

STATE OF TEXAS

May 29, 2007

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 29th day of May 2007, the Honorable Commissioner's Court of Johnson County, Texas, met in Regular Session at the Guinn Justice Center 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, except for Commissioner John Matthews, 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 in the Office of the County Clerk on May 24, 2007 at 11:54 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. THE COMMISSIONER'S COURT MEETING OF JUNE 11, 2007 WILL BE RE-SET FOR JUNE 18, 2007 DUE TO SCHEDULING CONFLICTS

Judge Roger Harmon announced that The Commissioner's Court Meeting of June 11, 2007 will be Re-set for June 18, 2007 due to Scheduling Conflicts.

V. PUBLIC PARTICIPATION

None.

VI. PUBLIC HEARING

1. TO ABANDON A PORTION OF SYCAMORE STREET, LAKE STREET, SPRING STREET AND AN ALLEY ON THE WEST SIDE OF SYCAMORE STREET CONTINUING WEST TO END-PRECINCT #3

The Commissioner's Court opened the Public Hearing at 9:10 A.M. to abandon and close the following roads and alleys; 70.89' of Lake Street starting on the west side of Sycamore Street and continuing west to end, 94.50' of Spring Street starting on the west side of Sycamore Street and continuing west to end, 165.51' of a 20' wide alley between Lot 1 and Lot 2 of Block 29 starting in the west side of Sycamore Street and continuing west to end, 765.33' (approximately) of Sycamore Street starting from the north side of Lake Street and continuing south to the intersection of Sycamore Street and the H. Renfro 10 acre tract.

James J. Pritchard spoke in support of this matter. The Public Hearing ended at 9:16 A.M.

VII. PRECEDING BUSINESS

1. CONSIDERATION OF THE MINUTES FOR THE COMMISSIONER'S COURT:
 - a. April 23, 2007-Regular Session
 - b. May 21, 2007-Special Session

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Commissioner's Court Minutes for April 23, 2007 and May 21, 2007 as submitted by the County Clerk.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

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

All voted aye; motion carried.

3. ACKNOWLEDGEMENT OF RECEIPT OF THE COUNTY
AUDITOR'S REPORTS TO THE COMMISSIONER'S COURT

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

4. CONSIDERATION TO ABANDON A PORTION OF SYCAMORE
STREET, LAKE STREET, SPRING STREET AND AN ALLEY ON
THE WEST SIDE OF SYCAMORE STREET CONTINUING WEST TO
THE END-PRECINCT #3

Comm. Carpenter, seconded by Comm. McFall made a motion to abandon and close the following roads and alleys; 70.89' of Lake Street starting on the west side of Sycamore Street and continuing west to end, 94.50' of Spring Street starting on the west side of Sycamore Street and continuing west to end, 165.51' of a 20' wide alley between Lot 1 and Lot 2 of Block 29 starting in the west side of Sycamore Street and continuing west to end, 765.33' (approximately) of Sycamore Street starting from the north side of Lake Street and continuing south to the intersection of Sycamore Street and the H. Renfro 10 acre tract.

All voted aye; motion carried.

5. CONSIDERATION OF FINAL PLAT:

a. Lakewood View II- (an Unrecorded Subdivision)-to Revise Lots
1, 2, 23, 24, 25 & 26, Block 2; Lot 7 & 8, Block 7-Precinct #4

Comm. Beeson, seconded by Comm. Carpenter, made a motion to accept the Final Plat for **Lakewood View II** (an Unrecorded Subdivision) to Revise Lots 1, 2, 23, 24, 25 & 26, Block 2; and Lot 7 & 8, Block 7-Precinct #4.

All voted aye; motion carried.

6. CONSIDERATION OF SALE BY METES AND BOUNDS FOUR (4) ACRES IN WILLOW CREEK FROM AN 8.893 ACRE TRACT OUT OF WILLIAM HICKMAN SURVEY, ABSTRACT NO. 327 WHICH WILL INCLUDE AN EASEMENT-PRECINCT #3

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the Sale by Metes and Bounds of Four (4) Acres in Willow Creek from an 8.893 acre tract out of William Hickman Survey, Abstract No. 327 which will include an Easement-Precinct #3. There will be no further Easements allowed to this Property.

All voted aye; motion carried.

7. CONSIDERATION TO AWARD BID:

a. Bid #2007-125-Janitorial Supplies and Paper Products

Comm. Carpenter, seconded by Comm. McFall, made a motion to award the bid for janitorial supplies and paper products to Empire Paper Company and Corporate Express.

All voted aye; motion carried.

b. Bid #2007-126-Executive Furniture, Courthouse Restoration

Comm. McFall, seconded by Comm. Carpenter, made a motion to award the bid for executive furniture to Charter Furniture of Texas in the amount of \$22,298.00.

All voted aye; motion carried.

8. CONSIDERATION OF RECOMMENDATION FOR NEGOTIATIONS FOR A JOHNSON COUNTY BANK DEPOSITORY AND/OR SUB-DEPOSITORY BANK CONTRACT BID #2007-122 

Comm. Carpenter, seconded by Comm. McFall, made a motion to negotiate with First Financial Bank for a Johnson County Bank Depository and/or Sub-Depository Bank Contract **Bid #2007-122**.

All voted aye; motion carried.

9. CONSIDERATION TO APPOINT COMMITTEE TO NEGOTIATE **BID #2007-122** FOR A JOHNSON COUNTY BANK DEPOSITORY AND/OR SUB-DEPOSITORY BANK CONTRACT

Pass.

10. CONSIDERATION OF NON-RESPONSE TO **BID #2007-124** FOR LEASE OF REAL PROPERTY LOCATED AT CR 920 AND FM 1902 IN JOHNSON COUNTY-PRECINCT #2

Comm. McFall, seconded by Comm. Beeson made a motion to table the Non-Response to **Bid #2007-124** for Lease of Real Property located at CR 920 and FM 1902 in Johnson County Precinct #2.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

3. CONSIDERATION OF **ORDER #2007-04** OF PARTIAL TAX ABATEMENT FOR SABRE TUBULAR STEEL TO BE LOCATED IN THE ETJ OF THE CITY OF ALVARADO

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Partial Tax Abatement for Sabre Tubular Steel to be Located in the ETJ of the City of Alvarado contingent upon closing of the purchase of property and give the County Judge authorization to sign the Abatement.

All voted aye; motion carried.

The Commissioner's Court recessed at 9:54 A.M. and reconvened at 10:15 A.M. to consider the following:

4. CONSIDERATION OF COMMUNICATION TOWER FOUNDATIONS-BID NUMBER 07-10, CITY OF CLEBURNE

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve Bid #07-10 accepted by the City of Cleburne in the amount of \$67,195.00 with the County Paying 1/3 of the Cost.

All voted aye; motion carried.

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

a. Proposal Request #026-Additional Base Detail in Courtroom and Reverse Door Swing

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Proposal Request #026 of additional base detail in Courtroom and reverse door swing in the Veterans Office, giving the County Judge authorization to sign.

All voted aye; motion carried.

c. Proposal Request #028-Install 3" Conduit from Basement to Third Floor D-Mark Room

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Proposal Request #028 to install 3" conduit from the basement to the third floor D-Mark Room giving the County Judge authorization to sign.

All voted aye; motion carried

e. Proposal Request #30-Tape and Bed Control Joints at New Doors

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Proposal Request #030 to tape and bed control joints at new doors and giving the County Judge authorization to sign.

All voted aye; motion carried

- g. Proposal Request #032-Relocate Ceiling Lights in Auditors Office and Add One New Light

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the Proposal Request #032 to add one new light in the County Auditors Office in the amount of \$ 1,027.00 and give the County Judge authorization to sign. The relocation of the ceiling lights was not approved.

All voted aye; motion carried

- k. Proposal Request #036-Revise Slot Diffusers and Side Wall Supplies in Rooms 206 & 207

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Proposal Request #036 to Revise Slot Diffusers and Side Wall Supplies in Rooms 206 and 207, giving the County Judge authorization to sign.

All voted aye; motion carried

- b. Proposal Request #027-Revise Door Size

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #027 to Revise Door Size.

All voted aye; motion carried.

- d. Proposal Request #029-Add Five (5) Condensate Pumps for HVAC Units

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #029 to add Five (5) Condensate Pumps for HVAC Units.

All voted aye; motion carried

f. Proposal Request #031 Install Forty-three (43) Additional Push Button Switches

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #031 to install forty-three (43) additional push button switches.

All voted aye; motion carried

h. Proposal Request #033-Install Separate Return Air Plenums and Make Additional Round Duct Taps in the DC Return Air Plenums

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #033 to install separate return air plenums and make Additional round duct taps in the DC return air plenums.

All voted aye; motion carried

i. Proposal Request #034-Increase Fur Down Sizes in Rooms 114, 115, & 116 to Conceal Plumbing Piping and Reinstall Duct and New Diffusers

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #034 to increase fur down sizes in Rooms 114, 115, & 116 to conceal plumbing piping and reinstall duct and new diffusers.

All voted aye; motion carried

j. Proposal Request #035-Replace Transfer Grilles at Units AC-2/3

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #035 to replace transfer grilles at units AC 2/3.

All voted aye; motion carried

l. Proposal Request #037-Revise Air Transfer Grilles in Rooms 027a & 028

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #037 to revise air transfer grilles in Rooms 027a & 028.

All voted aye; motion carried

- m. Proposal Request #038-Revise Bottom Air Grilles to Side Wall Grilles Due to Ceiling Conflicts in Room 139

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #038 to revise bottom air grilles to side wall grilles due to ceiling conflicts in Room 139.

All voted aye; motion carried

- n. Proposal Request #039-Due to Fur Down Conflicts and Plumbing Piping in Room 116 Ceiling Diffusers in Lieu of Side Wall Grilles

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #039 due to fur down conflicts and plumbing piping in Room 116 ceiling diffusers in lieu of side wall grilles.

All voted aye; motion carried

- o. Proposal Request #040-Delete Filters in Unit AC-1.7 and Install 48"x 24" Filter Grille

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #040 to delete filters in unit AC-1.7 and install 48"x 24" filter grille.

All voted aye; motion carried

- p. Proposal Request #041-Install Metal Pan Steps for Access Over Piping Through the Attic Access Doors

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #041 to install metal pan steps for access over piping through the attic access doors.

All voted aye; motion carried

- q. Proposal Request #042-Relocate Unit AC-2/3 for Access

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #042 to relocate unit AC-2/3 for access.

All voted aye; motion carried

- r. Proposal Request #043-Relocate Unit AC-1/5 for Access

Comm. Carpenter, seconded by Comm. McFall, made a motion to table the Proposal Request #043 to relocate unit AC-1/5 for access.

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

Discussion, No Action.

5. CONSIDERATION OF RESOLUTION REQUESTING ADDITIONAL FUNDS TO BENEFIT LOWER INCOME RESIDENTS THROUGH THE TEXAS HOME INVESTMENT PARTNERSHIPS DISASTER RELIEF PROGRAM FOR THE VICTIMS OF THE TORNADO OF DECEMBER 29, 2006

Comm. McFall, seconded by Comm. Beeson, made a motion to approve the Resolution requesting additional funds of \$480,000.00 to benefit lower income residents through the Texas Home Investment Partnerships Disaster Relief Program for the victims of the tornado of December 29, 2006.

All voted aye; motion carried.

6. CONSIDERATION TO PURCHASE A NEW COUNTY ROAD PRECINCT MAP

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Purchase of New County Road Precinct Maps in the amount of \$5,233.80 from Mapsco and for funds to be split five ways; being paid from each County Commissioner's Road & Bridge Fund and the County Judge's 510 Account.

All voted aye; motion carried.

7. CONSIDERATION OF PROCEDURES TO LOWER SPEED LIMITS ON ALL COUNTY ROADS FOR TRUCK TRAFFIC

Comm. McFall, seconded by Comm. Carpenter, made a motion to table the Consideration of Procedures to Lower Speed Limits on all County Roads for Truck Traffic.

All voted aye; motion carried.

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSAL

Pass.

2. CONSIDERATION OF CONTINUATION OF SURETY BOND FOR THOMAS RICHARD TACKETT, DEPUTY CONSTABLE, PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the continuation of the Surety Bond for Thomas Richard Tackett, Deputy Constable, Precinct #1.

All voted aye; motion carried.

3. CONSIDERATION OF APPOINTMENT OF JERRY EATON AS RESERVE DEPUTY CONSTABLE, PRECINCT #4

Comm. Beeson, seconded by Comm. Carpenter made a motion to appoint Jerry Eaton as Reserve Deputy Constable Precinct #4.

All voted aye; motion carried.

4. CONSIDERATION OF ADDITIONAL FUNDING DUE TO COST OVERRUN IN THE RIGHT OF WAY ON F.M. 2258 AT COTTONWOOD CREEK-PRECINCT #4

Comm. Beeson, seconded by Comm. Carpenter made a motion to agree to pay the additional funding cost on the overrun for the Right of Way on F.M. 2258 at Cottonwood Creek to be paid out of the Right of Way Fund in the amount of \$4,521.30 to Texas Department of Transportation.

All voted aye; motion carried.

5. CONSIDERATION TO APPLY FOR SCHOOL RESOURCE OFFICER GRANT FOR KEENE ISD-SHERIFF'S OFFICE

Comm. Carpenter, seconded by Comm. McFall made a motion to apply for School Resource Officer Grant for Keene ISD by the Sheriff's Office.

All voted aye; motion carried.

6. CONSIDERATION OF PAYMENT OF ACCRUED COMP TIME FOR DISPATCH EMPLOYEES-SHERIFF'S OFFICE

Comm. Beeson, seconded by Comm. McFall made a motion to pay accumulated comp time for Dispatch Employees in the Sheriff's Office in the amount of \$6,935.22 and for the funds to be transferred from personnel salary line item to the overtime line item.

All voted aye; motion carried.

7. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO SEC. 111.010C OF THE LOCAL GOVERNMENT CODE TO ALLOCATE ADDITIONAL FUNDS TO ACCOUNT 010-561-5352, BUILDING REPAIR AND MAINTENANCE FOR THE REMAINDER OF THE FISCAL YEAR-SHERIFF'S OFFICE

The Commissioner's Court recessed at 11:45 A.M. and reconvened at 1:25 P.M. to consider the following:

Comm. McFall, seconded by Comm. Carpenter made a motion to table the consideration of Budget Amendment Pursuant to *Sec. 111.010c* of the Local Government Code to allocate additional funds to account 010-561-5352, Building Repair and Maintenance for the remainder of the fiscal year in the Sheriff's Office.

All voted aye; motion carried.

8. CONSIDERATION OF PAYMENT OF THE NCTCOG AGING REGIONAL MATCHING FUNDS

Comm. McFall, seconded by Comm. Beeson made a motion to deny payment of the NCTCOG Aging Regional Matching Funds.

All voted aye; motion carried.

9. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING-TEXAS INTEROPERABILITY CHANNEL PLAN-EMERGENCY MANAGEMENT

Comm. Beeson seconded by Comm. Carpenter made a motion to approve the Memorandum of Understanding-Texas Interoperability Channel Plan-Emergency Management and give the County Judge authorization to sign.

All voted aye; motion carried.

10. CONSIDERATION TWO (2) NEW POSITION-INMATE CREW LEADER AND ROAD AND BRIDGE UTILITY TRADESMAN-PRECINCT #1

Comm. Beeson, seconded by Comm. McFall made a motion for Two (2) new Position for an Inmate Crew Leader and Road and Bridge Utility Tradesman in Precinct #1.

All voted aye; motion carried.

11. CONSIDERATION FOR 911 ADDRESSING PURPOSES TO LIMIT THE PERMITS PER DRILL SITE

Comm. Beeson, seconded by Comm. Carpenter made a motion to limit the permits to one per pad site.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:04 P.M. in accordance with Government Code *Section 551.071*-Consultation with Attorney-Pending Litigation: Cause No. B35916-07, City of Fort Worth, et al vs. Bondman America, et al, 236th Judicial District, Tarrant County, Texas.

The Commissioner's Court went back into Open Session at 2:11 P.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

a. Sec. 551.071-Consultation with Attorney-Pending Litigation:

Cause No. B35916-07, City of Fort Worth, et al vs. Bondman America, et al, 236th Judicial District, Tarrant County, Texas.

Comm. Carpenter, seconded by Comm. Beeson, made a motion to issue an order authorizing the County Attorney to file an answer in the County Law Suit and authorizing expenses for the Pending Litigation in Cause No. B35916-07, City of Fort Worth, et al vs. Bondman America, et al, 236th Judicial District, Tarrant County, Texas and giving the County Judge authorization to sign.

All voted aye; motion carried.

The Commissioner's Court adjourned at 2:13 P.M and will re-convene on May 30, 2007 at 9:00 A.M.

The Commissioner's Court re-convened for a Continuation of the Meeting of May 30, 2007 at 9:25 A.M. with all members present, except for Commissioner John Matthews, to consider the following:

BE IT KNOWN that Commissioner's Court met in Executive Session at 9:30 A.M. in accordance with Government Code *Section 551.074*-Personnel Matters: Interview of Applicants for Constable Precinct #1.

The Commissioner's Court went back into Open Session at 11:45 A.M. to consider the following:

XII. EXECUTIVE SESSION

1. Government Code:

b. *Sec. 551.074- Personnel Matters: Interview of Applicants for Constable Precinct #1.*

Comm. McFall, seconded by Comm. Carpenter, made a motion that Bill Pearce be selected to fill the unexpired term of Matt Wylie, Constable Precinct #1.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 11:52 A.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon