

**COMMISSIONERS COURT
FEBRUARY 26, 2008**

**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:**

CHRIS FLORANCE	COUNTY JUDGE
JERRY WIMPEE	COMMISSIONER PCT #1
LORIE GRINNAN	COMMISSIONER PCT #2
BRUCE BEATY	COMMISSIONER PCT #3
DAVID MAGNESS	COMMISSIONER PCT #4-ABSENT
LISA CONSTANT	COUNTY CLERK

ITEM #1

THE INVOCATION WAS GIVEN BY COMMISSIONER WIMPEE.

ITEM #2

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

ITEM #3

NO GUESTS WERE PRESENT THAT REQUESTED TO ADDRESS THE
COURT AT THIS TIME.

ITEM #4

RECENTLY RETIRED COUNTY AGENT JANIE SQUIER WAS RECOGNIZED
FOR HER SEVEN YEARS OF SERVICE TO ROCKWALL COUNTY. TODD
WILLIAMS ALSO READ A LETTER FROM TEXAS A&M UNIVERSITY BOARD

OF REGENTS WHO HONORED COUNTY AGENT JANIE SQUIER WITH THE ESTEEMED TITLE OF COUNTY EXTENSION AGENT AMERITI.

ITEM #5

TODD WILLIAMS, COUNTY AGENT PRESENTED A SYMBOLIC CHECK TO THE ROCKWALL COUNTY COMMISSIONERS COURT FOR 4,800 VOLUNTEER SERVICE HOURS CONTRIBUTED BY THE MASTER GARDENERS TOWARDS EDUCATION FOR CITIZENS IN ROCKWALL COUNTY.

ITEM #6

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO PARTICIPATE IN THE CITY OF ROCKWALL'S EIGHTH ANNUAL HOUSEHOLD HAZARDOUS WASTE EVENT FOR ROCKWALL COUNTY SCHEDULED ON APRIL 19, 2008; THE COUNTY WILL PURCHASE UP TO \$5,000.00 WORTH OF VOUCHERS TO ALLOW COUNTY RESIDENTS TO PARTICIPATE IN DISPOSING OF ITEMS THAT CANNOT BE DISCARDED IN THE GARBAGE, I.E. TIRES, BATTERIES, PAINT, FERTILIZER. ALSO AVAILABLE TO CITIZENS WILL BE SECURED DOCUMENT SHREDDING. THERE WILL BE NO CHARGE BY THE CITY OF ROCKWALL TO THE COUNTY FOR ANY UNUSED VOUCHERS.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY TO APPROVE LT. TODD CALKINS TO ATTEND JAIL

ADMINISTRATION TRAINING IN LONGMONT, COLORADO, MARCH 2-6, 2008, SPONSORED BY THE U.S. JUSTICE DEPARTMENT, NATIONAL INSTITUTE OF CORRECTIONS AT NO COST TO THE COUNTY.

COMMISSIONER GRINNAN QUESTIONED WHETHER THERE WERE ANY COSTS. COMMISSIONER WIMPEE WITHDREW HIS MOTION UNTIL ANY EXPECTED COSTS TO THE COUNTY COULD BE VERIFIED.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO SET THIS ITEM ASIDE REGARDING THE ROADS AND DRAINAGE SYSTEM IN THE RIDGE SUBDIVISION.

ITEM #7 RE-ADDRESSED

SHERIFF EAVENSON VERIFIED THAT THE ONLY EXPECTED COST TO THE COUNTY WOULD BE THE SHUTTLE SERVICE BETWEEN THE AIRPORT AND THE FACILITY. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE LT. TODD CALKINS TO ATTEND JAIL ADMINISTRATION TRAINING IN LONGMONT, COLORADO, MARCH 2-6, 2008, SPONSORED BY THE U.S. JUSTICE DEPARTMENT, NATIONAL INSTITUTE OF CORRECTIONS AND THAT THE COUNTY WILL PAY FOR THE SHUTTLE SERVICE BETWEEN THE AIRPORT AND THE TRAINING FACILITY.

ITEM #9

RANDY JENNINGS, HUMAN RESOURCE DIRECTOR ADDRESSED THE COURT REGARDING THE CURRENT FUNERAL LEAVE POLICY AS STATED IN THE PERSONNEL POLICY MANUAL. MR. JENNINGS STATED THAT THIS ISSUE IS AFFECTING AN EMPLOYEE AND SHOULD BE ADDRESSED; HE DID CHECK BACK TO THE BEGINNING OF THIS FISCAL YEAR TO VERIFY THAT NO OTHER EMPLOYEES WERE AFFECTED BY THE WORDING OF THE POLICY ON FUNERAL LEAVE. THE POLICY READS THAT IMMEDIATE FAMILY SHALL INCLUDE THE EMPLOYEE'S SPOUSE, CHILD, PARENT, BROTHER, SISTER, OR GRANDPARENT OF THE EMPLOYEE OR THE EMPLOYEE'S SPOUSE'S IMMEDIATE FAMILY. IT DOES NOT COVER THE EMPLOYEE'S SIBLING'S SPOUSE OR GRANDCHILDREN. COMMISSIONER GRINNAN STATED THAT OTHER AREAS OF THE PERSONNEL POLICY MANUAL NEED TO BE ADDRESSED BUT THIS MATTER WILL AFFECT AN EMPLOYEE IN THE MONTH OF FEBRUARY AND SHOULD BE HANDLED NOW. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO CLARIFY AND CORRECT THE PERSONNEL POLICY MANUAL, PAGE 4.11 ITEM 2 REGARDING FUNERAL LEAVE TO READ AS FOLLOWS: FOR PURPOSES OF THIS POLICY, IMMEDIATE FAMILY SHALL INCLUDE THE EMPLOYEE'S SPOUSE, CHILD, PARENT, GRANDPARENT, GRANDCHILD, BROTHER, SISTER, BROTHER'S WIFE, OR SISTER'S HUSBAND. IMMEDIATE FAMILY SHALL

ALSO INCLUDE THE EMPLOYEE'S SPOUSE'S CHILD, PARENT, GRANDPARENT, GRANDCHILD, BROTHER, OR SISTER.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE A CHANGE ORDER REDUCING THE AMOUNT OF THE CONTRACT WITH INTELLIGENT INTERIORS BY \$4,327.60 FOR LIBRARY FURNITURE.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO RESCIND THE ORIGINAL AGREEMENT APPROVED BY COMMISSIONERS COURT ON JANUARY 22, 2008 WITH BLACKLAND WATER SUPPLY DUE TO AN INTERPRETATION OF THE DEED RESTRICTIONS; A NEW AGREEMENT WAS WRITTEN TO ADD ADDITIONAL WORDING REGARDING THE DEED RESTRICTIONS. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE A NEW CONTINUOUS TERM AGREEMENT WITH BLACKLAND WATER SUPPLY CORPORATION TO PLACE A COUNTY ANTENNA ON A BLACKLAND WATER TOWER FOR A MOBILE DIGITAL WIRELESS COMMUNICATION SYSTEM AT NO COST TO THE COUNTY.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE THE CERTIFICATION OF GRANT MONEY AVAILABLE FROM THE CJD FAMILY PRESERVATION GRANT AND ADOPTION OF A SPECIAL BUDGET FOR THE LIMITED PURPOSE OF SPENDING THE GRANT MONEY FOR ITS INTENDED PURPOSE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 111.0106.

ITEM #13

THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE THE CERTIFICATION OF GRANT MONEY AVAILABLE FROM THE CJD GARDENING GRANT AND ADOPTION OF A SPECIAL BUDGET FOR THE LIMITED PURPOSE OF SPENDING THE GRANT MONEY FOR ITS INTENDED PURPOSE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 111.0106.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE THE CERTIFICATION OF GRANT MONEY AVAILABLE FROM THE TJPC INTENSIVE COMMUNITY PROGRAM GRANT AND ADOPTION OF A SPECIAL BUDGET FOR THE LIMITED PURPOSE OF SPENDING THE GRANT MONEY FOR ITS INTENDED

PURPOSE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 111.0106.

ITEM #15

DISCUSSION ONLY REGARDING ROAD BOND ISSUES: COMMISSIONER BEATY WOULD LIKE TO ENCOURAGE ATTENDANCE AT THE FEBRUARY 27, 2008 CONSORTIUM WORKSHOP REGARDING COUNTY ROADS.

MICHAEL MORRIS, DIRECTOR OF TRANSPORTATION, NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS WILL BE PRESENT AT THE FEBRUARY CONSORTIUM MEETING.

ITEM #16

DISCUSSION ON COUNTY SPACE ISSUES WILL BE HELD IN A WORKSHOP.

ITEM #17

COMMISSIONER GRINNAN READ A PERSONAL STATEMENT TO THE COURT SUMMARIZING THE NEED TO REVISIT THE FUNDING FOR THE CHILDREN'S GARDEN, PREVIOUSLY APPROVED ON FEBRUARY 20, 2008 IN A SPECIAL MEETING. COMMISSIONER GRINNAN STATED THAT SHE RECEIVED NEW INFORMATION AFTER THE FEBRUARY 20TH MEETING REGARDING THE CHILDREN'S GARDEN AT THE NEW LIBRARY.

COMMISSIONER GRINNAN STATED THAT THIS NEW INFORMATION WOULD HAVE IMPACTED HER PREVIOUS VOTE, AND SHE ASKED THAT THE COURT REVISIT THIS ISSUE. SHE NOTED THAT KATHY MELSTON AND COMMISSIONER MAGNESS HAVE DONE AN EXCELLENT JOB IN

PLANNING FOR THE NEW LIBRARY. (NEITHER COMMISSIONER MAGNESS NOR KATHY MELSTON WERE ABLE TO BE PRESENT AT THIS MEETING). COMMISSIONER GRINNAN FURTHER STATED THAT SHE SUPPORTS THE CONCEPT AND THAT THERE IS VALUE IN CONNECTING CHILDREN WITH NATURE AND IT CAN GREATLY ENRICH THE LEARNING EXPERIENCE. HOWEVER, THESE BENEFITS MUST BE WEIGHED AGAINST THE COST TO THE TAXPAYER. DURING THE SPECIAL MEETING (FEBRUARY 20TH, 2008) COMMISSIONER GRINNAN'S IMPRESSION OF THE PLANNED CHILDREN'S GARDEN WAS OF LOW MAINTENANCE OR ALMOST MAINTENANCE FREE. AFTER THE MEETING, SHE SPOKE WITH TODD WILLIAMS, COUNTY EXTENSION AGENT FOR AGRICULTURAL AND NATURAL RESOURCES AND IN CHARGE OF THE MASTER GARDENERS PROGRAM WHO INFORMED COMMISSIONER GRINNAN THAT THE PLANNED CHILDREN'S GARDEN WAS A HIGH MAINTENANCE AREA. ACCORDING TO TODD WILLIAMS, THE PREVIOUS PLAN "COULD BE A MAINTENANCE NIGHTMARE". (NEITHER TODD WILLIAMS NOR HIS REPRESENTATIVE WAS AT THE SPECIAL MEETING ON FEBRUARY 20, 2008). THE PROPOSED STONE WALLS INCREASE MAINTENANCE, I.E. REFLECTED HEAT, WATER USAGE, PESTS, WEEDS. THE PLANNED CHILDREN'S GARDEN WAS 8,200 SQUARE FEET, LARGER THAN THE USABLE SPACE OF THE ENTIRE CURRENT LIBRARY. FINALLY, THE OUTSIDE AREA AT THE CURRENT LIBRARY WAS CURRENTLY ONLY USED A FEW TIMES A YEAR. WITH THE NEW INFORMATION ON THE LONG TERM HIGH

MAINTENANCE COST, ENORMOUS SIZE, AND LIMITED USE OF THE AREA, COMMISSIONER GRINNAN FELT THAT SHE COULD NO LONGER SUPPORT THIS PROJECT AS PRESENTED. SHE BELIEVES THE GOAL OF CONNECTING CHILDREN WITH THE ENVIRONMENT CAN BE ACCOMPLISHED ON A MUCH REDUCED BUDGET AND LONG TERM MAINTENANCE COST. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE. JUDGE FLORANCE ALLOWED CITIZENS PRESENT IN THE COURTROOM TO ADDRESS THE COURT, LEIGH PLAGENS REQUESTED THAT THE COURT SET THIS ITEM ASIDE TO ALLOW COMMISSIONER MAGNESS AND KATHY MELSTON TO BE PRESENT. COMMISSIONER GRINNAN PREFERRED IMMEDIATE ACTION SINCE THE ITEM HAD PREVIOUSLY BEEN APPROVED ON FEBRUARY 20, 2008. MS. PLAGENS FURTHER RECOMMENDED MAKING SOME CHANGES AS A POSSIBLE COMPROMISE SOLUTION THAT WOULD ALLOW THE LIBRARY TO KEEP THE CHILDREN'S GARDEN. BARBARA COLESON ADDRESSED THE COURT IN FAVOR OF THE CHILDREN'S GARDEN AND RECOMMENDED AT LEAST STARTING THE PROJECT; SHE IS AN AVID GARDENER HERSELF AND THAT THE NEW LIBRARY SHOULD REFLECT ALL CITIZENS OF THE COUNTY. SHE FURTHER STATED THAT NOT ALL LEARNING HAPPENS INDOORS. CLARK MILLER, POGUE CONSTRUCTION STATED THAT POGUE CONSTRUCTION WILL BE WORKING IN THE AREA FOR AT LEAST ANOTHER 24 MONTHS, THAT THIS PROJECT HAS THE SUPPORT OF THE LOCAL LANDSCAPER AND THE

ROCKWALL INDEPENDENT SCHOOL DISTRICT AND CAN STILL BE BUILT. TODD WILLIAMS, COUNTY AGENT WAS CONCERNED WITH THE MAINTENANCE ISSUES OF FOR THE ENTIRE NEW LIBRARY DUE TO CURRENT MAINTENANCE STAFFING CONCERNS. COMMISSIONER BEATY FELT THAT THE NEW LIBRARY WAS DESIGNED AND PLANNED TO SERVE THE CITIZENS LONG INTO THE FUTURE, HE DID NOT FEEL THAT THIS PROJECT COULD EVER BE BUILT AT A LATER DATE FOR THIS AMOUNT OF MONEY AND HE FEELS THAT THE CHILDREN'S GARDEN WILL DEFINITELY ADD TO THE BEAUTY OF THE NEW LIBRARY. COMMISSIONER WIMPEE STATED THAT THIS CHILDREN'S GARDEN WAS CONSIDERED AN ADD ALTERNATE AND THAT THE COUNTY SHOULD STAY WITHIN THE PLANNED BUDGET. JUDGE FLORANCE CALLED FOR THE VOTE, THE COURT VOTED 3-1, COMMISSIONER MAGNESS WAS ABSENT, COMMISSIONER BEATY VOTED AGAINST THE MOTION, TO WITHDRAW THE FUNDING FOR THE ADDITION OF THE CHILDREN'S GARDEN AS RELATED TO THE NEW LIBRARY CONSTRUCTION.

ITEM #18

EXECUTIVE SESSION – 10:00AM TO 10:35AM

- DISCUSSION OF PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, AND ALL RELATED ISSUES.

ITEM #19

ACTION OF EXECUTIVE SESSION:

- NO ACTION TAKEN ON THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY.

ITEM #20

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE THE FOLLOWING CONSENT AGENDA ITEMS:

- A) MINUTES OF PREVIOUS MEETING(S)
- B) LISA CONSTANT, CO. CLERK, RECEIVE JANUARY 2008 MONTHLY REPORT;
- C) KAY MCDANIEL, DISTRICT CLERK, RECEIVE JANUARY 2008 MONTHLY REPORT;
- D) BILL SINCLAIR, CO. TREASURER, RECEIVE IRREVOCABLE STANDBY LETTERS OF CREDIT FROM DEPOSITORY BANK: (1) \$500,000 COVERING 2/6/08 THROUGH 2/12/08 (2) \$2,000,000 COVERING 2/7/08 THROUGH 2/29/08;
- E) HAROLD EAVENSON, SHERIFF, RECEIVE 2007 RACIAL PROFILING REPORT;
- F) LARRY HOLLOWAY, J.P. PCT. 2, RECEIVE JANUARY 2008 MONTHLY REPORT;
- G) TODD WILLIAMS, CO. AGENT, RECEIVE DECEMBER 2007 AND JANUARY 2008 MONTHLY REPORTS;
- H) KATHY MELSTON, CO. LIBRARIAN, RECEIVE DECEMBER 2007 AND JANUARY 2008 MONTHLY REPORTS;
- I) JOHN BLACKWOOD, CO. AUDITOR, APPROVE PAYMENT TO POGUE CONSTRUCTION FOR WORK IN PROGRESS ON THE NEW COUNTY LIBRARY IN THE AMOUNT OF \$1,006,787.08;
- J) JOHN BLACKWOOD, CO. AUDITOR, RECEIVE JANUARY 2008 MONTHLY REPORT;

ITEM #21

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE THE FOLLOWING PROPERTY ACQUISITION AND DISPOSITION OF FIXED ASSETS:

- A. ELECTIONS ADMINISTRATOR TRANSFERRED TO COUNTY AGENT: (1) COVERMATE BINDING MACHINE @ AN ACTUAL COST OF \$337.50.
- B. JUSTICE OF THE PEACE #1 TRANSFERRED TO SURPLUS: (1) BLUE CLOTH TASK CHAIR @ AN ESTIMATED VALUE OF \$10.00.

ITEM #22

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT TO APPROVE THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS:

- 2008-06** TRANSFER \$400 OF BUDGETED FUNDS FOR COUNTY JUDGE **TO** CAPITAL OUTLAY > \$200 **FROM** EQUIPMENT < \$200 RESULTING FROM THE PURCHASE OF A FELLOWES MICRO CUT SHREDDER WHICH WAS APPROVED BY COMMISSIONERS COURT ON FEBRUARY 5, 2008.
- 2008-07** TRANSFER \$33,300 OF BUDGETED FUNDS FOR ELECTIONS ADMINISTRATOR **TO** UTILITIES @ \$6,300 & RENT @ \$27,000 **FROM** GENERAL GOVERNMENT/ CONTINGENCY RESULTING FROM THE LEASE AGREEMENT WITH MCCALLUM V LTD. FOR THE 107 E. KAUFMAN ST. OFFICE SPACE BEGINNING JANUARY 1, 2008, WHICH WAS APPROVED BY COMMISSIONERS COURT ON OCTOBER 9, 2007.
- 2008-08** TRANSFER \$1,000 OF BUDGETED FUNDS FOR JUVENILE PROBATION LOCAL FUND **TO** DRUG TESTING **FROM** PSYCHOLOGICALS RESULTING FROM EXPENDITURES DURING FY2008 BUDGETED AT ZERO.

ITEM #23

EMERGENCY BUDGET AMENDMENTS: NONE

ITEM #24

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE PAID CLAIMS IN THE AMOUNT OF \$ 75,038.70.

THE MOTION WAS MADE BY COMMISSIONER BEATY TO APPROVE THE UNPAID CLAIMS IN THE AMOUNT OF \$1,210,090.53. JUDGE FLORANCE PULLED THE UNPAID CLAIM IN THE AMOUNT OF \$120.00 FOR DISCUSSION. THE MOTION WAS AMENDED BY COMMISSIONER BEATY TO EXCLUDE THE \$120.00 CLAIM SUBMITTED BY CONSTABLE CULLINS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE UNPAID CLAIMS. THE UNPAID CLAIM SUBMITTED BY CONSTABLE CULLINS FOR MOBILE TELEPHONE EXPENSES IN THE AMOUNT \$120.00 WAS DENIED SINCE THE COURT HAD PREVIOUSLY DETERMINED THAT AN ITEMIZED INVOICE MUST BE SUBMITTED AND AUDITED BEFORE ANY REIMBURSEMENT IS MADE.

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 4-0, COMMISSIONER MAGNESS WAS ABSENT, TO APPROVE THE PAYROLL ENDING FEBRUARY 9, 2008 IN THE AMOUNT OF \$ 436,815.86.

WITH NO OTHER ITEMS ON THE AGENDA, JUDGE FLORANCE ADJOURNED THE REGULAR MEETING.

LISA CONSTANT, COUNTY CLERK