreements with Democracy Live to facilitate the grant, and all related issues; (Denton)

The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of accepting the EASE 2.0 Grant (Effective Absentee Systems for Elections) offered by the Federal Voting Assistance Program, a division of the Department of Defense, and approving the agreements with Democracy Live to facilitate the grant.

6. Discuss/Act on the 2nd draft budget for Fiscal Year 2014, and all related issues; (Auditor)

Judge Hogan led the discussion of the 2nd draft budget and presented the Court with the Auditor's summary of changes to date. Some of the items of discussion were Justice of the Peace Precinct 2 staffing, various maintenance agreements, travel and training items and requested vehicles. Assistant District Attorney Jon Thatcher recommended that the District Attorney's office and Auditor research the proper procedure for purchasing a vehicle for the Sheriff's Department in the FY2013 budget and see if one can be purchased by September 30, 2013 and bring the discussion back to the Court.

Judge Hogan recessed the meeting at 10:40 a.m.

Judge Hogan reconvened the meeting at 10:55 a.m.

6. Readdressed: Discuss/Act on the 2nd draft budget for Fiscal Year 2014, and all related issues; (Auditor)

Commissioner Bailey gave the Court further clarification of proposed plantings for designated areas at the County Courthouse. The Court discussed the benefits in membership in TEX21 as an advocate for transportation in the north Texas area.

The motion was made by Commissioner Magness, seconded by Commissioner Bailey to approve the cost of approximately \$5,000.00 to join TEX21 in FY2014. The motion failed with a 2-3 vote. Commissioner Magness and Commissioner Bailey voted for and Judge Hogan, Commissioner Grinnan and Commissioner Sevier voted against.

Commissioner Magness asked the Court to reconsider a prior decision where the Court approved the collection of an optional fee on motor vehicle registration for use on child safety programs and stated that after further investigation the County would only see a

small portion of the amount imposed and asked that the Court reconsider their prior decision.

The motion was made by Commissioner Magness, seconded by Judge Hogan with the Court voting 5-0 in favor of approving to rescind a prior action of the Court to collect the Motor Vehicle Tax and take whatever action was needed to do so.

The Court then readdressed the discussion of Justice of the Peace Precinct 2 staffing and the current AMCAD implementation.

7. Discuss/Act on approving a 36-month subscription renewal agreement for law books and updates with West Thomson Reuters for the County Court at Law at an annual fee of \$6,186.00, 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 Items #7, #8, #9 and #10 being 36-month subscription renewal agreements for law books and updates with West Thomson Reuters for the County Court at Law at an annual fee of \$6,186.00, the 382nd District Court at an annual fee of \$5,597.28, the 439th District Court at an annual fee of \$5,395.20 and a subscription renewal agreement from Westpack Products to provide access to Texas CALIR for the 382nd District Judge at an annual fee of \$456.00.

8. Discuss/Act on approving a 36-month subscription renewal agreement for law books and updates with West Thomson Reuters for the 382nd District Court at an annual fee of \$5,597.28, and all issues; (Auditor)

**This item regarding a subscription renewal agreement was included in the motion of Item #7.**

9. Discuss/Act on approving a 36-month subscription renewal agreement for law books and updates with West Thomson Reuters for the 439th District Court at an annual fee of \$5,395.20, and all related issues; (Auditor)

**This item regarding a subscription renewal agreement was included in the motion of Item #7.**

10. Discuss/Act on approving a subscription renewal agreement from Westpack Products to provide access to Texas CALIR for the 382nd District Judge at an annual fee of \$456.00, and all related issues; (Auditor)

**This item regarding a subscription renewal agreement was included in the motion of Item #7.**

11. Discuss/Act on setting the daily rate for jury duty pay during fiscal year 2014, 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 setting the daily rate for jury duty pay during fiscal year 2014 to \$6.00 for the first day and \$40.00 for additional days.

12. Discuss/Act on approving a Statement of Work for services to be provided by American Cadastre, LLC (dba "AMCAD") for indexing County Clerk land records and creating microfilm of such records at an estimated annual cost of \$29,767.50, and all related issues; (Auditor)

**The motion was made by Commissioner Grinnan, seconded by Commissioner Magness with the Court voting 5-0 in favor of approving a Statement of Work for services to be provided by American Cadastre, LLC (dba "AMCAD") for indexing County Clerk land records and creating microfilm of such records at an estimated annual cost of \$29,767.50.**

13. Discuss/Act on proposals received to perform exterminator services at all County facilities, and all related issues; (Auditor)

**County Auditor Lisa Constant Wylie discussed with the Court bids received for exterminator services and stated that the Sheriff's office reviewed the bids and also recommended ProTex Services.**

**The motion was made by Commissioner Magness, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving a proposal received from ProTex Services to perform exterminator services at all County facilities.**

14. Discuss/Act on proposals received to provide vending machine services at the Courthouse, County Services Building, Law Enforcement Center, Library, Elections, Road and Bridge and Adult Probation facilities, and all related issues; (Auditor)

**County Auditor Lisa Constant Wylie discussed with the Court bids received for vending machine services at County facilities.**

**The motion was made by Commissioner Magness, seconded by Judge Hogan with the Court voting 5-0 in favor of approving a proposal received from Modern Services option 1 to provide vending machine services at the Courthouse, County Services Building, Law Enforcement Center, Library, Elections, Road and Bridge and Adult Probation facilities.**

15. Discuss/Act on proposals received to perform window-washing services at the Courthouse, Library and Historic Courthouse, and all related issues; (Auditor)

**County Auditor Lisa Constant Wylie discussed with the Court bids received for window-washing services at County facilities stating that Citywide Building was the lowest bid received.**

**The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving a proposal received from Citywide Building to perform window-washing services at the Courthouse, Library and Historic Courthouse.**

16. Discuss/Act on approving contract agreements for the postage machines rentals and associated maintenance for all County facilities, and all related issues; (Auditor)

**The motion was made by Commissioner Magness, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving contract agreements for the postage machines rentals and associated maintenance for all County facilities with a fiscal impact of \$11,430.00.**

17. Discuss/Act on approving an annual contract with the Department of State Health Services' SFY2014 Cities Readiness Initiative grant in the amount of \$38,306.00 with a required Rockwall County match of not less than 10% effective September 1, 2013, and all related issues; (Auditor)

**The motion was made by Commissioner Grinnan, seconded by Commissioner Magness with the Court voting 5-0 in favor of approving an annual contract with the Department of State Health Services' FY2014 Cities Readiness Initiative grant in the amount of \$38,306.00 with a required Rockwall County match of not less than 10% effective September 1, 2013.**

18. Discuss/Act on approving a 36-month agreement with TouchPay Holdings, LLC, to place and provide two kiosks at the County Detention Center, effective October 1, 2013, 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 a 36-month agreement with TouchPay Holdings, LLC, to place and provide two kiosks at the County Detention Center, effective October 1, 2013.**

19. Discuss/Act on approving a one-year renewal agreement with the Rockwall Central Appraisal District to continue providing property tax collection services for the County, effective October 1, 2013, 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 one-year renewal agreement with the Rockwall Central Appraisal District to continue providing property tax collection services for the County, effective October 1, 2013.**

20. Discuss/Act on approving a two-year renewal Interlocal Agreement with North Central Texas Council of Governments (NCTCOG) for 9-1-1 service, equipment, addressing and database maintenance, effective September 1, 2013, 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 two-year renewal Interlocal Agreement with North Central Texas Council of Governments (NCTCOG) for 9-1-1 service, equipment, addressing and database maintenance, effective September 1, 2013.**

21. Discuss/Act on approving a three-year contract renewal effective October 1, 2013, with Medic Rescue, Inc. to provide transportation of human remains to the Medical Examiner's Office at a cost of \$400.00 per deceased, and all related issues; (Auditor)

**The motion was made by Commissioner Sevier, seconded by Commissioner Magness with the Court voting 5-0 in favor of approving a three-year contract renewal effective October 1, 2013, with Medic Rescue, Inc. to provide transportation of human remains to the Medical Examiner's Office at a cost of \$400.00 per deceased.**

22. Discuss/Act on approving a three-year contract renewal effective October 1, 2013, with Medic Rescue, Inc. to provide transportation of persons to a mental health facility pursuant to Chapters 573 & 574 of the Texas Mental Health Code at a cost of \$500.00 per transport, and all related issues; (Auditor)

**County Auditor Lisa Constant Wylie explained a request from Medic Rescue, Inc. to add wording to stipulate that the rate for transport to a mental health facility would be at the allowed Medicare and Medicaid rates. Assistant District Attorney Jon Thatcher recommended the Court consider approval of the agreement subject to a change in the language that the rates would be at the current Medicare and Medicaid rates.**

**The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 4-1 in favor of approving a three-year contract renewal effective October 1, 2013, with Medic Rescue, Inc. to provide transportation of persons to a mental health facility pursuant to Chapters 573 & 574 of the Texas Mental Health Code subject to legal change of the allowable rates. Commissioner Sevier voted against.**

23. Discuss/Act on Rockwall County participation in an Economic Development District in North Central Texas, and all related issues; (Hogan)

**Judge Hogan gave a brief background on a request for membership in an Economic Development District in North Central Texas and discussed with the Court how to answer survey questions received.**

**The motion was made by Commissioner Magness, seconded by Commissioner Grinnan with the Court voting 4-1 in favor of approving Rockwall County participation in an Economic Development District in North Central Texas Council of Governments. Commissioner Sevier voted against.**

24. Discuss/Act on approving a five-year renewal agreement with First Southwest Asset Management, Inc., to provide arbitrage rebate services for the County at an annual fee of \$1,200.00, and all related issues; (Auditor)

**Judge Hogan advised the Court of a lengthy conversation he had with First Southwest Asset Management, Inc. representative Boyd London asking if they would waive their fee of \$1,200.00 for arbitrage rebate services and explained that the request had been denied.**

**The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving a five-year renewal agreement with First Southwest Asset Management, Inc., to provide arbitrage rebate services for the County at an annual fee of \$1,200.00.**

**Judge Hogan recessed the meeting at 11:55 a.m.**

25. EXECUTIVE SESSION: Executive Session, under Texas Government Code Chapter 551, the County Commissioners may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:
- a. 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, and all related issues; (Tex. Gov't Code §551.071)
  - b. Deliberation about the employment of a county employee in the County Clerk's Office as it relates to the status of the individual's retirement account, and all related issues; (Tex. Gov't Code §551.074)

**Judge Hogan reconvened the meeting at 12:05 p.m.**

26. ACTION OF EXECUTIVE SESSION;

**The motion was made by Commissioner Bailey, seconded by Commissioner Grinnan with the Court voting 5-0 in favor of accepting payment from Vickie Dudley in the amount of \$2,154.44 and to send payment in the amount of \$2,154.44 to the Texas County and District Retirement System to bring the retirement account of Vickie Dudley up to date.**

27. CONSENT AGENDA;

- a) Minutes of previous meeting(s);
- b) District Clerk, monthly fee report (s);
- c) J.P. Pct. 2, monthly judicial activity report(s);
- d) Treasurer, monthly report(s);
- e) J.P. Pct. 1, monthly judicial activity report(s);
- f) J.P. Pct. 4, monthly judicial activity report(s);
- g) Auditor, Approve payment to HDR Engineering, Inc., for engineering services provided from June 30, 2013 thru July 27, 2013 for the Rockwall County Bicycle Plan in the amount of \$5,000.00;
- h) Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during June 2013 at FM 549 from SH 276 to SH 205 in the amount of \$975.41;

**The motion was made by Commissioner Magness, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving Consent Agenda Items A-H.**

28. PROPERTY ACQUISITIONS/DISPOSITIONS; Discuss/Act on approving the following property acquisitions and dispositions of fixed assets;
- A. Information Technology to purchase from Information Technology General Fund Capital Outlay: (2) switches for Law Enforcement Center @ an estimated cost of \$3,777.02. Emergency Purchase
  - B. County Jail to purchase from Records Management & Preservation Fund Capital Outlay: filing system for County jail storage files located at the County Services Building @ a quoted cost of \$19,415.00.
  - C. County Jail to purchase from County Jail General Fund Capital Outlay: food cart @ an estimated cost of \$4,950.00.
  - D. Elections Administrator to purchase from Elections Administrator Small Equipment: MagTek Centurion magnetic card reader @ a quoted cost of \$2,304.00.
  - E. Constable Pct. #1 to purchase from Constable Pct. #1 General Fund Capital Outlay: lights for rear area of vehicle/remove and reinstall existing lights, vehicle markings, VieVu personal digital video/audio recorder @ an estimated cost of \$3,421.87.
  - F. Constable Pct. #2 to purchase from Constable Pct. #2 General Fund Capital Outlay: lights for rear area of vehicle/remove and reinstall existing lights, vehicle markings, VieVu personal digital video/audio recorder @ an estimated cost of \$3,421.87.
  - G. Constable Pct. #3 to purchase from Constable Pct. #3 General Fund Capital Outlay: lights for rear area of vehicle/remove and reinstall existing lights, vehicle markings, VieVu personal digital video/audio recorder @ an estimated cost of \$3,421.87.
  - H. Constable Pct. #4 to purchase from Constable Pct. #4 General Fund Capital Outlay: lights for rear area of vehicle/remove and reinstall existing lights, vehicle markings, VieVu personal digital video/audio recorder @ an estimated cost of \$2,835.99.
  - I. County Auditor to purchase from County Auditor General Fund Capital Outlay: (2) chairs including delivery @ an estimated cost of \$800.00.
  - J. District Clerk to transfer to County Jail: mobile filing system.
  - K. County Sheriff to transfer to Surplus: 2008 Ford Crown Victoria (VIN 309).
  - L. County Sheriff to transfer to Surplus: 2009 Ford Crown Victoria (VIN 685).
  - M. County Sheriff to transfer to Surplus: 2009 Ford Crown Victoria (VIN 956).

**The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 4-1 in favor of approving Property Acquisitions and Dispositions of Fixed Assets Items A-M. Judge Hogan voted against.**

29. NON-EMERGENCY BUDGET TRANSFER(S);

- A. 2013-44 Transfer \$11,455 of funds within the General Fund budget TO Capital Outlay > \$200 < \$ 5,000 @ \$4,455 & Capital Improvements @ \$7,000 FROM General Government/Contingency resulting from Court action taken on June 4th, 11th and 25th of 2013. Funds were used to improve door access to areas in new Courthouse and to add storage space at the new Courthouse.
- B. 2013-45 Transfer \$865 of funds within the General Fund budget TO Constable Pct. #2 Uniforms & Accessories FROM General Government/Contingency resulting from the purchase of body armor approved in Commissioners Court on October 9, 2012.
- C. 2013-46 Transfer \$70 of funds within the Elections Administrator General Fund budget TO Travel & Training FROM Office Supplies resulting from expenditures exceeding budgeted funds.
- D. 2013-47 Transfer \$10,000 of funds within the General Fund budget TO District Attorney/Dues & Subscriptions FROM General Government/Contingency resulting from expenditures exceeding budgeted funds. These funds were erroneously budgeted from the law library fund but the expense should be from the District Attorney's operating budget.
- E. 2013-48 Transfer \$285 of funds within the General Fund budget TO 382nd District Court/Probation Office Budget FROM General Government/Contingency resulting from the purchase of 2 chairs approved in Commissioners Court on August 13, 2013.
- F. 2013-49 Transfer \$14,100 of funds within the General Fund budget TO District Attorney/Capital Outlay > \$5,000 FROM General Government/Contingency resulting from the purchase of a filing system approved in Commissioners Court on June 4, 2013 and additional parts approved in Commissioners Court on June 25, 2013.
- G. 2013-50 Transfer \$32,500 of funds within the General Fund budget TO County Sheriff/Capital Outlay > \$5,000 FROM General Government/Contingency resulting from the purchase of a replacement vehicle, required due to an accident, approved in Commissioners Court on May 14, 2013.

**The motion was made by Commissioner Sevier, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving Non-Emergency Budget Transfers Items 2013-44 thru 2013-50.**

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

**The motion was made by Commissioner Grinnan, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving Paid Claims in the amount of \$321,204.24.**

**The motion was made by Commissioner Magness, seconded by Commissioner Sevier with the Court voting 5-0 in favor of approving Unpaid Claims in the amount of \$457,485.97.**

**The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving payroll for the pay period ending August 3, 2013 in the amount of \$534,504.60.**

**The motion was made by Commissioner Grinnan, seconded by Commissioner Bailey with the Court voting 5-0 in favor of approving payroll for the pay period ending August 17, 2013 in the amount of \$520,943.59.**

31. ANNOUNCEMENTS; Announcements regarding County news, and upcoming County events.

**Judge Hogan made an announcement of upcoming scheduled meetings pertaining to the budget and the tax rate.**

32. ADJOURN

**There being no further business before the Court, Judge Hogan adjourned the meeting at 12:10 p.m.**

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**SHELLI MILLER  
ROCKWALL COUNTY CLERK**