

**COMMISSIONERS COURT
JULY 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:**

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

- THE MEETING WAS CALLED TO ORDER BY JUDGE FLORANCE AT 9:00AM. OTHERS PRESENT WERE COUNTY AUDITOR JOHN BLACKWOOD, COUNTY TREASURER BILL SINCLAIR AND ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS.
- THE INVOCATION WAS GIVEN BY JUDGE FLORANCE.
- THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND TO THE TEXAS FLAG WERE LED BY COMMISSIONER BAILEY.
- A GUEST WAS PRESENT THAT REQUESTED TO ADDRESS THE COURT: NICHOLAS KREEKON

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF GIVING FARMERS ELECTRIC COOPERATIVE, INC. PERMISSION TO CONSTRUCT ELECTRICAL POWER DISTRIBUTION FACILITIES ALONG AND ACROSS ROCHELLE ROAD IN ROCKWALL COUNTY; COMMISSIONER MAGNESS ABSTAINED.

ITEM #2

THIS ITEM REGARDING DETENTION CENTER JOB CLASSIFICATION WAS TABLED.

ITEM #3

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS APPROVING THE PUBLIC NUISANCE ABATEMENT PROCEDURES FOR ROCKWALL COUNTY AS PRESENTED. AFTER FURTHER DISCUSSION OF THE PROCEDURES, COMMISSIONER GRINNAN AMENDED HER MOTION TO INCLUDE THE WORDING "UPON FORMAL WRITTEN NOTICE" TO ITEM #12 OF THE PUBLIC NUISANCE ABATEMENT PROCEDURES FOR ROCKWALL COUNTY AND ALSO INCLUDE IN ITEM #1 THAT THE PROCEDURES ARE TO BE ADMINISTERED BY THE ROCKWALL COUNTY ENVIRONMENTAL HEALTH COORDINATOR OR A DESIGNATED REPRESENTATIVE, COMMISSIONER MAGNESS SECONDED THE AMENDED MOTION AND THE COURT VOTIED 5-0 IN FAVOR OF APPROVING.

ITEM #4

COMMISSIONER MAGNESS DEFERRED ALL DISCUSSION REGARDING COUNTY ROAD BOND ISSUES TO THE WORKSHOP MEETING.

ITEM #5

COMMISSIONER BAILEY REPORTED ON THE CURRENT MEETINGS THAT ARE BEING HELD WITH COUNTY DEPARTMENT HEADS AND THE ARCHITECTS REGARDING SPACE ALLOCATION IN THE JUSTICE CENTER.

ITEM #6

THE MOTION WAS MADE BY COMMISSIONER GRINNAN TO APPROVE AN AGREEMENT WITH THE CITY OF ROCKWALL FOR THE MAIN STREET DEPARTMENT TO HOLD A BARBEQUE COOK OFF ON THE HISTORIC COURTHOUSE PROPERTY ON SEPTEMBER 12, 2009 AND TO AUTHORIZE THE ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS AND THE COUNTY AUDITOR TO DRAW UP A GLOBAL AGREEMENT FOR FUTURE EVENTS HELD BY THE CITY OF ROCKWALL ON THE SQUARE. COMMISSIONER GRINNAN AMENDED HER MOTION TO STRIKE THE TIME FRAME OF 8AM TO 8PM LISTED IN THE AGREEMENT FOR THE BARBEQUE EVENT, COMMISSIONER BAILEY SECONDED THE AMENDED MOTION WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF

APPROVING A NON-FINANCIAL MEMORANDUM OF AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY WHICH ESTABLISHES PERMISSIONS AND GUIDELINES FOR USE OF MUTUAL-AID RADIO CHANNELS BY EMERGENCY MANAGEMENT RESPONSE AGENCIES AS PRESENTED BY JOE ELLIS OF THE COUNTY'S EMERGENCY MANAGEMENT DEPARTMENT.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AN AGREEMENT WITH AVIAN FLYAWAY, INC. FOR MIGRATORY BIRD SERVICES AT THE ROCKWALL COUNTY HISTORICAL COURTHOUSE EFFECTIVE IMMEDIATELY AT A COST OF \$4,990.00.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING A 15-MONTH PROFESSIONAL SERVICES AGREEMENT WITH BRIAN PAUL GRIFFETH TO PERFORM FIRE MARSHAL DUTIES FOR THE COUNTY AT A MONTHLY FEE OF \$1,000.00 ; COMMISSIONER WIMPEE VOTED AGAINST.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF

AWARDING 2009 CONTRACTS FOR BIDS RECEIVED FOR THE FOLLOWING
ROAD AND BRIDGE CONSTRUCTION MATERIALS AS FOLLOWS:

BID #09-06-003 HOT MIX ASPHALT CONCRETE

ITEM 340 TYPE D AWARD: APAC - TEXAS, INC.
 ALTERNATE: R.K. HALL CONSTRUCTION
ITEM DMS 9202 AWARD: APAC – TEXAS, INC.

BID #09-06-004 ASPHALTS, OILS & EMULSIONS

CRS-2 AWARD: ERGON EMULSION & ASPHALTS
CRS – 2P AWARD: ERGON EMULSION & ASPHALTS
MEDIUM SET PRIME AWARD: NO BIDDERS
CRS-2H AWARD: ERGON EMULSION & ASPHALTS
CRS-2HP AWARD: ERGON EMULSION & ASPHALTS
AEP (PRIME) AWARD: ERGON EMULSION & ASPHALTS

BID #09-06-005 GAS AND DIESEL

UNLEADED GASOLINE AWARD: MILLEN OIL COMPANY, INC.
#2 DIESEL W/ LUBRICITY ADDITIVE AWARD: MILLEN OIL COMPANY, INC.
DIESEL ENGINE OIL DETERGENT AWARD: MILLEN OIL COMPANY, INC.
AUTOMATIE TRANSMISSION FLUID AWARD: MILLEN OIL COMPANY, INC.
MULTIPURPOSE GEAR LUBRICANT AWARD: MILLEN OIL COMPANY, INC.
ANTI-FREEZE, ETHYLENE AWARD: MILLEN OIL COMPANY, INC.
JD AR69445 HY GUARD HYD OIL AWARD: MILLEN OIL COMPANY, INC.

BID #09-06-006 AGGREGATE FOR SURFACE TREATMENT

ITEM 302 TYPE B GRADE 3 AWARD: NO BIDDERS
ITEM 302 TYPE B GRADE 4 AWARD: NO BIDDERS
ITEM 302 3/8 #2 COVER AWARD: DOLESE BROS COMPANY
ITEM 302 5/8 C2 COVER AWARD: DOLESE BROS COMPANY
ITEM 302 5/8 #3 COVER AWARD: DOLESE BROS COMPANY
ITEM 302 3/4 #1 COVER AWARD: DOLESE BROS COMPANY

BID #09-06-007 FLEXIBLE BASE

ITEM 247 FLEX BASE TYPE A GRADE 4
 AWARD CONGRESS MATERIALS, LLC
 ALTERNATE SOUTHWEST CRUSHING, LLC.

BID #09-06-008 CORRUGATED METAL PIPE AND ALUMINIZED TYPE 2 STEEL

ITEM 460 CORRUGATED METAL PIPE

ALUMINIZED TYPE 2 STEEL AWARD: WILSON CULVERTS, INC.
AWARD: WILSON CULVERTS, INC.

BID #09-06-009 TXDOT ITME 264.2 LIME SLURRY TYPE B AND TXDOT ITEM DMS 6330 QUICK LIME DRY

ITEM 264.2 LIME SLURRY TYPE B AWARD: NO BIDDERS
ITEM DMS 6330 QUICK LIME DRY AWARD: NO BIDDERS

BID #09-06-010 AGGREGATE HAULING

AGGREGATE HAULING AWARD: NO BIDDERS

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, 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);
- b) Co. Librarian, May-09 activity monthly report(s);
- c) J.P. Pct. 2, Acknowledge the deputation of Justice Court Clerk Lena Renee Burden;
- d) Co. Agent, May-June-09 activity expense report(s);
- e) Co. Agent, June-09 activity expense report(s);
- f) J.P. Pct. 1, June-09 monthly judicial activity report(s);
- g) Indigent Health, June-09 expenditure/case report(s);
- h) Environmental Health Coordinator, June-09 monthly activity report(s);
- i) Co. Tax Assessor-Collector, April-May-June-09 monthly activity/expense report(s);
- j) Co. Clerk, June-09 fee report(s);

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF

APPROVING THE FOLLOWING PROPERTY ACQUISITIONS AND
DISPOSITIONS OF FIXED ASSETS:

- A. District Attorney to purchase from D.A. State Fund: Digital camera @ an estimated cost of \$1,000.00.
- B. County Annex transfer to Surplus: Konica 3340 copier.
- C. County Court at Law transfer to Surplus: Konica 3340 copier.
- D. District Judge transfer to Surplus: Konica 3340 copier.
- E. District Attorney transfer to Surplus: Konica 3340 copier.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY
COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF
APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS,
AS PRESENTED:

2009-13 - Transfer \$1,000 of budgeted funds for District Attorney TO Capital Improvements FROM Equipment Repairs resulting from the remodeling of the old Law Library previously located in the District Attorney's office area, which was approved by Commissioners Court on April 14, 2009.

2009-14 - Transfer \$40,000 of budgeted funds for Fire Marshal TO Plan Review/ Inspection Fees FROM Fire Marshal Salary @ \$10,000 & Clerk @ \$12,000 & Social Security Taxes @ \$1,000 & Group Insurance @ \$13,000 & Retirement @ \$2,000 & Workers Comp Insurance @ \$2,000 resulting from the Courts decision to hire Bureau Veritas to perform these plan reviews & inspections.

2009-15 - Transfer \$3,000 of budgeted funds for Juvenile Probation Local Fund TO Travel & Training FROM Miscellaneous resulting from expenditures during FY2009 that exceeded budgeted funds approved and allowed.

2009-16 - Transfer \$5,000 of budgeted funds for Title IV-E Juvenile Administration Fund TO Residential Placement FROM Supplies @ \$2,000 & Mileage & Training @ \$3,000 resulting from the reallocation of grant funds.

2009-17 - Transfer \$1,000 of budgeted funds for Texas Parks & Wildlife Fund TO Travel & Training FROM Contract Services resulting from the reallocation of grant funds.

ITEM #14

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 \$36,394.01; COMMISSIONER BAILEY ABSTAINED FROM DISCUSSION AND VOTE.

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING **UNPAID CLAIMS** IN THE AMOUNT OF \$461,691.64;

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE **PAYROLL** ENDING JUNE 27, 2009 IN THE AMOUNT OF \$490,767.53.

ITEM #15

THERE BEING NO FURTHER BUSINESS COMING BEFORE THE COURT, JUDGE FLORANCE ADJOURNED THE MEETING AT 9:55AM.

LISA CONSTANT, COUNTY CLERK