

STATE OF TEXAS

July 27, 2009

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 27th day of July 2009, the Honorable Commissioner's Court of Johnson County, Texas, met in Regular Session at the Johnson County 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 9:03 A.M., with all members present, and following the Invocation led by Doctor Robert Herzig from First United Methodist Church, Cleburne, Texas and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on July 23, 2009 at 11:53 A.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

An update concerning State Highway 121-Southwest Parkway/Chisholm Trail Corridor was given by NTTA/TXDOT.

The Commissioner's Court recessed at 9:48 A.M. and reconvened at 10:07 A.M.

Ronnie Bruggman, Recreation Specialist with the U.S. Army Corps of Engineers gave an update on Hamm Creek Park.

VII. UNFINISHED BUSINESS

5. CONSIDERATION OF RECURRING ITEMS CONCERNING HAMM CREEK PARK

a. Additional Fees for Hamm Creek Park

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the additional fees for Hamm Creek Park as attached, and to re-allocate funds for the construction of a boat ramp and water well.

All voted aye; motion carried.

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

1. CONSIDERATION OF MINUTES OF THE COMMISSIONER'S COURT FOR JUNE 8, 2009

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Commissioner's Court Minutes for June 8, 2009 as submitted by the County Clerk.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

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

All voted aye; motion carried.

3. ACKNOWLEDGMENT OF RECIEPT 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 OF TREASURER'S REPORT TO THE COMMISSIONER'S COURT

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the Treasurer's Report as presented by the County Treasurer.

All voted aye; motion carried.

5. ACKNOWLEDGEMENT OF RECEIPT OF THE COUNTY TAX ASSESSOR/COLLECTOR'S REPORT OF THE EXCESS DEBT COLLECTIONS FOR THE 2008 TAX YEAR AND THE FMLR EXCESS DEBT COLLECTIONS FOR THE 2008 TAX YEAR

The Commissioner's Court acknowledged the receipt of the County Tax Assessor/Collector's Report of the Excess Debt Collections for the 2008 Tax Year and the FMLR Excess Debt Collections for the 2008 Tax Year.

6. CONSIDERATION OF RENEWAL OF QUOTE WITH DON'S LAWN SERVICE FOR LAWN CARE FOR THE COURTHOUSE AND GUINN JUSTICE CENTER

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the renewal quote with Don's Lawn Service for lawn care for the Courthouse in the amount of \$3,900.00 per year and Guinn Justice Center in the amount of \$7,800.00 per year.

All voted aye; motion carried.

7. CONSIDERATION OF RENEWAL OF **RFP #2008-168** FOR VENDING MACHINE SERVICES WITH BEN'S VENDING, CLEBURNE, TEXAS

Comm. Beeson, seconded by Comm. Matthews, made a motion to approve the renewal of **RFP #2008-168** for vending machine services with Ben's Vending, Cleburne, Texas.

All voted aye; motion carried.

8. CONSIDERATION OF **RFP 2009-232-A**-FOR 2006 OR NEWER USED 12 YARD DUMP TRUCK-PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to deny all bids for **RFP 2009-232-A** for a 2006 or newer used 12 yard dump truck for Precinct #1.

All voted aye; motion carried.

9. CONSIDERATION OF **RFP 2009-234**-FOR WIRELESS LOCAL AREA NETWORK

Comm. Matthews, seconded by Comm. Bailey, made a motion to deny all bids for **RFP 2009-234** for a wireless local area network.

All voted aye; motion carried.

10. CONSIDERATION OF **RFB 2009-235-FOR CONCRETE SLAB-PRECINCT #1**

Comm. Bailey, seconded by Comm. Matthews, made a motion to award **RFB 2009-235** for a concrete slab for Precinct #1 to Star Excavation in the amount of \$13,097.00.

All voted aye; motion carried.

11. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF CERTAIN FORMS, MANUALS, AND SUPPLIES FOR JOHNSON COUNTY TO USE THE BREATH TESTING AND LABORATORY ALCOHOL AND DRUG TESTING PROGRAM

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve the Interlocal Agreement with the Texas Department of Public Safety for the purchase of certain forms, manuals, and supplies for Johnson County to use the breath testing and laboratory alcohol and drug testing program and to give the County Judge the authorization to sign.

All voted aye; motion carried.

12. CONSIDERATION OF DISPOSITION AND SALE OF INVENTORY ITEMS AS SURPLUS PROPERTY UNDER THE LOCAL GOVERNMENT CODE 263.152 DURING THE SHERIFF'S AUCTION, AUGUST 1, 2009

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the disposition and sale of inventory items as surplus property under the Local Government Code 263.152 during the Sheriff's auction, August 1, 2009.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS FOR ADULT PROBATION BUILDING

Discussion. No Action.

2. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR REMODELING OF THE OLD BAND HALL FOR JUSTICE OF THE PEACE, PRECINCT #1 OFFICES

- a. Application and Letter of Agreement for Construction Services with AT&T for Services at 216 Featherston Street

Discussion. No Action.

3. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR EXPANSION OF NORTH AND SOUTH ENDS OF THE 3RD FLOOR AT THE GUINN JUSTICE CENTER

Discussion. No Action.

VIII. NEW BUSINESS

5. CONSIDERATION OF PROJECT AGREEMENT BETWEEN JOHNSON COUNTY SOIL AND WATER CONSERVATION DISTRICT, DALWORTH SOIL AND WATER CONSERVATION DISTRICT, AND JOHNSON COUNTY FOR REPAIRS TO TRINITY-CHAMBERS CREEK WATERSHED DAM, SITE 32

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve the Project Agreement between Johnson County Soil and Water Conservation District, Dalworth Soil and Water Conservation District, and Johnson County for repairs to Trinity-Chambers Creek Watershed Dam, Site 32 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

4. CONSIDERATION OF PROJECT AGREEMENT BETWEEN JOHNSON COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR REPAIRS TO TRINITY-CHAMBERS CREEK WATERSHED DAM, SITE 38

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Project Agreement between Johnson County Soil and Water Conservation District for repairs to Trinity-Chambers Creek Watershed Dam, Site 38 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF LOCAL AGREEMENT WITH THE CITY OF KEENE ALLOWING THE CITY TO PROVIDE ROAD MAINTENANCE FOR APPROXIMATELY .7 TENTHS OF A MILE OF CR 317, FROM HWY. 67 TO THE SANTA FE RAILROAD TRACKS-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Local Agreement with the City of Keene allowing the City to provide road maintenance for approximately .7 tenths of a mile of CR 318, from Hwy. 67 to the Santa Fe Railroad tracks in Precinct #4.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

4. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET SQUARE

No Action.

6. CONSIDERATION OF RECURRING ITEMS CONCERNING NTTA/TXDOT-STATE HIGHWAY 121-SOUTHWEST PARKWAY/CHISHOLM TRAIL CORRIDOR

No Action.

7. CONSIDERATION OF BURN BAN ORDER # 2009-15

Comm. Matthews, seconded by Comm. Bailey, made a motion to rescind **Order # 2009-15** for the Prohibition of Outdoor Burning in Johnson County effective immediately.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Bailey, seconded by Comm. Stringer, made a motion to advertise for bids/proposals-Precinct #1-a used 5,000 gallon water trailer, to purchase 2009 LT8500 Sterling Dump truck from Buyboard in the amount of \$87,346.00; competitive bids for Precinct #3-a 2008 used flat bed trailer, 2007 used backhoe/front loader, and a new concrete spreader.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.010-C FOR:

a. Jail-Building Repair & Maintenance

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Budget Amendment pursuant to the Local Government Code *Section 111.010-C* for Jail-Building Repair & Maintenance for the cost of roof repairs to Action Commercial Contractors in the amount of \$6,429.00.

All voted aye; motion carried.

3. CONSIDERATION OF COMPOSITION, DRAWING AND APPOINTMENT OF A SALARY GRIEVANCE COMMITTEE PURSUANT TO THE LOCAL GOVERNMENT CODE, CHAPTER 152

Comm. Bailey, seconded by Comm. Matthews, made a motion to appoint a Salary Grievance Committee pursuant to Local Government Code, Section 152.014 consisting of the Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, County Attorney along with three (3) public members. County Judge drew names provided by the County Clerk of previous Grand Jury members to make up the public members being: Rex Russell, Robert Aaron and Keith Neeley and (3) alternates-Robert Preissinger, Jennifer Rendon and Michael Witt.

All voted aye; motion carried.

6. CONSIDERATION OF OFFICIAL BOND AND OATH FOR MONTY BESSENT, HAMM CREEK PARK SUPERVISOR

Comm. Bailey, seconded by Comm. Beeson, made a motion to approve the Bond and Oath for Monty Bessent, Hamm Creek Park Supervisor.

All voted aye; motion carried.

7. CONSIDERATION OF ROBIN ADAIR AS A RESERVE DEPUTY CONSTABLE, PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve Robin Adair as a Reserve Deputy for Constable, Precinct #3.

All voted aye; motion carried.

8. CONSIDERATION TO CREATE ONE FULL TIME MEDICAL INVESTIGATOR POSITION

Comm. Beeson, seconded by Comm. Matthews, made a motion to create one full time Medical Investigator position by combining the two (2) part time positions with an annual salary in the amount of \$25,646.00 along with insurance benefits effective immediately.

All voted aye; motion carried.

9. CONSIDERATION OF DIGITAL CAMERAS AND TASERS FOR
CONSTABLE, PRECINCT #1

County Judge Roger Harmon, seconded by Comm. Bailey, made a motion to deny the digital cameras and tasers for Constable, Precinct #1.

All voted aye; motion carried.

10. CONSIDERATION TO MAINTAIN TEXAS COUNTY & DISTRICT
RETIREMENT SYSTEM (TCDRS) PLAN PROVISIONS FOR 2010

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve to maintain Texas County & District Retirement System (TCDRS) Plan Provisions with a contribution rate of 8.92% for 2010 and to give the County Judge the authorization to sign.

All voted aye; motion carried.

IX. CONSENT AGENDA

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Consent Agenda.

All voted aye; motion carried.

The Commissioner's Court recessed at 11:47 A.M. and reconvened at 1:09 P.M. to consider the following:

BE IT KNOWN that Commissioner's Court met in Executive Session at 1:09 P.M. in accordance with Government Code *Section 551.072*-Real Property.

The Commissioner's Court re-convened into Open Session at 1:34 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.072-Real Property*

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve the contract for the 1st Renewal and Amendment to Lease to Bank of America space in the Johnson County Annex Building with the changes made by the County Attorney and to give the County Judge the authorization to sign and return lease to Bank of America for execution.

All voted aye; motion carried.

VIII. NEW BUSINESS

9. CONSIDERATION OF DIGITAL CAMERAS AND TASERS FOR CONSTABLE, PRECINCT #1

County Judge Roger Harmon, seconded by Comm. Bailey, made an amended motion to approve the digital cameras and tasers for Constable, Precinct #1 in the amount of \$6,050.00 from the 075 line item.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 1:37 P.M. to discuss the Budget.

The Commissioner's Court recessed at 2:53 P.M. and reconvened at 3:15 P.M. into Budget Workshop.

The Commissioner's Court re-convened into Open Session at 5:14 P.M.

There being no further business before the Court concerning this agenda, Commissioner's Court adjourned at 5:14 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon