

**COMMISSIONERS COURT
MAY 13, 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
LISA CONSTANT	COUNTY CLERK

- THE INVOCATION WAS GIVEN BY COMMISSIONER WIMPEE.
- THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND TO THE TEXAS FLAG WERE LED BY COMMISSIONER GRINNAN.
- GUESTS WERE PRESENT THAT REQUESTED TO ADDRESS THE COURT: JERRY HOGAN, ROWLETT MAYOR JOHN HARPER, MARY PUCKETT, JAMES MERKEL, CLARK STAGGS AND KEN DICKSON.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING UNANIMOUSLY TO APPOINT LINDA GARRETT TO THE ROCKWALL COUNTY LIBRARY BOARD.

ITEM #2

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO

RE-APPOINT DENISE NOBLES TO THE ROCKWALL COUNTY LIBRARY BOARD.

ITEM #3

ROB COLLINS, ATTORNEY FROM VINSON AND ELKINS, STATED THAT THE COUNTY IS AUTHORIZED TO USE TAX NOTES FOR THE COUNTY'S NEEDS, I.E. FOR PUBLIC WORKS OR ACQUISITION OF LAND, MACHINERY AND BUILDINGS UNDER THE PROVISIONS OF CHAPTER 1431. COMMISSIONER GRINNAN STATED THAT SHE WAS ADVISED BY THE TEXAS ASSOCIATION OF COUNTIES ATTORNEY THAT THE INTENT OF THE LAW GOVERNING THE USE OF TAX NOTES IS FOR THE COUNTY TO REACT TO AN UNFORESEEN EMERGENCY. ROB COLLINS DID NOT ARGUE THE INTENT BUT CONFIRMED THAT THE STATUTE (CHAPTER 1431.001) DOES ALLOW THE COUNTY TO USE TAX NOTES FOR THE COUNTY'S AUTHORIZED NEEDS AND PURPOSES. BOYD LONDON AND MARTY LILJEKVIST OF FIRST SOUTHWEST ADVISED THE COMMISSIONERS COURT OF THE FINANCIAL IMPACT TO THE COUNTY IF THEY CHOOSE TO ISSUE TAX ANTICIPATION NOTES. FIRST SOUTHWEST ADVISED THAT A TWO CENTS TAX OPTION WOULD BE AN IMPACT OF APPROXIMATELY \$40.00 ANNUALLY ON A \$200,000.00 HOME, ASSUMING THAT THE GROWTH RATE IN ITS FORECAST IS REALISED. JUDGE FLORANCE ALLOWED AN OPEN DISCUSSION WITH FIRST SOUTHWEST FOR GUESTS IN THE AUDIENCE TO ASK QUESTIONS. COMMISSIONER BEATY SUMMARIZED THAT THE CURRENT AND PREVIOUS

COMMISSIONERS COURT HAVE DELIBERATED THIS PROBLEM SINCE 1993. A STUDY WAS DONE IN 1997 TO PLAN FOR THE FUTURE GROWTH OF ROCKWALL COUNTY. PER THIS STUDY, LAND FOR A NEW JUSTICE CENTER WOULD REQUIRE 25 ACRES. SEVERAL SITES WERE REVIEWED AND THE INTERSTATE 30 LAND WAS DECIDED UPON IN 2000. CHEAPER LAND WAS AVAILABLE ON HIGHWAY 276 HOWEVER, THE COSTS TO RUN SEWER AND WATER LINES WOULD HAVE BEEN TOO HIGH AND NOT COST EFFECTIVE. THE NEED FOR A NEW JUSTICE CENTER IS NOT NEW, HE FURTHER STATED THAT IN HIS OPINION THE DECISION TO ISSUE THE TAX NOTES TO ENSURE THAT THE COUNTY CAN BUILD A NEW JUSTICE CENTER IS IN THE BEST INTEREST OF THE COUNTY. COMMISSIONER GRINNAN STATED THAT THE NEED FOR A NEW JUSTICE CENTER EXISTS AND THAT AN IMMEDIATE REMEDY IS NECESSARY BUT SHE BELIEVES THE VOTERS DESERVE TO HAVE A RIGHT IN ACCEPTING LONG-TERM DEBT. COMMISSIONER GRINNAN PREFERS TO CHANGE THE APPROACH ON HOW TO GET THE PUBLIC TO VOTE FOR A BOND PACKAGE FOR A NEW JUSTICE CENTER INSTEAD OF ISSUING TAX NOTES. COMMISSIONER GRINNAN NOTED THAT IN HER OPINION, SHE DID NOT RECEIVE ENOUGH INFORMATION AND SHE FELT THAT THE PUBLIC DESERVED BETTER. COMMISSIONER WIMPEE STATED THAT HE BELIEVES THAT THERE IS A DUTY TO THE CITIZENS OF ROCKWALL COUNTY; THE CURRENT GOVERNMENT CENTER IS A PROBLEM DUE TO THE UNSAFE CONDITIONS AND HE FEELS THAT THE SAFETY ISSUE AT

THE GOVERNMENT CENTER OUTWEIGHS ANY OTHER OPTION. JUDGE FLORANCE REPORTED THAT THE STATE FIRE MARSHAL HAS INVESTIGATED THE GOVERNMENT CENTER FACILITY STATING THAT THE STRUCTURE IS FOR BUSINESS OCCUPANCY ONLY AND FURTHER ADVISED THAT THE BUILDING MEETS MINIMUM CODE REQUIREMENTS FOR BUSINESS USE, THAT THE BUILDING IS SEVERELY LACKING WHEN USED AS AN ASSEMBLY (COURTROOM) AND IS A SERIOUS THREAT TO OCCUPANTS, TO FIREFIGHTERS AND SURROUNDING AREAS. IN THE JUDGE'S OPINION, IT IS HIS CHARGE TO PROTECT THE HEALTH, SAFETY AND WELL-BEING OF THE COUNTY'S CITIZENS AND THAT THE COMMISSIONERS COURT MUST PROVIDE SAFE COURTS FOR THE COUNTY AND THAT THE COST OF A NEW BUILDING WILL ONLY ESCALATE OVER TIME. COMMISSIONER MAGNESS FELT THAT A \$30 MILLION JUSTICE CENTER WOULD PROBABLY NOT PASS WHEN ADDED TO A \$100 MILLION ROAD BOND PACKAGE THEREFORE HE SUBMITTED THAT THE COMMISSIONERS COURT COULD MOVE ALL OF THE SERVICES CURRENTLY AT THE GOVERNMENT CENTER TO THE COUNTY SERVICES BUILDING FOR A IMMEDIATE REMEDY AND THAT THE COUNTY SHOULD INVOLVE A CITIZENS COMMITTEE THAT IS COMMITTED TO HELP GET A BOND PASSED FOR A NEW JUSTICE CENTER. IF A BOND PACKAGE FAILS AFTER ALL THESE STEPS ARE TAKEN THEN THE COMMISSIONERS WILL NOT HAVE AN ALTERNATIVE OTHER THAN TO ISSUE TAX NOTES FOR A NEW JUSTICE CENTER. THE MOTION WAS MADE BY COMMISSIONER

BEATY, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 3-2, IN FAVOR OF ISSUING \$30 MILLION IN LIMITED TAX NOTES FOR THE BUILDING AND LEVYING THE FINANCING (TAX NOTES) FOR A COUNTY COURTHOUSE, COMMISSIONER MAGNESS AND COMMISSIONER GRINNAN VOTED AGAINST.

JUDGE FLORANCE CALLED FOR A SHORT BREAK – 10:40AM TO 10:55AM

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE A COURT ORDER AUTHORIZING THE COUNTY TREASURER TO FILE CLAIMS ON BEHALF OF THE COUNTY FOR UNCLAIMED PROPERTY CLASSIFIED AS BELONGING TO ROCKWALL COUNTY AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE INDEMNIFICATION CLAUSE ON THE CLAIM FORM.

ITEM #5

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING UNANIMOUSLY TO AUTHORIZE THE PERSONNEL FUNDING OF \$53,632.00 FOR THE TREASURER'S BUDGET TO FUND (1) THE PAYROLL ADMINISTRATOR POSITION, (2) PROFESSIONAL FEES ASSOCIATED WITH BANK ACCOUNT RECONCILIATIONS AND (3) CONTRACT LABOR FEES ASSOCIATED WITH

BANK ACCOUNT RECONCILIATIONS AS DELINEATED BY COUNTY
TREASURER BILL SINCLAIR'S MEMO AND THAT THE TRANSFER WILL BE
SUBMITTED TO THE COURT ON A FUTURE AGENDA.

****AT 11:00AM, JUDGE FLORANCE CALLED FOR A RECESS UNTIL 1:30PM.****

**** JUDGE FLORANCE RECONVENED COURT AT 1:30PM****

ITEM #6

DISCUSSION OF STAFFING ISSUES FOR THE ROAD AND BRIDGE
DEPARTMENT WILL BE IN EXECUTIVE SESSION.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY
COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO
APPROVE THE CONTRACT, AS PRESENTED, FOR PROFESSIONAL
SERVICES FOR WEBSITE DESIGN WITH CIVICPLUS IN THE AMOUNT OF
\$34,100.00. COMMISSIONER GRINNAN ADVISED THAT THIS CONTRACT
HAS BEEN REVIEWED AND APPROVED BY BOTH THE AUDITOR'S OFFICE
AND THE DISTRICT ATTORNEY'S OFFICE.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY
COMMISSIONER GRINNAN WITH THE COURT VOTING UNANIMOUSLY TO

APPROVE THE FY2009 ANNUAL MAINTENANCE AGREEMENT WITH
APPRISS FOR THE VINE PROGRAM.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY
COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY TO
APPROVE A THREE-YEAR AGREEMENT WITH AT&T TO PROVIDE
OPTEMAN INTERNET SERVICE FOR THE NEW TELEPHONE SYSTEM.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY
COMMISSIONER MAGNESS WITH THE COURT VOTING UNANIMOUSLY TO
APPROVE A FIVE-YEAR LEASE AGREEMENT WITH DE LAGE LANDEN
FINANCIAL SERVICES, INC. FOR A NEW COPIER FOR THE JUVENILE
SERVICES DEPARTMENT AT AN ANNUAL COST OF \$2,352.00.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY
COMMISSIONER MAGNESS WITH THE COURT VOTING UNANIMOUSLY TO
APPROVE A FIVE-YEAR LEASE AGREEMENT WITH DE LAGE LANDEN
FINANCIAL SERVICES, INC. FOR A NEW COPIER FOR THE COUNTY
AGENT AN ANNUAL COST OF \$2,172.00.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY
COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1,
COMMISSIONER BEATY VOTED AGAINST, TO APPROVE AN AGREEMENT

WITH THE CITY OF FATE FOR ROAD REPAIRS TO BEN PAYNE ROAD AT A COST OF \$1,087.50 TO BE COMPLETED NO LATER THAN SEPTEMBER 30, 2008.

ITEM #13

THIS ITEM REGARDING AN AGREEMENT WITH MASTER SOUND COMPANY INC TO PROVIDE BURGLAR ALARM MONITORING SERVICE FOR THE ANNEX BUILDING WAS PULLED FROM THE AGENDA PER THE COUNTY AUDITOR SINCE THE ANNEX IS CURRENTLY UNDER A CONTRACT FOR FIRE ALARM MONITORING.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE THREE AGREEMENTS WITH MASTER SOUND COMPANY INC TO PROVIDE FIRE ALARM MONITORING FOR THREE COUNTY BUILDINGS.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE A RENEWAL AGREEMENT WITH RAYBURN COUNTRY ELECTRIC COOPERATIVE INC. TO CONTINUE LEASING THE RADIO TOWER ON SIDS ROAD

ITEM #16

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING UNANIMOUSLY TO

APPROVE THE FY2009 TEXAS VINE ANNUAL MAINTENANCE GRANT CONTRACT WITH THE ATTORNEY GENERAL'S OFFICE EFFECTIVE SEPTEMBER 1, 2008.

ITEM #17

DISCUSSION ONLY REGARDING COUNTY ROAD BOND ISSUES: COMMISSIONER GRINNAN HAS PREPARED A POWERPOINT PRESENTATION THAT SHE WILL BE SHOWING IN MCLENDON-CHISOLM THIS EVENING. COMMISSIONER MAGNESS STATED THAT HE WOULD LIKE TO SET A WORKSHOP MEETING REGARDING COUNTY ROAD BOND ISSUES.

ITEM #18

NO DISCUSSION REGARDING COUNTY SPACE ISSUES.

ITEM #19

EXECUTIVE SESSION – 1:50PM TO 2:35PM

- DISCUSSION OF PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, AND ALL RELATED ISSUES.
- DISCUSSION OF PAY EXCEPTION FOR EMPLOYEE IN THE SHERIFF DEPARTMENT, AND ALL RELATED ISSUES.
- DISCUSSION OF APPOINTMENT OF ROAD AND BRIDGE ADMINISTRATOR, AND ALL RELATED ISSUES.

ITEM #20

ACTION OF EXECUTIVE SESSION:

- NO ACTION TAKEN ON THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY.
- NO ACTION TAKEN ON PAY EXCEPTION FOR EMPLOYEE IN SHERIFF'S DEPARTMENT.
- NO ACTION TAKEN ON APPOINTMENT OF ROAD AND BRIDGE ADMINISTRATOR.

ITEM #21

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

- A) MINUTES OF PREVIOUS MEETING(S);
- B) LISA CONSTANT, CO. CLERK, RECEIVE MARCH/APRIL 2008 MONTHLY REPORTS;
- C) DAVID KARR, J.P. PCT. 1, RECEIVE APRIL 2008 MONTHLY REPORT;
- D) BARBARA BARBER, TAX ASSESSOR, RECEIVE APRIL 2008 MONTHLY REPORT;
- E) LARRY HOLLOWAY, J.P. PCT. 2, RECEIVE APRIL 2008 MONTHLY REPORT;
- F) BILL SINCLAIR, TREASURER, RECEIVE TREASURER'S AUTHORIZATION TO AMERICAN NATIONAL BANK TO RELEASE A PORTION OF PLEDGED COLLATERAL;
- G) BILL SINCLAIR, TREASURER, RECEIVE RETIREMENT PLAN STATUS REPORT AS OF 12/31/07;
- H) RON MERRITT, CO. ENVIRONMENTAL HEALTH COORDINATOR, RECEIVE APRIL 2008 MONTHLY REPORT;
- I) DONNA MUSSOTTER, INDIGENT HEALTH DIRECTOR, RECEIVE APRIL 2008 MONTHLY REPORT;
- J) JOHN BLACKWOOD, CO. AUDITOR, APPROVE PAYMENT TO BUCHER, WILLIS AND RATLIFF CORPORATION FOR ROAD IMPROVEMENTS DURING MARCH 2008 IN THE AMOUNT OF \$7,307.64;
- K) JOHN BLACKWOOD, CO. AUDITOR, APPROVE PAYMENT TO POGUE CONSTRUCTION FOR IN PROGRESS ON THE NEW COUNTY LIBRARY IN THE AMOUNT OF \$1,165,668.50;

- L) JOHN BLACKWOOD, CO. AUDITOR, RECEIVE MARCH 2008 MONTHLY REPORT;

ITEM #14 RE-ADDRESSED:

THE COUNTY AUDITOR ADVISED THE COURT THAT THE ANNEX WAS NOT INCLUDED IN ITEM #14 AS ONE OF THE FOUR BUILDINGS THEREFORE THE ACTION NEEDS TO BE CORRECTED TO INCLUDE ALL FOUR BUILDINGS. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN TO RESCIND THE ACTION PREVIOUSLY TAKEN APPROVING THREE AGREEMENTS WITH MASTER SOUND COMPANY INC TO PROVIDE FIRE ALARM MONITORING FOR THREE COUNTY BUILDINGS. THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER GRINNAN TO APPROVE FOUR AGREEMENTS WITH MASTER SOUND COMPANY INC TO PROVIDE FIRE ALARM MONITORING FOR FOUR COUNTY BUILDINGS.

ITEM #22

• **PROPERTY ACQUISITION AND DISPOSITION OF FIXED ASSETS:**

THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING UNANIMOUSLY TO APPROVE ITEMS A-L:

- A. CONSTABLE #1 PURCHASED FROM GENERAL FUND: (2) LED FLASHING SIDE VIEW MIRROR BEAM LIGHTS FOR VEHICLE INCLUDING INSTALLATION @ AN ACTUAL COST OF \$379.35.
- B. GENERAL GOVERNMENT TO PURCHASE FROM GENERAL FUND: (2) CFU EXHAUST FANS FOR HISTORIC COURTHOUSE INCLUDING INSTALLATION @ A QUOTED COST OF \$1,135.00.

- C. JUSTICE COURT TECHNOLOGY TO PURCHASE FROM JUSTICE COURT TECHNOLOGY FUND: (3) PLANTRONIC HEADSETS FOR NEW TELEPHONE SYSTEM @ AN ESTIMATED COST OF \$650.00.
- D. COUNTY CLERK TO PURCHASE FROM GENERAL FUND: (1) PLANTRONIC HEADSET FOR NEW TELEPHONE SYSTEM @ AN ESTIMATED COST OF \$225.00.
- E. COUNTY COURT AT LAW TO PURCHASE FROM GENERAL FUND: (1) KLM ADD ON MODULE FOR NEW TELEPHONE SYSTEM @ AN ESTIMATED COST OF \$225.00.
- F. DISTRICT JUDGE TO PURCHASE FROM GENERAL FUND: (1) KLM ADD ON MODULE AND (2) LIFTERS FOR EXISTING HEADSETS FOR NEW TELEPHONE SYSTEM @ AN ESTIMATED COST OF \$500.00.
- G. JUSTICE OF THE PEACE #2 TO PURCHASE FROM JUSTICE COURT TECHNOLOGY FUND: (1) HP COLOR LASERJET 4700DTN PRINTER INCLUDING SHIPPING @ AN ESTIMATED COST OF \$2,200.00.
- H. ELECTION ADMINISTRATOR TO PURCHASE FROM GENERAL FUND: (4) BLUETOOTH FOR NEW TELEPHONE SYSTEM @ AN ESTIMATED COST OF \$1,400.00.
- I. COUNTY AUDITOR TO PURCHASE FROM GENERAL FUND: (7) KLM ADD ON MODULES FOR NEW TELEPHONE SYSTEM @ AN ESTIMATED COST OF \$1,525.00.
- J. TAX ASSESSOR – COLLECTOR TO PURCHASE FROM GENERAL FUND: (1) HP LASERJET PRINTER INCLUDING DELIVERY @ AN ESTIMATED COST OF \$800.00.
- K. COUNTY SHERIFF TO PURCHASE FROM GENERAL FUND: (9) MICROSOFT OFFICE STANDARD 2007 LICENSES, AND (1) MICROSOFT OFFICE STANDARD 2007 – MEDIA INCLUDING DELIVERY @ A QUOTED COST OF \$2,293.81.
- L. PUBLIC SAFETY – HIGHWAY PATROL TO PURCHASE FROM GENERAL FUND: (1) HP COMPAQ BUSINESS DESKTOP COMPUTER WITH OPTIQUEST 17” MONITOR AND MICROSOFT OFFICE PROFESSIONAL PLUS 2007 LICENSE INCLUDING DELIVERY @ A QUOTED COST OF \$1,120.90.

PROPERTY ACQUISITION ITEMS M-S WILL BE RE-SUBMITTED ON THE NEXT COURT AGENDA PER THE COUNTY AUDITOR.

- **NON-EMERGENCY BUDGET TRANSFERS:** EXHIBIT B WILL BE RE-SUBMITTED ON THE NEXT COURT AGENDA PER THE COUNTY AUDITOR
- **EMERGENCY BUDGET AMENDMENTS:** NONE
- THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY TO APPROVE **PAID CLAIMS** IN THE AMOUNT OF \$ 478,907.10.
- THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY TO APPROVE **UNPAID CLAIMS** IN THE AMOUNT OF \$ 1,603,541.10.
- THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY TO APPROVE THE **PAYROLL** ENDING APRIL 19, 2008 IN THE AMOUNT OF \$ 441,917.10
- THE MOTION WAS COMMISSIONER MAGNESS, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE THE **PAYROLL** ENDING MAY 3, 2008 IN THE AMOUNT OF \$ 452,746.36.

WITH NO OTHER ITEMS ON THE AGENDA, JUDGE FLORANCE ADJOURNED THE REGULAR MEETING AT 2:45PM.

LISA CONSTANT, COUNTY CLERK