

STATE OF TEXAS

JUNE 13, 2005

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 13th day of June, 2005, 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 9:07 A.M., with all members present, and following the Invocation led by County Judge Roger Harmon and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record by County Clerk on June 8th, 2005 at 1:05 P.M. and the addendum filed on June 9th, 2005 at 1:02 P.M. were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

Comm. Thompson announced the flag installation ceremony taking place on Monday, June 13th at 7 p.m. in Keene in honor of Flag Day.

1. PRESENTATION TO GERALD G. MOHR, EMERGENCY MANAGEMENT COORDINATOR, CERTIFICATE UPON COMPLETION OF THE "WMD INCIDENT MANAGEMENT/UNIFIED COMMAND INTERNET"

County Judge, Roger Harmon, presented Gerald G. Mohr, Emergency Management Coordinator with a certificate of completion of the "WMD Incident Management/Unified Command Internet".

V. PUBLIC HEARING

1. TO DETERMINE A MAXIMUM REASONABLE AND PRUDENT SPEED ON CR 1001 – PRECINCT #2

The Commissioners Court opened the public hearing at 9:14 a.m. and Commissioner Matthews addressed the Court. There being no other public comments the public hearing was closed at 9:15 a.m.

2. CHANGE IN VOTING COVERED UNDER THE FEDERAL VOTING RIGHTS ACT DUE TO PROPOSED CHANGE TO THE BOUNDARIES BETWEEN PRECINCT #1 AND PRECINCT #4 OF JOHNSON COUNTY, TEXAS

The Commissioners Court opened the public hearing at 9:15 a.m. and Commissioner McFall addressed the Court. There being no other public comments the public hearing was closed at 9:16 a.m.

VI. PUBLIC PARTICIPATION

None.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF **ORDER #2005-03** SETTING A MAXIMUM REASONABLE AND PRUDENT SPEED ON CR 1001 – PRECINCT #2

Comm. Matthews, seconded by Comm. McFall, made a motion to set a maximum speed of 30 mph on CR 1001 in Precinct #2 effective immediately.

All voted aye; motion carried.

2. CONSIDERATION OF RESOLUTION CHANGING VOTING COVERED UNDER THE FEDERAL VOTING RIGHTS ACT DUE TO RESOLUTION AMENDING RESOLUTION OF JANUARY 28, 2002 REGARDING BOUNDARIES BETWEEN PRECINCT #1 AND PRECINCT #4 OF JOHNSON COUNTY, TEXAS

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the resolution changing voting covered under the Federal Voting Rights Act due to a resolution amending resolution of January 28, 2002 regarding boundaries between Precinct #1 and Precinct #4 of Johnson County, Texas.

All voted aye; motion carried.

3. CONSIDERATION OF MINUTES OF THE COMMISSIONERS COURT:

- a. MAY 16 – 17, 2005 – BUDGET HEARINGS
- b. MAY 23, 2005 – REGULAR SESSION

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the minutes of the Commissioners Court for May 16 – 17, 2005 and May 23, 2005 as presented by the County Clerk.

All voted aye; motion carried.

4. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO SECTION 111.010C OF THE LOCAL GOVERNMENT CODE:

- a. PERSONNEL SALARIES AND FRINGE BENEFITS

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the budget amendment in the amount of \$5,841.00 for personnel salaries and fringe benefits.

All voted aye; motion carried.

- b. AUTO & PROPERTY INSURANCE

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the budget amendment in the amount of \$34,000.00 for auto and property insurance.

All voted aye; motion carried.

5. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Thompson, made a motion to pay the bills as presented by the County Auditor with a change to an invoice that was

made to Tom's Trading Post in error. The invoice should be to Tom's Small Engine Repair.

All voted aye; motion carried.

6. ACKNOWLEDGEMENT OF RECEIPT OF COUNTY AUDITORS
REPORTS TO THE COMMISSIONERS COURT

The Commissioners Court acknowledged the receipt of the County Auditor's reports.

7. CONSIDERATION OF SUBDIVISIONS:

a. CROSS CREEK MEADOWS ADDITION: DIVIDING LOTS
3 THROUGH 7 BY METES AND BOUNDS PURUSANT TO
AN EXCEPTION UNDER THE LOCAL GOVERNMENT CODE
SECTION 232.010 – PRECINCT #1

Comm. McFall, seconded by Comm. Matthews, made a motion to table this item.

All voted aye; motion carried.

b. WHISPERING MEADOWS: PRECINCT #2

- (1) ACCEPTANCE OF FUNDS TO CONSTRUCT ROADS
- (2) ACCEPTANCE OF THE DEDICATION OF
ROADWAY FOR EASEMENT
- (3) ACCEPTANCE OF ROADS FOR COUNTY
MAINTENANCE UPON COMPLETION OF SAID
ROADS

Comm. Matthews, seconded by Comm. Thompson, made a motion to accept the funds to construct roads, the dedication of roadway for easement that is filed in volume 865 page 751 in the Deed Records of the County Clerk's Office; and to accept the roads for county maintenance upon completion in the Whispering Meadows subdivision in Precinct #2 at an estimated cost of \$11,000.00.

All voted aye; motion carried.

8. CONSIDERATION OF GEOPHYSICAL SURVEY WITH TIME SLICE TECHNOLOGY, INC. – PRECINCT #1

Comm. McFall, seconded by Comm. Thompson, made a motion to approve the geophysical survey with Time Slice Technology Inc. in Precinct #1 and to give the County Judge Authorization to sign. This approval is only for County owned property or County right-of-way; not for private land owners.

All voted aye; motion carried.

IX. NEW BUSINESS

3. CONSIDERATION OF APPLICATION, AGREEMENT AND ORDER FOR SMITHFIELD BIOENERGY, LLC (BEST BIOFUELS, LLC) FOR TAX ABATEMENT WITH JOHNSON COUNTY

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the application, agreement and order for tax abatement for Smithfield BioEnergy, LLC also known as BEST BioFuels, LLC. The abatement will go into effect after the financial obligations to TIF #1 are met.

All voted aye; motion carried.

4. CONSIDERATION OF AN INTERLOCAL AGREEMENT WITH JOSHUA ISD FOR THE COLLECTION OF AD VALOREM TAXES BY THE JOHNSON COUNTY TAX OFFICE

Comm. Carpenter, seconded by Comm. Matthews, made a motion to approve the interlocal agreement with Joshua ISD for the collection of ad valorem taxes by the Johnson County Tax Office.

All voted aye; motion carried.

9. CONSIDERATION TO ORDER A LOCAL OPTION ELECTION ON SEPTEMBER 10, 2005, IN RIO VISTA, TEXAS TO DETERMINE THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY

Comm. McFall, seconded by Comm. Carpenter, made a motion to order a local option election on September 10, 2005, in Rio Vista, Texas to determine the legal sale of all alcohol beverages for off-premise consumption only.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS WITH MAGEE ARCHITECTS AND PETE DURANT AND ASSOCIATES FOR THE JOHNSON COUNTY CORRECTIONS REMODELING POD II AND THE EXPANSION POD III –

a. CHANGE ORDER #2 – EXTEND WATERLINE AND ADDITIONAL FIRE HYDRANT

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve Change Order #2 to extend the waterline and to install an additional fire hydrant at the Johnson County Corrections in the amount of \$8,939.37.

All voted aye; motion carried.

2. CONSIDERATION OF ARCHITECTURAL DESIGN SPECIFICATION, FINANCIAL PROGRAM REQUIREMENT AND CONTRACTS WITH MAGEE ARCHITECTS AND PETE DURANT AND ASSOCIATES ON THE 3RD FLOOR NORTH OFFICE SPACE IN THE GUINN JUSTICE CENTER FOR COURTHOUSE EMPLOYEES DURING RENOVATION OF THE COURTHOUSE

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the drawing submitted by Magee Architects for construction on the 3rd floor north office space in the Guinn Justice Center for Courthouse employees during the renovation of the Courthouse.

All voted aye; motion carried.

3. CONSIDERATION OF ARCHITECTURAL DESIGN,
SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND
CONTRACT FOR RESTORATION OF JOHNSON COUNTY
COURTHOUSE

No action.

4. CONSIDERATION OF CONTRACT WITH AMERICAN TOWER FOR
LEASED TOWER SPACE

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the contract with American Tower for leased tower space and to give the County Judge authorization to sign.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:25 a.m. and reconvened at 10:40 a.m. to consider the following:

IX. NEW BUSINESS

11. CONSIDERATION AND PROPOSAL FROM GUARDIAN SECURITY
TO EXPAND THE KEY CARD DOOR LOCKING SYSTEM TO
INTERIOR DOORS AT THE GUINN JUSTICE CENTER – DISTRICT
JUDGES

Comm. McFall, seconded by Comm. Thompson, made a motion to approve the proposal from Guardian Security to expand the key card door locking system to interior doors at the Guinn Justice Center to cover the 6 doors leading to the staff areas on floors 2 – 4.

All voted aye; motion carried.

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve Precinct #3 to sell a case loader on Ebay with a minimum starting bid of

\$6,000.00 and to also go out for bids for heating and air conditioning services and culverts for Johnson County.

All voted aye; motion carried.

2. CONSIDERATION OF ANNUAL ROAD REPORTS:

- a. PRECINCT #1
- b. PRECINCT #2
- c. PRECINCT #3
- d. PRECINCT #4

Comm. McFall, seconded by Comm. Thompson, made a motion to approve the annual road reports submitted by Precinct #1, Precinct #2, Precinct #3 and Precinct #4.

All voted aye; motion carried.

5. CONSIDERATION OF AN INTERLOCAL AGREEMENT FOR ROAD REPAIRS:

- a. CITY OF MANSFIELD FOR REPAIRS TO ELLIS STREET AND CHAMBERS STREET – PRECINCT #3

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the interlocal agreement for road repairs with the City of Mansfield for repairs to Ellis Street and Chambers Street in Precinct #3.

All voted aye; motion carried.

- b. CITY OF BURLESON FOR REPAIRS TO CR 714 AND CR 910 – PRECINCT #2

Comm. Matthews, seconded by Comm. Carpenter, made a motion to approve the interlocal agreement for road repairs with the City of Burleson for repairs to CR 714 and CR 910 in Precinct #2.

All voted aye; motion carried.

6. CONSIDERATION OF ACCEPTING FUNDS FROM THE FY 2005 STATE HOMELAND SECURITY GRANT ISSUED BY THE METROPOLITAN URBAN AREA SECURITY INITIATIVE IN THE AMOUNT OF \$230,243.00 FOR THE JOHNSON COUNTY INOPERABILITY PROJECT AND \$50,000.00 FOR THE COUNTY-WIDE RADIO SYSTEM ENHANCEMENT PHASE I

Comm. Thompson, seconded by Comm. Carpenter, made a motion to accept the funds from the fiscal year 2005 State Homeland Security Grant issued by the Metropolitan Urban Area Security Initiative in the amount of \$230,243.00 for the Johnson County Inoperability Project and \$50,000.00 for the county-wide radio system enhancement phase I.

All voted aye; motion carried.

7. CONSIDERATION OF RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) TO BE UTILIZED FOR ALL EMERGENCY INCIDENT MANAGEMENT IN JOHNSON COUNTY

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the resolution adopting the National Incident Management System (NIMS) to be utilized for all emergency incident management by all entities in Johnson County.

All voted aye; motion carried.

8. CONSIDERATION OF DISTRIBUTION OF HOMELAND SECURITY GRANT ITEMS

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the loaning of Homeland Security Grant Items to the non-county departments of Godley Fire Department, Grandview Fire Department, Venus Fire Department, Alvarado Fire Department, Keene Fire Department, Rio Vista Fire Department and Briaroaks Fire Department.

All voted aye; motion carried.

10. CONSIDERATION OF PERSONNEL MATTERS – SHERIFF’S OFFICE:

a. RE-CLASSIFICATION OF POSITION D01-06 FROM CORRECTION OFFICER GRADE 12b (\$27,744) TO CORPORAL GRADE 15 (\$27,131)

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the re-classification of position D01-06 from Correction Officer Grade 12b (\$27,744) to Corporal Grade 15 (\$27,131) effective July 17, 2005.

All voted aye; motion carried.

b. RE-CLASSIFICATION OF POSITION D01-03 FROM CORRECTION OFFICER GRADE 12b (\$25,694) TO CORPORAL GRADE 15 (\$27,131)

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the re-classification of position D01-03 from Correction Officer Grade 12b (\$25,694) to Corporal Grade 15 (\$27,131) effective July 17, 2005.

All voted aye; motion carried.

12. CONSIDERATION OF MEMBERSHIP IN THE BLUEBONNET RESOURCE CONSERVATION AND DEVELOPMENT, INC. AND APPOINTMENT OF REPRESENTATIVE AND ALTERNATE

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the County’s membership in the Bluebonnet Resource Conservation and Development, Inc and to appoint Commissioner R.C. McFall as representative and Commissioner John Matthews as alternate.

All voted aye; motion carried.

13. CONSIDERATION OF CERTIFICATE OF PUBLIC HEARING OFFICER REGARDING PUBLIC HEARING AND CERTIFICATE ORDER WITH THE SOUTHWEST WATER COMPANY PROJECT

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the certificate of public hearing officer regarding public hearing and certificate for order with Southwest Water Company Project and to give the County Judge authorization to sign.

All voted aye; motion carried.

14. CONSIDERATION OF AMENDMENT ONE OF A COOPERATIVE AGREEMENT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND JOHNSON COUNTY – DISTRICT CLERK

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the amendment one of a cooperative agreement between the Office of the Attorney General and the Johnson County District Clerk.

All voted aye; motion carried.

16. CONSIDERATION TO APPLY FOR JUSTICE ASSISTANCE GRANT – SHERIFF’S OFFICE

Comm. Carpenter, seconded by Comm. Matthews, made a motion to approve the application for Justice Assistance Grant by the Sheriff’s Office. The grant will be for \$14,254.00 with no match.

All voted aye; motion carried.

17. CONSIDERATION OF INTERLOCAL AGREEMENT FOR REGULATION OF PLATTING AND CERTAIN ASSOCIATED PERMITS AND CONSTRUCTION IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF GRANDVIEW

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the interlocal agreement for regulation of platting and certain associated permits and construction in the extraterritorial jurisdiction (ETJ) of the City of Grandview and to give the County Judge Authorization to sign.

All voted aye; motion carried.

18. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ROAD CONSTRUCTION AND REPAIR, CITY OF GODLEY – PRECINCT #2

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the interlocal agreement for road construction and repair in the City of Godley in Precinct #2.

All voted aye; motion carried.

X. CONSENT AGENDA

Comm. Thompson, seconded by Comm. McFall, made a motion to approve the consent agenda as submitted.

All voted aye; motion carried.

The Commissioner's Court went into Workshop session at 11:45 a.m. to discuss the warrant department at the Johnson County Sheriff's Office.

The Commissioner's Court recessed at 12:00 p.m. and reconvened at 1:16 p.m. in Workshop session to discuss the services provided by the Johnson-Ellis-Navarro Mental Health and Mental Retardation to the Johnson County inmate population.

BE IT KNOWN that the Commissioner's Court met in Executive Session at 3:17 p.m. pursuant to Government Code *Section 551.074*-Personnel Matters-District Attorney-Joy Penney; Sheriff's Department-Hope Bullard and Laura Rodriguez and *Section 551.071*-Consultation with Attorney/Contemplated Litigation. The Commissioners' Court reconvened into open session at 3:30 p.m. to consider the following:

XII. EXECUTIVE SESSION

1. GOVERNMENT CODE

a. SEC. 551.074 – PERSONNEL MATTERS

(1) DISTRICT ATTORNEY – JOY PENNY

Comm. Matthews, seconded by Comm. McFall, made a motion to add Joy Penny to the 18th District Court at a salary of \$30,590 effective June 13, 2005.

All voted aye; motion carried.

(2) SHERIFF – HOPE BULLARD AND LAURA RODRIGUEZ

Comm. Matthews, seconded by Comm. Carpenter, made a motion to add a bilingual supplement of \$50 per month to the salary of Hope Bullard and Laura Rodriguez effective the 2nd pay period in July.

All voted aye; motion carried.

XII. EXECUTIVE SESSION/ADDENDUM

1. GOVERNMENT CODE

a. SEC. 551.071 – CONSULTATION WITH ATTORNEY/CONTEMPLATED LITIGATION

Comm. Carpenter, seconded by Comm. McFall, made a motion to hire the Alan Taylor Firm to represent Johnson County in condemnation proceedings on CR 600.

All voted aye; motion carried.

The Commissioner's Court went into Workshop session at 3:35 p.m. to discuss the records management storage facility for Johnson County, relocation of Courthouse offices to the Guinn Justice Center during Courthouse restoration and requirements and forms for items to be presented to Commissioner's Court.

The Commissioners' Court went into open session at 3:45 p.m. to consider the following:

IX. NEW BUSINESS

15. CONSIDERATION OF REQUIREMENTS AND FORMS FOR ITEMS TO BE PRESENTED IN COMMISSIONERS COURT

Comm. Matthews, seconded by Comm. McFall, made a motion that effective immediately the Commissioner's Court policy be that any request submitted for Court consideration must be approved by all affected parties prior to being placed on the agenda and that all financial impacts must be outlined and that the County Judge's office send a letter notifying the Elected Officials and Department Heads of the change in policy.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 3:46 p.m. on the same date.

Submitted by: _____
Curtis H. Douglas
County Clerk

Approved by: _____
Roger Harmon
County Judge