

**COMMISSIONERS COURT
SEPTEMBER 22, 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.

THE INVOCATION WAS GIVEN BY COMMISSIONER GRINNAN.

THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND
TO THE TEXAS FLAG WERE LED BY JUDGE FLORANCE.

NO GUESTS WERE PRESENT THAT WISHED TO BE RECOGNIZED OR TO
ADDRESS THE COURT.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY
COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF
APPROVING THE COUNTY HOLIDAYS FOR THE CALENDAR YEAR 2010.

ITEM #2

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY
COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF
APPROVING THE 2010 SHERIFFS' AND CONSTABLES' FEES AS PRESENTED.

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ITEM #3

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BAILEY TO APPROVE THE 2009 DISTRICT CLERK RECORDS PRESERVATION AND RESTORATION PLAN. COMMISSIONER BAILEY QUESTIONED DISTRICT CLERK KAY MCDANIEL ON THE AMOUNT OF THE FEE. DISTRICT CLERK KAY MCDANIEL CLARIFIED THE AMOUNT OF THE FEE IS TEN DOLLARS. COMMISSIONER GRINNAN AMENDED HER MOTION TO REFLECT THAT THE AMOUNT WOULD BE TEN DOLLARS. COMMISSIONER BAILEY SECONDED THE MOTION WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE 2009 DISTRICT CLERK RECORDS PRESERVATION AND RESTORATION PLAN.

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF RESCINDING THE BURN BAN EFFECTIVE IMMEDIATELY.

ITEM #5

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF REPLACING THE POST 65-YEAR OLD RETIREE HEALTH INSURANCE PLAN OFFERED BY AETNA WITH THE TEXAS ASSOCIATION OF COUNTIES RETIREE MEDICAL BENEFITS PROGRAM FOR MEDICARE ELIGIBLE RETIREES THROUGH MONUMENTAL LIFE INSURANCE COMPANY BEGINNING JANUARY 1, 2010.

ITEM #6

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE COUNTY'S CONTRIBUTION FOR RETIREES HEALTH INSURANCE FOR 2010 FROM \$150 TO \$200.

ITEM #7

COMMISSIONER GRINNAN RECOMMENDED THAT THIS AGENDA TOPIC BE BROKEN INTO THREE SEPARATE ITEMS. COMMISSIONER GRINNAN MADE THE MOTION, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE PERFORMANCE SALARY PLAN GUIDELINES AS PRESENTED. COMMISSIONER MAGNESS MADE THE MOTION, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 3-2 IN FAVOR OF APPROVING THE LONGEVITY PAY POLICY AS PRESENTED. COMMISSIONER BAILEY VOTED AGAINST STATING THAT HE IS IN FAVOR OF LONGEVITY PAY FOR REGULAR EMPLOYEES, BUT NOT FOR ELECTED OFFICIALS OR REGULAR PART TIME EMPLOYEES. COMMISSIONER GRINNAN CONCURRED.

COMMISSIONER WIMPEE MADE THE MOTION, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A HEADCOUNT OF ALL COUNTY DEPARTMENTS. COMMISSIONER BAILEY ASKED COUNTY TREASURER BILL SINCLAIR IF THE 269 FIGURE FOR FULL-TIME EMPLOYEES WAS CORRECT. COUNTY TREASURER BILL SINCLAIR ANSWERED THAT THAT FIGURE WAS CORRECT.

ITEM #8

COMMISSIONER GRINNAN ASKED THE COURT TO SET ASIDE THE TOPIC REGARDING THE PROPOSAL TO TEMPORALLY LIMIT ACCESS TO KING ROAD DURING INCLEMENT WEATHER, ALLOWING THE COURT TO READDRESS AFTER THE WORKSHOP.

ITEM #9

COMMISSIONER GRINNAN ASKED COURT TO SET THE TOPIC ASIDE REGARDING ROCKWALL COUNTY VETERAN'S MEMORIAL, ALLOWING THE COURT TO READDRESS AFTER THE WORKSHOP.

ITEM #10

COMMISSIONER WIMPEE STATED THAT THE ROCKWALL COUNTY COURTHOUSE HAS BEEN LOCATED AT THIS SITE, ON THE SQUARE SINCE, THE EARLY 1940'S AND THAT THE COURTHOUSE WAS VACATED DUE TO NON-COMPLIANCE WITH ADA FEDERAL REGULATIONS IN 1992. COMMISSIONER WIMPEE STATED THAT SUBSEQUENT TO THE COURTHOUSE BEING VACATED A BOND ELECTION FAILED TO PROPERLY EQUIP THE COURTHOUSE SO IT COULD BE AN ACTIVE COURTHOUSE. COMMISSIONER WIMPEE STATED THAT IN 1993, THE COMMISSIONER COURT PURCHASED THE CAMERON BUILDING AS AN INTERIM COURTHOUSE UNTIL THEY EITHER FIXED THE COURTHOUSE OR BUILT ANOTHER ONE. COMMISSIONER WIMPEE IS CERTAIN THAT THE INTERIM PERIOD HAS LASTED MUCH LONGER THAN THEY EXPECTED.

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COMMISSIONER WIMPEE STATED THAT IT IS NO SECRET THAT THE COMMISSIONERS COURT IS ABOUT TO BUILD A NEW COURTHOUSE FOR ROCKWALL COUNTY, AND IF THE PLANNING IS DONE RIGHT IT WILL BE THE LAST COURTHOUSE BUILT IN ROCKWALL COUNTY. COMMISSIONER WIMPEE STATED HE FELT IT WAS ONLY APPROPRIATE THAT HISTORY WAS A PART OF THE ACTION THAT THE COURT MAY OR MAY NOT MAKE TODAY.

COMMISSIONER WIMPEE MADE THE MOTION, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 ON NAMING THE BUILDING TO BE CONSTRUCTED ON YELLOW JACKET LANE AND I-30 AS THE ROCKWALL COUNTY COURTHOUSE DURING ITS CONSTRUCTION, AND OFFICIALLY FOR STATE RECORDS WHEN IT'S OPENED.

ITEM #11

NO ACTION REGARDING NEW COURTHOUSE ARCHITECTURAL/CONSTRUCTION MANAGEMENT/CHANGE ORDERS.

ITEM #12

NO ACTION TAKEN IN REGARDS TO ROAD BOND ISSUES.

ITEM #13

COMMISSIONER MAGNESS GAVE A REPORT ON ONGOING ACTIVITIES AT THE COUNTY SERVICES BUILDING. NO ACTION REGARDING COUNTY SPACE ISSUES.

ITEM #14

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

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LOSS INSURANCE AGREEMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009.

ITEM #15

COMMISSIONER WIMPEE ASKED ASSISTANT DISTRICT ATTORNEY BRIAN WILLIAMS TO CLARIFY THE LEGAL REQUIREMENT FOR SELECTING A VENDOR. THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 TO AWARD JIM DANDY THE CONTRACT FOR CUSTODIAL SERVICES AT THE ROCKWALL COUNTY LIBRARY FOR THE FISCAL YEAR 2010.

ITEM #16

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF AWARDDING A CONTRACT TO S & L NABORS FOR THE IMPROVEMENT TO THE ROOF AT THE ADULT PROBATION BUILDING LOCATED AT 105 SOUTH FIRST STREET.

ITEM #17

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR TO GO OUT FOR BID FOR THE HVAC SYSTEM AT THE ADULT PROBATION BUILDING LOCATED AT 105 SOUTH FIRST STREET.

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ITEM #18

UPON RECOMMENDATION OF COUNTY TREASURER BILL SINCLAIR, COMMISSIONER GRINNAN MADE THE MOTION, SECONDED BY COMMISSIONER WIMPEE TO APPROVE THE TERMS FOR A TWO-YEAR EXTENSION TO THE COUNTY'S BANK DEPOSITORY CONTRACT WITH AMERICAN NATIONAL BANK USING OPTION #1 AS THE CURRENT METHOD WHICH WAIVES ALL FEES AT NO COST TO THE COUNTY.

ITEM #19

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 ON APPROVING A FIVE-YEAR LEASE AGREEMENT WITH DE LAGE LANDEN FINANCIAL SERVICES FOR A NEW COPIER AT THE COUNTY AUDITOR'S OFFICE AT AN ANNUAL COST OF \$2,304.00.

ITEM #20

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR AGREEMENT EFFECTIVE OCTOBER 1, 2009 WITH THE ROCKWALL COUNTY EMERGENCY SERVICES CORPORATION FOR THE COUNTY'S SHARE OF THE OPERATING AND CONSULTING COSTS IN THE AMOUNT OF \$7,190.00

ITEM #21

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

APPROVING A ONE-YEAR AGREEMENT WITH THE ROCKWALL COUNTY EMERGENCY SERVICES CORPORATION FOR THE COUNTY'S SHARE OF THE MEDIC RESCUE SUBSIDY FOR AMBULANCE SERVICES IN THE AMOUNT OF \$229,163.00 EFFECTIVE OCTOBER 1, 2009.

ITEM #22

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR CONTRACT WITH THE ROCKWALL COUNTY EMERGENCY SERVICES CORPORATION FOR THE PROVISION OF EMERGENCY MANAGEMENT SERVICES EFFECTIVE OCTOBER 1, 2009 AT A COST OF \$110,420.50.

ITEM #23

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING TWO SEPARATE ONE-YEAR AGREEMENTS WITH EBSCO AND PROQUEST TO PROVIDE THREE DIGITAL DOWNLOADABLE DATABASES FOR THE ROCKWALL COUNTY LIBRARY AT \$5,637.00 PER YEAR EFFECTIVE OCTOBER 1, 2009.

ITEM #25

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR ON RENEWING AN 11-MONTH MAINTENANCE AGREEMENT WITH MX LOGIC FOR

SPAM BLOCKING, VIRUS SCANNING AND FILTERING FOR THE COUNTYWIDE E-MAIL SYSTEM EFFECTIVE NOVEMBER 2, 2009 AT A COST OF \$4,884.22.

ITEM #26

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF RENEWING THE FOLLOWING ANNUAL MAINTENANCE AGREEMENTS(A-F) EFFECTIVE OCTOBER 1, 2009:

<u>VENDOR</u>	<u>COVERAGE</u>	<u>ANNUAL COST</u>
A. TYLER TECHNOLOGIES	IT/LICENSES FOR JUDICIAL SYSTEM SOFTWARE	\$6,663.45
B. TYLER TECHNOLOGIES	IT/RS/6000 SERVER & TAPE DRIVE	\$4,399.49
C. NET DATA	COUNTY AUDITOR/TREASURER/FINANCE SOFTWARE	\$20,511.00
D. KONE INC.	COURTHOUSE/GOVT CTR/ADULT PROB/ELEVATORS	\$7,092.00
E. COMMERCIAL ELECTRONICS CORP	SHERIFF/VOICE RECORDER	\$2,525.00
F. KONE INC.	LIBRARY/ELEVATORS	\$3,900.00

ITEM #27

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A REQUEST FOR QUALIFICATIONS (RFQ) ON ENGINEERING DESIGN SERVICES FOR ROCKWALL COUNTY ROAD IMPROVEMENT PROJECTS WITH ALL REQUESTED CHANGES AND AUDITOR APPROVAL. COMMISSIONER MAGNESS ALSO INCLUDED IN HIS MOTION HIS RECOMMENDATION THAT THE RELEASE DATE OF THE RFQ FOR THE INTERESTED BIDDERS BE SEPTEMBER 29, 2009 AND THE FINAL SUBMITTAL DATE TO THE COUNTY BE OCTOBER 27, 2009. COMMISSIONER MAGNESS ALSO INCLUDED IN HIS MOTION A RECOMMENDATION OF A SELECTION COMMITTEE TO REVIEW BIDS AND

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RETURN TO COMMISSIONERS COURT A RECOMMENDATION. THE SELECTION COMMITTEE WOULD BE MADE UP OF A REPRESENTATIVE FROM THE DISTRICT ATTORNEY'S OFFICE BRIAN WILLIAMS, A REPRESENTATIVE FROM THE AUDITOR'S OFFICE AND A REPRESENTATIVE FROM TX DOT. ON NOVEMBER 17, 2009 THE COMMISSIONER COURT WILL NAME THE WINNER OF THE BID BASED ON THE RECOMMENDATION OF THE SELECTION COMMITTEE. SEE ITEM RE-ADDRESSED AT THE END OF MEETING.

ITEM #28

EXECUTIVE SESSION: 10:20 A.M.-11:30 A.M.

- DISCUSSION OF PERSONNEL ISSUES REGARDING JUVENILE SERVICES DEPARTMENT, AND ALL RELATED ISSUES;

ITEM #29

ACTION OF EXECUTIVE SESSION;

NO ACTION TAKEN REGARDING THE DISCUSSION OF PERSONNEL ISSUES REGARDING THE JUVENILE SERVICES DEPARTMENT.

ITEM #30

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

- A) MINUTES OF PREVIOUS MEETING(s);
- B) J.P. PCT 1, AUG-09 MONTHLY JUDICIAL ACTIVITY REPORT(s);
- C) CO. TAX ASSESSOR-COLLECTOR, AUG-09 MONTHLY ACTIVITY/EXPENSE REPORT(S);
- D) CO. TREASURER, RECEIVE TREASURER'S AUTHORIZATION TO AMERICAN NATIONAL BANK TO RELEASE A PORTION OF PLEDGED COLLATERAL;
- E) J.P. PCT 2, AUG-09 MONTHLY JUDICIAL ACTIVITY REPORT(S);
- F) CO. CLERK AUG.-09 FEE REPORT(S)

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- G) INDIGENT HEALTH, AUG.-09 EXPENDITURE/CASE REPORT(S);
- H) DISTRICT CLERK, ACKNOWLEDGE DEPUTATION OF CLERK PEGGY JOYCE SHEPPARD;
- I) DISTRICT CLERK, AUG-09 MONTHLY REPORT;
- J) APPROVE PAYMENT TO MANHATTAN CONSTRUCTION COMPANY FOR AUGUST 2009 PRECONSTRUCTION SERVICES ON THE ROCKWALL COUNTY JUSTICE CENTER IN THE AMOUNT OF \$6,625.00;
- K) COUNTY AUDITOR'S JULY-09 MONTHLY REPORT

ITEM #31

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISITION(S) AND DISPOSITION(S) OF FIXED ASSETS(S);

- A. COUNTY JAIL PURCHASED FROM GENERAL FUND: CARRIER 6-TON A/C/ UNIT INCLUDING INSTALLATION @ AND ESTIMATED COST OF \$5,275.00 (**EMERGENCY PURCHASE**)
- B. SURPLUS TRANSFER TO JUSTICE OF THE PEACE #2; DESK-NOT INCLUDING HUTCH

ITEM # 32

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFER(S):

2009-28- TRANSFER \$4,100 OF BUDGETED FUNDS FOR GENERAL GOVERNMENT **TO** GROUP INSURANCE & RETIREES **FROM** CONTINGENCY RESULTING FROM AN ORIGINAL ESTIMATE THAT UNDERSTATED REQUIRED FUNDING.

2009-29 – TRANSFER \$340 OF BUDGETED FUNDS FOR JPD TEXAS PARKS & WILDLIFE GRANT **TO** CAPITAL OUTLAY **FROM** CONTRACT SERVICES RESULTING FROM THE PURCHASE OF A TRAILER HITCH.

2009-30 – TRANSFER \$3,000 OF BUDGETED FUNDS FOR COUNTY JAIL **TO** INMATE MEDICAL & DRUG EXPENSE **FROM** CAPITAL OUTLAY TO RESCIND BUDGET TRANSFER # 2009-26 WHICH WAS REQUESTED IN ERROR AND APPROVED BY COMMISSIONERS COURT ON SEPTEMBER 8, 2009.

ITEM # 33

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THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$294,996.64, COMMISSIONER BAILEY ABSTAINED;

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$347,983.08;

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING PAYROLL ENDING SEPTEMBER 5, 2009 IN THE AMOUNT OF \$494,062.82.

**JUDGE FLORANCE CALLED FOR RECESS UNTIL 1:30 P.M.

**RECONVENED AT 3:35 P.M.

ITEM # 8

DISCUSSION OF PROPOSAL TO TEMPORALLY LIMIT ACCESS TO KING ROAD DURING INCLEMENT WEATHER. NO ACTION TAKEN.

ITEM # 9

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF ACCEPTING THE OPEN DESIGN CONCEPT FOR THE ROCKWALL COUNTY VETERAN'S MEMORIAL AS MODIFIED IN TODAY'S WORKSHOP.

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ITEM # 24

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING CHANGE ORDER NO. 002 TO THE BRINKLEY SARGENT ARCHITECT'S NEW COURTHOUSE CONTRACT IN THE AMOUNT OF \$2,690.00.

ITEM # 27 RE-ADDRESSED:

COMMISSIONER MAGNESS MADE THE MOTION, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF ADVERTISING BY PUBLIC NOTICE THE REQUEST OF QUALIFICATIONS FOR ENGINEERING DESIGN SERVICES FOR ROCKWALL ROAD IMPROVEMENT PROJECTS.

ITEM # 34

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE FLORANCE ADJOURNED THE MEETING AT 3:40 P.M.

LEA CARLSON, CHIEF DEPUTY
ROCKWALL COUNTY CLERK

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