

**COMMISSIONERS COURT  
APRIL 14, 2009**

**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:**

<b>CHRIS FLORANCE</b>	<b>COUNTY JUDGE</b>
<b>JERRY WIMPEE</b>	<b>COMMISSIONER PCT #1</b>
<b>LORIE GRINNAN</b>	<b>COMMISSIONER PCT #2</b>
<b>DENNIS BAILEY</b>	<b>COMMISSIONER PCT #3</b>
<b>DAVID MAGNESS</b>	<b>COMMISSIONER PCT #4</b>
<b>LISA CONSTANT</b>	<b>COUNTY CLERK</b>

- THE MEETING WAS CALLED TO ORDER BY JUDGE FLORANCE AT 9:00AM. OTHER OFFICIALS PRESENT WERE COUNTY AUDITOR JOHN BLACKWOOD, COUNTY TREASURER BILL SINCLAIR AND ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS.
- 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.
- NO GUESTS WERE PRESENT THAT REQUESTED TO ADDRESS THE COURT.

**ITEM #1**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AN AGREEMENT WITH THE CITY OF ROCKWALL FOR THE FRIENDS OF THE DOWNTOWN ROCKWALL FARMERS MARKET TO OPERATE THE FARMERS MARKET ON COUNTY PROPERTY BEGINNING ON SATURDAYS FROM MAY 2, 2009 THRU SEPTEMBER 26, 2009, EXCLUDING THREE PREVIOUSLY PLANNED DATES RESERVED FOR OTHER FUNCTIONS.

**ITEM #2**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPOINTING MARY CAROL BYRD TO SERVE AS A MEMBER OF THE LIBRARY BOARD.

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPOINTING MARY WRIGHT TO SERVE AS A MEMBER OF THE LIBRARY BOARD.

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPOINTING BILLYE WOOD TO SERVE AS A MEMBER OF THE LIBRARY BOARD.

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF RE-APPOINTING MARY ELLIS TO SERVE A SECOND TERM ON THE LIBRARY BOARD.

**ITEM #3**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF MOVING THE LAW LIBRARY (BOOKS, SHELVES AND PATRON COMPUTER) TO THE AUXILIARY COURTROOM AT THE GOVERNMENT CENTER FROM ITS CURRENT LOCATION IN THE DISTRICT ATTORNEY'S OFFICE.

ASSOCIATED COSTS WILL BE CHARGED TO THE LAW LIBRARY FUND OR THE DISTRICT ATTORNEY'S DEPARTMENTAL FUNDS.

**ITEM #4**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF CONCURRING WITH THE HUMAN RESOURCE DEPARTMENT'S RECOMMENDATION - MAKING EACH DEPARTMENT RESPONSIBLE THROUGHOUT THIS YEAR'S BUDGET FOR NEWSPAPER ADVERTISEMENT CHARGES WHEN POSTING COUNTY JOBS IN THE NEWSPAPER; THE MOTION ALSO INCLUDED THAT THE AUDITOR SHOULD MAKE ANY ASSOCIATED BUDGET TRANSFERS TO ALLOCATE FUNDS TO EACH DEPARTMENT'S INDIVIDUAL BUDGET TO ACCOMMODATE THE TRANSFER OF FUNDS TO THE APPROPRIATE DEPARTMENT.

**ITEM #5**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF RESCINDING THE COURT'S APPROVAL ON OCTOBER 28, 2008 OF THE NON-FINANCIAL CHILD WELFARE SERVICES CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES AND TO APPROVE IN ITS PLACE A NON-FINANCIAL MEMORANDUM OF UNDERSTANDING.

**ITEM #6**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A SIX-MONTH AGREEMENT WITH AVIAN FLYAWAY, INC. FOR MIGRATORY BIRD REMOVAL SERVICES AT THE ROCKWALL COUNTY HISTORICAL COURTHOUSE EFFECTIVE APRIL 1, 2009 AT A FEE OF \$8,275.00.

**ITEM #7**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF AUTHORIZING THE AUDITOR TO DISPOSE OF COUNTY SURPLUS PROPERTY BY ALLOWING A CHARITABLE ORGANIZATION TO ACQUIRE THE PROPERTY WITHIN TWO WEEKS OF SURPLUS OR THE COUNTY MAY DESTROY THE PROPERTY.

**ITEM #10 – EXECUTIVE SESSION 9:35AM-10:30AM**

- DISCUSSION OF RETENTION OF LEGAL COUNSEL TO REVIEW EMPLOYEE POLICY REGARDING THE AMERICANS WITH DISABILITY ACT AND ANY POTENTIAL LITIGATION THAT MAY RESULT, AND ALL RELATED ISSUES;
- DISCUSSION OF ROCKWALL ECONOMIC DEVELOPMENT PROJECT, AND ALL RELATED ISSUES;
- DISCUSSION OF THE ROCKWALL ECONOMIC DEVELOPMENT CORPORATION OFFERING FINANCIAL INCENTIVES TO A PROJECT BY PARTICIPATING IN A 24 MONTH LEASE AGREEMENT LOCATED OUTSIDE ROCKWALL CITY LIMITS AND WITHIN THE CITY OF FATE'S ETC, PURSUANT TO THE TEXAS ECONOMIC DEVELOPMENT CORPORATION ACT SECTION 23 (a)(1), AND ALL RELATED ISSUES;

**ITEM #11 – ACTION OF EXECUTIVE SESSION**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF AUTHORIZING THE ROCKWALL COUNTY ECONOMIC DEVELOPMENT CORPORATION TO NEGOTIATE AN AGREEMENT FOR LEASE SPACE IN THE UNINCORPORATED AREA OF ROCKWALL COUNTY.

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF AUTHORIZING THE DISTRICT ATTORNEY'S OFFICE TO RETAIN LEGAL COUNSEL TO REVIEW THE EMPLOYEE POLICY REGARDING THE

AMERICANS WITH DISABILITY ACT IN AN AMOUNT NOT TO EXCEED \$3,700.00.

**ITEM #8**

COMMISSIONER MAGNESS ADVISED THE COURT THAT AN ITEM REGARDING THE ROAD BOND PROGRAM WOULD BE ON THE NEXT MEETING'S AGENDA.

**ITEM #9**

COUNTY SPACE ISSUES MAY BE ADDRESSED AFTER TODAY'S WORKSHOP.

**ITEM #12**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);- previous minutes were approved except 3/24/09 minutes
- b) Co. Clerk, March-09 fee report(s);
- c) Co. Clerk, Allow expenditure from the Records Management special fund to scan and digitize County Clerk property records dating from inception to 1968;
- d) Co. Librarian, Feb.-09 activity monthly report(s);
- e) Constable, Pct. 1 and 4, Approve Blake Egan as Reserve Deputy Constable, Pct. 1 and 4 for Rockwall County;
- f) District Attorney, Acknowledge the Deputations of Assistant Criminal District Attorneys, Tina Hall and Damita Jo Sangermano;
- g) Co. Treasurer, Acknowledge Treasurer's memo for the record dated 3/31/09- Arbitrage Rebate-Outstanding Obligations/Debt Service Fund;
- h) Co. Treasurer, Treasurer's Quarterly Investment Report for period ending 3/31/2009;
- i) J.P. Pct. 1, March-09 monthly judicial activity report(s);
- j) Environmental Health Coordinator- March-09 monthly Activity report(s);
- k) Co. Agent, March-09 activity expense report(s);
- l) Indigent Health, March-09 expenditure/case report(s);
- m) Co. Auditor, February monthly report(s);

- n) Co. Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services at the FM549/I30 interchange during February 2009 in the amount of \$56,071.31;
- o) Co. Auditor, Approve payment to Brinkley Sargent Architects for February 2009 architectural services on the Rockwall County Justice Center in the amount of \$67,681.35;
- p) Co. Auditor, Acknowledge for the record/Court Order/Oath of Office appointing Rhonda Smith as Assistant to the Rockwall County Auditor;

**ITEM #13**

PROPERTY ACQUISITIONS AND DISPOSITIONS OF FIXED ASSETS:

NONE

**ITEM #14**

NON-EMERGENCY BUDGET TRANSFERS:

NONE

**ITEM #15**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING **PAID CLAIMS** IN THE AMOUNT OF \$18,208.55, COMMISSIONER BAILEY ABSTAINED FROM DISCUSSION AND VOTE.

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING **UNPAID CLAIMS** IN THE AMOUNT OF \$662,042.21;

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE **PAYROLL** ENDING MARCH 21, 2009 IN THE AMOUNT OF \$477,538.03.

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE **PAYROLL** ENDING APRIL 4, 2009 IN THE AMOUNT OF \$482,243.40.

**\*\*JUDGE FLORANCE RECESSED THE MEETING AT 10:40AM UNTIL MID-AFTERNOON\*\***

**\*\*JUDGE FLORANCE RECONVENED THE MEETING AT 2:55PM\*\***

**ITEM #9 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY JUDGE FLORANCE APPROVING THE SITE PLAN AS PRESENTED BY HAL SARGENT OF BRINKLEY SARGENT ARCHITECTS. AFTER A BRIEF DISCUSSION JUDGE FLORANCE WITHDREW HIS SECOND. COMMISSIONER MAGNESS WITHDREW HIS MOTION. COMMISSIONER BAILEY MADE A MOTION TO APPROVE THE SITE PLAN AS A CONCEPT TO BE ABLE TO DELIVER TO BALFOUR BEATTY A GRADING PLAN, COMMISSIONER GRINNAN SECONDED HIS MOTION. AFTER A BRIEF DISCUSSION, COMMISSIONER BAILEY WITHDREW HIS MOTION. JUDGE FLORANCE MADE A MOTION TO AGREE THAT THE FUTURE JUSTICE CENTER WOULD BE LOCATED EXACTLY WHERE IT IS LOCATED ON THE PROPERTY PER THE PLAN PRESENTED BY BRINKLEY SARGENT ARCHITECTS. NO ONE SECONDED THE JUDGE'S MOTION. AFTER A BRIEF DISCUSSION, A MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT

VOTING 5-0 TO APPROVE THE PLACEMENT OF THE BUILDING AS EXHIBITED BY THE DESIGN PRESENTED BY BRINKLEY SARGENT ARCHITECTS DATED APRIL 14, 2009; THE ARCHITECT MAY MOVE THE BUILDING WITHIN REASON BUT NOT ENOUGH TO MAKE ANY MATERIAL CHANGES.

**ITEM #16**

THERE BEING NO FURTHER BUSINESS COMING BEFORE THE COURT, COMMISSIONER WIMPEE ADJOURNED THE MEETING AT 3:05PM.

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**LISA CONSTANT, COUNTY CLERK**