

STATE OF TEXAS

AUGUST 11, 2003

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 11<sup>th</sup> day of August, 2003, the Honorable Commissioner's Court of Johnson County, Texas, met in regular session at the Courthouse thereof, in the City of Cleburne, Johnson County, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same. The meeting was called to order at 9:00 a.m., with all members present, and following the Invocation led by Jack Magness, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on August 7, 2003 at 9:19 a.m., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATION

1. PRESENTATION REGARDING H.O.P.E.

Passed.

V. PUBLIC PARTICIPATION

Bill Miller thanked the Court on behalf of the T.I.F. Board for their participation.

VI. PRECEDING BUSINESS

1. ACTION TO APPROVE MINUTES OF THE COMMISSIONER'S COURT

- a. JULY 14, 2003 - REGULAR
- b. JULY 18, 2003 – BUDGET WORKSHOP
- c. JULY 22, 2003 – SPECIAL

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the minutes of the Commissioner's Court for July 14, 2003, July 18, 2003 and July 22, 2003 as presented to the Court by the County Clerk.

All voted aye; motion carried.

2. ACTION TO APPROVE BUDGET AMENDMENT PURSUANT TO SEC. 111.010C OF THE LOCAL GOVERNMENT CODE

a. SHERIFF – OUTSIDE PHYSICIANS

Comm. McFall, seconded by Comm. Matthews, made a motion to approve a budget amendment pursuant to *Sec. 111.010C* of the Local Government Code for the Sheriff's Office, outside physicians line item #010-561-421 in the amount of \$70,000.00 from the General Fund to pay medical bills for jail inmates.

All voted aye; motion carried.

b. HOSPITAL PROCEEDS – LEGAL EXPENSE

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve a budget amendment pursuant to *Sec. 111.010C* of the Local Government Code under Other Expenditures, legal expenses line item #050-646-488 in the amount of \$473,764.00 from Hospital Proceeds to pay final legal fees on IHC Law Suit; funding will be made by transferring the same amount of cash from the Indigent Health Care Escrow Fund (056).

All voted aye; motion carried.

c. HOSPITAL PROCEEDS – DEPARTMENT OF PROTECTIVE & REGULATORY SERVICES

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve a budget amendment pursuant to *Sec. 111.010C* of the Local Government Code from the Department of Protective & Regulatory Services, clothing line item #050-637-341 in the amount of \$1,280.00 from Hospital Proceeds for Title IV-E State Reimbursement.

All voted aye; motion carried.

3. ACTION TO PAY BILLS

Comm. McFall, seconded by Comm. Matthews, made a motion to pay the bills as presented by the County Auditor.

All voted aye; motion carried.

4. ACKNOWLEDGMENT OF RECEIPT OF THE COUNTY AUDITOR'S REPORTS TO THE COMMISSIONER'S COURT

Commissioner's Court acknowledged receipt of the County Auditor's Reports.

5. ACTION TO APPROVE FINAL PLAT

a. CROSS CREEK MEADOWS ADDITION: LOT 1, BLOCK 1 AND LOTS 1-7, BLOCK 2 – PRECINCT #1

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the final plat for Cross Creek Meadows Addition, lot 1, block 1 and lots 1-7, block 2 in Precinct #1.

All voted aye; motion carried.

6. ACTION TO APPROVE 2<sup>nd</sup> YEAR RENEWAL AWARD OF RFB'S

a. RFB #2002-26: HEATING & AIR CONDITIONING REPAIR WITH DUGGER BROTHERS, INC.

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the 2<sup>nd</sup> year renewal award for RFB #2002-26 for heating & air conditioning repair with Dugger Brother, Inc.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. ACTION ON ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS
  - a. GUINN JUSTICE CENTER
  - b. JOHNSON COUNTY CORRECTION REMODELING POD II
  - c. JOHNSON COUNTY JAIL EXPANSION POD III
  - d. ALVARADO COURTHOUSE REMODELING

No action.

2. ACTION TO MOVE EARLY VOTING POLLING PLACE FROM THE ALVARADO SUB-COURTHOUSE TO THE PRECINCT #3 MAINTENANCE FACILITY ON HWY 917

Comm. Thompson, seconded by Comm. Carpenter, made a motion to move the Early Voting Polling Place from the Alvarado Sub-Courthouse to the Precinct #3 Maintenance Facility on Hwy 917 for the September 13, 2003 Constitutional Amendment Election only.

All voted aye; motion carried.

3. ACTION TO OFFER TO EACH ELECTED OFFICIAL AND DEPARTMENT HEAD A CHOICE TO PARTICIPATE IN THE CHARACTER FIRST PROGRAM

Comm. Thompson, seconded by Comm. Matthews, made a motion to offer each Elected Official and Department Head a choice to participate in the Character First Program.

All voted aye; motion carried.

#### VIII. NEW BUSINESS

1. ACTION TO ADVERTISE FOR BIDS/PROPOSALS
  - a. RFP #2003-28: TELECOMMUNICATIONS FOR THE GUINN JUSTICE CENTER AND SET OPENING DATE FOR SEPTEMBER 22, 2003

Comm. McFall, seconded by Comm. Thompson, made a motion to advertise for bids/proposals for RFP #2003-28 for telecommunications for the Guinn Justice Center and set the opening date for September 22, 2003.

All voted aye; motion carried.

12. ACTION TO APPROVE PROPOSED TAX ABATEMENT AGREEMENT FOR ELDERCARE RETIREMENT PROPERTIES, INC.

Comm. Thompson, seconded by Comm. McFall, made a motion to decline the proposed tax abatement agreement for Eldercare Retirement Properties, Inc.

All voted aye; motion carried.

Commissioner's Court recessed at 10:00 a.m. and reconvened at 10:18 a.m. to consider the following:

VII. NEW BUSINESS

2. ACTION TO APPROVE CONDITIONS AND REQUIREMENTS OF POLE ACCESS TO ONCOR IN ORDER TO ATTACH FIBER OPTIC CABLES FOR THE GUINN JUSTICE CENTER

Comm. Thompson, seconded by Comm. Carpenter, made a motion to enter into an agreement for pole access to Oncor in order to attach fiber optic cables for the Guinn Justice Center and to give the County Judge authorization to sign any necessary documents.

All voted aye; motion carried.

3. ACTION TO APPROVE POLICY TO NOT RECEIVE NOR SEND PERSONAL MAIL THROUGH COUNTY MAILROOM

Comm. McFall, seconded by Comm. Matthews,

made a motion to approve a policy to not receive nor send personal mail through County Mailroom.

All voted aye; motion carried.

4. ACTION TO ADOPT FORM FOR PROPOSED PERSONNEL CHANGES TO BE PRESENTED TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. McFall,

made a motion to adopt a form for proposed personnel changes to be presented to the Commissioner's Court.

All voted aye; motion carried.

5. ACTION TO APPROVE INTER-LOCAL AGREEMENTS FOR SHERIFF'S OFFICE

a. JOSHUA ISD – TRUANCY PROGRAM (A.S.A.P.)

Comm. Matthews, seconded by Comm. McFall,

made a motion to approve an Inter-local agreement between the Sheriff's Office and Joshua I.S.D. for the Truancy Program (A.S.A.P.) effective for the 2003-2004 school year and to give the County Judge authorization to sign the agreement.

All voted aye; motion carried.

b. JOSHUA ISD – SCHOOL RESOURCE OFFICER (S.R.O.)

Comm. Matthews, seconded by Comm. Carpenter,

made a motion to approve an Inter-local agreement between the Sheriff's Office and Joshua I.S.D. for a School Resource Officer (S.R.O.) and to give the County Judge authorization to sign the agreement.

All voted aye; motion carried.

6. ACTION TO APPROVE INTER-LOCAL AGREEMENT WITH CLEBURNE I.S.D. FOR TRUANCY PROGRAM (A.S.A.P.) – CONSTABLE PRECINCT #1

Comm. McFall, seconded by Comm. Thompson, made a motion to approve an Inter-local Agreement between the Constable Precinct #1 and Cleburne I.S.D. for the Truancy Program (A.S.A.P.) and to give the County Judge authorization to sign the agreement.

All voted aye; motion carried.

7. ACTION TO APPROVE INTER-LOCAL AGREEMENT WITH THE CITY OF CRESSON FOR SIGN AND ROAD CONSTRUCTION – PRECINCT #2

Comm. Matthews, seconded by Comm. McFall, made a motion to approve an Inter-local Agreement with the City of Cresson for sign and road construction in Precinct #2.

All voted aye; motion carried.

8. ACTION TO APPROVE COST OVERRUN IN RIGHT OF WAY EXPENDITURES ON US 67 FROM SPUR 102 TO IH 35

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve cost overrun in Right of Way expenditures on US 67 from Spur 102 to IH 35 in the amount of \$3,274.56 and to be paid from the Right of Way Fund.

All voted aye; motion carried.

9. ACTION TO APPROVE THE COUNTY'S RETIREMENT CONTRIBUTION RATE FOR 2004 TO TEXAS COUNTY & DISTRICT RETIREMENT SYSTEM

Comm. McFall, seconded by Comm. Carpenter, made a motion to set Johnson County's retirement contribution rate to the Texas County & District Retirement System, 2004 at 7.47%.

All voted aye; motion carried.

10. ACTION TO ORDER BURN BAN COUNTY-WIDE

Comm. Carpenter, seconded by Comm. McFall, made a motion to order a county-wide burn ban effective for 30 days.

All voted aye; motion carried.

11. ACTION TO CREATE AN INTERACTIVE WEBSITE FOR THE TAX OFFICE

Passed for further discussion in workshop session.

13. ACTION TO APPROVE CHANGES IN THE “JOHNSON COUNTY INVENTORY/FIXED ASSET POLICY”

Passed for further discussion in workshop session.

14. ACTION TO APPROVE RESIGNATION OF JAY RAPP TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION AND APPOINTING TOM DURINGTON FOR THE UN-EXPIRED TERM – PRECINCT #3

Comm. Carpenter, seconded by Comm. Matthews, made a motion to approve the resignation of Jay Rapp from the Johnson County Economic Development Commission and to appoint Tom Durington for the un-expired term for Precinct #3.

All voted aye; motion carried.

15. ACTION TO APPROVE MINUTE ORDER #109334 AND RESOLUTION REGARDING HWY 121 FROM TARRANT COUNTY LINE TO US 67

Comm. McFall, seconded by Comm. Matthews, made a motion to approve Minute Order #109334 and Resolution regarding Hwy 121 from the Tarrant County Line to US 67.

All voted aye; motion carried.

16. ACTION ON HB 1940 AFFECTING FEES OF THE JOHNSON COUNTY BAIL BOND BOARD

No action.

BE IT KNOWN that Commissioner's Court met in Executive Session at 11:10 a.m. in accordance with Government Code *Sec. 551.071* – Consultation with Attorney – Pending Litigation: Johnson County vs. Harris Methodist Affiliated Hospital, Walls Regional Hospital, Texas Health System and Texas Health Resource – Cause #C199900253 for consideration of approval of Settlement Agreement and Mutual Release of Claims; and in accordance with Government Code *Sec. 551.074* – Personnel – Sheriff's Office: Allen Gilreath and Barbara George. Commissioner's Court reconvened into open session and then to workshop session at 1:15 p.m. to consider the following:

IX. WORKSHOP

Commissioner's Court met in workshop session to discuss the creation of an interactive website for the Tax Office. The Court recessed at 2:20 p.m. and reconvened into workshop session at 2:35 p.m. to discuss dispatch at the Sheriff's Office; the Help America Vote Act; changes in the "Johnson County Inventory/Fixed Assets Policy" and SB 1731 "Records Archive Fee". Commissioner's Court reconvened into open session at 3:05 p.m. to consider the following:

VIII. NEW BUSINESS

11. ACTION TO CREATE AN INTERACTIVE WEBSITE FOR THE TAX OFFICE

Comm. Thompson, seconded by Comm. McFall, made a motion to allow Spindlemedia, Inc. to create an interactive website for the Tax Office in the amount of \$18,490.00 to be paid from the utilities line item and for Scott Porter, Tax

Assessor/Collector to talk with other entities the Tax Office collects for to help cover some of the costs associated with the website.

All voted aye; motion carried.

13. ACTION TO APPROVE CHANGES IN THE “JOHNSON COUNTY INVENTORY/FIXED ASSET POLICY”

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the changes in the “Johnson County Inventory/Fixed Asset Policy”.

All voted aye; motion carried.

17. ACTION TO APPROVE BOND FOR DARLA PENNY, MAIL CLERK

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the Official Bond and Oath for Darla Penny, Mail Clerk in the amount of \$5,000.00.

All voted aye; motion carried.

18. ACTION TO CREATE NEW POSITION OF ASSISTANT PRECINCT SUPERVISOR – PRECINCT #3

Comm. Carpenter, seconded by Comm. McFall, made a motion to create a new position for Precinct #3; Assistant Precinct Supervisor, Grade Level 15 and a salary, depending on experience, up to \$32,000.00.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. McFall, seconded by Comm. Thompson, made a motion to approve the Consent Agenda as presented.

All voted aye; motion carried.

XI. EXECUTIVE SESSION

1. GOVERNMENT CODE SEC. 551.071 – CONSULTATION WITH ATTORNEY
  - a. PENDING LITIGATION: JOHNSON COUNTY VS. HARRIS METHODIST AFFILIATED HOSPITAL, WALLS REGIONAL HOSPITAL, TEXAS HEALTH SYSTEM AND TEXAS HEALTH RESOURCE – CAUSE #C199900253
    - (1) ACTION TO APPROVE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

No action.

2. GOVERNMENT CODE SEC. 551.074 – PERSONNEL
  - a. SHERIFF’S OFFICE
    - (1) ALLEN GILREATH
    - (2) BARBARA GEORGE

Comm. Thompson, seconded by Comm.

Carpenter, made a motion to approve a \$2.00 pay increase for Barbara George in the Sheriff’s Office, not to exceed 35 hours per week, effective September 1, 2003.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:15 p.m. on the same date.

Submitted by: \_\_\_\_\_  
Curtis H. Douglas  
County Clerk

Approved by: \_\_\_\_\_  
Roger Harmon  
County Judge