

STATE OF TEXAS

March 8, 2010

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 8<sup>th</sup> day of March 2010, 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 9:00 A.M., with all members present, and following the Invocation led by John Warren, Pastor Bethel Salter AME Church, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on March 4, 2010 at 1:43 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PROCLAMATION FOR "MARCH FOR MEALS AWARENESS MONTH"

The Commissioner's Court proclaimed March, 2010 as "March for Meals Awareness Month".

2. PROCLAMATION FOR "POISON PREVENTION WEEK" MARCH 14-20, 2010

The Commissioner's Court proclaimed March 14, 2010 through March 20, 2010 as "Poison Prevention Week".

V. PUBLIC PARTICIPATION

None.

## VI. PUBLIC HEARINGS

The Commissioner's Court opened a Public Hearing at 9:19 A.M. to discuss:

1. LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT FOR C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS BEING 3.734 ACRES, MORE OR LESS, KNOWN AS TRACT 1, 2, 3, 4, ACCORDING TO THE PLAT RECORDED IN VOLUME 24, PAGES 590 AND 591, VOLUME 197, PAGES 638 AND 639 DEED RECORDS (DOWNTOWN CLEBURNE AREA)-PRECINCT #1

There being no one present to speak, the hearing was closed at 9:20.

The Commissioner's Court opened a Public Hearing at 9:20 A.M. to discuss:

2. LEASE OF COUNTY OWNED LAND FOR MINERAL DEVELOPMENT FOR C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS BEING 1.24 ACRES, MORE OR LESS, SITUATED IN THE C. CHANEY SURVEY, ABSTRACT NO. 124 JOHNSON COUNTY, TEXAS DESCRIBED IN TWO TRACTS:

TRACT 1: 0.620 ACRES MORE OR LESS, KNOWN AS PART OF BLOCK 24, MARKET SQUARE, JOHNSON COUNTY, TEXAS ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, AND

TRACT 2: 0.620 ACRES, MORE OR LESS, KNOWN AS BLOCK 24, MARKET SQUARE, JOHNSON COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 75, PAGE 462 AND 465-PRECINCT #1

There being no one present to speak, the hearing was closed at 9:22.

## VII. PRECEDING BUSINESS

1. CONSIDERATION TO AWARD **RFB #2010-307B**-MINERAL LEASE FOR C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS BEING 3.734 ACRES, MORE OR LESS, KNOWN AS TRACT 1, 2, 3, 4, ACCORDING TO THE PLAT RECORDED IN VOLUME 24, PAGES 590 AND 591, VOLUME 197, PAGES 638 AND 639 DEED RECORDS (DOWNTOWN CLEBURNE AREA)-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to award **RFB #2010-307B** for Mineral Lease for C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas being 3.734 acres, more or less, known as Tract 1, 2, 3, 4 according to the Plat recorded in Volume 24, Pages 590 and 591, Volume 197, Pages 638 and 639 Deed Records (Downtown Cleburne Area) in Precinct #1 to Cheapeake Energy with a Royalty of 25% at the well head and a minimum of \$3,500.00 per acre with a no drill clause.

All voted aye; motion carried.

2. CONSIDERATION TO AWARD **RFB #2010-308B**-MINERAL LEASE FOR C. CHANEY SURVEY, A-124, ORIGINAL CLEBURNE, JOHNSON COUNTY, TEXAS BEING 1.24 ACRES, MORE OR LESS, SITUATED IN THE C. CHANEY SURVEY, ABSTRACT NO. 124 JOHNSON COUNTY, TEXAS DESCRIBED IN TWO TRACTS:

TRACT 1: 0.620 ACRES, MORE OR LESS, KNOWN AS PART OF BLOCK 24, MARKET SQUARE, JOHNSON COUNTY TEXAS ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, AND

TRACT 2: 0.620 ACRES, MORE OR LESS, KNOWN AS BLOCK 24, MARKET SQUARE, JOHNSON COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 75, PAGE 462 AND 465-PRECINCT #1

Comm. Bailey, seconded by Comm. Matthews, made a motion to award **RFB #2010-308B** for Mineral Lease for C. Chaney Survey, A-124, Original Cleburne, Johnson County, Texas being 1.24 acres, more or less, situated in the C. Chaney Survey, Abstract No. 124 Johnson County, Texas described in two tracts: Tract 1: 0.620 acres, more or less, known as part of Block 24, Market Square, Johnson County Texas according to the Official Map of the City of Cleburne, Johnson County, and Tract 2: 0.620 acres, more or less, known as Block 24, Market Square, Johnson County, Texas according to the Plat recorded in Volume 75, Page 462 and 465 in Precinct #1 to Chesapeake Energy with a Royalty of 25% at the well head and a minimum of \$3,500.00 per acre with a no drill clause.

All voted aye; motion carried.

3. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Matthews, seconded by Comm. Bailey, made a motion to pay 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

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

5. CONSIDERATION TO ACCEPT ROADS FOR COUNTY MAINTENANCE IN MEADOW HILL ADDITION: PECAN TREE COURT-PRECINCT #3

Comm. Beeson, seconded by Comm. Matthews, made a motion to accept roads for County maintenance in Meadow Hill Addition: Pecan Tree Court in Precinct #3.

Comm. Rick Bailey	Aye
Comm. John W. Matthews	Aye
Comm. Don Beeson	Aye
County Judge Roger Harmon	Aye
Comm. Jerry Stringer	Abstained

Motion carried.

6. CONSIDERATION OF DIVISION OF LOT 36 BLOCK 2 IN THE HOMESTEADS PHASE 4 INTO LOTS 36A AND 36B BY METES AND BOUNDS DESCRIPTION IN THIS PREVIOUSLY PLATTED SUBDIVISION PURSUANT TO SECTION 232.010 LOCAL GOVERNMENT CODE-PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the division of Lot 36 Block 2 in the Homesteads Phase 4 into Lots 36A and 36B by metes and bounds description in this previously platted Subdivision Pursuant to *Section 232.010* Local Government Code in Precinct #3.

All voted aye; motion carried.

7. CONSIDERATION TO AWARD **RFB #2010-318**-USED BELLY DUMP-  
PRECINCT #2

Comm. Matthews, seconded by Comm. Stringer, made a motion to award **RFB #2010-318** to Bright Star Trucking for a used 2007 Ranco 40' Belly Dump in the amount of \$16,000.00 less trade in of \$5,000.00 with the total cost in the amount of \$11,000.00 for Precinct #2.

All voted aye; motion carried.

8. CONSIDERATION TO AWARD **RFB #2010-321**-LIKE NEW STOCK TRAILER-  
SHERIFF

Comm. Matthews, seconded by Comm. Stringer, made a motion to deny all bids and re-advertise for a like new stock trailer for the Sheriff's Office.

All voted aye; motion carried.

VIII. UNFINISHED BUSINESS

3. CONSIDERATION OF RECURRING ITEMS CONCERNING MARKET  
SQUARE

a. Consideration to Proceed with Plans for the Market Square

Comm. Matthews, seconded by Comm. Beeson, made a motion to proceed with plans for the Market Square and to have all vendors located on the Market Square to have all items removed from the property by September 1, 2010.

All voted aye; motion carried.

1. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION,  
FINANCIAL PROGRAM REQUIREMENT AND CONTRACTS FOR THE LAW  
LIBRARY AT THE GUINN JUSTICE CENTER

Discussion. No action

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

Discussion. No action

5. CONSIDERATION OF ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS FOR THE EMERGENCY OPERATIONS CENTER GRANT

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the boundaries of the property as presented for the Emergency Operations Center and to give the County Judge the authorization to sign all necessary documents.

All voted aye; motion carried.

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

Discussion. No Action.

#### IX. NEW BUSINESS

7. CONSIDERATION OF LAW LIBRARY FUNDS TO PURCHASE A JAMEX INTEGRATED VENDING SYSTEM FOR STORED VALUE CARDS-LAW LIBRARY

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve Law Library Funds to purchase a JAMEX Integrated Vending System for stored value cards for the Law Library in the amount of \$4,101.00 to be paid from the Law Library Fund.

All voted aye; motion carried.

10. CONSIDERATION OF CASH DRAWER INCREASE FROM \$20.00 TO \$40.00-LAW LIBRARY

Comm. Beeson, seconded by Comm. Stringer, made a motion to table this item.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:47 A.M. and reconvened at 11:08 A.M. to consider the following:

IX. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Stringer, seconded by Comm. Beeson, made a motion to advertise for bids/proposals for Sheriff's Office-gooseneck stock trailer, purchase vehicle from HGAG for CID \$18,531.14, put on a 2001 Impala to Rene Bates as Surplus Property; and Precinct #1-a Bandit chipper to be purchased off HGAC \$28,047.82 and a new bobtail truck from Buy Board in the amount of \$58,028.16.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR COMMUNICATIONS TRAINING FROM THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS-SHERIFF

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve Budget Amendment Pursuant to the Local Government Code *Section 111.0106* for Communications Training from the North Central Texas Council of Governments in the amount of \$525.00 for the Sheriff's Office.

All voted aye; motion carried.

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

- a. Sheriff/Jail-Fees & Services
- b. Sheriff/Patrol-Equipment Non-Capital
- c. Emergency Management-Various Line Items

Comm. Matthews, seconded by Comm. Stringer, made a motion to approve Budget Amendment Pursuant to the Local Government Code *Section 111.010-C* for the

Sheriff/Jail for Fees and Services for Architectural Services by Burns Architecture for Security Electronics System at the Law Enforcement Center in the amount of \$50,000.00; for the Sheriff/Patrol for Equipment Non-Capital for equipment for 6 vehicles originally budgeted in FY 2009 but was not completed until FY 2010 in the amount of \$25,920.00 and for Emergency Management-Various Line Items to change salary for position A1-001 as approved on 12-14-09 Commissioner's Court.

4. CONSIDERATION OF RACIAL PROFILING REPORT-CONSTABLE, PRECINCT #1

Comm. Bailey, seconded by Comm. Beeson, made a motion to table this item.

All voted aye; motion carried.

5. CONSIDERATION OF **ORDER #2010-04**, ORDER OF THE COUNTY OF JOHNSON COMMISSIONER'S COURT FOR THE ADOPTION OF THE COUNTY OF JOHNSON FBP CAFETERIA PLAN

Comm. Matthews, seconded by Comm. Bailey, made a motion to approve **Order #2010-04**, Order of the County of Johnson Commissioner's Court for the Adoption of the County of Johnson FBP Cafeteria Plan and to give the County Judge the authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION OF FEDERAL ASSISTANCE UNDER THE PROVISIONS OF SECTION 216 OF THE FLOOD CONTROL ACT OF 1950, PUBLIC LAW 81-516 OR SECTION 403 OF THE AGRICULTURAL CREDIT ACT OF 1978, PUBLIC LAW 95-334 FOR REPAIRS TO BRIDGE ON THE SOUTH FORK OF CHAMBERS CREEK ON CR 204-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the Federal Assistance under the Provisions of *Section 216* of the Flood Control Act of



1950, Public Law 81-516 or *Section 403* of the Agricultural Credit Act of 1978, Public Law 95-334 for repairs to bridge on the South Fork of Chambers Creek on CR 204 in Precinct #4.

All voted aye; motion carried.

8. CONSIDERATION OF TECH FUND MONIES FOR TECHNOLOGY TRAINING AND NET DATA CONFERENCE-JUSTICE OF THE PEACE, PRECINCT #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve the use of Tech Fund Monies in the amount of \$750.00 for Technology Training and Net Data Conference for Justice of the Peace, Precinct #3.

All voted aye; motion carried.

9. CONSIDERATION OF DEMOLITION OF OLD MHMR BUILDING ON ANGLIN STREET-PRECINCT #1

Comm. Bailey, seconded by Comm. Stringer, made a motion to approve the demolition of the Old MHMR building on Anglin Street in Precinct #1 and to give Don Burns, Public Works Director, the authorization to have an asbestos abatement conducted and to obtain a permit from the City of Cleburne to be paid from line item 510-5400.

All voted aye; motion carried.

11. CONSIDERATION OF INSTALLATION AND EQUIPMENT IN THE AMOUNT OF \$1,190.00 FOR VOICE MAIL TO ALL EXTENSIONS AND ONE ADDITIONAL KEY SET AND RECURRING MONTHLY EXPENSE OF \$11.00 EACH FOR 817-558-9400 AND 817-556-0050 FOR CALL WAITING-PRECINCT #4

Comm. Beeson, seconded by Comm. Stringer, made a motion to approve the installation and equipment in the amount of \$1,190.00 for voice mail to all extensions and one additional key set and recurring monthly expense of \$11.00 each for 817-558-9400 and 817-556-0050 for call waiting for Precinct #4.

All voted aye; motion carried.

12. CONSIDERATION TO DECREASE THE VETERAN'S SERVICES OFFICE HOURS THAT ARE OPEN TO THE PUBLIC TO ALLOW TIME TO PROCESS PAPERWORK AND RETURN PHONE CALLS

Comm. Beeson, seconded by Comm. Bailey, made a motion to approve to decrease the Veterans Services Office hours that are open to the Public to allow time to process paperwork and return phone calls. The hours open to the public will be 8:00 A.M. until 12:00 P.M., and 1:00 P.M. until 3:00 P.M., Monday through Friday.

All voted aye; motion carried.

13. CONSIDERATION OF REQUEST UNDER LOCAL GOVERNMENT CODE 263.152 FOR SURPLUS PROPERTY OF A 2001 FORD EXPEDITION VIN #1FMRU15W01LB74967 AND 1999 FORD F150 TRUCK VIN #1FTZX172XKB37544 TO BE PLACED ON RENE BATES AUCTION SITE-SHERIFF

Comm. Stringer, seconded by Comm. Matthews, made a motion to approve the request under Local Government Code 263.152 for surplus property of a 2001 Ford Expedition Vin #1FMRU15W01LB74967 and a 1999 Ford F150 Truck Vin #1FTZX172XKB37544 to be placed on Rene Bates Auction Site for the Sheriff's Department.

All voted aye; motion carried.

X. CONSENT AGENDA

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

All voted aye; motion carried.

XI. WORKSHOP

The Commissioner's Court went into Workshop Session at 11:50 P.M. to discuss Social Security Redaction, Net Data and Recreation of Film/Fiche, Net Data and ACS-County Clerk.

The Commissioner's Court re-convened into Open Session at 11:53 P.M.

**BE IT KNOWN** that Commissioner's Court met in Executive Session at 11:53 A.M. in accordance with Government Code *Section. 551.074*-Personnel-Curtis Douglas-County Clerk; Tony Masden-Sheriff's Office; and Dave Balenstrine-Precinct #3.

The Commissioner's Court re-convened into Open Session at 12:23 P.M. to consider the following:

**XII. EXECUTIVE SESSION**

1. Government Code:

1. *Sec. 551.074*-Personnel-Curtis Douglas-County Clerk

Comm. Matthews, seconded by Comm. Stringer, made a motion to accept the Resignation of Curtis Douglas, County Clerk effective March 31, 2010.

All voted aye; motion carried.

2. *Sec. 551.074*-Personnel-Tony Masden-Sheriff's Office

Comm. Beeson, seconded by Comm. Matthews, made a motion to authorize the Sheriff's Office to create a position in the Budget for Tony Masden who is returning from Military Service.

All voted aye; motion carried.

3. *Sec. 551.074*-Personnel-Dave Balenstrine-Precinct #3

Comm. Stringer, seconded by Comm. Beeson, made a motion to approve Dave Balenstrine position to be reclassified from a temporary/seasonal to a part time position.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda, Commissioner's  
Court adjourned at 12:28 P.M.

Submitted by: \_\_\_\_\_  
County Clerk  
Becky Williams

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